



County of Monterey

Item No.3

Zoning Administrator

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ZA 23-030

December 14, 2023

Introduced: 12/4/2023

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Matter Type: Zoning Administrator

PLN210117 - THE ELKHORN SLOUGH FOUNDATION

Public hearing to consider the demolition of an existing substandard 1,625 square foot single family dwelling to clear Code Enforcement violation (18CE00312), abandonment of a septic tank, and restoration of approximately 17,000 square feet of pre-developed area within 100 feet of an environmentally sensitive habitat area.

Project Location: 74 Strawberry Road, Royal Oaks (Assessor's Parcel Number 131-111-014-000), North County Land Use Plan, Coastal Zone

CEQA Action: Find the project qualifies for a Class 33 Categorical Exemption pursuant to CEQA Guidelines Section 15333, and there are no exceptions pursuant to Section 15300.2.

PROJECT INFORMATION:

Agent: Dash Dunkell, Elkhorn Slough Foundation

Property Owner: The Elkhorn Slough Foundation

APN: 131-111-014-000

Parcel Size: 1.2-acres

Zoning: Rural Density Residential with a maximum gross density of 5 acres per unit in the Coastal Zone or "RDR/5(CZ)"

Plan Area: North County Land Use Plan (Coastal Zone)

Flagged and Staked: No

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

- a. Find that the demolition of an abandoned structure and restoration qualifies for Class 33 Categorical Exemption pursuant to CEQA Guidelines section 15333, and there are no exceptions pursuant to section 15300.2; and
- b. Approve a Combined Development Permit consisting of:
 - 1) A Coastal Administrative Permit to allow the demolition of an existing substandard 1,625 square foot single family dwelling (mobile home) and clear Code Enforcement violation (18CE00312), abandonment of a septic tank and restoration of approximately 17,000 square feet of pre-developed area; and
 - 2) Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habit area (ESHA).

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 6 conditions of approval.

SUMMARY/DISCUSSION:

The purpose of this project is to demolish an existing 1,625 square foot single family dwelling and clear Code Enforcement violation (18CE00312), abandonment of a septic tank and restoration of 17,000 square feet of pre-developed area within 100 feet of an environmentally sensitive habit area (ESHA). The project site is a 1.2-acre parcel located at 74 Strawberry Road, Royal Oaks, east of the Elkhorn Slough. The property was purchased by the Elkhorn Slough Foundation in 2013 with the goal of restoring the site to a natural state to ensure the protection of environmentally sensitive habitat. The property to the west of the project site is owned by the California Department of Fish and Wildlife and is part of the Elkhorn Slough National Estuarine Research Reserve (ESNERR). The purpose of the proposed project is to restore the site and subsequently transfer the property to ESNERR. Although the property does not contain an identified wetland, it would function as a buffer to protect the high-quality wetlands of Strawberry Marsh located downstream, and possibly serve as an important dispersal and summer habitat for endangered amphibians that use the wetlands for breeding.

Based on staff analysis, the proposed project is consistent with all rules and regulations pertaining to zoning uses and any other applicable provisions of the 1982 Monterey County General Plan, North County Land Use Plan (NCLUP), North County Coastal Implementation Plan, Part 2 (CIP), and Zoning Ordinance (Title 20).

Violation

Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and are aware of a previous violation existing on the subject property. In July 2018, a complaint was received regarding an abandoned substandard manufactured home and overgrown vegetation on the property (18CE00312). Code Enforcement investigated the complaint and issued an administrative citation to the property owner. The property owner is proposing to demolish the abandoned structure and restore the site with native vegetation. Approval of this permit will abate the zoning violation.

Health and Safety

Necessary facilities have existed to serve the existing single family dwelling. The property is served by a domestic well located southwest of the driveway access from Strawberry Road. The existing on-site wastewater treatment system will be abandoned according to the Environmental Health Bureau standards. Additionally, the subject parcel is located within a State Responsibility Area classified as having a high fire hazard. Demolition of the abandoned manufactured dwelling unit and restoration of the site with native vegetation will be maintained by the Elkhorn Slough Foundation to reduce fire risk to neighboring properties.

Cultural Resources

The project site is in an area identified in County records as having a low archaeological sensitivity; therefore, a Preliminary Archaeological Report was not required. However, the southern portion of the property is located within a positive archaeological buffer. The project proposes to demolish an abandoned manufactured dwelling unit and on-site wastewater treatment system within areas that have previously been disturbed by development and the area of development is located outside of the buffer area. The County's standard project condition which requires the contractor to stop work if previously unidentified resources are discovered during construction was applied (**Exhibit A**).

Development within 100 feet of Environmentally Sensitive Habitat Area

NCLUP Section 2.3 guides development in, and adjacent to, ESHA and North County Coastal Implementation Plan, Part 2 (CIP) Section 20.144.040 provides the implementing regulations. NCLUP Key Policy 2.3.1 states that ESHA shall be protected, maintained, and where possible, enhanced and restored. In accordance with the Monterey County Zoning Code (Title 20), a Coastal Development Permit is required for development within 100 feet of environmentally sensitive habitat areas (ESHA). The development proposes to remove an abandoned manufactured dwelling unit and abandon an on-site wastewater treatment system that could potentially impact coastal wetland areas, which are designated as ESHA in the NCLUP. However, as proposed and conditioned, the project will be compatible with the long-term maintenance of the resources (Policy 2.3.2.3). The removal of an abandoned manufactured dwelling unit and on-site wastewater treatment system in ESHA is limited to an area of land that was previously disturbed by residential development. NCLUP General Policy 2.3.2.1 allows development within ESHA if the use will not cause significant disruption of habitat values. Corresponding CIP Section 20.144.040.B.1 allows activities for watershed restoration within ESHA if a biological survey can determine that impacts of development will not harm the habitat's long-term maintenance. This is the minimum disturbance necessary for the proposed development (Policy 2.3.2.8).

A biological report (**Exhibit C**) was prepared for the proposed development in accordance with NCLUP Policy 2.3.2.4. The biologist searched the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB) online database and noted that 5 animal species and 10 plant species were reported within a 5-mile radius of the project site. None of the recorded occurrences were located within the project area itself, though several were reported at the neighboring Elkhorn Slough Ecological Reserve parcels. Site surveys were conducted and the biologist concluded that the project area contains highly degraded habitat and no impacts to sensitive species or habitats are likely. Although no breeding habitat for California tiger salamander or Santa Cruz long-toed salamander exists on the property, the amphibians could potentially use the site as temporary cover. Therefore, the biologist has recommended that all work will be performed outside of the amphibian migration season which is the first 1.5 inches of rain during the wet season through the end of July to avoid impacts to California tiger salamander and the Santa Cruz long-toed salamander; that a biologist survey the area prior to work and monitor during site disturbance; all areas of bare soil be covered with weed-free rice straw to prevent erosion and escape of sediment to downstream wetlands; and if special status species are found during construction, then work will be halted and the U.S. Fish and Wildlife Service will be immediately contacted. A condition of approval has been incorporated requiring the owner/applicant to file a Notice of Report which will state that all development shall be in accordance with the biological report to ensure these measures are implemented. Subsequent to demolition activities, the project site will be restored with a locally collected seed mix consisting of meadow barley, blue wild rye, mugwort, and other suitable species that will be spread across the disturbed areas to encourage native revegetation.

Where development is proposed in areas containing ESHA, NCLUP Policy 2.3.2.6 and CIP Section 20. 144.040.B.6 requires deed restrictions or conservation easement dedications to ensure the protection of the ESHA. In this case, staff does not recommend conditioning the project to require a permanent conservation easement as the site is part of the Elkhorn Slough Ecological Reserve

development and will be included in the overall Elkhorn Slough Ecological Reserve Land Management Plan. Further, the purpose and objective of the proposed development is consistent with the goals and policies for ESHA resource protection contained in the NCLUP.

CEQA

California Environmental Quality Act (CEQA) Guidelines section 15333 for a Class 33 categorical exemption allows restoration of small habitat areas under 5 acres. As proposed, the project includes the demolition of an existing substandard 1,625 square foot single family dwelling to clear Code Enforcement violation (18CE00312) and the abandonment of a septic tank on a 1.2-acre lot along with the restoration of approximately 17,000 square feet of pre-developed area. Therefore, the proposed development is consistent with CEQA Guidelines section 15333.

None of the exceptions under CEQA Guidelines section 15300.2 apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, and does not cause any unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact. There is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact. As such, staff recommends the Zoning Administrator find the project categorically exempt.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

California Coastal Commission
Department of Fish and Game
Environmental Health Bureau
HCD-Engineering Services
North County Fire Protection District

LAND USE ADVISORY COMMITTEE (LUAC) REVIEW:

The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the current LUAC Guidelines, this project did not warrant referral because the project does not require the granting of a Design Approval at a public hearing.

FINANCING:

Funding for staff time associated with this project is included in the FY22-23 Adopted Budget for HCD-Planning.

Prepared by: Kayla Nelson, Associate Planner, x6408

Reviewed and approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution, including:

- Recommended Conditions of Approval

- Site Plan

Exhibit B - Vicinity Map

Exhibit C - Biological Assessment (LIB230283)

cc: Front Counter Copy; California Coastal Commission; Department of Fish and Game; North County Fire Protection District; HCD-Engineering Services; Environmental Health Bureau; Kayla Nelson, Associate Planner; Craig Spencer, HCD Chief of Planning; The Elkhorn Slough Foundation, Applicant; Dash Dunkell, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Lozeau Drury LLP; Project File PLN210117