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LIB210233

4209 Sunridge Rd. Rezoning

Biological Report

Pebble Beach, California

Monterey County APN: 008-053-001

Presented To

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TABLE OF CONTENTS

INTRODUCTION

Project Location

The subject parcel is located at 4209 Sunridge Rd, at the intersection of Sunridge Rd., Los Altos Dr., and Highway 68. It is in an unincorporated area of Monterey County, California, known as Pebble Beach. Figure 1 provides a map of the project location. The property is within the Coastal Zone.

APN: 016-355-150

Site Description

The triangular shaped parcel is approximately 0.5 acre. The property slopes slightly from north to south, and has a single-family dwelling and guesthouse, with associated infrastructure.

Project Description

The property owner proposes to change the current zoning of the property from Resource Conservation [RC-D (CZ)] to Medium Density Residential [MDR-4-D (CZ)]. No additional development is associated with this change, nor is any contemplated at this time, rather the goal is to bring the zoning of the property into conformance with the current land use.

Study Area

The study area includes the parcel itself as well as land that extends to roadways surrounding the parcel. Figure 2 shows the parcel and the study area over an aerial photo.

METHODS

Prior to conducting field studies, a background literature search was conducted to determine which special-status plant and wildlife species have potential to inhabit the study area based on documented occurrences, range distribution and suitable habitat. The primary sources for this search included the California Natural Diversity Data Base (CNDDB) and the United States Fish and Wildlife Service (USFWS) records for Santa Cruz and Monterey County (CDFW 2020a; USFWS 2020a). Additionally, the USFWS Critical Habitat portal was accessed (USFWS 2018b).

The Special Animals List and the Special Plant List maintained by the CDFW was used to determine the current regulatory status for each special-status species known from the region (CDFW 2020b, CDFW 2020c).

The initial list was refined to remove species that are documented in the general region but are not expected to occur on the study area due to range limitation or extirpation, or due to a lack of suitable habitats from the study area. The suitability of the site for special-status plants and vertebrates was assessed based on known habitat requirements for each species, the habitats present on the site and surrounding lands beyond the study area, regional locality records, and knowledge of the target species.

For purposes of this assessment, special-status species are defined to include the following: species listed by the USFWS as Threatened or Endangered; species for which USFWS has sufficient information to list as Endangered or Threatened but listing is precluded (Candidate Species); those species for which a proposed rule to list as Endangered or Threatened has been published by USFWS (Proposed species); species listed by USFWS as Birds of Conservation Concern (in Region 32); species listed by the California

Fish and Game Commission as Threatened or Endangered and those species that are Candidates for listing as Threatened or Endangered; species designated by the CDFW as Species of Special Concern; and species listed as "fully protected" in the California Fish and Game Code.

In addition, certain animals and plants that meet the criteria for endangered, threatened, or rare species included in Section 15830 of the CEQA Guidelines were also considered. This includes those species listed as Medium and High Priority by the Western Bat Working Group (WBWG), those listed as Rare Plant Ranking 1A (Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere) 1B (Plants Rare, Threatened, or Endangered in California and Elsewhere), 2A (Plants Presumed Extirpated in California, But Common Elsewhere), and 2B (Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere) by the California Native Plant Society (CNPS), and those considered locally rare by the Monterey Chapter of CNPS.

Joe Rigney from Toyon Consultants visited the site on April 14, 2020 in order to evaluate the impacts to habitat, and rare, sensitive, and endangered species that potentially occur on the site. The study area included the entire parcel and adjacent habitat areas within the Monterey County road right-of-way. The boundaries of the Study Area are provided in Figure 2. All field gathered GPS data were taken during this visit. Photos were all taken on April 24, 2020, unless otherwise noted.

As part of the site visit, a focused survey for sensitive plant species was performed. All plant species names are consistent with the Second Edition Jepson Manual (Baldwin *et. al.* 2012). Additional resources used for plant identification include the CalFlora database (CalFlora 2020), and the Jepson Manual eFlora (Jepson Flora Project 2020). Where feasible, habitat areas included in this report include presumed association names from the *California Natural Community List* (CDFW 2019).

GPS data was collected using a Trimble GeoXT field unit at submeter accuracy. All data were collected in WGS 1984 reference. Data were entered into QGIS software for spatial analysis.

Habitat features (Figure 2) were drawn on the map based on field observations and aerial photo features.

RESULTS

Tables, Figures, and Photos are provided at the end of this report in Appendix 1, Appendix 2, and Appendix 3, respectively.

Habitat Areas

Several habitat areas were observed within the study area, based on vegetation features, as indicated in Table 1. Figure 3 shows habitat locations observed within the study area. A discussion of specifics of these areas is provided below. Presumed vegetation alliances are included where available (CNPS 2018).

One habitat, Monterey Pine Forest, is considered sensitive, and so impacts to this area would be considered potentially significant (See ***Thresholds of Significance*** below).

Cape Ivy (0.039 Acres)
No Listed Alliance
A small area on the eastern portion of the property (Photo 1) is dominated by the invasive exotic species Cape Ivy (*Delairea odorata*). This patch appears to be spreading and was observed encroaching into the surrounding habitat areas, particularly the Poison Oak habitat, where the boundary between the two habitats was difficult to discern.

Developed (0.204 Acres)
No Listed Alliance
The property contains a driveway, two buildings, and other associated infrastructure (Photo 2 and Photo 3). These developed areas contain little vegetation other than unidentified ornamental plants.

Monterey Pine Forest (0.605 Acres)
87.110.04 *Pinus radiata – Quercus agrifolia* / *Toxicodendron diversilobum*
Monterey Pine (*Pinus* radiata) Forest dominates the study area. In fact, areas that are not identified in this report were likely covered by an overstory of Monterey Pine at some point within the past few centuries, but human disturbance has converted these areas into the other types herein listed. The understory was mostly devoid of vegetation within the parcel itself (Photo 4), while the section of this habitat along Sunridge Rd. had several juvenile coast live oaks (*Quercus agrifolia*) dominant in the understory. The alliance represented by this habitat is considered Sensitive by CDFW.

Non-native Grassland (0.030 Acres)
42.026.22 *Bromus diandrus – Avena* spp.
A small disturbed area on the southeastern portion of the study area was dominated by non-native grass species, particularly oat grass (*Avena fatua*) and rip gut brome (*Bromus diandrus*).

Poison Oak (0.049 Acres)
37.940.08 *Toxicodendron diversilobum* / herbaceous
A small area on the eastern portion of the property (Photo 1) is dominated by poison oak (*Toxicodendron diversilobum*). No other species were observed in this patch, though the plant does encroach into adjacent habitat areas.

Vegetation
Table 2 lists all plants species identified on the site. Figure 4 provides an aerial image showing the locations of all known rare and sensitive plants within a 5-mile radius of the study area, as found in the CNDDB (CDFW 2020a). Table 3 provides a listing of all of these species, including the likely potential that the plants are found onsite.

Thirty-eight plant species were considered for analysis in this report based on the CNDDB listings. Due to the presence Monterey Pine Forest habitat, eight sensitive plant species were considered potentially present but were not observed. As the survey occurred during the spring, it is expected that were any of these present they would have been observed. Therefore, it is concluded that they are not found on the project site. These species are as follows:

- San Francisco Collinsia (*Collinsia multicolor*)
- Seaside Bird's-Beak (*Cordylanthus rigidus ssp. littoralis*)
- Marsh Microseris (*Microseris paludosa*)
- Pine Rose (*Rosa pinetorum*)

- Pacific Grove Clover (*Trifolium polyodon*)
- Hickman's Onion (*Allium hickmanii*)
- Yadon's Rein Orchid (*Piperia yadonii*)
- Angel's Hair Lichen (*Ramalina thrausta*)

One sensitive species, Monterey Pine (*Pinus radiata*) was observed. This species is considered more fully below.

Monterey Pine (Pinus radiata)
CNPS 1B.1
Monterey pine is a closed cone pine tree with two or three needles per bundle (Kauffmann 2013). The type variety (*P. r.* var. *radiata*) is only found in three locations, in San Luis Obispo, Monterey, and Santa Cruz Counties. Another variety (*P. r.* var. *binata*) is found in Mexico on Guadalupe and San Cedros Islands. In its natural habitat, the tree grows on soils derived from sandstone, shale, and volcanic rocks near the coast (Keator 2002). In Santa Cruz County, Monterey pines are known to hybridize with knobcone pines (*P. attenuate*) (Neubauer 2013). It has been planted extensively throughout California, and is an important timber tree in Australia, New Zealand, Chile, and other countries (Perry 2004).

The subject parcel is located within the native Monterey pine forest in Monterey County, referred to as the Del Monte Forest. Monterey pines are found on the site, as well as on adjacent properties.

Wildlife
Nineteen special-status wildlife species were analyzed for their potential occurrence because they were documented in the CNDDB within five miles of the study area, as indicated in Figure 5 (CDFW 2020a). The study area is not within designated critical habitat for any wildlife species. (USFWS 2020b).

Two sensitive animal species have the potential to occur within the habitat areas of the proposed project, specifically Monterey Pine Forest, as follows:

- Hoary Bat (*Lasiurus cinereus*)
- Monarch Butterfly (*Danaus plexippus*)

These two species are considered more fully below.

Hoary Bat (Lasiurus cinereus)
Western Bat Working Group Medium Priority

The hoary bat is among the most wide-ranging mammals in North America, occurring throughout North America and into Argentina and Chile (Jameson and Peeters 2004). Habitat consists primarily of deciduous and coniferous forests and woodlands, including areas altered by humans. Foraging habitat includes various open areas, including spaces over water and along riparian corridors. Individuals may forage around lights in nonurban situations (Furlonger et al. 1987). Roost sites are usually in foliage of large deciduous or coniferous trees (Perry and Thill 2007).

Two records of hoary bat are included in the CNDDB within a 5-mile radius of the project site, one in Monterey and one in the Point Lobos Reserve. No information is provided concerning the date on which

or the habitat within which the bats were observed. Monterey pine trees observed onsite may be used as roosting habitat.

Monarch Butterfly (Danaus plexippus)
Federal Sensitive (Federal Candidate)
During the spring and summer breeding season, monarch butterflies disperse throughout the United States and southern Canada as successive generations migrate and expand north with the availability of suitable milkweeds as summer progresses. During winter, butterflies that primarily originate from west of the Rockies primarily fly to a series of roosting sites centered along coastal areas of south-central California (Jepsen and Black 2015), although some migrate to the Mexican roosts used by eastern monarchs (Brower and Pyle 2004, Lyons et al. 2012).

Monarchs lay their eggs only on plants on milkweeds (Asclepias spp.) and related genera. They use the plant's chemicals for their own defense against predators (Brower 1984), for pheromone production, and for other specific functions during their lifecycle (Brower et al. 2010, Agrawal et al. 2012). Adult monarchs are not directly dependent on milkweeds for food, although they benefit from milkweed-specific cardenolides and other chemicals sequestered during larval growth that make adults distasteful and toxic to predators. Both breeding and migrating adults sip nectar from many native and nonnative flowers including milkweeds, asters (Asteraceae spp.), forget-me-nots (Boraginaceae spp.), lilies (Liliaceae spp.), verbenas (Verbenaceae spp.), mallows (Ranunculacea spp.), wild carrots (Apiaceae spp.), legumes (Fabaceae spp.), goldenrod (Solidago spp.), clover (Trifolium spp.), alfalfa (Medicago spp.), and numerous others (Tooker et al. 2002, Brower et al. 2006).

Monarch butterflies in western North America migrate to overwintering sites in coastal California and coastal Mexico. In coastal California, most overwintering sites are dominated by exotic blue gum (Eucalyptus globulus) or red river gum (E. camaldulensis), although many sites also contain native trees such as Monterey pine (Pinus radiata), Monterey cypress (Cupressus macrocarpa), western sycamore (Platanus acemose) and other species. Recent research shows that monarchs do not prefer Eucalyptus over native tree species (Griffiths and Villablanca 2013), especially later in the season as storms become more severe.

All of the California sites are at low elevations (<300 ft) and in sheltered locations, and many occur within half a mile of the shoreline (Lane 1993). The sites shelter monarchs due to both canopy cover and local topography with most locations being in shallow canyons, gullies, or on the lee side of hills. Sites frequently occur where the coastline runs generally in an east-west direction offering protection from the predominate winds.

The Western monarch population estimated decline since the late 1990s is 74% (Pelton et al. 2016) though other studies have hypothesized higher declines since the 1980s (Schultz et al. 2017). Due to declining population estimates, the USFWS was petitioned in 2014 to list the monarch butterfly under the Endangered Species Act. USFWS is scheduled to decide on whether the listing of the monarch is warranted in December 2020.

Eight records of overwintering monarchs are found in the CNDDB, two at Point Lobos Reserve, three in Pacific Grove, one in Pebble Beach, one in Carmel, and one in Monterey. Of these, one of the Pt. Lobos locations has been extirpated, and one in Pacific Grove has been potentially extirpated. The extant populations in Pt. Lobos, Pacific Grove, and Pebble Beach were all noted to be using Monterey pines as habitat.

There have been no observations of monarch butterflies within the project area. In fact, all of the known locations where monarchs winter are within approximately 3,000 ft. of the Pacific Ocean, while the project location is over 7,000 ft. from the shoreline. Given that monarchs have not been seen utilizing the habitat, and that the location does not appear to be within the overwintering range of the butterfly, it is assumed that the species is not present at the site.

Designated Critical Habitat

The subject parcel is not within any federally designated critical habitat, however designated critical habitat for Yadon's rein orchid occurs across from Sunridge Rd. on an adjacent parcel near the site, as shown in Figure 6. As indicated under ***Vegetation*** above, this species was not observed within the study area. Due to the relatively disturbed nature of the understory of the Monterey Pine Forest, Yadon's rein orchid is not expected to occur on the site.

Nesting Birds

Although no sensitive bird species that might use the Monterey Pine Forest as nesting habitat were identified in the CNDDB, nesting migratory birds are protected under both Federal and State law (see ***Regulatory Context*** below). Several such species are known to occur within the Del Monte Forest (Tenney 2003).

Summary of Environmentally Sensitive Habitat / Species Onsite

One environmentally sensitive habitat, Monterey Pine Forest, was observed onsite.

Thirty-eight plant species were considered as part of this study. Of these, nine were considered potentially present within the Monterey Pine Forest habitat. A botanical survey was performed as part of the site visit, and only one of these species, Monterey Pine, was observed. It was determined that eight of the species are not present, nor are they likely to be present due to the relatively disturbed nature of the habitat understory. Table 5 summarizes the sensitive plants potentially and actually found on the site.

Nineteen wildlife species were considered as part of this study. Of these, two were determined to have potential habitat within the study area, one of which, hoary bat, is considered to potentially utilize that habitat within the project area. In addition, migratory birds may use Monterey pines as nesting habitat. Table 6 summarizes the sensitive wildlife potentially present on the site.

IMPACT ANALYSIS

The following analysis is for discussion purposes only. The final determination for thresholds of significance, significance of impacts, and appropriate mitigation measures is made by the Lead Agency, as defined under CEQA. For this project, the Lead Agency is presumed to be the County of Monterey, with any actions taken potentially subject to appeal to the California Coastal Commission.

Regulatory Context

Federal and California Endangered Species Act

Both the federal and California state government have enacted Endangered Species Acts, which provide protections to plants or animals that are at risk of extinction. Listing generally protects a species from "take," which includes killing, harassing, or destroying habitat that directly harms the species. The

federal act protects animals, including invertebrates, but not plants. The state act protects animals and plants, but not invertebrates. Either the US Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) administers the federal act. The California Department of Fish and Wildlife (CDFW) administers the state act.

Under the Federal Endangered Species Act, a project that causes "take" of a listed endangered species requires that a permit be issued. Section 10 of the federal act allows for issuance of a take permit under the condition that the take is part of an otherwise lawful activity, and a habitat conservation plan has been accepted by the appropriate agency. When a federal action is required as part of a project, (such as an ACOE wetland permit is issued in endangered species habitat), Section 7 requires that the federal agency taking said action must consult with the agency with jurisdiction over the endangered species. A determination must be made that the action will not put an endangered species in jeopardy, which is a higher threshold than take. Take can then be authorized through the issuance of a Biological Opinion.

The California Endangered Species Act allows CDFW to issue an incidental take permit for a State listed threatened and endangered species only if specific criteria are met. These criteria are as follows:

- The authorized take is incidental to an otherwise lawful activity;
- The impacts of the authorized take are minimized and fully mitigated;
- The measures required to minimize and fully mitigate the impacts of the authorized take:
    a. are roughly proportional in extent to the impact of the taking on the species,
    b. maintain the applicant's objectives to the greatest extent possible, and
    c. are capable of successful implementation;
- Adequate funding is provided to implement the required minimization and mitigation measures and to monitor compliance with and the effectiveness of the measures; and
- Issuance of the permit will not jeopardize the continued existence of a State-listed species.

CDFW will typically require a mitigation plan, which may or may not be a habitat conservation plan.

Under federal law, "take" is defined as: "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Under state law, take means "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Both Act have been used to protect not only the individuals of a species, but their habitat as well.

Federal Migratory Bird Act / California Fish and Game Code 3503 and 3515

The Federal Migratory Bird Treaty Act regulates or prohibits taking, killing, and possession of migratory bird species and their nests as listed in Title 50 Code of Federal Regulation (CFR) Section 10.13. Bird species and their nests are also protected under Sections 3515 of the California Fish and Game Code. Members of the orders Falconiformes and Strigiformes (birds-of-prey) are protected under California Fish and game Code Section 3503.

California Environmental Quality Act (CEQA)

CEQA applies to any project that requires a discretionary permit. Among other things, the law provides the steps that a proposed project must go through in order to assure that impacts to special status species are considered in the planning process.

Special-Status species are defined as plants and wildlife that may meet one or more of the following:

- Legally protected under the Federal Endangered Species Act and/or California Endangered Species Act or under other regulations;
- Considered sufficiently rare by the scientific community to qualify for such listing; or,
- Considered sensitive because they are unique, declining regionally or locally, or at the extent of their natural range.

Under CEQA, the "lead agency" is the local or state governmental agency that has the principal responsibility for carrying out or approving the activity. All other local or state agencies with discretionary approval authority are "responsible agencies." For example, if a City grading permit is necessary for a project, the City government would likely be the Lead Agency. If grading will occur in a wetland, Responsible Agencies might include CDFW and RWQCB.

The lead agency must determine first whether the activity is exempt from CEQA. “Categorical exemptions” relate to any of several categories of projects that are automatically exempt. “Statutory exemptions” are those exemptions that have been enacted by a specific Act of the Legislature. Projects which are not exempt, but which have been adequately addressed during a previous CEQA process do not require additional analysis

If the activity is not exempt, the lead agency must prepare an environmental document, which will be a negative declaration, a mitigated negative declaration, or an environmental impact report (EIR). A lead agency is entitled to recover all of its CEQA-related costs from the applicant.

The vast majority of projects are approved via a negative declaration (no environmental impact expected) or a mitigated negative declaration (environmental impacts have been mitigated to a less than significant level). If a significant environmental impact is identified during the initial phase of the CEQA process, then an Environmental Impact Report will be required.

CEQA is oriented towards greater public review and awareness of projects, so if a project is controversial, the lead agency is likely to require greater environmental analysis than would be necessary on uncontested projects.

California Coastal Act

The entire study area occurs within the Coastal Zone as defined under the California Coastal Act. Development proposals within the Coastal Zone are required to obtain a Local Development Permit (LDP) and are subject to the policies within the applicable Local Coastal Plan (LCP). Issuance of an LDP can be appealed to the California Coastal Commission (CCC).

Thresholds of Significance

For this analysis, significant impacts are those that substantially affect either:

- A species (or its habitat) identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- Riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS
- Federally protected wetlands as defined by Section 404 of the Clean Water Act

- Movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede use of native wildlife nursery sites
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation plan, or other approved local, regional, or state habitat conservation plan.

History of Parcel Zoning

The subject parcel is covered by the Del Monte Forest Land Use Plan within the Pescadero Planning Area, as indicated in Figure 7 (Monterey County 2020).

On September 23, 2019, Monterey County issued a Memorandum to the project proponent that provides a detailed analysis of the history of land use and zoning of the parcel. This Memorandum is included as Appendix 4.

According to the Memorandum, the property was developed with a single-family residence, guesthouse, and accessory structures in 1949. In 1969 the parcel received its first land use designation and zoning classification of Residential-1 (R-1). In 1988, when the zoning consistent with the local Land Use Plan was implemented, adjacent properties that were subdivided in the 1946 – 1948 timeframe were zoned as Medium Density (MDR/4-D (CZ)), the subject parcel was zoned as Resource Conservation (RC-D (CZ)). Within the Memorandum it states:

> *"Although already developed with structures and having been in residential land use for approximately 39 years, the subject parcel was included with adjacent Open Space and Forest parcels zoned RC-D.(CZ). There is no record or explanation as to why the subject parcel received RC versus MDR zoning in 1988. One possible explanation is that the subject parcel is located within the Pescadero sub-planning area which is primarily comprised of a large area zoned RC, while the parcels in Del Monte Forest Subdivisions #1 and #2 are located in the Huckleberry Hill sub-planning area."*

Figure 8 shows the Preservation Area that was proposed for the Del Monte Forest within the Pescadero Planning Area. Figure 9 shows a close-up of the Pescadero Planning Area. This illustrates the conclusion reached by Monterey County. Specifically, although the subject parcel was not included within the proposed Forest Preservation Area, it was included as Open Space – Forest on the planning area map. Figure 10 shows the adjacent Huckleberry Hill Planning Area detail map, where it is seen that the other developed parcels adjacent to the location of the proposed project are zoned Residential – Medium Density (MDR).

Potential Project Impacts

The proposed change to the zoning of the subject parcel is unlikely to have a significant environmental impact. Although the parcel contains sensitive habitat and plant species, and provides potential habitat for sensitive animal species, the proposed change in zoning from RC-D (CZ) to MDR-4-D (CZ) will merely bring the parcel's zoning into compliance with the existing land use. Since the parcel will still have a CZ (Coastal Zone) overlay, it will still be subject to the same protections and restrictions that other small developed parcels within the Del Monte Forest Planning Area are subject to. The parcel has been developed since at least 1949, and so though it supports Monterey Pines, it has experienced over 70 years of direct human impacts. Therefore, allowing the parcel to be rezoned will have no significant environmental impact.

CONCLUSION

It is expected that the rezoning of APN 008-053-001 from RC-D (CZ) to MDR-4-D (CZ) will not significantly impact any present or potentially present sensitive environmental resources. The proposed change in land use designation would not lessen the protection of sensitive habitat or species, nor would the existing land use of the subject parcel change substantially. In the event that sensitive animal species occur within the parcel, the LUP will provide effective protection. Toyon Consultants therefore concludes that both County of Monterey and the California Coastal Commission should find that the proposed change would not cause a negative effect to the environment, and so the change in zoning should be approved.

LEGAL DISCLAIMER

Because final land use decisions are determined by the appropriate management agencies, Toyon Consultants makes no claims, either explicit or implicit, concerning the final determination of the necessity or adequacy of any actions to be taken as part of the mitigation for this site. While every attempt has been made to identify and mitigate for impacts caused by the proposed project, new observations and changing conditions on the project site may cause changes to the final determination.

The findings presented herein are for information purposes only and do not represent a formal interpretation of State, Federal or County laws or ordinances pertaining to permitting actions within sensitive habitat or endangered species habitat. The interpretation of such laws and/or ordinances is the responsibility of the applicable governing body.

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APPENDIX 1: TABLES

Table 1: Dominant Species within Habitat Areas		
Habitat Area	**Area**	**Dominant Species**
Cape Ivy	0.039 acres	*Delairea odorata*
Developed	0.204 acres	None
Monterey Pine	0.605 acres	*Pinus radiata*
Non-native Grassland	0.030 acres	
Poison Oak	0.049 acres	*Toxicodendron diversilobum*

Table 2: Plant Species Observed During Site Visit (April 14, 2020)			
Family	**Species Name**	**Common Name**	**Native**
Fabaceae	Acacia sp.	Acacia	n
Ericacaea	Arbutus menziesii	Madrone	y
Poaceae	Avena fatua	Oat Grass	n
Poaceae	Briza maxima	Rattlesnake Grass	n
Poaceae	Bromus diandrus	Ripgut grass	n
Asteraceae	Cirsium vulgare	Bull Thistle	n
Portulacaceae	Claytonia perfoliata	Miner's Lettuce	y
Apiaceae	Conium maculatum	Poison hemlock	n
Crassulaceae	Crassula ovata	Jade	n
Asteraceae	Delairea odorata	Cape Ivy	n
Myrtaceae	Eucalyptus globulus	Blue Gum Eucalyptus	n
Rubiaceae	Galium parisiense	Wall Bedstraw	n
Fabaceae	Genista monspessulana	French broom	n
Araliaceae	Hedera helix	English Ivy	n
Juncaceae	Juncus patens	Spreading Rush	y
Cucurbitaceae	Marah fabacea	Wild cucumber, man-root	y
Fabaceae	Medicago sp.	Bur Clover	n
Oxalidaceae	Oxalis pes-caprae	Bermuda Buttercup	n
Pinaceae	Pinus radiata	Monterey Pine	y
Poaceae	Poa annua	Annual Bluegrass	n
Fagaceae	Quercus agrifolia	Coast Live Oak	y
Lamiaceae	Rosemarinus officinalis	Rosemary	n
Rosaceae	Rubus ursinus	California blackberry	y
Crassulaceae	Sedum praealtum	Green Cockscomb	n
Asteraceae	Sonchus asper	Prickly sow-thistle	n
Lamiaceae	Stachys bullata	California hedge nettle	y
Anacardiaceae	Toxicodendron diversilobum	Poison Oak	y

Table 3: Plants found in CNDDB (April 2020)			
Scientific Name	**Common Name**	**Status***	**Presence**
DICOT			
Arctostaphylos hookeri ssp. hookeri	Hooker's manzanita	FS, 1B.2	Not present – no *Arctostaphylos* sp. observed
Arctostaphylos montereyensis	Toro manzanita	FS, 1B.2	Not present – no *Arctostaphylos* sp. observed
Arctostaphylos pajaroensis	Pajaro manzanita	FS, 1B.1	Not present – no *Arctostaphylos* sp. observed
Arctostaphylos pumila	sandmat manzanita	Fs, 1B,2	Not present – no *Arctostaphylos* sp. observed
Astragalus tener var. titi	coastal dunes milk-vetch	FE, CE, 1B.1	Not present – no habitat (sandy soils)
Castilleja ambigua var. insalutata	pink Johnny-nip	1B,1	Not present – no habitat (coastal prairie, coastal scrub)
Chorizanthe pungens var. pungens	Monterey spineflower	FT, 1B.2	Not present – no habitat (sandy soils)
Clarkia jolonensis	Jolon clarkia	FS, 1B.2	Not present – no habitat (coastal prairie)
Collinsia multicolor	San Francisco collinsia	1B.2	Potentially present in Monterey Pine Forest, not observed
Cordylanthus rigidus ssp. littoralis	seaside bird's-beak	FS, CE, 1B.1	Potentially present in Monterey Pine Forest, not observed
Delphinium hutchinsoniae	Hutchinson's larkspur	FS, 1B.2	Not present – no habitat (sandy openings)
Ericameria fasciculata	Eastwood's goldenbush	FS, 1B.1	Not present – no habitat (coastal scrub, chaparral)
Erysimum ammophilum	sand-loving wallflower	FS, 1B.2	Not present – no habitat (coastal dunes)
Erysimum menziesii	Menzies' wallflower	FE, CE, 1B.1	Not present – no habitat (coastal dunes)
Gilia tenuiflora ssp. arenaria	Monterey gilia	FE, CT, 1B.2	Not present – no habitat (sandy soils)
Horkelia cuneata var. sericea	Kellogg's horkelia	1B.1	Not present – no habitat (sandy soils)
Layia carnosa	beach layia	FE, CE, 1B.1	Not present – no habitat (coastal dunes, coastal scrub)
Lupinus tidestromii	Tidestrom's lupine	FE, CE, 1B.1	Not present – no habitat (sandy openings)

***STATUS**

FEDERAL
FE = Listed as "Endangered"
FT = Listed as "Threatened"
FS = Listed as "Sensitive" by the Bureau of Land Management And/or the Forest Service

STATE
CE = Listed as "Endangered"
CT = Listed as "Threatened"
CR = Listed as "Rare" Species List

OTHER
CNPS RANK
1B = Rare, threatened, or endangered in California and elsewhere
2B = Rare, threatened, or endangered in California, common elsewhere
4 = Watch list: Plants of limited distribution
THREAT 0.1 = Seriously threatened in California
THREAT 0.2 = Fairly threatened in California

Table 3: Plants found in CNDDB (April 2020)			
Scientific Name	**Common Name**	**Status***	**Presence**
Malacothamnus palmeri var. involucratus	Carmel Valley bush-mallow	FS, 1B.2	Not present – no habitat (chaparral, coastal scrub)
Microseris paludosa	marsh microseris	1B.2	Potentially present in Monterey Pine Forest, not observed
Monardella sinuata ssp. nigrescens	northern curly-leaved monardella	1B.2	Not present – no habitat (coastal dunes, coastal scrub)
Monolopia gracilens	woodland woollythreads	1B.2	Not present – no habitat (serpentine grasslands)
Potentilla hickmanii	Hickman's cinquefoil	FE, CE, 1B.1	Not present – no habitat (wetlands)
Rosa pinetorum	pine rose	1B.2	Potentially present in Monterey Pine Forest, not observed
Sidalcea malachroides	maple-leaved checkerbloom	4.2	Not present – No habitat (coastal prairie, mixed evergreen, redwood))
Stebbinsoseris decipiens	Santa Cruz microseris	1B.2	Not present – no habitat (open areas)
Trifolium buckwestiorum	Santa Cruz clover	FS, 1B.1	Not present – no habitat (grasslands)
Trifolium hydrophilum	saline clover	1B.2	Not present – no habitat (vernal pools, wetlands)
Trifolium polyodon	Pacific Grove clover	CR, 1B.1	Potentially present in Monterey Pine Forest, not observed
Trifolium trichocalyx	Monterey clover	FE, CE, 1B.1	Not present – no habitat (sandy open areas)
MONOCOTS			
Allium hickmanii	Hickman's onion	1B.2	Potentially present in Monterey Pine Forest, not observed
Fritillaria liliacea	fragrant fritillary	FS, 1B.2	Not present – no habitat (serpentine)
Piperia yadonii	Yadon's rein orchid	FE, 1B.1	Potentially present in Monterey Pine Forest, not observed

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Table 3: Plants found in CNDDB (April 2020)			
Scientific Name	**Common Name**	**Status***	**Presence**
GYMNOSPERM			
Hesperocyparis goveniana	Gowen cypress	FT, 1B.2	Potentially present in Monterey Pine Forest, not observed
Hesperocyparis macrocarpa	Monterey cypress	1B.2	Not present – no habitat (coastal bluffs)
Pinus radiata	Monterey pine	1B.1	Present – species observed onsite
LICHEN			
Bryoria spiralifera	twisted horsehair lichen	1B.1	Not present – no habitat (coastal)
Ramalina thrausta	angel's hair lichen	2B.1	Potentially present – on dead conifer twigs, not observed

***STATUS**

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4 = Watch list: Plants of limited distribution
THREAT 0.1 = Seriously threatened in California
THREAT 0.2 = Fairly threatened in California

Table 4: Animals found in CNDDB (April 2020)			
Scientific Name	**Common Name**	**Status***	**Presence**
MAMMALS			
Lasiurus cinereus	hoary bat	WBWG-M	Potentially present in Monterey Pine Forest
Reithrodontomys megalotis distichlis	Salinas harvest mouse	LO	Not present – only known from Salinas River mouth
Sorex ornatus salarius	Monterey shrew	SSC	Not present – only known from Salinas River Delta
Taxidea taxus	American badger	CSSC	Not present – No habitat (grassland)
BIRDS			
Athene cunicularia	burrowing owl	FBCC, FS, CSSC,	Not present – No habitat (grassland)
Charadrius alexandrinus nivosus	western snowy plover	FT, FBCC, CSSC, NABCI-R	Not present – No habitat (beach)
Coturnicops noveboracensis	yellow rail	FBCC, FS, CSSC, NABCI-R	Not present – No habitat (coastal marsh)
Cypseloides niger	black swift	FBCC, CSSC, NABCI-Y	Not present – No nesting habitat (cliffs)
Laterallus jamaicensis coturniculus	California black rail	FBCC, FS, CFP, CT NABCI-R	Not present – No habitat (tidal salt marsh)
Pelecanus occidentalis californicus	California brown pelican	FS, CFP	Not present – No habitat (oceanic)
REPTILES			
Emys marmorata	western pond turtle	FS, CSSC	Not present – No habitat onsite (perennial creeks and ponds)

***LISTING CODES**

Federal
FE = Federal Endangered
FT = Federal Threatened
FS = Federally Sensitive (BLM and/or USFS)
FSC = Federal Species of Concern
FBCC = USFWS Bird of Conservation Concern

State
CFP = Fully Protected
CE = California Endangered
CT = California Threatened
CC= California Candidate
CWL = CDFW watch List
CDF-S = Sensitive by the Ca. Dept. of Forestry
CSSC = Species of Special Concern
CCWL = CDFW Watchlist

Other
WBWG = Western Bat Working Group
H = High Priority; M = Medium Priority
NABCI = North American Bird Conservation Initiative
R – Red Watch List
Y – Yellow Watch List
LO = Listed on CNDDB only; no other listing status

AMPHIBIANS			
Ambystoma californiense	California tiger salamander	FT, CT, CWL	Not present – No habitat (grasslands with burrowing mammal holes)
Rana boylii	foothill yellow-legged frog	CC, FS, CSSC	Not present – No habitat (creeks and ponds)
Rana draytonii	California red-legged frog	FT, CSSC	Not present – No breeding habitat (creeks and ponds), no known breeding population within two miles
Taricha torosa	Coast Range newt	CSSC	Not present – No breeding habitat (creeks and pond), no known breeding population within two miles
INVERTEBRATES			
Bombus caliginosus	obscure bumble bee	LO	Not present – No habitat (grassland)
Coelus globosus	globose dune beetle	LO	Not present – No habitat (sand dunes)
Danaus plexippus	monarch butterfly	FS	Not present – although potentially present in Monterey Pine Forest, none have been observed and the site is further from the ocean than any known local population (see discussion under ***Wildlife***)
Euphilotes enoptes smithi	Smith's blue butterfly	FE	Not present – No habitat (coastal scrub), lack of obligate breeding plant (*Eriogonum parvifolium* – seacliff buckwheat)

***LISTING CODES**

Federal	**State**	**Other**
FE = Federal Endangered	CFP = Fully Protected	WBWG = Western Bat Working Group
FT = Federal Threatened	CE = California Endangered	H = High Priority; M = Medium Priority
FS = Federally Sensitive	CT = California Threatened	NABCI = North American Bird Conservation Initiative
(BLM and/or USFS)	CC= California Candidate	R – Red Watch List
FSC = Federal Species of	CWL = CDFW watch List	Y – Yellow Watch List
Concern	CDF-S = Sensitive by the Ca. Dept. of Forestry	LO = Listed on CNDDB only; no other listing status
FBCC = USFWS Bird of	CSSC = Species of Special Concern	
Conservation Concern	CCWL = CDFW Watchlist	

Table 5: Summary of Sensitive Plant Species Potentially Present		
Species Name	**Common Name**	**Potential Presence***
Allium hickmanii	Hickman's Onion	Not present
Collinsia multicolor	San Francisco Collinsia	Not present
Cordylanthus rigidus ssp. littoralis	Seaside Bird's-Beak	Not present
Microseris paludosa	Marsh Microseris	Not present
Pinus radiata	Monterey Pine	Present
Piperia yadonii	Yadon's Rein Orchid	Not present
Ramalina thrausta	Angel's Hair Lichen	Not present
Rosa pinetorum	Pine Rose	Not present
Trifolium polyodon	Pacific Grove Clover	Not present
* All species potentially found in Monterey Pine Forest; only those species observed during April 14, 2020 survey are considered present		

Table 6: Summary of Sensitive Wildlife Species Potentially Present		
Species Name	**Common Name**	**Potential Presence**
Lasiurus cinereus	Hoary Bat	Potential roosting in Monterey Pine
Danaus plexippus	Monarch Butterfly	Potential winter roosting in Monterey Pine
Misc. Bird Species	N/A	Potential nesting habitat in Monterey Pines

APPENDIX 2: FIGURES

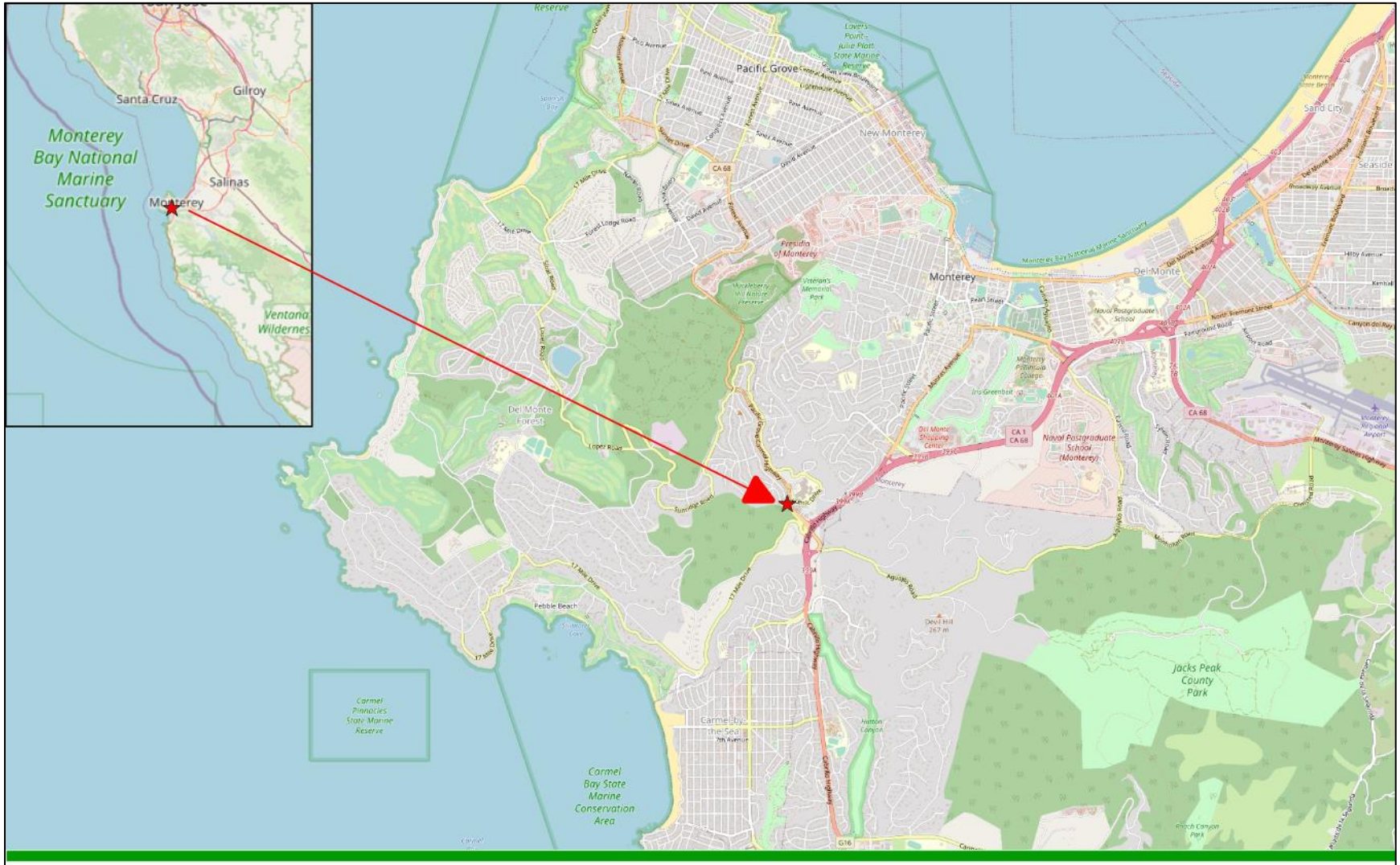

Figure 1: Project Location
4209 Sunridge Rd., Pacific Grove, Monterey County, California (APN: 008-053-001)

Data Source: Open Street Maps, Toyon Consultants

Toyon Consultants

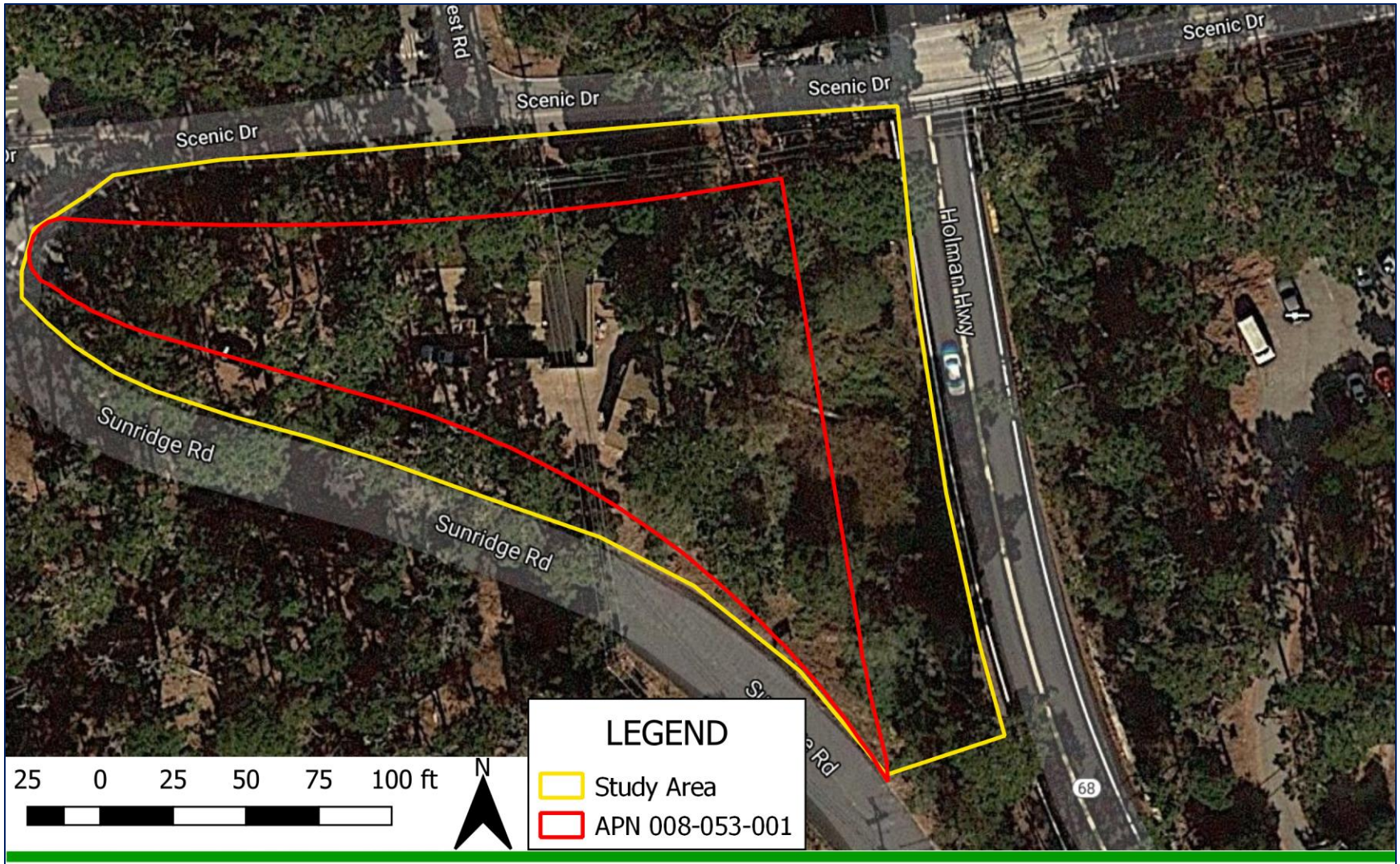

Figure 2: Property Boundaries and Study Area
4209 Sunridge Rd., Pacific Grove, Monterey County, California (APN: 008-053-001)

Data Source: Google Hybrid, Monterey County APN, Toyon Consultants

Toyon Consultants

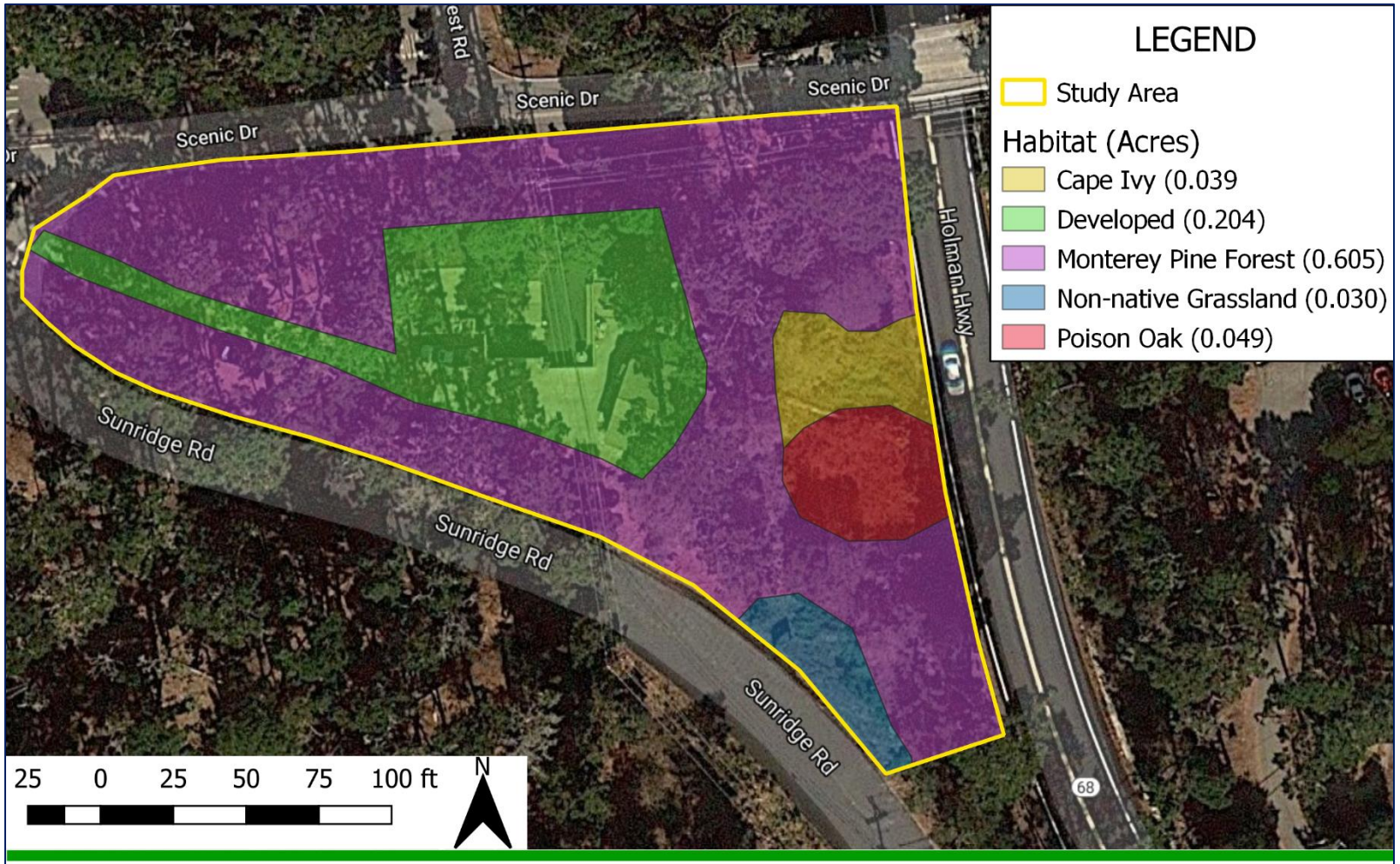

Figure 3: Habitat Areas within Study Area
4209 Sunridge Rd., Pacific Grove, Monterey County, California (APN: 008-053-001)

Data Source: Google Hybrid, Toyon Consultants

Toyon Consultants

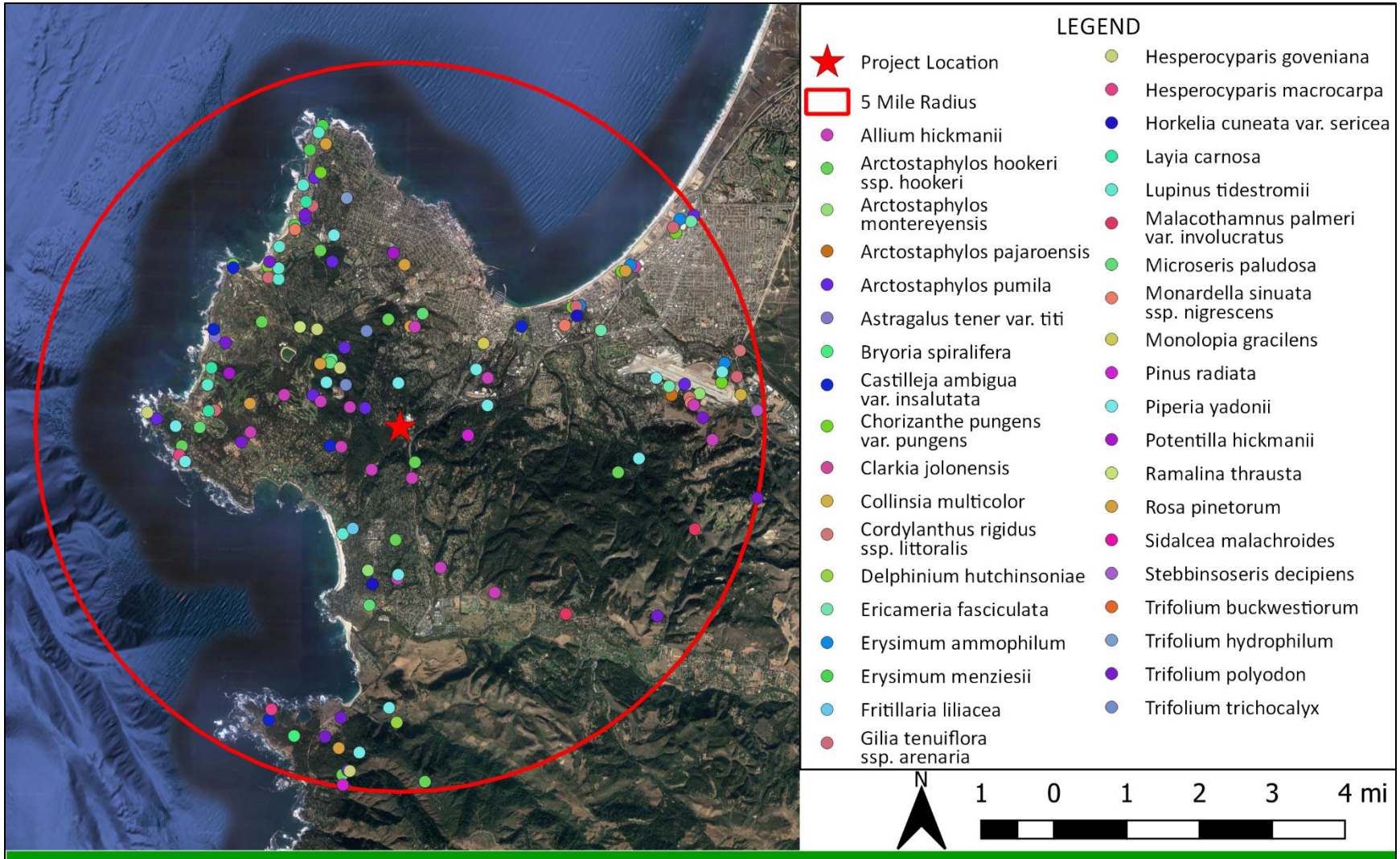

Figure 4: Sensitive Plant Species found within 5 Miles of the Study Area as found in the CNDDB
(CNDDB Data from April 2020)
4209 Sunridge Rd., Pacific Grove, Monterey County, California (APN: 008-053-001)

Data Source: Google Sattleite, California Natural Diversity Database (April 2020)

Toyon Consultants

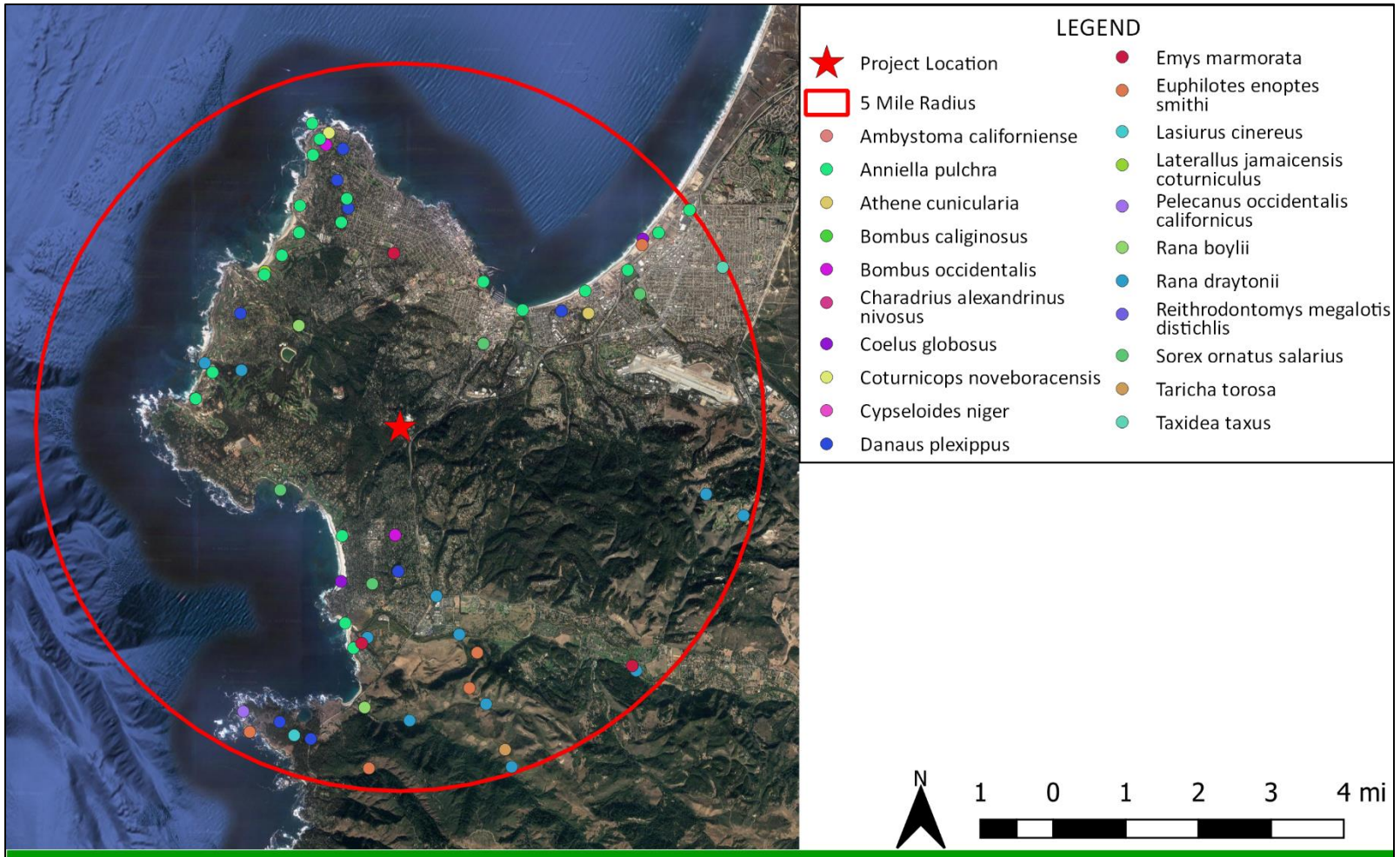

Figure 5: Sensitive Animal Species found within 5 Miles of the Study Area as found in the CNDDB
(CNDDB Data from April 2020)
4209 Sunridge Rd., Pacific Grove, Monterey County, California (APN: 008-053-001)

Data Source: Google Sattleite, California Natural Diversity Database (April 2020)

Toyon Consultants

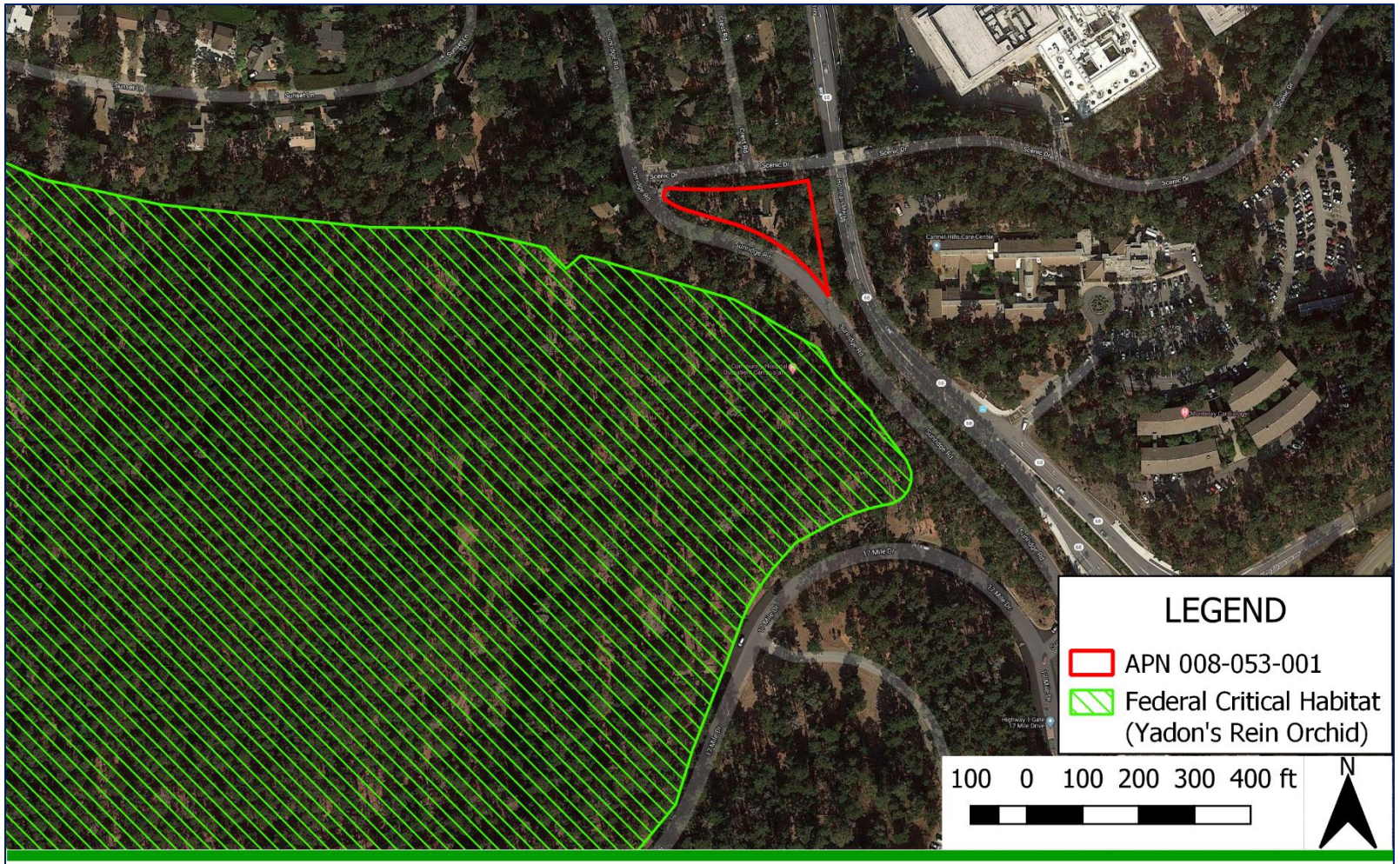

Figure 6: Federally Designated Critical Habitat for Yadon's Rein Orchid (*Piperia yadonii*) Near Project Site
4209 Sunridge Rd., Pacific Grove, Monterey County, California (APN: 008-053-001)

Data Source: Google Hybrid, USFWS Critical Habitat, Monterey County APN

Toyon Consultants

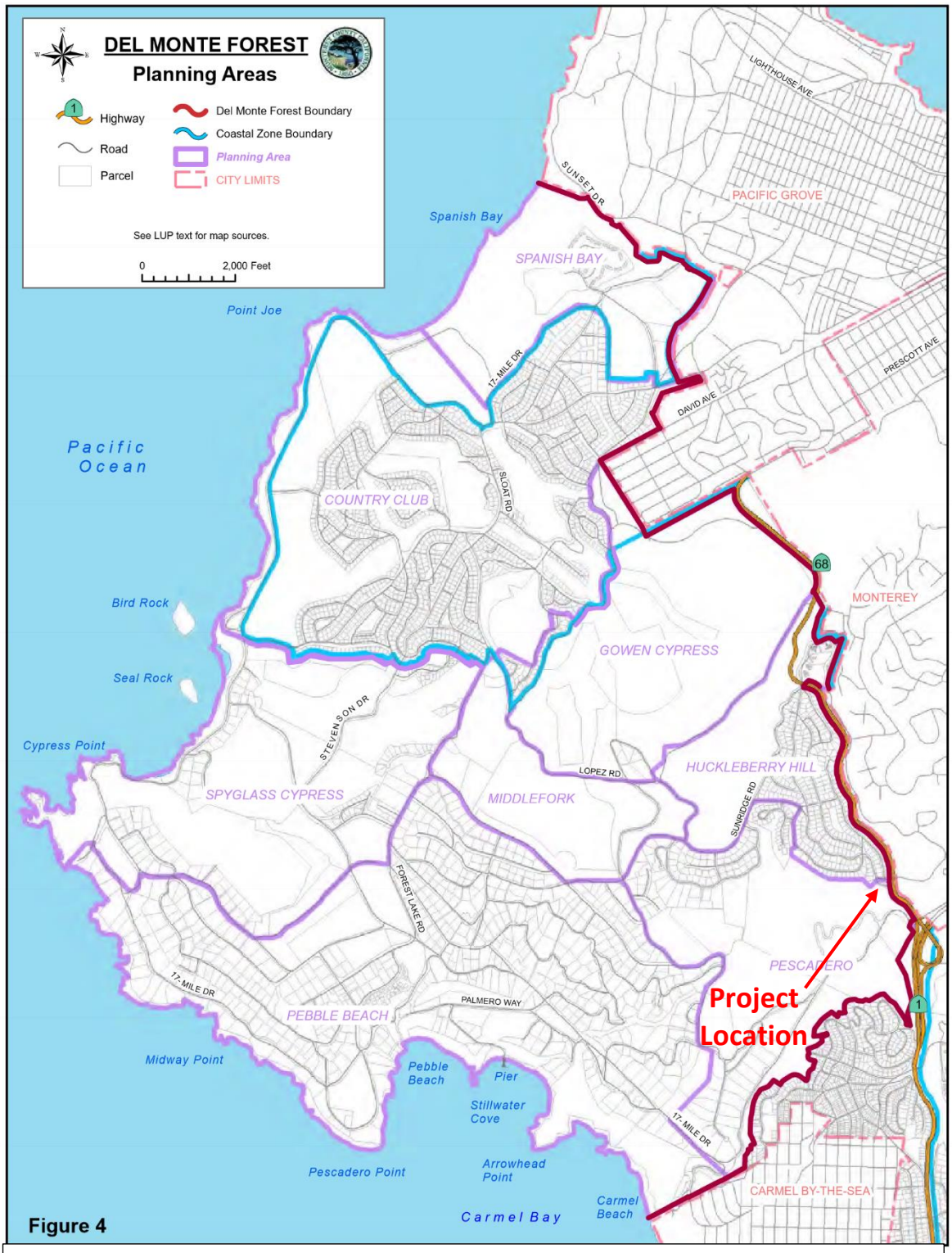

Figure 7: Del Monte Forest Planning Areas (Monterey County 2020)
Project location added by Toyon Consultants

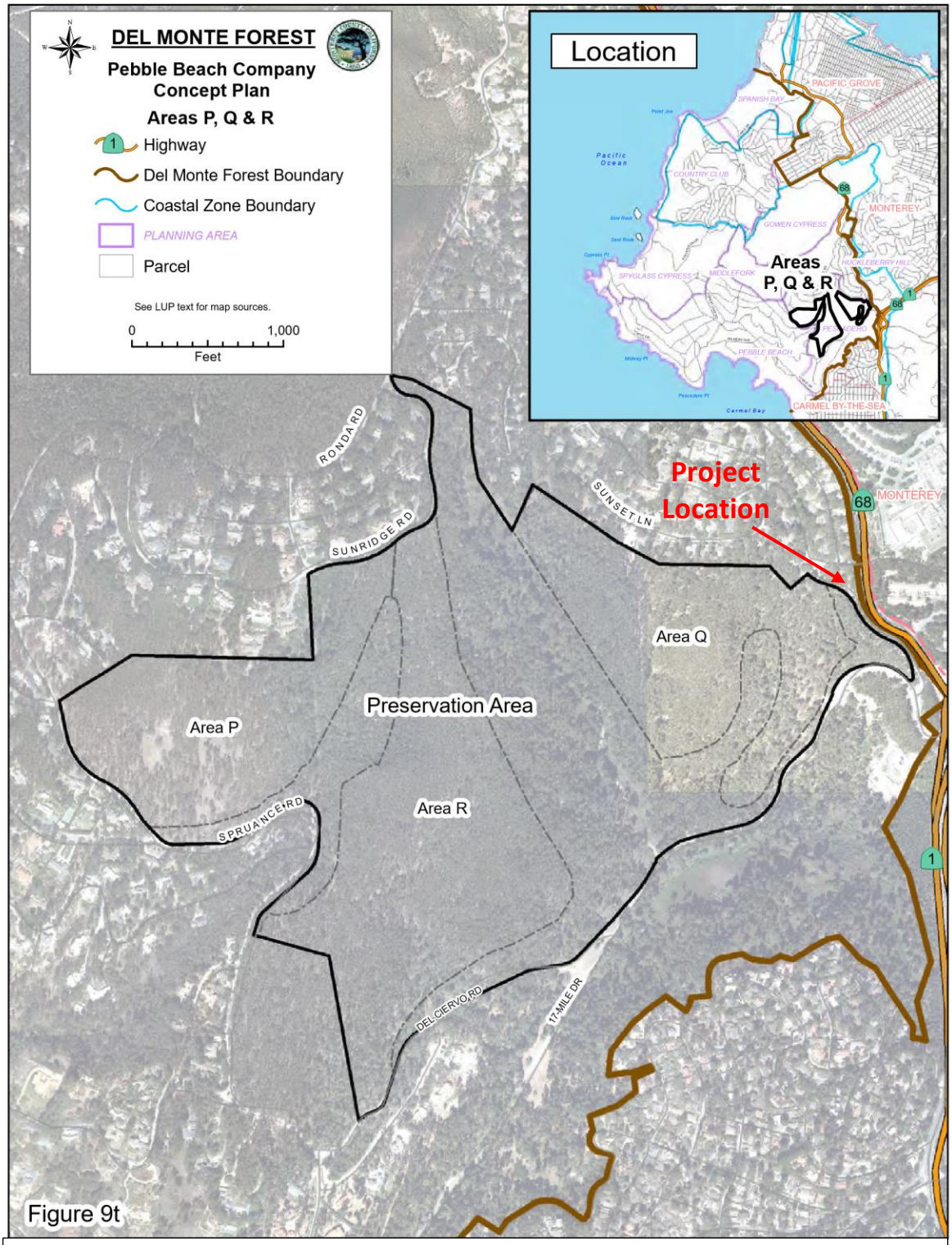

Figure 8: Del Monte Forest Proposed Forest Preservation Area (Monterey County 2020)
Note that the Project Location is outside of the proposed Preservation Area
Project location added by Toyon Consultants

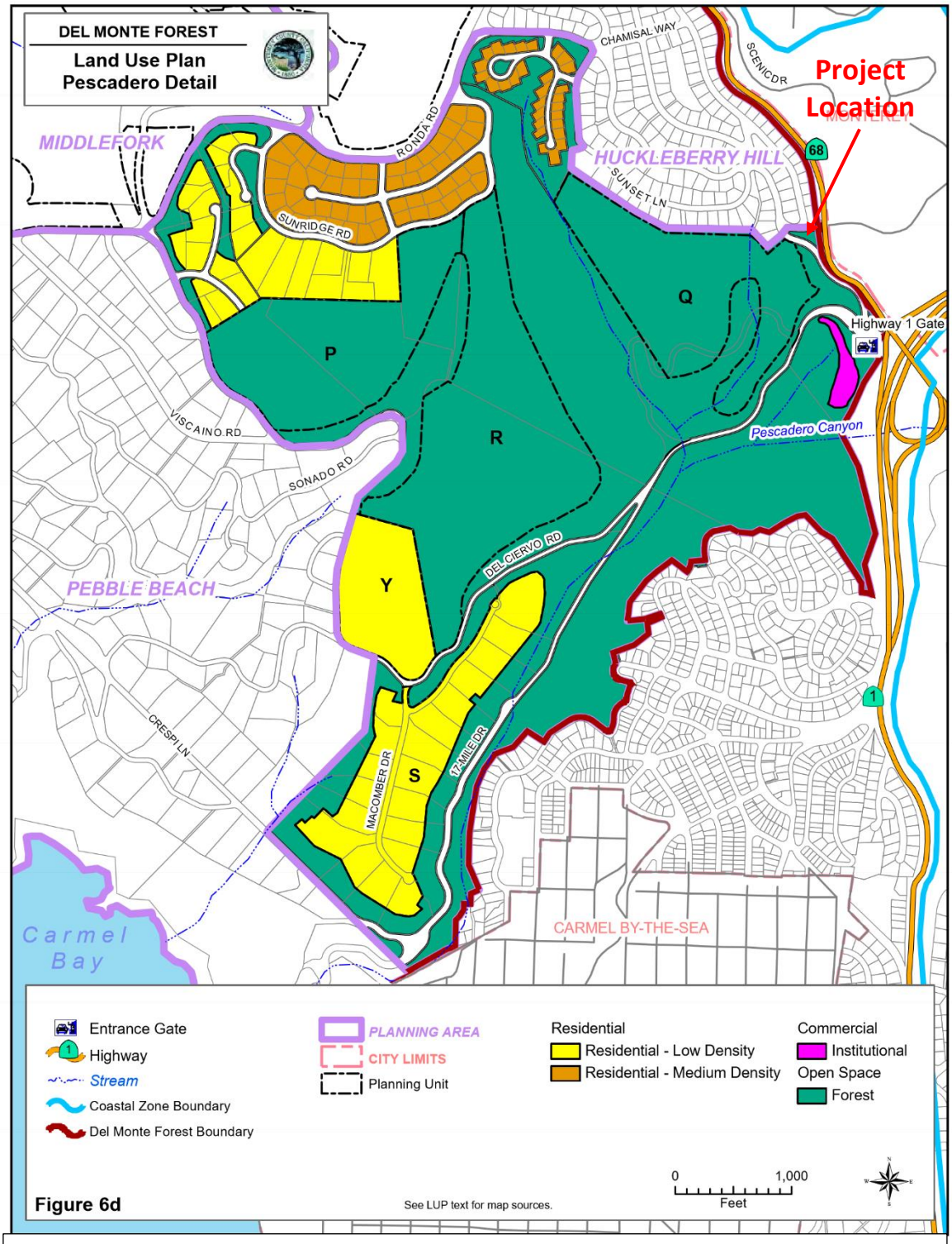

Figure 9: Del Monte Forest Land Use Plan Pescadero Detail (Monterey County 2020)
Note that the Project Location is within area identified as Open Space – Forest, not one of the Residential Areas
Project location added by Toyon Consultants

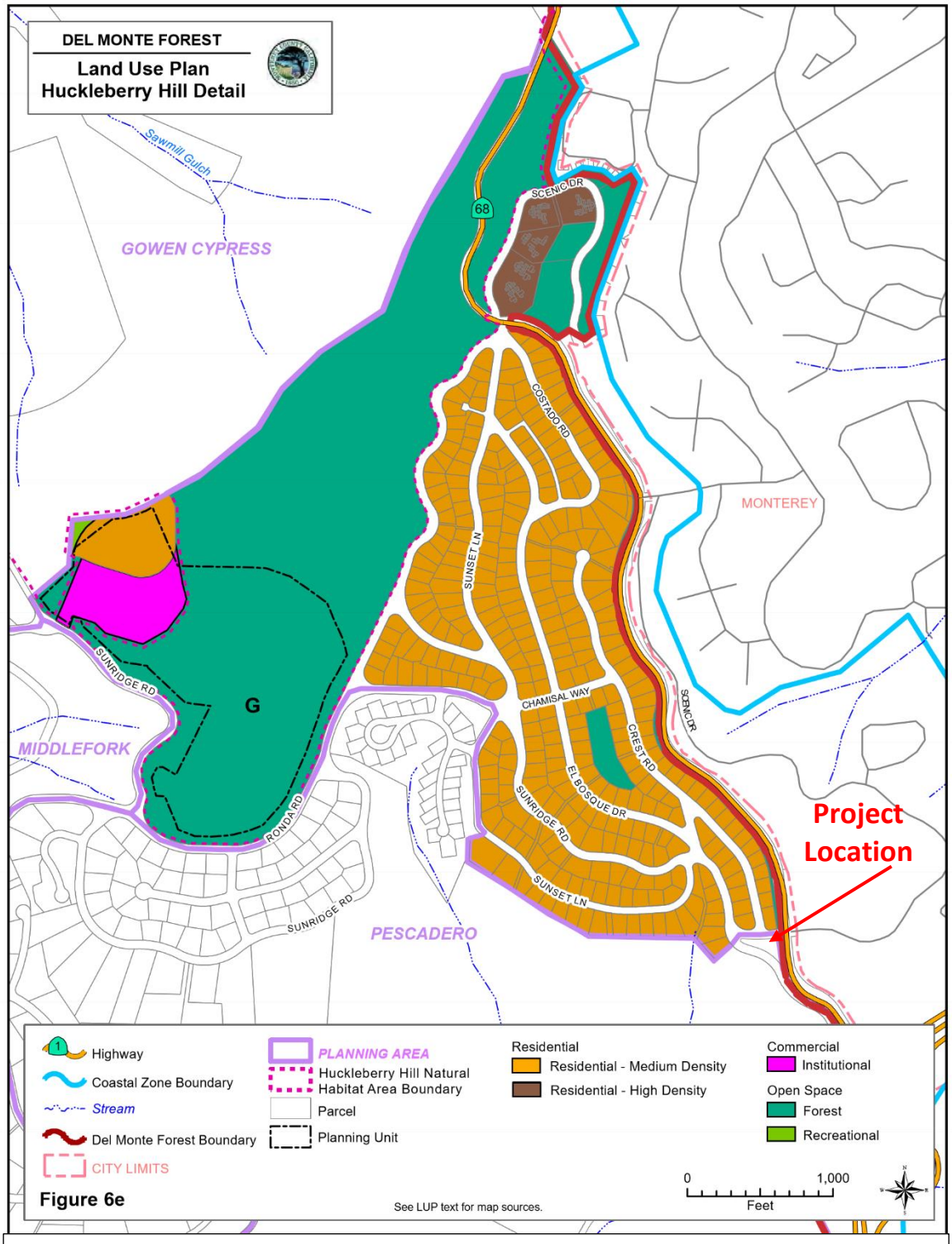

Figure 9: Del Monte Forest Land Use Plan Huckleberry Hill Detail (Monterey County 2020)
Note that the Project Location is adjacent to parcels zoned for Residential – Medium Density
Project location added by Toyon Consultants

APPENDIX 3: PHOTOS

PHOTO 1: Cape Ivy Habitat (front) and Poison Oak Habitat (rear). Photo dated April 14, 2020

PHOTO 2: Developed Area , Looking from Northwestern Edge of Property. Photo dated April 14, 2020

PHOTO 3: Developed Area , Looking from Northwestern Edge of Property. Photo dated April 14, 2020

PHOTO 4: Monterey Pine Forest, Typical. Photo dated April 14, 2020

PHOTO 5: Monterey Pine Forest with Coast Live Oak Understory. Photo dated April 14, 2020

PHOTO 6: Non-native Grassland Habitat. Photo dated April 14, 2020

APPENDIX 4: LETTER FROM MONTEREY COUNTY

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
Carl P. Holm, AICP, Director

LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS

1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

(831)755-4800
www.co.monterey.ca.us/rma

MEMORANDUM

Date: September 23, 2019

To: RMA Chief of Planning
RMA Deputy Director of Land Use and Community Development

From: RMA-Planning Staff

Subject: Fee Waiver Request – Rezone of Assessor's Parcel Number 008-053-001-000/Stewart

Monterey County RMA-Planning received the attached fee waiver request for a rezone of the subject property. The following provides background information regarding the request:

The subject parcel is located at the intersections of Sunridge Road, Los Altos Drive, and Highway 68 - near the Highway 1 entrance to Pebble Beach. The triangular-shaped property is approximately 21,670 square feet. Existing structures include a single-family dwelling, guesthouse, and minor accessory structures totaling approximately 1,961 square feet. The parcel is zoned Resource Conservation with a Design Control overlay, and is located within the Coastal Zone [RC-D (CZ)]. The applicant requests a waiver of fees for the re-designation and rezoning of the parcel from Resource Conservation (RC) to Medium Density Residential (MDR).

The area surrounding the property was subdivided in the 1946 – 1948 timeframe (Del Monte Forest Subdivisions #1 and #2). The 1964, Volume 1, Assessor's Map Book identifies the property as a separate legal lot of record (El Pescadero Rancho, Lot 1, Block 118A, Assessor's Parcel Number 008-053-001-000). In approximately 1949, a previous property owner constructed the single-family dwelling, guesthouse, and minor accessory structures totaling approximately 1,767 square feet. At that time, the property land use designation and zoning classification were Unclassified.

In 1969, the property received its first land use designation and zoning classification of Residential - 1 (R-1). R-1 zoning allowed a single residence on the parcel with maximum lot coverage of 35 percent. In this case, the parcel's maximum coverage allowed would have been approximately 7,584 square feet (35% of 21,670 square feet).

In 1988, upon implementation of the coastal zoning, the zoning classification changed from R-1 to RC. The land use designation had changed at the time of adoption and certification of the Del Monte Forest Land Use Plan in 1984. RC zoning only allows a maximum coverage of 5 percent, and does not allow residential structures as a use; therefore, the existing residential

structures became legal nonconforming and exceeded the new allowed structural coverage maximum of 1,083 square feet.

The surrounding properties are zoned MDR/4-D (CZ), RC-D (CZ), and LDR/B-8-D (CZ). From 1969 until 1988, the subject parcel was zoned the same (R-1-B-6) as the properties in the Del Monte Forest Subdivisions #1 and #2. In 1988, the parcels in Del Monte Forest Subdivisions #1 and #2 were zoned MDR/4-D (CZ). Although already developed with structures and having been in residential use for approximately 39 years, the subject parcel was included with adjacent Open Space and Forest parcels zoned RC-D (CZ). There is no record or explanation as to why the subject parcel received RC versus MDR zoning in 1988. One possible explanation is that the subject parcel is located within the Pescadero sub-planning area which is primarily comprised of a large area zoned RC, while the parcels in Del Monte Forest Subdivisions #1 and #2 are located within the Huckleberry Hill sub-planning area.

In 2010, RMA-Planning staff, in consultation with California Coastal Commission staff, reviewed the zoning classification and determined that the parcel is correctly zoned per the zoning maps adopted and recorded in 1988. Therefore, the only means available to change the land use designation and zoning classification would be to process an amendment to the applicable Land Use and Zoning Maps.

Given the circumstances and background in this case, RMA-Planning staff believes the land use designation and zoning classification were inaccurately or inappropriately applied to the subject parcel in 1984 and 1988. Pursuant to the County's Fee Waiver Policy (attached), this request may be consistent with item No. 9, "General Plan amendments for parcels with inappropriate or inaccurate land use designations provided the property has been field checked and verified that it is inaccurately or inappropriately designated." Based on field review of the site, staff supports this determination. The parcel is bounded on all sides by roads, and provides no habitat continuity with or connectivity to the larger preservation area within the Pescadero sub-planning area. Therefore, the request may be approved by the RMA.

If you have any questions regarding this fee waiver request, please contact me at either (831) 755-5262 or sidorj@co.monterey.ca.us.

Respectfully,

Joe Sidor
Associate Planner

3 Attachments:

1) Fee Waiver Request Form
2) Fee Waiver Policy
3) Aerial View of Site

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