

# Exhibit A

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## EXHIBIT A

### DETAILED DISCUSSION

#### AUERBACH - PLANNING FILE NO. PLN190276

##### Project Description and Setting

The proposed project involves the construction of a 5,024 square foot single-family dwelling with an attached 564 square foot garage, and construction of a 425 square foot detached guesthouse. The proposed site infrastructure improvements include installation of an on-site wastewater treatment system; installation of a 2,000 square foot ground-mounted photovoltaic system; conversion of a test well to a permanent domestic well; and associated grading of approximately 1,900 cubic yards of cut and fill. The project also involves removal of 9 trees (Monterey pine), development on slopes exceeding 30 percent, development within 100 feet of environmentally sensitive habitat area, and after-the-fact approval of vegetation removal within the footprint area of the proposed development. The vegetation removal occurred when technical consultants trimmed maritime chaparral within the development envelope to facilitate survey work and site evaluation for the proposed project.

The 37.656-acre property encompasses a non-urbanized area zoned for very low density single-family residential uses. The existing character of the site and vicinity is that of Central Maritime Chaparral and Monterey pine forest habitats, with surrounding parcels developed with single-family dwellings and accessory structures similar to those for the proposed project. The entire proposed development footprint (including infrastructure, wastewater treatment system, grading, hardscape and structural development) is sited exclusively in Central Maritime Chaparral habitat, which is considered environmentally sensitive habitat area (ESHA). See the detailed discussion below under EHSA and Land Use/Takings.

A comparison of approved and constructed development on surrounding properties shows that the proposed development is consistent with the previously-approved projects in the vicinity.

Properties					Area under	Esmnt.
On Red		Approved	Development	% of	Easement	to Dev.
<u>Wolf Dr.</u>	<u>Lot Size</u>	<u>Structures</u>	<u>Footprint</u>	<u>Parcel</u>	<u>Sq Ft / Acres</u>	<u>Ratio</u>
2990	8.73 acres	4,932 sq ft	48,736 sq ft	12.8 %	331,543 / 7.61	7.8-1
3000	11.27 acres	4,432 sq ft	69,567 sq ft	14.2 %	421,354 / 9.67	7.0-1
3200	10.00 acres	5,154 sq ft	87,120 sq ft	20.0 %	348,480 / 8.00	5.0-1
3420	5.01 acres	4,228 sq ft	38,130 sq ft	17.5 %	180,105 / 4.13	5.7-1
3600	40.00 acres	7,148 sq ft	52,272 sq ft	3.0 %	1,690,128 / 38.80	33.3-1
2700 *	37.65 acres	6,013 sq ft	56,385 sq ft	3.4 %	1,583,649 / 36.36	28.5-1

\* Subject Property

This comparison demonstrates that the proposed structures and overall development footprint would be comparable in square footage to the surrounding properties. Additionally, the proposed project would place a high ratio of acreage under conservation and scenic easement.

##### Project Impacts

### Tree Removal

The project includes removal of nine (9) Monterey pine trees. Forest resource policies of the Carmel Area LUP and development standards contained in Section 20.146.060 of the Coastal Implementation Plan (CIP) provide for protection of native forest areas and require development to be sited to minimize the amount of tree removal to the greatest extent feasible. As proposed, the project minimizes tree removal in accordance with the applicable goals, policies, and regulations of the Carmel Area LUP (Forest Resources) and the associated CIP.

A Tree Assessment (LIB190295; Frank Ono, Certified Arborist and Forester) prepared for the site pursuant to CIP Section 20.146.060 identified the removal of nine (9) Monterey pine within the proposed development footprint. The report confirmed that the trees identified for removal are the minimum necessary for the proposed development, and determined that the proposed development would not adversely impact the long-term health of the forest habitat on the property. Additionally, per the biological assessment (LIB190297; Fred Ballerini Horticultural Services), although Monterey pine is a special-status species, the removal of the trees within the proposed development footprint would have a less-than-significant impact as the trees to be removed are naturalizing within the maritime chaparral habitat and removal of the trees would benefit this sensitive habitat. Per the biological reports, the area of Monterey pine forest is outside of the proposed development envelope, and no impacts to this community would occur.

Based on the submitted technical reports, the project has been sited and designed to minimize tree removal, and no other protected trees would be removed due to the proposed development. Per the Tree Assessment, the tree removal has been limited to that required for the development footprint (CIP Section 20.146.060.D.3), and will maintain the overall health and long-term maintenance of the forest resources on the property (CIP Section 20.146.060.D.4). Also, CIP Section 20.146.060.D.6 directs the replacement of native trees on the site in accordance with the recommendations of the arborist, except where it is demonstrated that replacement of trees would result in an overcrowded, unhealthy environment. The arborist report recommended tree replanting with 15 5-gallon sized Monterey pine in locations with the greatest opening in the stand to allow for a minimum of competition and maximum sunlight. Per Condition No. 23 (Tree Replacement) replanting shall be completed in accordance with the arborist's report. Additionally, per Condition Nos. 6 (Tree and Root Protection) and 7 (Tree Removal), installation of tree protection measures shall be required prior to issuance of a construction permit, and tree removal would not occur until the construction permit has been issued.

### Slopes

The project includes development on slopes exceeding 30 percent. Pursuant to the policies of the Carmel Area Land Use Plan (LUP Policies 2.2.4.10.a and 2.7.4.1) and applicable Monterey County Code (MCC Sections 20.146.030.C.1.a and 20.64.230.C.1), development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable land use plan than other development alternatives. In this case, there are no feasible alternative building sites that would completely avoid development on slopes that exceed 30 percent. The property is comprised of large areas of slopes in excess of 30 percent, and the project site has isolated portions that exceed 30 percent slope. Outside of the proposed development footprint, the parcel is comprised of slopes mostly exceeding 30 percent. Based on site topography, the applicant

has designed and sited the proposed development in the area of the parcel most suitable for development.

As proposed, the project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Carmel Area Land Use Plan. The project planner conducted site inspections on September 19, 2019, and January 6, 2020, to analyze possible development alternatives and to verify that the proposed project minimized development on slopes exceeding 30 percent. Pursuant to MCC Section 20.64.230.E.1, staff has recommended conditions of approval to assure stability of the development: Condition Nos. 15 (Sediment Control), 18 (California Construction General Permit/Stormwater Pollution Prevention Plan), and 19 (Stormwater Control Plan). Additionally, during the construction permit phase, the contractor will be required to comply with applicable building code requirements (i.e.; health, life, and safety) and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. In summary, overall site development would be subject to current regulations regarding control of drainage, and will be required to address post-construction requirements and runoff reduction. Therefore, no further special conditions of approval are necessary or required for this project.

#### Visual Resources and Viewshed

The property is located along Lobos Ridge, approximately 1.5 miles east of Highway 1, and east/southeast of the Carmel Highlands and Point Lobos, an area mapped as visually sensitive. Further, the stretch of Highway 1 to the west of the proposed project site is officially designated as a State Scenic Highway. However, per staff site inspections, views to the area of the property from Highway 1 are only available with the use of visual aids (e.g., binoculars), and the project site itself is not visible from the highway. Considering the distance, topography, existing vegetation, and project design features, the construction of the proposed project would not result in an adverse visual impact on views from Highway 1.

The property also has the potential to be visible from public viewing areas including Point Lobos State Natural Reserve and Carmel River State Beach. However, as described above (i.e.; due to distance, topography, existing vegetation, and project design features), the proposed project would only be visible from these locations with the use of visual aids. The site is not visible from other public areas such as Jack's Peak Park and Garland Park, which are located four miles north and eight miles east, respectively. Further, due to topography, the proposed project would not create a ridgeline silhouette because of the backdrop of higher hills and ridges behind the project location.

As proposed, the project incorporates exterior materials and colors to help the structure blend with the existing natural environment. Therefore, the project is consistent with the Carmel Area LUP policies regarding Visual Resources (Chapter 2.2) and would have no impact on the public viewshed and would not substantially degrade the visual character of the site as surrounding uses are similar.

#### ESHA

The project includes development within 100 feet of ESHA, and includes a request for approval of after-the-fact vegetation removal within the footprint area for the proposed development. Policies in Chapter 2.3 of the Carmel Area LUP require maintenance, protection, and where

possible enhancement of sensitive habitats. The proposed development (including infrastructure, wastewater treatment system, grading, hardscape and structural development) is sited exclusively in Central Maritime Chaparral habitat, which is considered environmentally sensitive habitat area (ESHA) by both the California Department of Fish and Wildlife (CDFW) and the California Coastal Commission (CCC).

Impacts to ESHA are anticipated as there is no feasible alternative location on the parcel to avoid such habitat. Mitigation measures, including restoration, habitat protection measures, and habitat management, have been incorporated into the project to minimize potential impacts to ESHA. The total development footprint would disturb approximately 56,385 square feet (1.29 acres). The applicant revised the project to reduce the overall development footprint and potential impacts to ESHA. The revisions include elimination of a trail from the guesthouse to the driveway (reduction of 440 square feet), decreasing the length of a remaining trail by over 140 linear feet (reduction of 560 square feet), decreasing the driveway length by 60 linear feet (reduction of approximately 720 square feet), and moving the guesthouse closer to the main dwelling (reduction of the structural envelope by approximately 200 square feet). The resulting reduction in the development footprint totals approximately 1,920 square feet.

These revisions resulted in the removal of 3 additional Monterey pine trees; however, although Monterey pine is a special-status species, the removal of the trees within the proposed development footprint would have a less-than-significant impact as described above. Mitigation measures have been proposed to reduce the identified impacts to a level of less than significant. Mitigation Measure Nos. 1, 2, and 3 would reduce the potentially significant impacts by requiring the preparation and implementation of a restoration plan, implementation of sediment control procedures, and a pre-construction survey for Monterey dusky-footed woodrat. County staff has also recommended conditions of approval to require a conservation and scenic easement over the remaining undeveloped portions of the parcel (Condition No. 10) and to require tree replacement planting (Condition No. 23). As designed, conditioned, and mitigated the project minimizes impacts to ESHA in accordance with applicable policies and development regulations.

#### Land Use/Takings

Pursuant to applicable Carmel Area LUP Policies, no land use discretionary permit or other permit relative to land use may be approved if it is found to be inconsistent with the Monterey County Local Coastal Program. An exception pursuant to Section 20.02.060.B of Title 20 may be considered if the strict application of the land use plan policies denies all reasonable use of the subject property. As described above, the entire parcel is considered ESHA, thus constraining development such that avoidance of ESHA is not feasible. None of the uses allowed in the Watershed and Scenic Conservation Residential zoning district are considered resource-dependent development, dependent specifically on Central Maritime Chaparral habitat. Therefore, denial of the project would deny all reasonable, and allowed pursuant to zoning, use of the subject property.

Per Section 20.02.060.B, the Planning Commission may approve the project subject to the following findings:

- 1) The parcel is otherwise undevelopable due to policies of the Carmel Area Land Use Plan, other than for reasons of public health and safety;

- 2) The granting of a coastal development permit would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use designation in which the subject property is located;
- 3) The parcel is not located within the critical viewshed of Big Sur as defined in Coastal Implementation Plan Sections 20.145.020 and 20.145.030, and in the Big Sur Land Use Plan;
- 4) Any development being approved is the least environmentally damaging alternative project; and
- 5) The development being approved under these provisions shall be one of the "allowable uses" as listed under the parcel's zoning classification and that it shall be appealable to the California Coastal Commission in all cases.

As designed, conditioned, and mitigated the project meets these finding requirements pursuant to Section 20.02.060.B. The proposed development has been sited outside of the portion of the property with the highest relative habitat sensitivity. The development has also been modified during the application process, decreasing the development area by approximately 1,920 square feet, in order to reduce impacts to ESHA to the greatest extent feasible. The project, as proposed and mitigated, includes restoration of Central Maritime Chaparral habitat and invasive species control, sediment control, surveys for the dusky-footed woodrat, and placing a scenic and conservation easement over the remaining undeveloped portions of the parcel.

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