

## 4.9 LAND USE AND PLANNING

This section analyzes potential impacts to land use that would occur if the proposed project was implemented. It describes the existing land uses within and in the vicinity of the proposed project site and the applicable plans, policies, and regulations that address land use. Potential impacts from proposed project construction and operation are evaluated and analyzed to determine the potential for the proposed project to affect such resources through the displacement, disturbance, or direct conversion of these uses.

Public and agency comments related to land use were received during the public scoping period, and are summarized below:

- Evaluate consistency with applicable land use plans, policy, and regulations; and
- Analyze the proposed project consistency with adjacent land uses.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to the CEQA and/or are raised by responsible agencies, they are identified and addressed within this EIR. For a complete list of public comments received during the public scoping period, refer to **Appendix A, NOP and Public Comment Letters**.

### 4.9.1 Environmental Setting

#### 4.9.1.1 Regional Overview

The proposed project site is situated in the Coastal Zone, in an unincorporated area of Monterey County. The proposed project site, which consists of nine parcels (APNs: 009-472-001-000, 009-481-004-000, 243-011-001-000, 009-491-001-000, 009-511-009-000, 009-511-011-000, 009-511-007-000, and 009-511-006-000), is located west of Highway 1, just south of the City. Highway 1, the major north-south transportation route along the Central Coast, passes through the Carmel area, linking it to other cities on the Monterey Peninsula and Santa Cruz County to the north.

The Carmel coastal area supports a number of natural and cultural resources. Carmel Point's shoreline panoramas and architecturally noteworthy residences, the Carmel Mission Basilica, the Point Lobos State Reserve, and the Carmel River State Beach, which includes the lower Carmel River and Lagoon, are just a few of these valuable resources for which this area is renowned. To date, the greater Carmel area has been maintained in open space and low-intensity rural uses thereby affording protection for scenic vistas and a biota characterized as diverse and rich.

#### 4.9.1.2 Proposed Project Site

The proposed project would be located within and adjacent to the Carmel River State Beach and Lagoon. Approximately 270 acres of the Carmel River State Beach are owned by State Parks. The proposed EPB project component would be constructed on a State Parks-owned parcel (APN 009-491-001) and on a CSUD-owned parcel (APN 009-511-007, Carmel River Elementary School). The proposed EPB project component would also run along the property line between Carmel River Elementary School and Mission Ranch (APN 009-511-006). The proposed SRPS project component would also necessarily be constructed on State Parks-owned land (APNs 009-472-001 and 009-481-004) between the Park

boundary, southerly edge of parking lot, and the toe of the proposed SRPS project component, which comprises approximately 2.0 acres.<sup>1</sup>

## 4.9.2 Regulatory Environment

### 4.9.2.1 State

#### CALIFORNIA COASTAL ACT

The CCC was established by voter initiative in 1972 (Proposition 20) and later made permanent by the California State Legislature through the adoption of the Coastal Act of 1976. The CCC, in partnership with coastal cities and counties, plans and regulates the use of land and water in the Coastal Zone. Development activities, which are broadly defined by the Coastal Act to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the CCC or the local government. The proposed project is located in the Coastal Zone and would require CCC approval.

The Coastal Act delegates power to local governments (15 coastal counties and 61 cities) to enact their own LCPs. These LCPs determine the short- and long-term use of coastal resources in their jurisdiction consistent with the Coastal Act goals. After certification of an LCP, CDP authority is delegated to the appropriate local government, but the CCC retains original permit jurisdiction over certain specified lands (such as tidelands and public trust lands). The CCC also has appellate authority over development approved by local governments in specified geographic areas as well as certain other developments. The proposed project components fall within the original permit jurisdiction, appeal jurisdictions, and within the Monterey County Carmel Area Certified LCP (**Figure 4.9-1**).

The County developed its own LCP, which was certified by the CCC in 1982 and includes various certified amendments since 1982. The County LCP is the determining plan and regulation for areas in the Coastal Zone except for areas of original permit jurisdiction. Development within the Coastal Zone may not commence until a CDP has been issued by either the CCC or a local government that has a CCC-certified LCP. In appeal jurisdictions, local government approvals on particular types of projects may be appealed to the CCC.

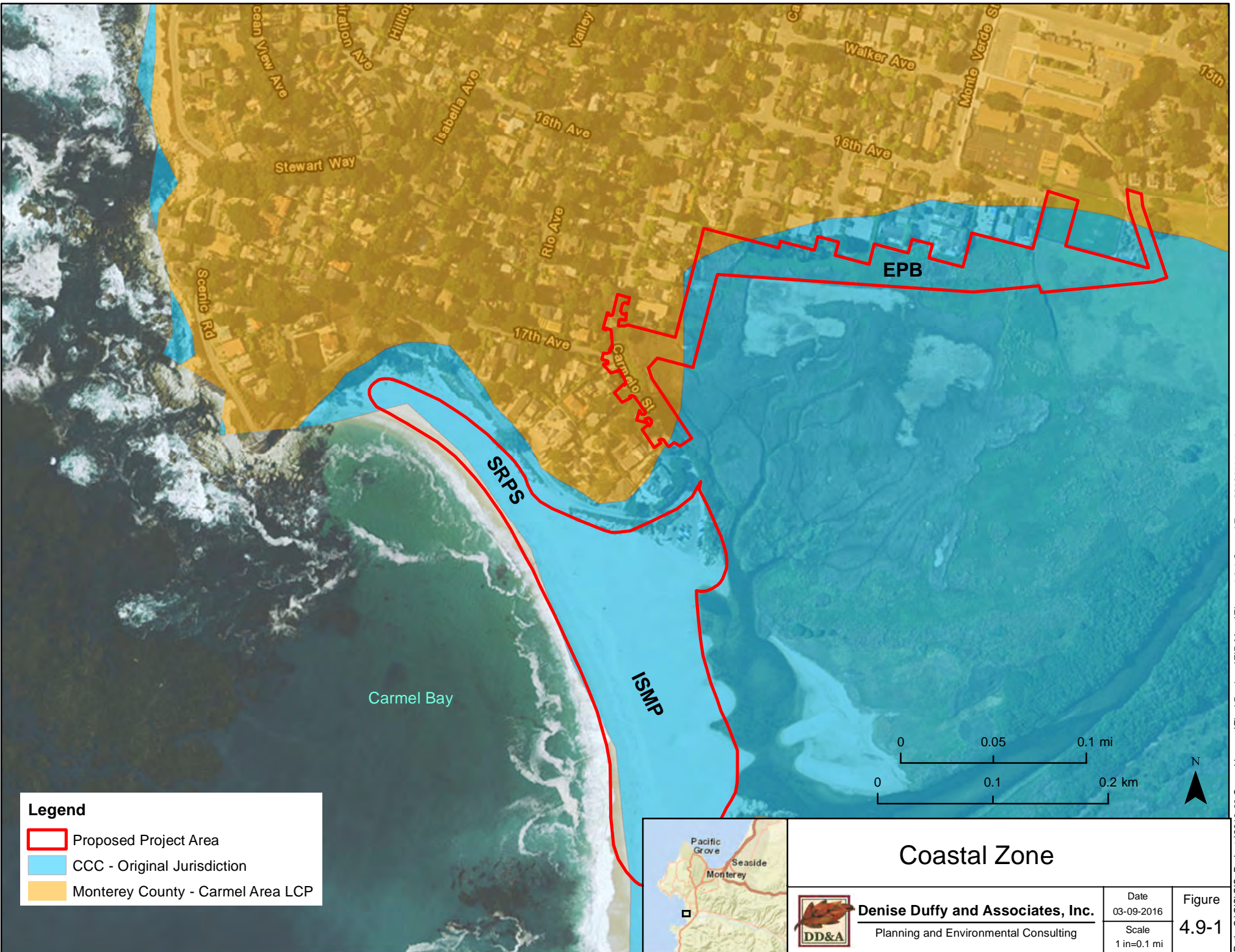
In cases where the project is located within both a certified LCP and original jurisdiction, the CCC and the local government can prepare CDP for their areas of jurisdiction, or the CCC can prepare one CDP for the entire project by agreement with the local government. The CCC will determine, through the CDP process, if the project is consistent with the Coastal Act and certified LCP as a requirement of issuing the permit.

#### *Coastal Dependent Uses*

The Coastal Act prescribes priorities for types of land uses within the Coastal Zone, focusing on whether a proposed project is “coastal-dependent” or “coastal-related.” Section 30101 of the Coastal Act defines a coastal-dependent development or use as “any development or use which requires a site on or adjacent to the sea to be able to function at all.” The Act defines coastal-related development as “any use that is dependent on a coastal-dependent development or use.” These determinations are made on a case-by-case basis, taking into account the water source, geographic location, and proposed

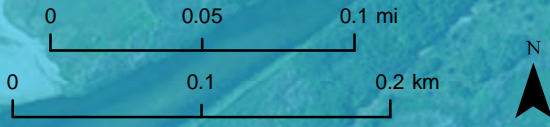
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<sup>1</sup> Please refer to **Figure 3-2** in **Chapter 3, Project Description** for a map depicting property boundaries.



**Legend**

- Proposed Project Area
- CCC - Original Jurisdiction
- Monterey County - Carmel Area LCP



<h2>Coastal Zone</h2>		<b>Denise Duffy and Associates, Inc.</b>	Date 03-09-2016	Figure <b>4.9-1</b>
		Planning and Environmental Consulting	Scale 1 in=0.1 mi	

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technology. In some cases, the CCC may determine that only portions of a project are coastal-dependent, due to their requisite proximity to the ocean. The CCC may deem other facilities that do not require physical proximity to the coast, but are connected to coastal-dependent project components, to be coastal-related (PRC, Division 20, Coastal Act).

#### *Priority Uses*

The Coastal Act recognizes that there is a limited amount of coastal land in the State and prioritizes coastal-dependent development of coastal areas. Coastal-dependent developments have priority over other developments (Section 30255). Furthermore, oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use (Section 30222.5).

The use of private lands suitable for visitor-serving commercial recreational facilities has priority over private residential, general industrial, or general commercial development (Section 30222). Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible (Section 30223). Additionally, the maximum amount of prime agricultural land shall be maintained in agricultural production (Section 30241).

#### *Public Access*

A primary focus of the Coastal Act is to provide public access to the coast. The Coastal Act includes several policies related to public access and recreation, most of which provide strong support for the public's ability to use and enjoy coastal areas. The primary public access policies are:

- Access, recreational opportunities, and posting (Section 30210);
- Development not to interfere with access (Section 30211);
- Requirements for new development projects (Section 30212);
- Distribution of public facilities (Section 30212.5);
- Lower-cost visitor and recreation facilities (Section 30213); and
- Implementation of public access policies (Section 30214).

#### *Local Coastal Programs*

LCPs typically include a land use plan and implementing regulations (also referred to as an "implementation plan"). The land use plan sets forth the types, locations, and intensities of land uses, along with applicable resource protection and development policies for lands within the Coastal Zone. The implementation plan typically consists of zoning regulations, zoning map, and permit procedures. In general, a LCP is not considered certified until the CCC approves both the land use plan and implementation plan.

#### **CALIFORNIA STATE LANDS COMMISSION**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. All tidelands and submerged lands, granted and ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

## 4.9.2.2 Regional/Local

### RELEVANT PLANNING DOCUMENTS

The 1982 Monterey County General Plan, Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan, Point Lobos State Reserve and Carmel River State Beach General Plan, CCA, and California PRC contain a variety of policies related to land use. Please refer to **Section 4.9, Land Use and Planning** for a description of these regulations and plans, and **Appendix C, Applicable Land Use Plans, Policies, and Regulations Consistency Analysis for the Carmel Lagoon Project** for a list of relevant policies and the consistency analysis.

### MONTEREY COUNTY ZONING ORDINANCE

According to Title 20 (Coastal Zoning), the proposed project site is zoned as Open Space Recreation (OR) and the lagoon portion of the site is designated as Resource Conservation (RC), both of which are located in the Design Control Districts of the Coastal Zone. The OR zoning designation is intended to be used as a district for the establishment, enhancement and maintenance of outdoor recreation uses in Monterey County. The purpose of the RC zone is to protect, preserve, enhance, and restore sensitive resource areas in the County. Resources of specific concern are highly sensitive resources including viewsheds, watersheds, plant and wildlife habitat, streams, beaches, dunes, tidal areas, estuaries, sloughs, forests, public open space areas, and riparian corridors.

### POINT LOBOS STATE RESERVE AND CARMEL RIVER STATE BEACH GENERAL PLAN

The portion of the proposed project site owned by State Parks is subject to policies contained in the Point Lobos State Reserve and Carmel River State Beach General Plan. Proposed project consistency with applicable Point Lobos State Reserve and Carmel River State Beach General Plan policies is provided in **Appendix C, Applicable Land Use Plans, Policies, and Regulations Consistency Analysis for the Carmel Lagoon Project**.

## 4.9.3 Impacts and Mitigation

The following discussion addressed the potential impacts of the proposed project associated with land use and planning. This section summarizes the evaluation of the proposed project's consistency with the Coastal Act, and with the applicable general plans, area plans, local coastal programs/plans, and zoning codes of the jurisdictions that have land use authority for components of the proposed project.

### 4.9.3.1 Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact on land use and planning if it would:

- a. physically divide an established community;
- 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; or
- c. conflict with any applicable habitat conservation plan or natural community conservation plan.

### 4.9.3.2 Impact Analysis Overview

#### APPROACH TO ANALYSIS

This analysis evaluates short-term impacts resulting from temporary construction of the proposed project components, as well as long-term impacts resulting from the siting and operation of the proposed project components, either of which may result in potential conflicts or inconsistencies with existing adopted plans and regulations. The analysis compares the existing land use setting with the conditions of each proposed project component site during construction and operations. Local planning documents and maps, as described above, were reviewed and site surveys were conducted to characterize existing land uses on and adjacent to the proposed project components. The evaluation of consistency with applicable plans, policies, and regulations included the following steps:

- 1) determining the applicability of relevant land use plans, policies, and regulations to the proposed project based on location, applicability to this type of project, and authority of each jurisdiction;
- 2) assessing whether the plan, policy, or regulation was adopted for the purpose of reducing an environmental effect; and
- 3) analyzing whether the proposed project would be fundamentally inconsistent with each policy, plan or regulation.

For those plans, policies and regulations that were found to require a consistency analysis per items (1) and (2), above, a discussion of consistency and/or potential conflicts with adopted plans is included in **Appendix C** and discussed in **Impact LU-1**.

Information regarding the proposed project siting and construction is described in **Chapter 3, Project Description**. Potential physical environmental effects of proposed project operations are analyzed in other sections of **Chapter 4**, including the following types of environmental effects:

- aesthetic impacts on views from adjacent sensitive viewsheds (see **Section 4.1, Aesthetics**);
- air pollutant emissions effects on sensitive nearby receptors that include land uses such as residential, schools, and hospitals (see **Section 4.2, Air Quality**);
- biological resource impacts (see **Section 4.3, Biological Resources**);
- geologic hazards and soils stability impacts on site and surrounding areas (see **Section 4.5, Geology, Soils, and Seismicity**);
- hazard and hazardous materials risks on people residing or working in surrounding areas (see **Section 4.7, Hazards and Hazardous Materials**);
- surface water quality impacts (see **Section 4.8, Hydrology and Water Quality**);
- noise impacts on sensitive receptors, (see **Section 4.10, Noise**); and
- traffic and access impacts (see **Section 4.12, Traffic and Circulation**).

The proposed project components may conflict with applicable land use plans, policies, and regulations without implementation of mitigation measures identified in this EIR. **Table 4.9-1, Proposed Mitigation Measures Required for Consistency with Policies** provides an overview of the potential conflicts and

inconsistency findings of the policy consistency analyses, including applicable mitigation measures that, if implemented, would ensure that the proposed project would be consistent with the relevant policies.

#### **AREAS OF NO IMPACT**

The proposed project would not result in impacts related to the some of the significance criteria: (a) and (c), as explained below. Impact analyses related to the other criteria are addressed in the following section.

*(a) Physically divide an established community.* (No impact during construction or operation of the proposed project) Criterion “a” is not applicable to the proposed project because of the nature and scale of the proposed project components. For the purposes of this analysis, the division or disruption of the physical arrangement of an established community would occur if a project creates a physical barrier that would separate or divide portions of a built community. None of the proposed components or construction activities would physically divide an established community. During construction, immediate access to neighborhoods, schools, and parks could be temporarily disrupted, but only for short periods of time as discussed in **Section 4.12, Traffic and Transportation**.

*(c) Conflict with any applicable habitat conservation plan or natural community conservation plan.* (No impact during construction or operation of the proposed project). Criterion “b” is not applicable to the proposed project as the proposed project site is not located within the boundaries of any applicable HCPs or NCCPs. Please refer to **Section 4.3, Biological Resources** for additional discussion.

#### **4.9.3.3 Impacts and Mitigation Measures**

**Impact LU-1: Conflict with Plans, Policies, and Regulations during Construction and Operation. During construction, the proposed project would have one or more components that would conflict, or be inconsistent with, applicable land use plans, policies, and regulations without implementation of mitigation measures identified in this EIR. During operation, the proposed project would have one or more components that would potentially conflict, or be inconsistent with, applicable land use plans, policies, and regulations without implementation of mitigation measures identified in this EIR. (Criterion b) (EPB: Less-than-Significant with Mitigation) (SRPS: Less-than-Significant with Mitigation) (ISMP: Less-than-Significant with Mitigation) (Project Overall: Less-than-Significant with Mitigation)**

Temporary inconsistencies with applicable land use plans, policies, and regulations during the construction of the proposed EPB and SRPS project components and implementation of the proposed ISMP project component may occur; however, mitigation measures have been identified in this EIR to reduce these impacts to a less-than-significant level and, if implemented, would ensure that the proposed project would be consistent with the relevant policies.

Operation of the proposed EPB and SRPS project components is potentially inconsistent with a number of policies from applicable land use plans, policies, and regulations. However, mitigation measures have been identified in this EIR to reduce impacts to a less-than-significant level and, if implemented, would ensure that the proposed project would be consistent with the relevant policies.

**Table 4.9-1** below identifies the applicable policies and regulations where the proposed EPB and SRPS project components are consistent with implementation mitigation measures identified in this EIR. As



stated previously, impacts associated with the implementation of the proposed ISMP project component were considered in the construction impact analysis and this component is not analyzed as a long-term, operational impact.

Please refer to **Appendix C** for the consistency analysis of the proposed project with additional applicable policies and regulations.

### **Impact Conclusion**

Impacts resulting from conflicts with plans, policies, and regulations during construction of the proposed project would be temporary and would be reduced to a less-than-significant level through the implementation of mitigation measures identified in this EIR. Operation of the proposed EPB and SRPS project components would be potentially inconsistent with some applicable policies and regulations. However, mitigation measures have been identified in this EIR to reduce impacts to a less-than-significant level and, if implemented, would ensure that the proposed project would be consistent with the relevant policies.

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**Table 4.9-1. Proposed Mitigation Measures for Proposed Project Consistency with Applicable Land Use Plans, Policies, and Regulations**

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
California Coastal Act	Proposed EPB and SRPS Project Components	Article 6 Section 30251	The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.	<i>Proposed EPB and SRPS Project Components Consistent with Mitigation.</i> Please see response to Policy 2.2.3.2. Furthermore, Section 30007.5 of the California Coastal Act states conflicts between one or more policies should be “resolved in a matter which on balance is the most protective of significant coastal resources.” Based on this policy, protection of the biological, water, and marine resources outweigh the aesthetic resource of the site. Furthermore, the visual impacts are minimized by mitigation measures that require the structures blend and are subordinate to the surrounding area.
California Coastal Act	Proposed EPB Project Component	Article 6 Section 30255	Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related	<i>Proposed EPB Project Component Consistent with Mitigation.</i> Sections of the proposed EPB project component would be sited in a wetland. The proposed EPB project component is a coastal-dependent development as it requires siting adjacent to the lagoon to serve its intended function. Impacts to wetlands would be reduced to a less-than-significant level by the implementation of <b>Mitigation Measure BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other</b>

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.	<b>Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b>
Carmel Area Land Use Plan	Proposed EPB and SRPS Project Components	2.2.2	To protect the scenic resources of the Carmel area in perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities, and, lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.	<i>Proposed EPB and SRPS Project Components Consistent with Mitigation. Section 4.1, Aesthetics</i> of this EIR evaluates impacts to visual resources. Two components of the proposed project, the proposed EPB and the SRPS project components, would place development within a scenic vista and sensitive viewshed. The proposed EPB project component would result in development of new structures/facilities located in the viewshed. Nighttime lighting associated with the proposed EPB project component would be minimal and designed to be consistent with current practices to control fugitive light and glare while maintaining safety and compliance with applicable standards. The proposed project is designed to reduce impacts to the greatest extent feasible. <b>Mitigation Measure AES-2</b> requires that the exterior of the proposed EPB project component would be given the general appearance of natural materials through the use of earth-tone paint and would be screened to the maximum extent possible by vegetation. Placing the structure further out into the Lagoon increases the amount of area for vegetation. The proposed SRPS project component has been located lower on the slope where it would be covered by sand most of the year. Although these structures would remain partially visible, they would harmonize and be clearly subordinate to the natural scenic character of the area, consistent with the policy.



Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
Carmel Area Land Use Plan	Proposed EPB and SRPS Project Components	2.2.3.1	The design and siting of structures, whether residential, commercial, agricultural, or public, and the access roads thereto, shall not detract from the natural beauty of the scenic shoreline and the undeveloped ridgelines and slopes in the public viewshed.	<i>Proposed EPB and SRPS Project Components Consistent with Mitigation.</i> Please see response above.
Carmel Area Land Use Plan	Proposed EPB and SRPS Project Components	2.2.3.2	New development on the scenic beaches and bluffs of Carmel River State Beach shall be located out of the public viewshed.	<i>Proposed EPB and SRPS Project Components Consistent with Mitigation.</i> One of the objectives of the proposed project is to provide a long-term solution for managing the lagoon in a way that provides restoration and protection of environmentally sensitive habitat areas. Analysis of the proposed project’s consistency with the Land Use Plan requires three basic tests: 1) Conformance with the kinds of uses and use intensities permitted for the specific geographical area concerned, 2) the proposed project fully meets the objectives, policies, and standards for natural resource protection, and 3) the proposed project meets any zoning provisions adopted to implement the plan. The proposed project is an allowed use in the Carmel State River Beach and Lagoon area, which is designated as Open Space Recreation (OR). Implementation of the proposed project would result in the restoration and protection of the biological, water, and marine resources on the site. Additionally, the protection of these natural resources contributes to the aesthetic value of the area. The proposed project is consistent with the policy and is achieved by balancing and harmonizing policies for the protection of the aesthetic resources and policies for protection of biological, water, and marine resources. Also refer to the discussion under Section 30251 of the Coastal Act. Furthermore, the visual

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
				impacts are minimized by mitigation measures that require the structures blend and are subordinate to the surrounding area.
Carmel Area Land Use Plan	Proposed EPB Project Component	2.3.3.1	Development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be avoided in critical and sensitive habitat areas, riparian corridors, wetlands, sites of known rare and endangered species of plants and animals, rookeries and major roosting and haul-out sites, and other wildlife breeding or nursery areas identified as critical. Resource-dependent uses, including nature education and research, hunting, fishing, and aquaculture, shall be allowed within environmentally sensitive habitats and only if such uses will not cause significant disruption of habitat values. Only small-scale development necessary to support the resource-dependent uses may be located in sensitive habitat areas if they cannot feasibly be located elsewhere.	<i>Proposed EPB Project Component Consistent with Mitigation.</i> Sections of the proposed EPB project component of the proposed project would be sited in a wetland. The Lagoon is critical habitat for two listed species, CRLF and S-CCC steelhead. Rare and endangered species are known or have the potential to occur, within and adjacent to the Lagoon. The function of the proposed EPB project component is intended to improve and increase habitat for special-status wildlife species, including steelhead trout, known or with the potential to occur in the Lagoon. Impacts to listed species and sensitive habitat areas can be reduced to a less-than-significant level by implementing the following mitigation measures found in <b>Section 4.3, Biological Resources: BIO-1a (Implement Construction Best Management Practices), BIO-1b (Conduct Pre-Construction Surveys for White-Tailed Kite, Nesting Raptors, and Other Migratory Bird Species), BIO-1c (Implement Construction-Phase Monitoring), BIO-1d (Avoid and Minimize Impacts to Western Pond Turtle), BIO-1e (Avoid and Minimize Impacts to CRLF), BIO-1f (Avoid or Reduce Hydroacoustic Impacts to S-CCC Steelhead), BIO-1g (Avoid and Minimize Impacts to S-CCC Steelhead), and BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b> The proposed EPB project component is considered a small-scale development to support resource-dependent as it requires siting adjacent to the Lagoon and cannot be feasibly located elsewhere to serve its intended function.

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
Carmel Area Land Use Plan	Proposed EPB Project Component	2.3.4.1 (Riparian Corridors and Other Terrestrial Wildlife Habitats)	Riparian plant communities shall be protected by establishing setbacks consisting of a 150-foot open space buffer zone on each side of the bank of perennial streams and 50 feet on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater. No new development, including structural flood control projects, shall be allowed within the riparian corridor. However, improvements to existing dikes and levees shall be allowed if riparian vegetation damage can be minimized and at least an equivalent amount and quality of replacement vegetation is planted. In addition, exceptions may be made for carefully sited recreational trails. The setback requirement may be modified if it can be demonstrated that a narrower corridor is sufficient to protect existing riparian vegetation. Riparian vegetation is an association of plant species which typically grows adjacent to freshwater courses and needs or tolerates a higher level of soil	<i>Proposed EPB Project Component Consistent with Mitigation.</i> Approximately 0.1 acre of riparian habitat would be impacted by the proposed EPB project component, and the proposed EPB project component would be constructed adjacent to a section of riparian habitat. However, the function of the proposed EPB project component is intended to improve and increase habitat for special-status wildlife species known or with the potential to occur in the Lagoon. In addition, impacts to riparian plant communities can be reduced to a less-than-significant level by implementing the following mitigation measures found in <b>Section 4.3, Biological Resources: BIO-1a (Implement Construction Best Management Practices), BIO-1c (Implement Construction-Phase Monitoring), and BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b> The proposed EPB project component may increase the amount of emergent marsh, riparian, and other sensitive vegetation types influenced by hydrology that provide habitat for many common and special-status species.

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			moisture than dryer upland vegetation.	
Carmel Area Land Use Plan	Proposed EPB Project Component	2.3.4.5 (Riparian Corridors and Other Terrestrial Wildlife Habitats)	Wildlife management considerations shall be included in the evaluation of development proposals, particularly land division proposals. Large, and where possible, contiguous areas of native vegetation should be retained in order to meet the various needs of those wildlife species requiring large areas of undisturbed habitat.	<p><i>Proposed EPB Project Component Consistent with Mitigation.</i></p> <p><b>Section 4.3, Biological Resources</b> of this EIR evaluates impacts to areas of native vegetation. The proposed EPB project component would isolate approximately 2.1 acres of wetlands from other portions of the Lagoon. However, the function of the proposed EPB project component is intended to improve and increase habitat for special-status wildlife species, including steelhead trout, known or with the potential to occur in the Lagoon. The proposed EPB project component may increase the amount of emergent marsh, riparian, and other sensitive vegetation types influenced by hydrology that provide habitat for many common and special-status species. Impacts to native vegetation and wildlife species can be reduced to a less-than-significant level by implementing the following mitigation measures found in <b>Section 4.3, Biological Resources: BIO-1a (Implement Construction Best Management Practices), BIO-1b (Conduct Pre-Construction Surveys for White-Tailed Kite), Nesting Raptors, and Other Migratory Bird Species, BIO-1c (Implement Construction-Phase Monitoring), BIO-1d (Avoid and Minimize Impacts to Western Pond Turtle), BIO-1e (Avoid and Minimize Impacts to CRLF), BIO-1f (Avoid or Reduce Hydroacoustic Impacts to S-CCC Steelhead), BIO-1g (Avoid and Minimize Impacts to S-CCC Steelhead), and BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b></p>



Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
Carmel Area Land Use Plan	Proposed EPB Project Component	2.3.4.6 (Riparian Corridors and Other Terrestrial Wildlife Habitats)	Critical wildlife habitat areas (refer to General Policy No. 2) shall be protected through permanent easement or fee acquisition and an adequate distance between such habitat and disturbed areas (e.g., building sites and roads) shall be maintained.	<i>Proposed EPB Project Component Consistent with Mitigation.</i> <b>Section 4.3, Biological Resources</b> of this EIR evaluates impacts to critical wildlife habitat areas. The proposed EPB project component would be constructed within critical wildlife habitat and would isolate approximately 3.1 acres of critical habitat for multiple species; however, impacts to critical habitat would be less-than-significant in light of the overall benefits of the proposed EPB project component to critical wildlife habitat. Impacts to critical wildlife habitat areas would be reduced to a less-than-significant level using the following mitigation measures found in <b>Section 4.3, Biological Resources: BIO-1a (Implement Construction Best Management Practices), BIO-1b (Conduct Pre-Construction Surveys for White-Tailed Kite), Nesting Raptors, and Other Migratory Bird Species, BIO-1c (Implement Construction-Phase Monitoring), BIO-1d (Avoid and Minimize Impacts to Western Pond Turtle), BIO-1e (Avoid and Minimize Impacts to CRLF), BIO-1f (Avoid or Reduce Hydroacoustic Impacts to S-CCC Steelhead), BIO-1g (Avoid and Minimize Impacts to S-CCC Steelhead), and BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b>
Carmel Area Land Use Plan	Proposed EPB Project Component	2.3.4.1 (Wetlands and Marine Habitats)	A setback of 100 feet from the edge of all coastal wetlands shall be provided and maintained in open space use. No new development shall be allowed in this setback area. The edge of wetlands shall be pursuant to policy 2.3.3.5, based on the wetlands definition in policy	<i>Proposed EPB Project Component Consistent with Mitigation.</i> <b>Section 4.3, Biological Resources</b> of this EIR evaluates impacts to coastal wetland areas. Coastal wetlands are mapped within the proposed project site according to USFWS classifications. Wetland areas would be impacted as a result of the construction and operation of the proposed EPB project component. Impacts to coastal wetlands would be reduced to a less-than-significant level by implementing <b>Mitigation Measure BIO-2 (Avoid and Minimize Impacts to Federal and</b>

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			2.3.3.1 and using the U.S. Fish and Wildlife Service's (USFWS) classification of Wetlands and Deep Water Habitats of the United States.	<b>Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b>
Carmel Area Land Use Plan	Proposed EPB Project Component	2.3.4.3 (Wetlands and Marine Habitats)	The County shall seek designation of the Carmel River lagoon and marsh as a natural preserve within the State Park Systems as recommended by the Point Lobos - Carmel River State Beach General Plan. Eventual management by the Department of Parks and Recreation shall include measures to limit public access to this natural preserve and to retain the present character of the marsh and lagoon. Particular attention should be given to the control of sedimentation and "filling-in" of this wetlands area.	<i>Proposed EPB Project Component Consistent with Mitigation.</i> <b>Section 4.3, Biological Resources</b> of this EIR evaluates impacts to coastal wetland areas. State Parks has designated portions of the Carmel River and Lagoon as a natural reserve. This designation would not be effected by the proposed project. Additionally, public access to the Carmel River Lagoon will not change as a result of the proposed project and would remain limited. The proposed EPB project component would result in an alteration to the present character of a small section of marsh, as the proposed EPB project component would isolate approximately 2.1 acres of wetlands from other portion of the Carmel Lagoon. Although the function of the proposed EPB project component has the potential to increase the depth of the Lagoon by approximately two feet in the fall/early winter when the Lagoon is filling prior to first breach, which may increase and improve the area of wetlands within the Lagoon, the impacts identified above are potentially significant. Impacts to wetlands would be reduced to a less-than-significant level by implementing <b>Mitigation Measures BIO-1a (Implement Construction Best Management Practices), and BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b>

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
Carmel Area Land Use Plan	Proposed EPB Project Component	2.7.4.3 (Flood Hazards)	<p>The development of a flood-plain management program for the lower Carmel River Valley shall emphasize the use of nonstructural methods of flood protection which do not involve substantial alterations of the river and shall seek to preserve the river's natural plant and wildlife habitat and aesthetic values. If, after thorough study, it is concluded that structural means of flood control are necessary to protect the lower valley, then such structural means shall be allowed only if the following criteria are met:</p> <ul style="list-style-type: none"> <li>- facilities would be located outside the zone of riparian vegetation.</li> <li>- erosion and sedimentation from construction would be adequately minimized and controlled.</li> <li>- plant and wildlife habitat, including steelhead trout habitat, would be maintained and protected both along the river and in the marsh and lagoon.</li> <li>- the aesthetic and scenic values</li> </ul>	<p><i>Proposed EPB Project Component Consistent with Mitigation.</i> The proposed EPB project component would maintain existing flood protection to low-lying homes and public infrastructure along the north edge of the Lagoon, while the frequency of mechanical management of the sandbar is reduced in compliance with regulatory requirements. The function of the proposed EPB project component is intended to improve and increase habitat for special-status wildlife species, including steelhead trout, known or with the potential to occur in the Lagoon. Approximately 0.1 acre of riparian habitat would be impacted by the proposed EPB project component, and the proposed EPB project component would be constructed adjacent to a section of riparian habitat. Please refer to <b>Section 4.3, Biological Resources</b> for additional information. Impacts to riparian vegetation would be reduced to a less-than-significant level by the implementing <b>Mitigation Measure BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh)</b>. The proposed project has been designed to avoid and reduce potential erosion during construction and operation. Mitigation measures ensure that potential construction-related impacts would be temporary in nature and less-than-significant. Please refer to <b>Section 4.5, Geology, Soils, and Seismicity</b> for more information.</p> <p>For consistency with maintenance of the aesthetic and scenic values of the lower river, please refer to discussions above and <b>Section 4.1, Aesthetics</b> for more information.</p>

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			<p>of the lower river would be maintained.</p> <p>Excavation, dredging, and vegetation removal would be allowed only within the scope of the flood management program and only if no other method for protecting existing structures in the floodplain is, feasible and where such protection is necessary for public safety or to protect existing development and only if the best mitigation measures are incorporated into the program including protection of the fish habitat. Maintenance of the river channel would be allowed, including removal of fallen trees and other such obstruction, in order to allow free flow of the river.</p>	
Carmel Area Land Use Plan	Proposed EPB Project Component	2.7.4.4 (Flood Hazards)	New or more intensive development, including major flood control measures, shall conform to the policies established by the County Board of Supervisors, with the advice of the Monterey County Flood Control Office. New or more intensive development, including Flood Control structures,	<p><i>Proposed EPB Project Component Consistent with Mitigation.</i> Alteration to the existing drainage pattern of the Carmel Lagoon by the proposed EPB project component would redirect flows, potentially increase flooding off site. Impacts caused by potential flooding would be reduced to a less-than-significant level by the implementation of <b>Mitigation Measure HYD-7 (Avoid and Minimize Impacts to the Validity of Base Level Elevations Cited on the Currently-Effective FEMA Flood Insurance Rate Map Panel)</b>. Please see <b>Section 4.8, Hydrology and Water Quality</b> for additional information.</p>

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			<p>permitted in the 100-Year Floodplain shall conform to the following policies:</p> <ul style="list-style-type: none"> <li>a. The lowest finished floor of new habitable structures must be at least one foot above the 100-Year Flood level projected to exist after development. Areas adequately protected by structural flood protection devices shall not be subject to the policies pertaining to the 100-year flood plain;</li> <li>b. Impacts of the development (in combination with all other existing and anticipated development) on the water surface elevation of the projected 100-Year Flood shall be minimized, and shall be mitigated to the County's satisfaction for all adjacent and downstream properties; and</li> <li>c. Additional standards may be required by the County of Flood Control District, such as the requirements of the Carmel River Flood Control ordinance.</li> </ul>	

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
Carmel Area Land Use Plan	Proposed EPB and SRPS Project Components	4.4.1	Key Policy: All future development within the Carmel Coastal Segment must be clearly consistent with and subordinate to the foremost priority of protecting the area's scenic beauty and natural resource values.	<i>Proposed EPB and SRPS Project Components Consistent with Mitigation.</i> Please see response to Policy 2.2.2 above.
Carmel Area Coastal Implementation Plan (Monterey County Code Title 20)	Proposed EPB and SRPS Project Components	20.146.03 0.C.3-4	Visual Resource Development Standards – General Development Standards, New Development	<i>Proposed EPB and SRPS Project Components Consistent with Mitigation.</i> Please see response to Policy 2.2.2 above.
Carmel Area Coastal Implementation Plan (Monterey County Code Title 20)	Proposed EPB Project Component	20.146.04 0.B.5	Parcels of land totally within sensitive habitat areas shall not be further subdivided. The development shall be designed so that the sensitive habitat area remains intact and undisturbed. Clustering shall be required in these areas to avoid habitat impacts on parcels adjacent to sensitive habitats or containing sensitive habitats as part of their acreage. On a parcel proposed for development, all areas of the parcel containing the sensitive	<i>Proposed EPB Project Component Consistent with Mitigation.</i> Construction of the proposed EPB project component would isolate approximately 2.1 acres of wetlands from other portions of the Carmel Lagoon. Impacts to wetlands would be reduced to a less-than-significant level by implementing <b>Mitigation Measures BIO-1a (Implement Construction Best Management Practices)</b> , and <b>BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh)</b> .

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			habitat or species will be encumbered with a conservation easement deeded to the County as a condition of project approval. (Ref. Policy 2.3.3.4).	
Carmel Area Coastal Implementation Plan (Monterey County Code Title 20)	Proposed EPB Project Component	20.146.04 O.B.8	Removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) in or adjacent to environmentally sensitive habitat areas shall be restricted to only those amounts necessary for structural improvements. (Ref. Policy 2.3.3.7).	<i>Proposed EPB Project Component Consistent with Mitigation.</i> Construction of the proposed EPB project component would require the removal of indigenous vegetation and land disturbance for the construction of a new structure. This area of disturbance would be limited to the minimal area required for construction activities. Impacts to vegetation would be reduced to a less-than-significant level by the implementation of <b>Mitigation Measures BIO-1a (Implement Construction Best Management Practices), BIO-1c (Implement Construction-Phase Monitoring), and BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b>
Carmel Area Coastal Implementation Plan (Monterey County Code Title 20)	Proposed EPB Project Component	20.146.04 O.B.12	Wildlife management considerations shall be included in the evaluation of development proposals, particularly land division proposals. Large and, where possible, contiguous areas of native vegetation shall be retained in order to meet the various needs of those wildlife species requiring large areas of undisturbed habitat (Ref. Policy 2.3.4; Riparian Corridors and Other Terrestrial Wildlife Policy	<i>Proposed EPB Project Component Consistent with Mitigation.</i> <b>Section 4.3, Biological Resources</b> of this EIR evaluates impacts to areas of native vegetation. The proposed EPB project component would isolate approximately 2.1 acres of wetlands from other portions of the Carmel Lagoon. However, the function of the proposed EPB project component is intended to improve and increase habitat for special-status wildlife species, including steelhead trout, known or with the potential to occur in the Lagoon. The proposed EPB project component may increase the amount of emergent marsh, riparian, and other sensitive vegetation types influenced by hydrology that provide habitat for many common and special-status species. Impacts to critical wildlife habitat areas would be reduced to a less-



Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			#5)	than-significant level by implementing the mitigation measures found in <b>Section 4.3, Biological Resources: BIO-1a (Implement Construction Best Management Practices), BIO-1b (Conduct Pre-Construction Surveys for White-Tailed Kite, Nesting Raptors, and Other Migratory Bird Species), BIO-1c (Implement Construction-Phase Monitoring), BIO-1d (Avoid and Minimize Impacts to Western Pond Turtle), BIO-1e (Avoid and Minimize Impacts to CRLF), BIO-1f (Avoid or Reduce Hydroacoustic Impacts to S-CCC Steelhead), BIO-1g (Avoid and Minimize Impacts to S-CCC Steelhead), and BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b>
Carmel Area Coastal Implementation Plan (Monterey County Code Title 20)	Proposed EPB Project Component	20.146.04 O.B.13	Critical wildlife areas shall be protected through a permanent conservation easement granted for any project approval by the County. Distances of 100 feet minimum shall be maintained between such a habitat and disturbed areas (i.e. building sites and roads (Ref. Policy 2.3 -4. Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #6)	<i>Proposed EPB Project Component Consistent with Mitigation.</i> <b>Section 4.3, Biological Resources</b> of this EIR evaluates impacts to critical wildlife habitat areas. The proposed EPB project component of the proposed project would be constructed within critical wildlife habitat and would isolate approximately 3.1 acres of critical habitat for multiple species; however, impacts to critical habitat are less-than-significant in light of the overall benefits of the proposed EPB project component to critical wildlife habitat. Impacts to critical wildlife habitat areas would be reduced to a less-than-significant level by implementing the following mitigation measures found in <b>Section 4.3, Biological Resources: BIO-1a (Implement Construction Best Management Practices), BIO-1b (Conduct Pre-Construction Surveys for White-Tailed Kite, Nesting Raptors, and Other Migratory Bird Species), BIO-1c (Implement Construction-Phase Monitoring), BIO-1d (Avoid and Minimize Impacts to Western Pond Turtle), BIO-1e (Avoid and Minimize Impacts to CRLF), BIO-1f (Avoid or Reduce</b>

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
				<b>Hydroacoustic Impacts to S-CCC Steelhead), BIO-1g (Avoid and Minimize Impacts to S-CCC Steelhead), and BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b>
Carmel Area Coastal Implementation Plan (Monterey County Code Title 20)	Proposed EPB Project Component	20.146.04 0.C.2.b	Critical wildlife areas shall be protected through a permanent conservation easement granted for any project approval by the County. Distances of 100 feet minimum shall be maintained between such a habitat and disturbed areas (i.e. building sites and roads (Ref. Policy 2.3 -4. Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #6)	<i>Proposed EPB Project Component Consistent with Mitigation.</i> Please see response above.
Carmel Area Coastal Implementation Plan (Monterey County Code Title 20)	Proposed EPB Project Component	20.146.04 0.C.2.c-d	c, Riparian plant communities shall be protected by establishing setbacks consisting of a 150 foot open space buffer zone on each side of the bank of perennial streams and 50 feet on each side of the bank of intermittent streams or the extent of riparian vegetation, whichever is greater. The setback requirement may be modified if it can be demonstrated that a narrower corridor is sufficient to protect existing riparian vegetation, Staff may	<i>Proposed EPB Project Component Consistent with Mitigation.</i> Approximately 0.1 acre of riparian habitat would be impacted by the proposed EPB project component, and the proposed EPB project component would be constructed adjacent to a section of riparian habitat. However, the function of the proposed EPB project component is intended to improve and increase habitat for special-status wildlife species known or with the potential to occur in the Lagoon. The proposed EPB project component may increase the amount of emergent marsh, riparian, and other sensitive vegetation types influenced by hydrology that provide habitat for many common and special-status species. Please see <b>Section 4.3, Biological Resources</b> for additional information. Impacts to riparian plant communities would be reduced to a less-than-significant level by the implementation

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			<p>require that this determination of the setback and/or extent of riparian vegetation be made by a qualified biologist. (Ref. Policy 2.3.4. Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #1).</p> <p>d. No new development, including structural flood control projects, shall be allowed within the riparian corridor. Improvements to existing dikes and levees are allowed if riparian vegetation damage can be minimized and at least an equivalent amount and quality of replacement vegetation is planted. Exceptions may be made for carefully sited recreational trails. (Ref. -- - policy 2.3.4. Riparian Corridors and Other Terrestrial Wildlife Habitats Policy #1),</p>	<p>of <b>Mitigation Measure BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b></p>
<p>Carmel Area Coastal Implementation Plan (Monterey County Code Title 20)</p>	<p>Proposed EPB Project Component</p>	<p>20.146.04 0.C.3.a</p>	<p>A setback of 100 feet from the edge of all coastal wetlands shall be provided and maintained in the open space use. No new development shall be allowed in this setback area (Ref. Policy 2.3.4; Wetlands and Marine Habitats Policy #1)</p>	<p><i>Proposed EPB Project Component Consistent with Mitigation. Section 4.3, Biological Resources</i> of this EIR evaluates impacts to coastal wetland areas. Coastal wetlands are mapped within the proposed project site according to USFWS classifications. Wetland areas would be impacted as a result of the construction and operation of the proposed EPB project component of the proposed project. Impacts to coastal wetlands would be reduced to a less-than-significant level by the implementation of <b>Mitigation Measure BIO-2 (Avoid and</b></p>

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
				<b>Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b>
Carmel Area Coastal Implementation Plan (Monterey County Code Title 20)	Proposed EPB Project Component	20.146.08 O.D.2.a	When it is determined, by project review, or other means that structural means of flood control are necessary to protect the lower Camel River valley, then such structural means shall be allowed only if the following criteria are met: 1) Facilities would be located outside the zone of riparian vegetation and outside of the riparian corridor. 2) Erosion and sedimentation from construction would be adequately minimized and controlled. 3) Plant and wildlife habitat, including steelhead trout habitat, would be maintained and protected both along the river and in the marsh and lagoon. 4) The aesthetic and scenic values of the lower river would be maintained. Excavation, dredging and vegetation removal would be allowed only within the scope of the flood management program and only if no other method for protecting existing structures in the floodplain is feasible and where such	<i>Proposed EPB Project Component Consistent with Mitigation.</i> Please see response to Policy 2.7.4.3 above.

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			<p>protection is necessary for public safety or to protect existing development and only if the best mitigation measures are incorporated into the program including protection of the fish habitat. Maintenance of the river channel would be allowed, including removal of fallen trees and other such obstruction, in order to allow free flow of the river (Ref. Policy 2.7.4. Flood Hazards #3).</p>	
<p>Carmel Area Coastal Implementation Plan (Monterey County Code Title 20)</p>	<p>Proposed EPB Project Component</p>	<p>20.146.08 O.D.2.b.</p>	<p>New or more intensive development, including major flood control measures, shall conform to the policies established by the County Board of Supervisors, with the advice of the Monterey County Flood Control office. New or more intensive development, including Flood Control structures, permitted in the 100-Year Floodplain shall conform to the following policies: 1) The lowest finished floor of new habitable structures must be at least one foot above the 100-Year Flood level projected to exist after development. Areas adequately</p>	<p><i>Proposed EPB Project Component Consistent with Mitigation.</i> Alteration to the existing drainage pattern of the Carmel Lagoon by the proposed EPB project component would redirect flows, potentially increase flooding off site. Impacts caused by potential flooding would be reduced to a less-than-significant level by the implementation of <b>Mitigation Measure HYD-7 (Avoid and Minimize Impacts to the Validity of Base Level Elevations Cited on the Currently-Effective FEMA Flood Insurance Rate Map Panel)</b> cited on the Currently-Effective FEMA Flood Insurance Rate Map Panel. Please see <b>Section 4.8, Hydrology and Water Quality</b> for additional information.</p>

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			protected by structural flood protection devices shall not be subject to the policies pertaining to the 100 year flood plain; 2) Impacts of the development (in combination with all other existing and anticipated development) on the water surface elevation of the projected 100-Year Flood shall be minimized, and shall be mitigated to the County's satisfaction for all adjacent and downstream properties; and 3) Additional standards may be required by the County of Flood Control District, such as the requirements of the Camel River Flood Control Ordinance. (Ref. Policy 2.7.4 Flood Hazards #4)	
Monterey County General Plan (1982)	Proposed EPB Project Component	9.1	Objective: Promote the conservation of large, continuous expanses of native vegetation as the most suitable habitat for maintaining abundant and diverse wildlife	<i>Proposed EPB Project Component Consistent with Mitigation.</i> An area of native vegetation would be isolated behind the proposed EPB project component. However, the function of the proposed EPB project component is intended to improve and increase habitat for special-status wildlife species known or with the potential to occur in the Lagoon. Impact to suitable habitat for maintaining diverse wildlife would be reduced to a less-than-significant level by implementing the following mitigation measures from <b>Section 4.3, Biological Resources: BIO-1a (Implement Construction Best Management Practices), BIO-1b (Conduct Pre-Construction Surveys for White-Tailed Kite, Nesting Raptors, and Other Migratory Bird Species), BIO-</b>

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
				<p><b>1c (Implement Construction-Phase Monitoring), BIO-1d (Avoid and Minimize Impacts to Western Pond Turtle), BIO-1e (Avoid and Minimize Impacts to CRLF), BIO-1f (Avoid or Reduce Hydroacoustic Impacts to S-CCC Steelhead), BIO-1g (Avoid and Minimize Impacts to S-CCC Steelhead), and BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b> The proposed EPB project component may increase the amount of emergent marsh, riparian, and other sensitive vegetation types influenced by hydrology that provide habitat for many common and special-status species. Please see <b>Section 4.3, Biological Resources</b> for additional information.</p>
<p>Monterey County General Plan (1982)</p>	<p>Proposed EPB Project Component</p>	<p>16.2.3</p>	<p>All new development for which a discretionary permit is required, including filling, grading, and construction, shall be prohibited within 200 feet of the riverbank or within the 100-year floodway except as permitted by ordinance. No new development, including structural flood control projects, shall be allowed within the riparian corridor. However, improvements to existing dikes and levees shall be allowed if riparian vegetation damage can be minimized and at least an equivalent amount and quality of replacement is planted. In addition, exceptions may be made</p>	<p><i>Proposed EPB Project Component Consistent with Mitigation.</i> The proposed EPB project component would result in a structure placed along the north edge of the Lagoon, in the 100-year floodplain. The proposed EPB project component would maintain existing flood protection to low-lying homes and public infrastructure along the north edge of the Lagoon, while the frequency of mechanical management of the sandbar is reduced in compliance with regulatory requirements. The function of the proposed EPB project component is intended to improve and increase habitat for special-status wildlife species, including steelhead trout, known or with the potential to occur in the Lagoon. Approximately 0.1 acre of riparian habitat would be impacted by the proposed EPB project component, and the proposed EPB project component would be constructed adjacent to a section of riparian habitat. Please refer to <b>Section 4.3, Biological Resources</b> for additional information. Impacts to riparian vegetation would be reduced to a less-than-significant level by the implementation of <b>Mitigation Measure</b></p>

Plan	Proposed Project Components	Policy Number	Policy	Applicable Mitigation Measures Needed for Ensuring Proposed Project Consistency with Policies
			for carefully sited recreational trails.	<b>BIO-2 (Avoid and Minimize Impacts to Federal and Coastal Wetlands, Other Waters of the U.S., Waters of the State, Riparian Habitat, and Seasonal Emergent Marsh).</b>
Monterey County General Plan (1982)	Proposed EPB and SRPS Project Components	26.1.6	Development which preserves and enhances the County's scenic qualities shall be encouraged.	<i>Proposed EPB and SRPS Project Components Consistent with Mitigation.</i> Please see response to Policy 2.2.2 above.



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#### 4.9.4 References

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- [County] Monterey County. 1983. Carmel Area Land Use Plan. As updated 11/23/1999. Accessed: February 2016. Available online at: [http://www.co.monterey.ca.us/planning/docs/plans/Carmel\\_Area\\_LUP\\_complete.PDF](http://www.co.monterey.ca.us/planning/docs/plans/Carmel_Area_LUP_complete.PDF).
- [County] Monterey County. 1988. Monterey County Coastal Implementation Plan; Part 4; Regulations for Development in the Carmel Area Land Use Plan (Chapter 20.146).
- [County] Monterey County. 2010. *Monterey County General Plan*, adopted October 26, 2010. Accessed: February 2016. Available online at: [http://www.co.monterey.ca.us/planning/docs/Plans/Carmel\\_CIP.pdf](http://www.co.monterey.ca.us/planning/docs/Plans/Carmel_CIP.pdf).

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