

Exhibit B

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EXHIBIT B DISCUSSION

Setting and Description of Project:

The property is a vacant rectangular parcel surrounded by parcels with large homes. The parcel is located at 1412 Lisbon Lane in Pebble Beach, Monterey County (Assessor's Parcel Number 008-232-003-000), Del Monte Forest Land Use Plan, Coastal zone. The parcel is zoned Low Density Residential/1.5 Units per acre, Design Control area, in the Coastal Zone or "LDR/1.5-D (CZ)". The site is relatively flat (5% to 8% slope) and covered primarily of upper canopy Monterey pine with some scattered understory Coast live oak and shrubs (willow, acacia and huckleberry) and with a large population of *Piperia yadonii* (Yadon's piperia).

Total lot coverage proposed is 5,601 square feet. There will be approximately 3,300 square feet of coverage by pavement, some of which will be permeable material. The total percentage of lot coverage is proposed at 12.8 percent. The total percentage of proposed floor area ratio is 11.4 percent. Associated grading consists of approximately 500 cubic yards of cut and 500 cubic yards of fill.

As stated in the cover report, the project requires the following entitlements: : A Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval for the construction of a 5,385 square foot one-story single family dwelling with an attached garage, covered porch, and a detached 216 square foot gazebo; 2) a Coastal Development Permit for the removal of 46 Monterey pine trees; and 3) a Coastal Development Permit for development within 100 feet of Environmental Sensitive Habitat (ESHA- Yadon's *Piperia* and Monterey pine woodland).

Project Issues:

Potential issues affecting archaeological and biological resources were found to occur with the implementation of this project. The site is in a moderate archaeological area and had a negative archaeological finding, nevertheless, because of the properties close location to the Pacific Ocean, mitigation measures have been incorporated which will reduce any potential archaeological impacts to a less than significant effect. The subject property is located within Monterey pine woodland and Yadon's *piperia* habitat, both considered ESHA. Staff has analyzed the proposed project for consistency of applicable policies and regulations contained in the 1982 General Plan (1982 GP); the Del Monte Forest Land Use Plan (DMF LUP); the Monterey County Coastal Implementation Plan, Part 5 (CIP); and the Monterey County Zoning Ordinance (Title 20). The results of staff's analysis are discussed below:

Archaeological Resources- The subject property is situated in a "Moderate" archaeological sensitivity zone, as shown the Monterey County GIS database. The Del Monte Forest Area Land Use Plan (LUP) identifies Del Monte Forest as Ohlone (also known as Costanoan people) territory. A key policy of the Del Monte Forest Area LUP is that cultural resources shall be maintained, preserved and protected for their scientific and cultural heritage values. A Phase 1 Inventory of Archaeological Resources was prepared, which included research of available historic resources through the Northwest Information Center of the California Historical Resources Information System (NWIC) and a pedestrian survey of the site. This resulted in negative findings of archaeologically and historically significant cultural resources.

During field reconnaissance conducted by the archaeologist, materials typically associated with prehistoric cultural resources were not observed. No historic period archaeological resources, middens or shells were noted during this field reconnaissance. However, because the NWIC records confirmed the existence of multiple negative archaeological reports in the vicinity area, the archaeologist concluded the subject region is highly sensitive as per extant historic and cultural resources. The archaeologist recommends that the project proceeds with construction related excavation, contingent upon the need to assure that archaeological monitoring accompanies any and all excavation given the archeological sensitivity of the area.

Furthermore, Pursuant to Assembly Bill 52, County staff consulted with the most likely descendant (MLD) of the Ohlone/Costanoan-Esselen Nation prior to conducting this Initial Study. The MLD expressed concerns with the proposed project because areas located close to water were frequented by their people. Therefore, the MLD recommended that a tribal monitor be onsite during any earth disturbing activities, which includes the transplantation of the Yadon's piperia from the site. Therefore, based on the recommendation of the archaeologist and the MLD, in order reduce potential impacts to archaeological resources such as artifacts, human remains, and/or a sacred site, the following mitigation measure has been recommended:

- Condition No. 3- Cultural Resources Negative Archaeological Report
- Condition No. 29; Mitigation Measure No. 3; Cultural Resources

Environmentally Sensitive Habitat Areas (ESHA)- Pursuant to Section 20.147.040, Environmental Sensitive Habitat Areas or ESHA of the Del Monte Forest Land Use Plan Area, areas that support plan species for which there is compelling evidence or rarity [e.g. those areas designated 1b (rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but common elsewhere) by the California Native Plant Society. Biological surveys confirmed that two sensitive species occurred on the Nase property. They are the Monterey pine and the Piperia yadonii (common name: Yadon's piperia).

Monterey pines: The Del Monte Forest Land Use Plan and Monterey County Zoning Ordinance identify Monterey pine and Coast live oak trees as native tree species requiring protection and special consideration for their management. Specifically, Section 20.147.050, Forest Resources, states that a Forest Management Plan shall be required for all projects located in a forested area that require a discretionary permit.

A Tree Resource Assessment Management Plan has been prepared by a certified arborist due to the proposed construction. The *Tree Resource Assessment Management Plan dated December 29, 2015*, prepared by Frank Ono, Urban Forestry, certified arborist, states that the proposed development is within an existing stand of Monterey pine and Coast live oak trees and the removal of 46 Monterey pine trees on this site is will be unavoidable due to the heavily wooded site. In addition, the arborist recommends that seven (7) trees located near the construction activities be monitored. The arborist describes the population of pines on this site as overstocked for a one acre lot with approximately 200 trees; Many in dead, falling and in poor condition. Several of the oak trees are suppressed and range from poor to fair condition. Prior to the applicant's submittal of current development plans, the applicant worked with staff to reduce the tree removal by ten trees, saving groupings of healthy landmark trees. This resulted in the proposed removal of 46 Monterey pine of the following sizes: Four (4) landmark sized (24 inches or greater in diameter); 11 trees in the 13 to 23 inches in diameter; and 31 trees in the 12 inches or less in diameter. Landmark trees are trees measuring 24 inches or more in diameter; and significant trees are trees measuring greater than 12 inches in diameter.

The *Mitigation and Monitoring Plan for 1412 Lisbon Lane, Pebble Beach, CA prepared by Regan Biological and Horticultural Consulting, LLC (RBHC), revised on 2/08/2017*, confirms the loss of approximately 9,500 square feet of Monterey Pine forest on the Nase property. This 9,500 square feet area is considered an Environmentally Sensitive Habitat Area or ESHA as this is the location of the proposed 46 Monterey pine trees to be removed. The Mitigation Plan provides mitigation measures to reduce the impacts to less than significant levels which includes several of the recommendations in the Tree Resource Assessment Management Plan.

Yadon's piperia: This is an endangered orchid, federally listed Endangered species, State Rare plant rank 1B.1 (Rare, threatened, or endangered in California and elsewhere .1: Seriously endangered in California). This is a wildflower that may be dormant and not emerge above the soil surface until the spring, where it would leaf producing flowers on erect spikes. Within the Nase property and a section of Pebble Beach right-of-way along the southern side of Lisbon Lane are 5 individual separate areas of Yadon's piperia habitat containing a total of approximately 437 (at minimum) individual *Piperia* plants, fifty-nine (59) of which are located in the proposed house footprint area. The population of the *Piperia* is shaped like a capital T; with the top part to the T along the frontage part of the property on Lisbon Lane and the post of the T running south through the middle of the Nase property where the proposed south east corner of the residence would be located. The biologist concludes that the proposed project will significantly impact the population with direct impacts to plants in the development footprint and indirect impacts to the *Piperia* and Monterey pine woodland habitat.

A Mitigation and Monitoring Plan (MMP) for this site has been prepared by Regan Biological and Horticultural Consulting, LLC (RBHC) to offset the impacts to Monterey pine woodland and *Piperia yadonii* plants resulting from the construction activities. The MMP states the that three (3) potential mitigation possibilities examined were:

- 1) Total avoidance by redesigning the project to avoid the removal of all *Piperia* plants and mitigation on-site. This requires the entire proposed footprint of home and driveway to be significantly reduced and moved to the southern edge of the lot. With this option, the long term indirect impacts of the development and surrounding neighborhood would still cause the decline of the *Piperia* population.
- 2) Large percentage of avoidance by removing the *Piperia* located in the proposed development footprint and mitigation on-site by replanting on-site to frontage of property (along Lisbon Lane) and Pebble Beach right-of-way. As in the previous option, the long term indirect impacts of the development and surrounding neighborhood would still cause the decline of the *Piperia* population.
- 3) Proceeding with the development plan as-is and mitigating for the *Piperia* offsite by transplanting all of the known plants to a receiver site in the Del Monte Forest and maintain and monitor for success for five (5) years. Mitigate for loss of Monterey pine and pine woodland by replanting on the site as per the Forest Management Plan.

After discussion with members of different organizations including staff from United States Fish and Wildlife Service (USFWS), Option 3 was selected. Through implementation of the Mitigation and Monitoring Plan for Option 3, potential impacts to biological resources would be reduced to less than significant levels. The following mitigation measure has been recommended:

- Condition Nos. 20-25; Mitigation Measure No. 1; Mitigation Actions No. 1a-1f; Enhancement/Restoration

- Condition Nos. 26-28; Mitigation Measure No. 2; Mitigation Actions No. 2a-2c; Enhancement/Restoration

It is imperative that the transplantation of the Yadon's piperia occur between October 15 and March 15. As such, mitigation measures reflect this critical timeframe.

Environmental Review

An Initial Study/Draft Mitigated Negative Declaration (IS/MND) was prepared in accordance with CEQA and circulated for public review from July 5, 2017 to August 4, 2017. Issues that were analyzed in the MND were Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, and Noise. Potential impacts to Biological Resources and Cultural Resources were identified. Mitigation measures proposed are designed to mitigate for the loss of Monterey pine woodland (revegetate and maintain), protect trees, nesting birds during construction, to implement construction best management practices, to eradicate exotic species and restore habitat, to monitor the site during soil-disturbing activities, to reduce the construction impacts to the Yadon's piperia habitat, and to manage the discovery of cultural resources during construction. The impacts are mitigated to a less-than-significant level through the implementation of these mitigation measures.

Staff received a comment letter from the Native American Heritage Commission (NAHC) during the public review period. The NAHC expressed concerns that although issues relating to tribal cultural resources were discussed in the IS/MND, the text was not contained within a distinct subsection of the Initial Study Checklist for Tribal Cultural Resources as found within the "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form." Pursuant to Section 15063(f) of the CEQA Guidelines, use of this form is only a suggestion and public agencies are free to devise their own format. In terms on content, Section 15063(d)(3) of the CEQA Guidelines states that environmental effects identified shall be explained indicating that there is some evidence to support the entry. The content of the IS/MND meets the content requirements of CEQA since it was disclosed that potential impacts to sacred tribal cultural resources were identified and based on the recommendation of the OCEN Tribe, a mitigation measure has been incorporated to reduce that impact to less than significant (Condition No. 29, Mitigation Measure No.3).

Recommendation

The proposed project has been designed to meet the policies of the Del Monte Forest Land Use Plan and site development standards of the Low Density Residential Zoning District. The proposed project has been designed to be subordinate to the site and therefore is consistent with the Design Approval guidelines. The initial study addresses and analyzes potential impacts from the proposed development and where necessary, mitigates the impacts to less than significant. Therefore, staff recommends adoption of the Mitigated Negative Declaration and approval of the Combined Development Permit.