

Attachment A

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DISCUSSION:

The subject property is a vacant lot created through the Santa Lucia Preserve (also known as Rancho San Carlos) Subdivision. The property is zoned Watershed and Scenic Conservation, 40 acres per unit, with Design Control Overlay, in the Coastal Zone [WSC/40-D (CZ)]. The Watershed and Scenic Conservation zoning district allows for the development of the first single family dwelling and accessory dwelling unit as principally permitted uses subject to Coastal Administrative Permits in each case (Title 20, Section 20.17.040.A. and E). The proposed development consists of a two-story single-family residence with an attached three-car garage, a single-story accessory dwelling unit, patios, walkways, retaining walls, planters, terraces, and a vegetated guest parking area see (**Exhibit B**).

Grading for the development will consist of 3,100 cubic yards of cut and 4,400 cubic yards of fill. Imported base-rock and sub-base material will provide the additional fill to balance the grading on the site. The majority of grading will be for improvements to the driveway and excavation for the subterranean components of the single family dwelling and Accessory Dwelling Unit.

Design Review

A Design Approval is required for development due to the Design Control Overlay zoning district designation. The purpose of the Design Control District is to provide for the regulation of the location, size, configuration, materials, and colors of structures and fences in those areas of the County of Monterey where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property. The residence and an accessory dwelling unit are sited in the center portion of the property and although you can see the valley and ocean from the site, the development would not be visible from a "public viewshed" as defined in Section 2.2.1 of the Carmel Area LUP or as shown on Map A in the Carmel Area LUP. The Planner conducted site visits on April 2, 2010, May 2, 2010, and August 16, 2019 to evaluate visibility of the proposed development from Highway 1, Point Lobos, 17-Mile Drive, Scenic Road, and Carmel Valley Road, and determined that the project would not be visible from any of those locations. However, the development would be visible from a trail on the adjacent PCRP property to the southwest.

The dwelling would occupy a relatively small and isolated upper portion of a hill, avoiding slopes greater than 30%. Other potential locations for the development were evaluated and found to either have greater impacts to the viewshed or to be more likely to have adverse impacts on special status species such as CTS and CRLF. Carmel Area LUP Policy 2.2.3.3 requires that structures be subordinate to and blended into the environment, using appropriate materials to that effect. One of the stated design goals for the project is that the structures should blend into the hillside, reducing their visibility to the maximum extent feasible via low profile design and a living roof. The structures are nestled into its site, with the main floor being below existing grade. This allows for natural mounding around the home and a lower profile. Ample space around the perimeter keeps the structure away from descending slopes, which also makes it easier to screen. Additional portions of the structures would also be buried into the uphill slope to further reduce the profile and visual impacts and to make the structures easier to screen. A living roof would provide additional screening. Muted earth tones and

stone equal to the composition and color of the native rock outcrops found on the site will be utilized to further blend the structures into the environment.

Development Standards

The development standards for the WSC zoning district are identified in Monterey County Code Section 20.17.060. Required setbacks in the WSC district for main dwelling units are 30 feet (front), 20 feet (rear), and 20 feet (sides). Required setbacks for habitable accessory structures are 50 feet (front), 6 feet (rear), and 6 feet (sides). The maximum allowable heights are 30 feet and 15 feet, respectively.

The proposed single-family dwelling and accessory dwelling unit are located within the designated homeland boundary and are setback more than 2,000 feet from the front and rear property lines and are more than 500 feet from side property lines. The proposed height for the single-family dwelling is 18 feet 2 inches and the ADU is 8 feet 6 inches.

The allowed site coverage maximum in the WSC zoning district is 10 percent. The property is 172 acres or 7,495,211 square feet, which would allow coverage of 749,521 square feet. As proposed, the project would result in structural coverage of 10,231 square feet or 0.13 percent.

Environmentally Sensitive Habitat

The project is located in an area with sensitive plant communities and is within an area known to support rare or threatened amphibian species. As such, a biological report was required for the development. The biological report prepared by Josh Harwayne, dated August of 2018, identified potential impacts to approximately 2.4 acres of native grassland, 0.2 acre of non-native grassland, 3.5 acres of coyote brush scrub, 0.2 of coast live oak woodland, and 1.2 acres of ruderal areas. From this list, only native grassland is considered a California Department of Fish and Wildlife sensitive habitat. Additionally, improvements will occur within upland habitat for California Tiger Salamander, Red-legged Frog, and California Newt. A Coastal Development Permit for development within environmentally sensitive habitat is included in this permit.

California red-legged frogs (CRLF) live in aquatic habits within riparian vegetation. They may move up to two miles between breeding and non-breeding sites and may also move up to 300 feet from aquatic habitats into surrounding uplands, especially following rains. The California Natural Diversity Database (CNDDDB) has reported at least 3 occurrences within 1 mile of the property, one of which is located less than 100 feet from a portion of the development that will be graded to improve the existing dirt road. CRLF were also identified in four additional ponds within 1 mile of the property. While no aquatic resources are located on the property, the potential for CRLF to occur on the property and in the proposed development along the access road adjacent to the ponds is moderate.

California Tiger Salamanders known as (CTS) area known to occur within the project site. This species is listed as Threatened under ESA and CESA. Construction-phase associated with the development of the homeland and the driveway have the potential to impact (take) individual CTS. This may include direct injury or mortality and would result in the permanent loss of CTS upland habitat. On-going impacts to CTS may result from the operation of the residences, such as mowing and residential traffic.

Due to the potential impacts to sensitive species, an initial study was prepared for the proposed development. Because of the potential impacts to the California red-legged frog (CRLF) (listed as Threatened under the Federal Endangered Species Act) and California tiger salamander (CTS) (listed as Threatened under the Federal and California Endangered Species Acts), prior to the issuance of building and grading permits, the applicant/owner is required to comply with both the Federal and California Endangered Species Acts. To ensure that this occurs, the applicant/owner is required to provide the RMA-Planning Department with:

- 1) evidence that the California Department of Fish and Game (CDFG) and the United States Fish and Wildlife Service (USFWS) have been consulted regarding potential impacts from the project;
- 2) either a letter of concurrence that the project is not likely to result in take of CTS and/or CRLF from the USFWS or an incidental take permit for CTS and/or CRLF from the USFWS; and
- 3) either a letter of concurrence that the project is not likely to result in take of CTS from the California Department of Fish and Game or an incidental take permit for CTS from the CDFG.

The Carmel Area Land Use Plan requires avoidance of environmentally sensitive habitat to the extent feasible. **Policy No. 2.3.3.5 of the Carmel Area LUP** states that development within environmentally sensitive habitat areas may be approved if it is found that disruption of a habitat caused by the development is not significant. **Policy 2.3.3.7 of the Carmel Area LUP** restricts excavation and grading activities in or adjacent to environmentally sensitive habitats to only that necessary for the proposed development.

Staff has reviewed the plans and considered other potential locations for the development. The alternative locations were dismissed because they were found to have greater impacts to the viewshed and vegetative communities and would not avoid impacts to special status species. As designed and mitigated the project minimizes impacts to sensitive habitat. Development of an access road to the homeland boundary and a house within the homeland boundary cannot be sited to avoid impacts to sensitive habitat. The proposed driveway follows an existing ranch road and easement. If a new easement could be obtained, the driveway could be located away from known upland habitat for special status amphibians in the area but would require more substantial grading and vegetation removal. The homeland boundary, where residential development has been directed through the approval of the Rancho San Carlos subdivision, contains mostly native grassland and is within 2 kilometers of CTS breeding habitat. The home has been designed such that it follows the natural terrain by incorporating below ground and above ground components. Vegetated pavers and a green roof are also incorporated in the design.

Mitigations intended to avoid and minimize impacts to sensitive habitat have been incorporated in the project. Those mitigation measures are described in more detail below.

CEQA Review

Due to the unique circumstances applicable to this site including aesthetics, biology, and soils, an Initial Study was prepared for the project. The Initial Study was circulated for public review and comment from August 8 to September 9, 2019. During the public review period, only the Coastal Commission provided comment which included a request to prepare a Ranch Management Plan for the project. After discussion with Coastal Commission staff, it has been determined that a Ranch Management Plan is not required for the project. No agricultural use is proposed and areas outside of the homeland boundary are already protected as open space.

The Initial Study identified potential impacts to aesthetics, air quality, biological resources, cultural resources, energy, geology/soils, greenhouse gas emissions, tribal cultural resources, and wildfire. Mitigation measures were suggested to address biological impacts, geology and soils impacts, and tribal cultural resources. All other impacts were found to be less than significant.

Biological Resources

As discussed in the Environmentally Sensitive Habitat Section above, the project has the potential to impact sensitive species including the California Tiger Salamander (CTS), Red-Legged Frog (RLF), California Newt, and the Obscure Bumble Bee. Mitigations were proposed and have been agreed upon by the applicant to avoid or minimize impacts to sensitive species to the extent feasible. Biological Mitigations include:

- MM1 - Submittal of a Construction Management Plan prior to construction and implementation of the plan during construction that includes the following:
 - Ground disturbing construction activities will be limited to the period from June 1 through October 31.
 - Because dusk and dawn are often the times when CTS and CRLF are most actively foraging and dispersing, the project site and driveway will be closed to all construction activities and traffic one half hour before sunset and will not begin prior to one half hour after sunrise.
 - To prevent inadvertent entrapment of CTS and CRLF during the proposed project, all excavated, steep-walled holes or trenches more than two feet deep will be covered at the close of each working day with plywood or similar materials. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals by a qualified biologist or the construction monitor.
 - Only tightly woven fiber netting or similar material may be used for erosion control at the project site. Coconut coir matting is an acceptable erosion control material. No plastic mono-filament matting will be used for erosion control, as this material may ensnare wildlife, including CTS and CRLF.
- MM2 - Prior to start of construction, a qualified biologist shall train all project staff regarding habitat sensitivity, identification of special-status species, and required practices.
- MM3 - A qualified biologist shall monitor ground disturbing construction activity such as grading and/or excavation for foundations. After ground disturbing activities are complete, the qualified biologist will train an individual to act as the on-site construction monitor

- MM4 - Restrictions on the use of poisons or rodenticides on the property and restrictions on mowing and vegetation management.
- MM5 – Consultation with and obtaining necessary permits from US Fish and Wildlife and the California Department of Fish and Wildlife prior to construction.

With these mitigation measures incorporated, impacts to sensitive species was found to be less than significant.

Geology and Soils:

The project site is located in an area identified on the Seismic Hazard map for the Cannel Area Land Use Plan as Seismic Hazard Zone IV, on a scale where roman numeral one (I) is the least hazardous and roman numeral six (VI) the most hazardous. An un-named, potentially active fault extends into the most northern portion of the residential parcel, but the fault trace is greater than 660 feet from the proposed development location. The site is approximately 1 mile southwesterly of the Cachagua Fault. According to Soil Survey Geographic data from the National Cooperative Soil Survey as shown on the County's GIS system, the primary soil type on the property is Santa Lucia-Reliz Association, which is one of the types identified in **LUP Policy 2.7.4.11 of the Carmel Area Land Use Plan** as being prone to rapid run-off and unstable soils. The reports analyze soils and geologic conditions at the site and make recommendations for design parameters based on the analysis. The reports find that the site is suitable for the proposed development, provided the recommendations made therein are followed.

To mitigate the effects of construction activities on erosion, an erosion control plan, prepared by a licensed engineer, which includes all of the recommendations found the Geotechnical report, must be prepared for the project and submitted to the RMA for review and approval. As supported by the geotechnical engineers' recommendations and as mitigated, the project was found to have a less than significant impact on geology and soils.

Tribal Cultural Resources:

The subject parcel is located in the aboriginal territory of the Ohlone/Costanoan-Esselen Nation (OCEN) and the Esselen Tribe of Monterey County (ETMC). Pursuant to Section 21080.3.1 of the Public Resources Code (often referred to as Assembly Bill 52 or "AB 52"), the County provided notice of a decision to prepare and Initial Study to the tribe or tribes who have requested notice. OCEN requested consultation and, on May 15, 2019, RMA-Planning staff consulted with OCEN to discuss the proposed project.

Consultation with the tribal representative for the Ohlone/Costanoan-Esselen Nation was held on May 15, 2019. OCEN is aware of several significant cultural resources within 1 mile of the project site and requested that a tribal representative be present during grading to ensure that resources are not inadvertently damaged and to ensure that, if recovered, that resources are treated with appropriate dignity. The applicant has agreed to Mitigation Measures 9 and 10 which require work to stop if resources are discovered on the site and that the County and the tribe be contacted to evaluate the find (MM9) and that a tribal representative be available during grading and earth disturbing activities (MM10).

With the incorporation of the recommended mitigation measures, impact to tribal cultural resources would be less than significant.

All other impacts were found to be less than significant and the project, as designed and mitigated, will not have a significant impact on the environment. Staff has provided findings with evidence for adoption of the Mitigated Negative Declaration (Exhibit B) and has incorporated the recommended mitigation measures in the mitigation monitoring and report program attached to the draft resolution.