

Exhibit A

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Exhibit A. DISCUSSION

Historical Resources

The project includes demolition of a historic structure that is eligible for Federal listing. The existing house at the site was designed by Richard Neutra for the Connells in 1957. The current owner purchased the property in 2004 and, in 2007, contracted the architectural firm Legorreta & Legorreta to design a new house at the premises. The proposed full height project for PLN100338 was referred to the Historic Resources Review Board (HRRB) for review on several occasions. First, on August 4, 2011, the HRRB discussed the proposed demolition and debated the historic value of the existing house. After discussion, the HRRB voted unanimously to deem the residence significant under State of California Criterion 3 for its design by Richard Neutra. The HRRB as a body did not refer the matter to the State for historic status. The nomination for the National Register was made in 2012 by a local architectural historian, Anthony Kirk. The next review of the project occurred when the State Historic Preservation Officer requested that the HRRB comment on the nomination of the “Connell House” to the Office of Historic Preservation. On March 6, 2014, the HRRB voted in favor of the nomination with one member abstaining. The third referral to the HRRB was August 6, 2015, with discussion continuing to August 24, 2015, and September 3, 2015. At these meetings, the HRRB discussed damage to the existing house and the Board reviewed and approved a Mothballing Plan for its protection from further damage and decay (Resolution No. 15CP01861). On January 12, 2023, the HRRB heard the matter and voted 3 ayes and 1 no with 1 abstaining, 2 recused due to conflicts to recommend that the Planning Commission approve the Reduced Height Alternative, Alternative 9 of the EIR. The recommendation of the HRRB is attached as **Exhibit F**.

Section 18.25.060.A of the Monterey County Code (MCC) allows the HRRB to initiate the designation of historical resources and the Board of Supervisors to designate an historic resource for inclusion in the Local Official Register of Historic Resources. However, MCC section 18.25.060.A also states, “No property shall be designated pursuant to this Chapter without the consent of the property owner.” In this case, the property owner objected to the listing. To date, the County has not added the Connell House to the Monterey County Register of Historic Resources.

The EIR identified the proposed demolition as a potentially significant impact to Historic Resources, pursuant to California Environmental Quality Act (CEQA) Guidelines section 15064.5(b). Mitigation measures have been identified which reduce some of these impacts, but not to a level of insignificance; therefore, these impacts are significant and unavoidable and cannot be mitigated to a *less-than-significant* level. The first of two mitigation measures, HR/mm-1.1, would require the applicant to submit to the County, for its review and approval, a recordation of the Connell House per the most recent guidelines of the Historic American Buildings Survey (HABS). The documentation package shall include measured drawings; written and oral histories, including historic context and statement of significance; written architectural description; bibliographic materials; large-format, black-and-white photographs; and relevant related information. The original documentation shall be submitted to the HABS office in Washington, D.C., for deposit in the Library of Congress. The second mitigation measure, HR/mm-1.2 requires the applicant to submit for review and approval to the County, and a designated host organization (e.g., Monterey County Historical Society or Pebble Beach Company), electronic information in a web-based format for use in creating a web page

documenting the Connell House. Prior to gathering this information, the applicant shall work with a qualified professional to create a scope of work for the educational materials to be developed, and applicant shall provide that scope of work to the Monterey County Historic Resources Review Board for review and approval. The web page shall document the house, its history, and features, at baseline conditions. The web page shall include, but not be limited to, a video tour of the Connell House to be completed prior to any demolition; photographs; architectural drawings; current and historic photographs; and background material such as oral histories with individuals with knowledge of the Connell House. An individual or team meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61) shall be retained to prepare the web page content. The web page shall be operational no later than 1 year following issuance of project permits. The website would be reviewed by the HRRB in addition to HCD staff prior to approval.

Environmentally Sensitive Habitat Areas

Environmentally sensitive habitat areas (ESHA) in the Del Monte Forest Land Use Plan area are defined as those areas in which plant or animal life or their habitats are either rare or especially valuable due to their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Determinations of whether ESHA is actually present in a specific location in Del Monte Forest must be based on an evaluation of both the resources on the ground and knowledge about the sensitivity of the habitat at the time of development consideration. In the Del Monte Forest, examples of habitat areas that have historically been determined to be ESHA include coastal sand dunes and sites in which sensitive plants and animals associated with these and other habitats are located.

The proposed project site is in a disturbed portion of coastal sand dune, adjacent to undisturbed sand dune habitat that is known to support rare plant and animal species. As such, staff required preparation of a biological report to determine the actual presence of rare or endangered plant or animal species or conditions that might support these species. Biological reports were prepared for the site by Mike Zander with Zander and Associates and Fred Ballerini. These biologists describe the property as sparsely vegetated open sands with a mix of coastal dune scrub, European beach grass, and iceplant. Special status plant species including those listed as 1A, 1B, or 2 on the California Native Plant Society known to occur in dune habitat were noted and surveys were conducted at the site during the appropriate times of the year. Spring flowering plants were found in the Signal Hill area of Pebble Beach to confirm the appropriate blooming season for the surveys but none of these plants were found on the site during the various visits from biologists.

Animal species, listed as rare, threatened, or endangered or designated as "Species of Special Concern) by the U.S Fish and Wildlife Service or California Department of Fish and Wildlife, that are known to occur in the area and within dune habitat were also surveyed. The biologists did not positively identify any sensitive animal species on the site but did assume that legless lizards, horned lizards, and certain birds may be present.

The proposed project includes construction of a new single-family dwelling in the same general location as the existing home. However, the new home and associated improvements would have an increased footprint. The applicant has designed and sited the home within the existing footprint and in areas that were previously disturbed during construction of the existing home.

Disturbed areas that were graded during construction of the Connell house are considered to have degraded habitat with significant invasive plant species occurring in these areas. The existing residence pre-dates Del Monte Forest Area LUP Policy 8 (no non-resource dependent uses in ESHA) and Policy 18, “uses of remnant native sand dune habitat shall be limited to low-intensity scientific, educational, and/or recreational activities dependent on the resource.” Most Project construction will be within the existing residential footprint. The site is zoned and designated for residential use. The existing building and paved areas occupy approximately 0.21 acres, while the proposed building footprint and paved areas will occupy 0.34 acres. With grading and construction staging areas, a total of 0.39 acres will be impacted by the construction.

The EIR identified potential impacts to ESHA. There is no alternative location on the parcel to site the building that would avoid impacts to ESHA. To mitigate for biological impacts, a Restoration Plan was prepared by Zander Associates (2018) and incorporated into the EIR prepared for the project. The Proposed Project (Alternative 9, the Reduced Height Alternative) is subject to nineteen Biological Impact Mitigation Measures; Mitigation measures that include tree replacement and monitoring for survival, coastal dune habitat restoration, habitat protection measures, and habitat management to minimize potential impacts that would result from the proposed residential development. The Restoration Plan will restore 1.67 acres of the 2.2-acre property and the owner will preserve and protect it under a Conservation and Scenic Easement deed. The EIR proposed thirty-one mitigation measures to reduce the identified impacts to ESHA to a *less-than-significant* level. Staff recommends that the Planning Commission adopt all of the EIR’s recommended biological impact mitigation measures.

Tree Removal

The project includes removal of three Monterey Cypress trees. The Cypress trees are not within the native habitat identified as a type of ESHA in Figure 2a of Del Monte Forest Land Use Plan. Forest resource policies in the Del Monte Forest Land Use Plan protect native forest areas and require development to be sited to minimize tree removal to the greatest extent feasible. As proposed, many Monterey Cypress trees are left in place and the development footprint of the new dwelling overlaps as much as possible with the existing dwelling. Therefore, the project minimizes tree removal in accordance with the applicable goals, policies, and regulations of the Del Monte Forest Area LUP (Forest Resources) and the associated CIP. Although Monterey Cypress is a special-status species, the removal of the trees within the proposed development footprint would have a less-than-significant impact with the proposed mitigation of two-to-one replanting of 48-inch box Cypress trees in locations that will improve the visual screening of the proposed development. Applicant removed two trees prior to permitting. Applicant obtained an after-the-fact permit (PLN100418) to clear a code violation (CE090788). That permit consisted of a Coastal Development Permit and Restoration Plan per section 20.90.130 of the Monterey County Coastal Implementation Plan Part 1, for the removal of two landmark Monterey Cypress trees, significant pruning of three Monterey Cypress trees and sand dune degradation in an environmentally sensitive habitat area. All restoration was effectively performed including replanting of Cypress trees onsite.

During monitoring of the replacement trees, one replacement tree died and was not replaced. To remedy the problem, staff and the applicant agreed to withhold a portion of the Landscape Bond on the previous permit and add one replacement tree to the replanting plan as a condition of approval for PLN100338. The other trees surrounding the existing dwelling will be protected

during construction. Biological Resources impact mitigation measure BIO/mm-1.1, updated as Condition No. 16, reflects that seven Monterey Cypress trees shall be planted and maintained (2:1 ratio for three trees proposed for removal in addition to replacement of the one tree from the previous Restoration Plan that did not persist).

Slopes

The project includes development on slopes exceeding 30 percent. The County's General Plan prohibits development on slopes exceeding 30 percent unless the Planning Commission makes a finding that either 1) there is no feasible alternative or 2) the proposed development would better achieve the General Plan's (and other applicable land use plans, if any) goals, policies, and objectives than other development alternatives. Here, development of the property is not feasible without encroaching into slopes exceeding 30 percent. The property is comprised of large areas of slopes in excess of 30 percent, and the project site has viewshed concerns as well as environmentally sensitive habitat areas which both would be more impacted were the development to be relocated to flatter areas on the parcel. Based on these site issues, the applicant has designed and sited the proposed development in the area of the parcel most suitable for development. The EIR's analysis recommended two mitigation measures that it concluded would reduce the level of impacts to development on slopes to *less-than-significant*. They are: HYD/mm-1.1 - Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit an erosion control plan to the County for review and approval; and HYD/mm-2.1 - Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit a drainage plan to the County for review and approval.

Archaeological Resources

Pursuant to LUP Policy 58 and CIP Section 20.147.080.B, an archaeological survey was prepared (Doane and Breschini, 2010, County Planning Doc. No. LIB100397). The general surface reconnaissance was negative for resources, but the report's research found a known prehistoric site within 750 feet of the project site. Separate reports were prepared for the County as part of EIR preparation (Morley, 2015, County Planning Doc. No. LIB100397) which expanded the surface reconnaissance to the full parcel, as restoration activities on the larger area were then included in the project description. Results were negative for archaeological and cultural materials. The Morley report confirmed a known prehistoric site within 750 feet of the project site.

AB 52, which requires all lead agencies to provide Native American tribes the opportunity to participate in consultations to protect tribal cultural resources prior to submission of CEQA documentation, including an EIR, became effective on July 1, 2015. The NOP for the project was filed on February 17, 2015, prior to AB 52's effective date, so the project is not subject to AB 52's requirements. On April 12, 2018, the Ohlone/Costanoan-Esselen Nation (OCEN) submitted a letter to the County identifying a known cemetery within 250 feet of the project. OCEN has requested that a tribal monitor be present during any activities that involve new soil disturbance. Although there are no known archaeological resources present within the project site, proximity to a known prehistoric archaeological site coupled with the potential for disturbance of unknown resources, potential project-specific impacts could include direct and indirect impacts to unknown tribal cultural resources. With the implementation of recommended mitigation measures for potential impacts to archaeological resources, AR/mm1.1, AR/mm-1.2,

AR/mm-1.3 and AR/mm-2.1, a qualified archaeologist would be present during new ground disturbance and any unknown discovered tribal cultural resources or human remains would require a cessation of construction activities in the vicinity of the discovery and treatment in accordance with federal, state, and county laws. An Archaeological Monitoring Plan must be prepared that specifies procedures for notification of a Tribal Representative and development of a strategy for returning resources to the Tribe or reburial if resources are discovered. With implementation of identified mitigation measures, potential impacts to tribal cultural resources would be less than significant.

Ridgeline Development

MCC section 20.06.950 and Del Monte Forest Area CIP section 20.147.070 provide critical perspective on Ridgeline Development and guidance on how projects that create this impact to the public viewshed may be approved. The Reduced Height Project complies with this guidance because it is reduced height from the full height project and incorporates vegetative screening. Photographic simulations provided in the EIR Chapter 4-1, Aesthetic Resources indicate that the Reduced Height Project may slightly impact the viewshed of the blue sky behind it when viewed near Fanshell Beach and 17 Mile Drive. Ridgeline effect was documented for the Full Height Project, which would be five feet taller, and which was analyzed in the EIR. It is evident from the Figures of Chapter 5, Alternatives Analysis that the Reduced Height Project would have a negligible ridgeline impact compared to the Full Height Project. Vegetative screening is proposed for the development which is anticipated to assist in reducing the Ridgeline effect and the visual impacts to viewshed.

If the Full Height Project of the EIR were selected for entitlement, a mitigation measure for viewshed impacts (AES/mm-1.1) would be applied, which would reduce the project height by 10 feet to a maximum height of 20 feet. AES/mm-1.1 does not apply to the Reduced Height Project because the alternative mitigates viewshed impacts by reducing the allowable height to 25 feet. Given the time that has passed since the Draft EIR was circulated (2018) and the need to resolve the health and safety issues of the condemned existing structure, and since there is an extremely limited opportunity for the project to appear over the horizon, staff requests the Planning Commission provide discretion to staff in its review of the construction permits for the Legorreta construction under the Reduced Height Project. In essence, for the project to appear above the horizon one would need to be on the eastern side of 17 Mile Drive up against the edge of the right-of-way in a crouched position. In light of this fact, impacts to the ridgeline, after demolition of the Connell House, would be insignificant and staff should be provided this discretion to provide subtle deviations to the total height related to the Reduced Height Project.

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