

4.9 Effects Found Not to be Significant

Section 15128 of the *CEQA Guidelines* requires an EIR to briefly describe any possible significant effects that were determined not to be significant and were, therefore, not discussed in detail. This section addresses the potential environmental effects of the proposed project that were determined not to be significant. The topics listed below that were found not to be significantly affected by the proposed project are drawn from the environmental checklist form included in Appendix G of the *CEQA Guidelines*. Any items not addressed in this section are addressed in Section 4.0 of this EIR.

4.9.1 Aesthetics

Thresholds of Significance

Pursuant to the *CEQA Guidelines*, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) Have a substantial adverse effect on a scenic vista;
- 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;
- 3) Substantially degrade the existing visual character or quality of the site and its surroundings; and/or
- 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

All four thresholds are discussed below.

Assessment of Impacts

Scenic Vistas

Highway 1, an officially designated State Scenic Highway, runs north to south approximately 375 feet from the project site (Caltrans 2017). In general, scenic elements visible from Highway 1 in the mouth of the Valley include the surrounding hillsides, mature trees, and habitat along the Carmel River. Further south, views along Highway 1 open up to Monastery Beach and the Pacific Ocean. Within the project vicinity, looking east along Highway 1 and looking northeast from the Highway 1/Rio Road intersection, existing structures (i.e., the Carmel River Inn and the Chevron Gas Station) largely block views of the site with the exception of the mature ornamental Monterey cypress trees that line the northwest end of the project site and partial views of the tops of Mixed Woodland. Figure 42, Photo 1, shows the view of the project site from the Highway 1/Rio Road intersection. The majority of the Monterey Cypress trees, located along the northwest end of the project site, visible from Highway 1 would remain; one tree (Tree 58) would be removed in this area (C3 Engineering 2017). As shown in Figure 17 of Section 4.2, *Biological Resources*, Mixed Woodland currently covers approximately 0.8-acre of the site; species observed include coast live oak (*Quercus agrifolia*), ornamental redwoods (*Sequoia sempervirens*), Hollywood juniper (*Juniperus chinensis*), willow (*Salix* sp.), English ivy (*Hedera helix*), and California buckeye (*Aesculus californica*). The majority of the Mixed Woodland habitat, partially visible from Highway 1, would be removed for the retail commercial development; approximately twenty-seven of the trees within this habitat would

be removed and twelve would remain. The project would include the installation of twenty-seven new trees (i.e., twelve coast live oak, ten honey locust, and five swan hill fruitless olive). In addition to trees, a combination of California native and drought tolerant shrubs, groundcovers, and grasses would be installed, enhancing the visual quality of the site. Although the project would include tree removal, the removal of these trees would not result in a substantial degradation of scenic views from Highway 1, and the project would include the installation of new trees which would partially replace this component of the features of the view. Further, the most prominent mature ornamental Monterey cypress trees visible from Highway 1 would remain intact. Therefore, the project would not result in a substantially adverse impact on scenic vistas from Highway 1; impacts would be less than significant as related to Threshold 1.

The Monterey County General Plan (2010) also designates Carmel Valley Road as a proposed scenic highway/route. Carmel Valley Road is located approximately 1,300 miles north of the project site. Due to intervening topography, trees, and structures off-site, the project site is not visible from Carmel Valley Road.

In addition to designated scenic road corridors, views of scenic hillsides are available from public viewpoints, specifically Rio Road fronting the project south of the project site. As shown on Figure 42, Photo 2, looking northwest from the project site, partial hillside views are visible in the distance; however, trees and structures currently block most of these hillsides from view. Hillside views are not available looking through the site to the northeast as shown on Figure 43, Photo 3.

In addition, the proposed development would be subject to local zoning standards and General Plan policies to protect scenic qualities. Monterey County General Plan Policy OS-1.1 encourages voluntary restrictions to the development potential of property located in designated visually sensitive areas. The Monterey County General Plan (2010), Greater Monterey Peninsula Scenic Highway Corridors and Visual Sensitivity Map, designates the site as a visually sensitive area. General Plan Policy OS-1.2 requires development in designated visually sensitive areas to be subordinate to the natural features of the area. General Plan Policy OS-1.9 encourages development to protect and enhance the County's scenic qualities. Further, Carmel Valley Policy CV-1.20 requires the application of a Design Control "D" overlay district to the Carmel Valley area. Thus, the project is located in a Design Control "D" District. Policy CV-1.20 states that development in the "D" District shall be visually compatible with the character of the valley and immediate surrounding areas or shall enhance the quality of areas that have been degraded by existing development. Monterey County Code Chapter 21.44 states that the purpose of this district is to provide for the regulation of location, size, configuration, materials, and colors of structures and fences in those areas of the County where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property. The project would require Design Approval by the Monterey County Resource Management Agency (RMA). The purpose of the "D" District is to assure the protection of the public viewshed and to assure the visual integrity of the development; therefore, the project would not substantially degrade the public viewshed of the hillsides partially visible to the north from Rio Road. The project would have a less than significant impact on scenic vistas as related to Threshold 1.

Figure 42 Site Photographs



Photo 1: View from Highway 1 at its intersection with Rio Road intersection, looking southeast toward the project site.



Photo 2: View from Highway 1, looking northwest from the south end of the site near Rio Road.

Figure 43 Site Photographs



Photo 3: View looking north from the center of the project site.



Photo 4: View looking southeast from the back of the project site.

Scenic Resources

The Monterey County General Plan (2010), Greater Monterey Peninsula Scenic Highway Corridors and Visual Sensitivity Map, designates the site and areas along the Carmel River and Carmel Valley Road as visually sensitive areas. The General Plan does not specifically state what resources in a visually sensitive area should be protected, but policies within the General Plan indicate that hillsides, ridges, and watersheds should be protected. As stated under Threshold 1 above, views of the project site from Highway 1 are largely blocked by structures; however, mature Cypress trees and Mixed Woodland habitat is partially visible from Highway 1. The majority of the Monterey Cypress trees, located along the northwest end of the project site would remain; one tree (Tree 58) would be removed in this area (C3 Engineering 2017). Although the project would include tree removal, the tree canopy would predominantly remain intact. The majority of the Oak Woodland habitat, partially visible from Highway 1, would be removed for the retail commercial development; approximately twenty-seven of the trees within this habitat would be removed and twelve would remain. Although 27 trees within the Mixed Woodland would be removed, the project would include the installation of twenty-seven new trees; therefore, maintaining a comparable scenic value as the planted trees reach maturity. Further, the project site does not include other scenic resources, such as rock outcroppings or historic buildings. Therefore, impacts on scenic resources, as it relates to Threshold 2, would be less than significant.

Visual Character and Quality

The project would introduce commercial retail development on an undeveloped 3.8-acre site with mature trees and other vegetation including non-native grasses and landscaping. A portion of the site includes a paved driveway entrance, an unimproved driveway, two wells, utility connections, a section of the Carmel Mission Inn parking lot, and an existing above-ground propane tank and shed building. The project would involve a substantial change in the visual character of the site from generally open grassland with scattered trees in the eastern portion of the site and trees along the eastern and northern boundaries to a commercial development. However, the site is surrounded on all sides by urban development, and the project's proposed one-story buildings would be consistent with the existing development pattern. In addition, although 35 trees would be removed, the landscape plan includes preservation of a number of the mature trees as well as installation of 27 new trees (12 coast live oak, ten honey locust, and five swan hill fruitless olive). In addition to trees, a combination of California native and drought tolerant shrubs, groundcovers, and grasses would be installed. For example, landscaping would be installed in bioretention ponds, parking islands, the perimeter of the site, pedestrian seating areas, and on the canopy of the convenience market/grocery store (a vegetated canopy roof is proposed). Natural landscape materials such as granite rock seat walls and horizontal cedar plank fencing would further soften the appearance of the buildings and parking lot. Therefore, although the visual character of the site would be substantially altered, the project would continue to provide a generally moderate level of visual quality and character through architectural design, landscaping and tree retention, and would be consistent with the character of surrounding development. Finally, as discussed above, the project would require Design Approval by the Monterey County Resource Management Agency (RMA). The purpose of the "D" District is to assure the protection of the public viewshed and to assure the visual integrity of the development. The project would have a less than significant impact on visual quality and visual character as it relates to Threshold 3.

Light/Glare

Monterey County Code Section 21.18.070(e), *Site Development Standards*, requires any new development in the Light Commercial District to be consistent with the Design Guidelines for Exterior Lighting. Monterey County Code Section 21.63.020, *Design Guidelines for Exterior Lighting*, requires fixtures to be designed so as to make exterior lighting unobtrusive, to reduce off-site glare, and light only the intended area. These guidelines are enforceable by the Director of Planning. The project would be required to comply with the County requirements for exterior lighting and the site is located on an infill site surrounded by other development that has exterior lighting; therefore, impacts related to Threshold 4 would be less than significant.

4.9.2 Agriculture and Forestry

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) Convert Prime Farmland, Unique Farmland, 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;
- 2) Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- 3) 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));
- 4) Result in the loss of forest land or conversion of forest land to non-forest use; and/or
- 5) 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.

Assessment of Impacts

The project site is not designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland (Farmland), nor is the site zoned for agriculture or under a Williamson Act contract. The project site is designated as Urban and Built-Up Land on the Farmland Mapping and Monitoring Program (FMMP) Monterey County Important Farmland map (California Department of Conservation 2014, 2016). Therefore, the project would not result in impacts to FMMP farmland or conflict with existing zoning for agricultural use or Williamson Act contract land. The site is not zoned or uses for agricultural production. Therefore, the project would have no impact to agriculture as related to Thresholds 1, 2, and 5.

As detailed in Section 4.2, *Biological Resources*, the project site contains oak woodland habitat. Implementation of the project would require vegetation clearing prior to construction, including the removal of thirty-five trees. The oak woodland habitat does not meet the definition of forest land as defined in Public Resources Code Section 12220(g), or timberland, as defined by Public Resources Code Section 4526. Further, the site is zoned for light commercial use, not forest land or timber land production; therefore, the project would not conflict with existing zoning for, or cause rezoning of, forest land, timber land or conversion of forest land to non-forest use. Further, there is no forest

land near the project site. Therefore, there would be no impact to forest land as related to Threshold 3, 4 and 5.

4.9.3 Air Quality

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) Conflict with or obstruct implementation of the applicable air quality plan;
- 2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- 3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- 4) Expose sensitive receptors to substantial pollutant concentrations; and/or
- 5) Create objectionable odors affecting a substantial number of people.

Thresholds 2 through 5 are discussed in Section 4.1, *Air Quality*. Threshold 1 is discussed below.

Assessment of Impacts

CEQA Guidelines §15125(b) requires that an EIR evaluate a project's consistency with applicable regional plans, in this instance, the 2012-2015 AQMP. The MBARD issues consistency determinations in order to assess the potential cumulative impacts of development on regional air quality. Project emissions which are not consistent with the AQMP are not accommodated in the AQMP and would represent a potentially significant impact for the purposes of CEQA.

As described in Section 5.5 of the *Air Quality Guidelines*, a commercial project would be consistent with the AQMP if: 1) the current population does not exceed the applicable 5-year increment population forecast contained in the AQMP and, 2) if the project would emit less than 137 lbs/day of VOC or NO_x. The 2012-2015 AQMP relied on the 2008 population forecast conducted by AMBAG, which projects that the 2020 population for unincorporated Monterey County will be 113,778 persons (AMBAG 2008). The estimated 2017 population for unincorporated Monterey County provided by the California Department of Finance (DOF) is 107,009 (DOF 2017). Therefore, the current population does not exceed AQMP population forecasts. In addition, as shown in Section 4.1, *Air Quality*, Table 10, Estimated Construction Emissions, and Table 11, Estimated Operational Emissions, project construction and operation would emit fewer than 137 lbs/day of VOC and NO_x. Therefore, there would be no impact.

4.9.4 Biological Resources

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) 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;
- 2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- 3) 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;
- 4) 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;
- 5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or
- 6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

Thresholds 1 and 5 are discussed in Section 4.2, *Biological Resources*. Thresholds 2, 3, 4, and 6 are discussed below.

Assessment of Impacts

Sensitive vegetation communities, including riparian habitat, are not present on the project site and do not have the potential to occur. Vegetation community mapping for the project site is based on aerial imagery, a reconnaissance survey completed by Rincon Consultants, Inc. on August 31, 2017, and desktop review of available biological information. Vegetation classification was based on *A Manual of California Vegetation, Second Edition* (Sawyer et al., 2009) and *Preliminary Descriptions of the Terrestrial Communities of California* (Holland, 1986); however, classifications have been modified as needed to accurately describe the existing habitats observed on-site. The project site was determined to contain two vegetation communities, Non-Native Annual Grassland and Mixed Woodland (see Figure 17 and Table 14, Section 4.2, *Biological Resources*), which are not considered sensitive under the CDFW's classification system. Therefore, no impacts to these resources would occur as related to Threshold 2.

No federal wetlands or other jurisdictional features are present on-site. Historical maps show a tributary of the Carmel River running through the east side of the project site, but the tributary was diverted to an underground culvert during construction the Barnyard Shopping Village and Crossroads Carmel shopping center, and no longer crosses the project site. Therefore, no impacts to these resources would occur as related to Threshold 3.

The project site is geographically situated in a well-developed urban setting and does not provide habitat value suitable to support a migratory or movement corridor. No wildlife corridors are present on the project site. Therefore, no impacts to these resources would occur as related to Threshold 4.

The proposed project is not located within the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation agreement within the County. Therefore, no impacts to these resources would occur as related to Threshold 6.

4.9.5 Cultural, Tribal Cultural, and Paleontological Resources

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) Cause a substantial adverse change in the significance of an historical resource as defined in section 15064.5;
- 2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5;
- 3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value; and/or
- 4) Disturb any human remains, including those interred outside of dedicated cemeteries.
- 5) 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:
 - a) 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
 - b) 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.

All of the above thresholds are discussed in Section 4.4, *Cultural, Tribal Cultural, and Paleontological Resources*.

4.9.6 Geology and Soils

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) 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;

- ii. Strong seismic shaking
 - iii. Seismic-related ground failure, including liquefaction,
 - iv. Landslides;
- 2) Result in substantial soil erosion or the loss of topsoil;
 - 3) 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;
 - 4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property; and/or
 - 5) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Thresholds 1 through 4 are discussed in Section 4.5, *Geology and Soils*. Threshold 5 is discussed below.

Assessment of Impacts

There are no faults mapped on or adjacent to the project site and the project site is not located in an Alquist-Priolo Earthquake Fault Zone. The potential for surface ground rupture is therefore considered low. The project site is relatively flat and would not be subject to the risk of landslides. Therefore, no impacts would occur related to Threshold 1.i and 1.iv.

Wastewater from the project site would be collected and conveyed through a conventional gravity system to an existing Carmel Area Wastewater District sanitary sewer main. The project would not require the use of septic tanks or alternative waste water disposal systems. Therefore, there would be no impact related to Threshold 5.

4.9.7 Greenhouse Gas Emissions

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- 2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Thresholds 1 and 2 are analyzed in Section 4.3, *Greenhouse Gas Emissions*.

4.9.8 Hazards/Hazardous Materials

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 2) 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;
- 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school;
- 4) Be located on a site which is included on a list of hazardous material 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;
- 5) 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;
- 6) 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;
- 7) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or
- 8) 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.

All of the above thresholds are analyzed below.

Assessment of Impacts

The proposed project would involve the transport, use, storage, and disposal of hazardous materials due to the nature of the proposed use. However, the proposed project would be required to comply with U.S. EPA Hazardous Materials Transportation Act, Title 42, Section 11022 of the U.S. Code and Chapter 6.95 of the California Health and safety Code, which requires the reporting of hazardous materials when used or stored in certain quantities. Furthermore, the State of California requires an owner or operator of a facility to complete and submit a Hazardous Material Business Plan (HMBP) if the facility handles a hazardous material or mixture containing a hazardous material that has a quantity at any one time during the reporting year equal to or greater than (Monterey County 2017):

- 55 gallons (liquids),
- 500 pounds (solids), or
- 200 cubic feet for a compressed gas.

In addition, hazardous materials stored or used at retail uses would be limited to typical solvents, paints, chemicals used for cleaning and building maintenance, and landscaping supplies. These materials would not be substantially different from household chemicals and solvents already in general and wide use throughout the County of Monterey and in the vicinity of the project site. The majority of commercial vehicles transporting hazardous materials near the site would utilize Highway 1, located approximately 400 feet west of the project site, or Carmel Valley Road, located approximately 1,500 feet north of the project site, as well as Rio Road, which abuts the site to the

south. Because the U.S. EPA and U.S. Department of Transportation (DOT) laws and regulations track and manage the safe interstate transportation of hazardous materials and waste, impacts related to Thresholds 1 and 2 would be less than significant.

Carmel Middle School, located at 4380 Carmel Valley Road, would be the nearest school at approximately 0.4-mile northeast of the project site. Thus, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. In addition, the Monterey Regional Airport, the closest public-use airport, is located approximately 4.5 miles northeast of the project site. Thus, the project site would not be located within two miles of a public-use airport or included in an airport land use plan. Similarly, no private airstrips are currently located within the vicinity of the project site. As a result, the project would have no impact related to Thresholds 3, 5, or 6.

The Cortese List includes hazardous waste facilities, contaminated drinking water wells, sites listed as having underground storage tank leaks that have discharge into surface water or groundwater, and other sites that have had a known migration of hazardous materials or waste. A review of the California Department of Toxic Substances Control (DTSC) Envirostor Hazardous Facility Database, State Water Resources Control Board (SWRCB) GeoTracker Database, and U.S. EPA CERCLIS Database revealed that the proposed project site is not included on these lists. Furthermore, the only nearby identified sites were closed cases, and no known environmental sites of concern are located within one mile of the project site (DTSC 2017; SWRCB 2017; U.S. EPA 2017). Therefore, no impacts related to Threshold 4 would occur.

The California Department of Forestry and Fire Protection (CALFIRE) publishes fire hazard severity zone maps for both State Responsibility Areas (SRA) and Local Responsibility Areas (LRA). The project site is not located in an area designated as a medium, high, or very high fire hazard severity zone in the CALFIRE SRA map (CALFIRE 2007), and is located in an area designated as “Non-VHFHSZ” (Non-Very High Fire Hazard Severity Zone) in the CALFIRE LRA map (CALFIRE 2008). In addition, the project site is surrounded by urban land uses and would be required to comply with applicable standards set forth in the Fire Code, California Building Code (CBC), the Carmel Valley Master Plan, Monterey County General Plan Safety Element, and the Monterey County’s Emergency Operations Plan. Standards would include the use of fire-retardant building materials and the installation of automatic fire sprinkler systems. Pursuant to compliance with these existing requirements, the proposed project would not impair the implementation of or physical interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas. As a result, impacts related to Thresholds 7 and 8 would be less than significant.

4.9.9 Hydrology and Water Quality

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) Violate any water quality standards or waste discharge requirements;
- 2) 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;

- 3) 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;
- 4) 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;
- 5) 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;
- 6) 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;
- 7) Otherwise substantially degrade water quality;
- 8) 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;
- 9) Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- 10) 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; and/or
- 11) Be subject to inundation by seiche, tsunami, or mudflow.
- 12) Have insufficient water supplies available to serve the project from the exiting entitlements and resources, such that new or expanded entitlements are needed.

As discussed in Section 2.0, *Project Description*, the project does not propose housing; therefore, the project would not place housing within a 100-year flood hazard area. As a result, no impact related to Threshold 8 would occur.

As discussed in Section 4.9, *Hydrology and Water Quality*, according to the Tsunami Inundation Map for Emergency Planning for the Monterey Quadrangle, a tsunami could inundate up to 0.6-mile inland from the mouth of the Carmel River (Monterey County 2015a). The project site is located approximately 1.1-mile inland from the shoreline and is not within the tsunami inundation zone. Because seiches inherently exist in enclosed bodies of water, only land adjacent to or within the bodies of water can be impacted. The project site is not located near any large inland water bodies and would not be subject to impacts from seiches. Further, the project site is generally flat, with a very slight slope towards the south. Much of the land surrounding the project site is either developed and paved or covered with mature, established vegetation. Stormwater runoff is managed through a regional stormwater conveyance system. The probability of mudflow across the project site is very low. As a result, no impacts related to Threshold 11 would occur.

Thresholds 1 through 7, 9, 10, and 12 are discussed in Section 4.6, *Hydrology and Water Quality*.

Assessment of Impacts

The project site is not located near a large body of water and is located 0.7-mile from the Pacific Ocean; therefore, the project site would not be subject to inundation by seiche or tsunami. The project site is relatively flat and is not located adjacent to hillsides that could be susceptible to mudflow. Impacts as related to Threshold 10 would be less than significant.

4.9.10 Land Use and Planning

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) Physically divide an established community;
- 2) 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; and/or
- 3) Conflict with any applicable habitat conservation plan or natural community conservation plan.

All three thresholds are discussed below.

Assessment of Impacts

The project would not physically divide an established community. The project site is located on an infill site in an established commercial area in the mouth of Carmel Valley. The project is bordered by the Chevron Gas Station to the west, by the Carmel Mission Inn to the north, by two-story professional offices and mixed-use professional office/residential to the east, and by Rio Road and Crossroads Shopping Center to the south. Therefore, the project would result in no impact as related to Threshold 1. The project would not conflict with the Monterey County General Plan or the CVMP. The existing land use designation of the project site in the CVMP is Commercial, and the zoning designation is Light Commercial, Design Control, Site Plan Review, and Residential Allocation Zoning (LC-D-S-RAZ). The proposed commercial use would be allowable under the existing land use and zone designations; however, it would require permits as discussed in Section 2.7, Required Approvals (Project Description). Further, the project would not require amendments to the County's General Plan or the Monterey County Code.

The project would be consistent with the following CVMP policies related to commercial development:

- **CVMP Policy CV-1.1** requires development follow a rural architectural theme with design review.
- **CVMP Policy CV-1.12** requires areas designated for commercial development in the valley to be placed in design control overlay districts ("D"); have planted landscaping covering no less than 10 percent of the site; and provide adequate parking.
- **CVMP Policy CV-1.21** requires commercial buildings meet the following guidelines: a) Buildings shall be limited to 35 feet in height and shall have mechanical apparatus adequately screened, especially on roofs; b) Commercial projects shall include landscaping that incorporates large-growing street trees. Parking areas shall be screened with exclusive use of native plants and compatible plant materials. Land sculpturing should be used where appropriate.

- **CVMP Policy CV-3.10** requires the predominant landscaping and erosion control material to consist of plants native to the valley or plants compatible with native species that are similar in habitat, form, and water requirements.
- **CVMP Policy CV-3.11** states that the County shall discourage the removal of healthy native oak trees in the CVMP area. A permit shall be required for the removal of any trees.
- **CVMP Policy CV-5.6** requires containment structures or other measures to control the runoff of pollutants from commercial areas.

The project would be consistent with CVMP Policy CV-1.1, CV-1.12, and CV-1.21. The design theme for the main building, the convenience market/grocery store, and the Store A building, is rural agricultural-industrial architecture, which is intended to reflect the agricultural nature of Carmel Valley. The project is located in a design control district "D;" therefore, County staff would review the proposed architecture, landscaping, and parking for compliance with the General Plan policies and County Code requirements. The project would also be consistent with Policy CV-3.11. As described in Section 4.2, *Biological Resources*, the site contains Mixed Woodland habitat. Implementation of the project would require vegetation clearing prior to construction, including the removal of thirty-five trees. Since more than three trees are proposed for removal, the proposed project would be required to prepare a Forest Management Plan for removal of any trees with a trunk diameter in excess of six inches, measured two feet above ground level, in accordance with tree removal permit requirements. Pursuant to receipt of a tree removal permit, the project would comply with Policy CV-3.11. The project would result in less than significant impacts, either with or without mitigation, to air quality, biological resources, cultural resources, tribal resources, and paleontological resources. The proposed project would not conflict with any land use policies, plans or regulations adopted to protect these resources, since all impacts would be mitigated.

The project would result in significant and unavoidable impacts to both climate change and transportation. As discussed in Section 4.3, *Climate Change*, GHG emissions generated by the project would conflict with statewide policies adopted for the purpose of reducing GHG, such as AB 32. However, the project is consistent with the applicable policies in the 2010 Monterey County General Plan, as summarized in Table 18 of Section 4.3, *Climate Change*. Therefore, despite resulting in a significant and unavoidable impact, the project would not conflict with applicable county policies pertaining to GHG emissions.

As discussed in Section 4.8, *Transportation and Circulation*, increased delays at study area intersections or on roadway segments resulting from vehicle trips generated by the project would result in significant and unavoidable impacts related to transportation and circulation. However, the Traffic Impact Assessment prepared for the proposed project utilizes LOS standards identified in the Monterey County General Plan and CVMP, where applicable, in compliance with General Plan Policy C-1.1, and mitigation is applied to reduce impacts to the extent feasible. In addition, the project would be required to pay applicable traffic impact fees, consistent with General Plan Policy C-1.11. Lastly, the project would be developed in close proximity to existing transit opportunities, and would provide off-street parking, consistent with CVMP circulation policies.

Based on the analysis above, the proposed project would not be expected to conflict with any applicable land use plan, policy, or regulation of adopted for the purpose of avoiding or mitigating an environmental effect. Impacts as related to Threshold 2 would be less than significant.

The project site is not within an area subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State conservation plan (CDFG

2017). Therefore, there would be no impact related to conflicts with such a plan as related to Threshold 3.

4.9.11 Mineral Resources

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) 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; and/or
- 2) 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.

Both thresholds are discussed below.

Assessment of Impacts

The project site is not mapped as containing important mineral resources in the Monterey County General Plan, the Carmel Valley Master Plan, or the state Department of Conservation Mineral Land Classification Maps (DOC 2017). The project site is not utilized for mineral extraction. Therefore, the project would have no impact from the loss of availability of mineral resources as related to Threshold 1 and 2.

4.9.12 Noise

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) 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;
- 2) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels;
- 3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- 4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- 5) 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; and/or
- 6) 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.

Thresholds 1 through 4 are discussed in Section 4.7, *Noise*. Thresholds 5 and 6 are discussed below.

Assessment of Impacts

The Monterey Regional Airport, the closest public-use airport, is located approximately 4.5 miles northeast of the project site. Given this distance, the project site is not included in an airport land use plan. There are no private airstrips in close proximity to the site. Therefore, the project would result in no impact related to Thresholds 5 and 6.

4.9.13 Population and Housing

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) 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);
- 2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and/or
- 3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

All three thresholds are discussed below.

Assessment of Impacts

As discussed in Section 2, *Project Description*, the proposed project does not include residential uses and therefore would not directly generate population growth. However, the proposed project would accommodate between 175 and 250 new employees (full and part-time). Because the proposed project would include commercial retail development, it is anticipated that employment opportunities generated by the proposed project would generally draw workers primarily from the existing regional work force. Therefore, population growth associated with the proposed project would not result in significant long-term physical environmental impacts. Therefore, the project would not induce substantial population growth, either directly or indirectly, as related to Threshold 1.

The project involves a retail development on an undeveloped, infill site. No housing exists on the site. Therefore, the project would not displace any people or housing since the site is currently undeveloped. There would be no impact as related to Thresholds 2 and 3.

4.9.14 Public Services

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) 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:

- i. Fire protection
- ii. Police protection
- iii. Schools
- iv. Parks
- v. Other public facilities

All of these thresholds are discussed below.

Assessment of Impacts

The proposed project would be located immediately adjacent to the nearest fire station, the Cypress Fire Protection District at 3775 Rio Road. The project site, located in an unincorporated area of the county, is under the jurisdiction of the Monterey County Sheriff's Office Coastal Substation, located at 1200 Aguajito Road in Monterey, near the intersection of Highway 1 and Aguajito Road. The project site is within the Beat 7 Area serviced by the Monterey County Sheriff's Office. The north and south boundaries of the Beat 7 Area extends along both sides of Highway 1 from Carmel High School to Rocky Point. The east and west boundaries of the Beat 7 Area are along both sides of Carmel Valley Road and Highway 1 to Rancho San Carlos Road. The proposed project would not introduce housing or new residents to the project site, and would therefore not generate demand for additional schools or parks. Employment opportunities generated by the proposed project would generally draw workers primarily from the existing regional workforce; thus, the project would not generate demand for these services indirectly by causing an influx of new workers and their families into the area. While the construction of the proposed project could increase the number of emergency calls to the area, it is not expected to be at a level that significantly impacts fire or ambulance services. Additionally, the proposed project would not require new or expanded facilities by the Cypress Fire Protection District (Edria 2017). In addition, while the Sheriff's Coastal Station has limited deputies to cover service of Beat 7 Area and deputies from the Central Station in Salinas are assigned to cover early morning shifts within the Beat 7 Area and other multiple beat area simultaneously, the Monterey County Sheriff's Office would not require new or expanded facilities to uphold policing service ratios or response times. As such, the proposed project would not result in substantial adverse physical impacts associated with the provision of or 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. As a result, the project would result in less than significant impacts as related to Threshold 1.

4.9.15 Recreation

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) 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; and/or

- 2) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Thresholds 1 and 2 are discussed below.

Assessment of Impacts

The project would involve the construction of a retail development and would not introduce new residents into the area. As such, it would not substantially increase the use of parks nor require the construction or expansion of recreational facilities which may have an adverse physical effect on the environment. The proposed project itself does not include recreational facilities. Therefore, the project would result in a less than significant impact to parks related to Thresholds 1 and 2.

4.9.16 Transportation and Circulation

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) 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;
- 2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;
- 3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks;
- 4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment);
- 5) Result in inadequate emergency access; and/or
- 6) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Thresholds 1, 2, 4, 5, and 6 are discussed in Section 4.8, *Transportation and Circulation*. Threshold 3 is discussed below.

Assessment of Impacts

The proposed project includes the construction of commercial retail development within an already urbanized area. Monterey Regional Airport, the closest public-use airport, is located approximately 4.5 miles northeast of the project site. The project would not result in a change in air traffic patterns or otherwise create substantial safety risks related to this airport. There would be no impact as related to Threshold 3.

4.9.17 Utilities and Service Systems

Thresholds of Significance

Pursuant to the State CEQA Guidelines, Appendix G checklist, potentially significant impacts would occur if the proposed project would result in any of the following:

- 1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- 2) 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;
- 3) 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;
- 4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;
- 5) 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;
- 6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or
- 7) Comply with federal, State, and local statutes and regulations related to solid waste.

Thresholds 3 and 4 are discussed in Section 4.6, *Hydrology and Water Quality*. Thresholds 1, 2, 5, 6 and 7 are discussed below.

Assessment of Impacts

As described in Section 2.0, Project Description, wastewater generated by the proposed project would be collected on-site and conveyed via a pipe connection to an existing 24-inch CAWD sanitary sewer main located beneath Rio Road. Wastewater collected on-site and conveyed to the sanitary sewer main would undergo treatment at the existing Carmel Area Wastewater Treatment Plant located west of Highway 1, approximately 0.5 mile west of the project site. The Carmel Area Wastewater Treatment Plant is a secondary type plant utilizing the activated sludge process for secondary treatment of wastewater. Treated wastewater, also known as effluent, is discharged from the treatment plant via pipe to the Carmel Bay or rerouted to golf course facilities in Pebble Beach to provide golf-course irrigation waters.

Requirements for discharges of effluent from wastewater treatment plants are established using state and federal water quality regulations. After treatment, wastewater effluent is either disposed of or reused as recycled water. The applicable RWQCB sets the specific requirements for community and individual wastewater treatment and disposal and reuse facilities through the issuance of Waste Discharge Requirements, required for wastewater treatment facilities under the California Water Code Section 13260. The treated wastewater discharged from the Carmel Area Wastewater Treatment Plant is regulated by the Central Coast RWQCB under the *Waste Discharge Requirements for the Carmel Area Wastewater District Treatment Plant* (Order No. R3-2014-0012, NPDES Permit No. CA0047996). The minimum initial dilution established in the NPDES permit at the point of discharge for operations by CAWD is 1:121 (parts effluent to seawater). The minimum initial dilution

is used by the Central Coast RWQCB to determine compliance with the water quality effluent limitations established in the NPDES permit for in-pipe water quality (i.e., prior to discharge) that are based on water quality objectives contained in the SWRCB's *Water Quality Control Plan for Ocean Waters of California* (or Ocean Plan) (2015). The effluent limitations in the permit are based on and are consistent with the water quality objectives contained in the Ocean Plan. The permit also lists discharges which are prohibited and requires regular water quality monitoring. Mandatory compliance with the NPDES permit for the Carmel Area Wastewater Treatment Plant would ensure that wastewater generated from the proposed project does not exceed treatment requirements. Impacts related to Threshold 1 would be less than significant.

According to CAWD (2017), the Carmel Area Wastewater Treatment Plant is designed to treat four million gallons per day of wastewater. Presently, the Carmel Area Wastewater Treatment Plant has a permitted capacity of three million gallons per day, which is described in the NPDES permit. The current average dry weather flow to the treatment plant is approximately 1.8 million gallons per day which represents 60 percent of the permitted capacity or 45 percent of design capacity (CAWD 2017). Monterey County does not currently publish wastewater generation rates. However, some other jurisdictions and municipalities in the State, such as the County of Los Angeles, publish wastewater generation rates for various types of land uses. According to the Sanitation District of Los Angeles County (1999), every 1,000 square feet of retail store space on a site will generate 80 gallons per day of wastewater. Using this rate, the proposed 43,210 square feet of retail space included in the proposed project would generate approximately 3,385 gallons per day of wastewater. This is consistent with a 2014 report published by the CAWD that shows two existing supermarkets in the Carmel area generated an average of 2,000 gallons per day of wastewater. Approximately 3,385 gallons per day would represent less than one percent of the remaining permitted capacity of the Carmel Area Wastewater Treatment Plant. Thus, the existing Carmel Area Wastewater Treatment Plant would have adequate capacity for the proposed project, and construction of a new treatment facility or expansion of the existing treatment plant would not be required. Impacts related to Thresholds 2 and 5 would be less than significant.

The proposed project would be served by the Monterey Regional Waste Management District (MRWMD). Solid waste is taken to Monterey Peninsula Landfill 14 miles northeast of the project site. The Monterey Peninsula Landfill currently receives approximately 490,000 tons per year of municipal solid waste for disposal and is expected to reach capacity in the year 2115 (MPWMD, 2016). An average commercial use produces 10.53 pounds of solid waste per employee day (City of Los Angeles, 2006). The proposed project would accommodate between 175 and 250 new employees (full and part-time). Assuming a maximum of 250 employees, the proposed project would generate 2,632.5 pounds of solid waste per day, or 480 tons of solid waste per year. This represents less than one percent of the waste currently received at the landfill. This waste production is prior to any recycling, composting, or other waste diversion programs. However, the State of California has mandated that solid waste diversion be at 50% since 2000 (AB 939). MRWMD has reached and surpassed the 50% diversion rate (MRWMD 2014 Annual Report). In 2013, a new goal was set of 75% waste diversion by the year 2020 (CalRecycle). MRWMD has multiple programs in place to continue compliance with waste diversion goals, including compost, recycling, materials recovery, and renewable energy generation. As the proposed project would be a part of MRWMD, the project would be in compliance with waste regulations. In addition, the additional contribution of solid waste from the proposed project to the landfill would not significantly reduce its capacity to serve Monterey County now or in the future. Impacts related to Thresholds 6 and 7 would be less than significant.

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