



Monterey County Planning Commission

Agenda Item No. 3

Legistar File Number: PC 21-010

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

March 10, 2021

Introduced: 3/1/2021

Version: 1

Current Status: Agenda Ready

Matter Type: Planning Item

PLN190276 - AUERBACH

Public hearing to consider construction of a 5,024 square foot single-family dwelling with an attached 564 square foot garage and associated site infrastructure; construction of a 425 square foot detached guesthouse; removal of 9 trees (Monterey pine); development on slopes exceeding 30 percent and within 100 feet of environmentally sensitive habitat area; and after-the-fact vegetation removal within the footprint area of proposed development.

Project Location: 2700 Red Wolf Drive, Carmel, Carmel Area Land Use Plan, Coastal Zone

Proposed CEQA Action: Consider and adopt a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Plan.

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines.
- b. Approve a Combined Development Permit consisting of:
 - (1) Coastal Administrative Permit and Design Approval to allow construction of a 5,024 square foot single-family dwelling with an attached 564 square foot garage and associated site infrastructure;
 - (2) Coastal Administrative Permit and Design Approval to allow construction of a 425 square foot detached guesthouse;
 - (3) Coastal Development Permit to allow removal of 9 trees (Monterey pine);
 - (4) Coastal Development Permit to allow development on slopes exceeding 30 percent;
 - (5) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area; and
 - (6) After-the-fact Coastal Development Permit (to clear 19CE00449) to allow vegetation removal within the footprint area of proposed development.
- c. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan (MMRP).

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**). Staff recommends approval subject to twenty-three (23) conditions, including three (3) mitigation measures.

PROJECT INFORMATION:

Property Owner: Jonathan and Jessika Auerbach

Agent: Studio Schicketanz

APN: 416-011-004-000

Zoning: Watershed and Scenic Conservation, 80 acres per unit, with a Design Control Overlay (Coastal Zone) [WSC/80-D (CZ)]; and Watershed and Scenic Conservation, 40 acres per unit,

with a Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)]. The proposed development would occur in the area of the parcel zoned WSC/80-D (CZ).

Flagged and Staked: Yes

SUMMARY:

The Auerbach property is located at 2700 Red Wolf Drive, in the unincorporated area of Lobos Ridge situated above and east/southeast of the Carmel Highlands and Point Lobos. 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 houses.

The proposed project involves 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 surveyed and evaluated the site.

Staff reviewed the application and found the project, as proposed, consistent with the Carmel Area Land Use Plan (LUP) and Coastal Implementation Plan (Title 20, Parts 1 and 4). The only significant impact of the proposed project involves consistency of the development within environmentally sensitive habitat area and the associated issue of takings. This and other identified impacts are briefly discussed below, and in more detail in the project Discussion at **Exhibit A**.

DISCUSSION:

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. 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.

Slopes

The project includes development on slopes exceeding 30 percent. 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, 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 isolated portions that exceed 30 percent slope. Based on site topography, the applicant has designed and sited the proposed development in the area of the parcel most suitable for development.

Environmentally Sensitive Habitat Areas (ESHA)

The project includes development within 100 feet of ESHA, and 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 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, are recommended to minimize potential impacts that would result from the proposed residential development. The total development footprint would disturb approximately 58,305 square feet (1.34 acres). The applicant revised the project to reduce the overall development footprint and potential impacts to ESHA by 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 a sensitive wildlife species. 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

The strict application of the Carmel Area LUP policies and development standards would deny reasonable use of the property. The proposed project is consistent with the allowed uses provided for in the Watershed and Scenic Conservation Residential zoning district and the project has been sited, design, conditioned, and mitigated to be the least environmentally damaging alternative project. Therefore, approval is consistent with Section 20.02.060.B of Title 20.

See **Exhibit A** for a more detailed project discussion.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Pursuant to Public Resources Code Section 21083 and CEQA Guidelines Sections 15063(a) and 15063(b)(2), Monterey County as Lead Agency completed environmental review to determine if the project may have a significant effect on the environment. The County prepared a draft Initial Study and Mitigated Negative Declaration (IS/MND) for this project (**Exhibit D**). The MND was filed with the County Clerk on August 6, 2020, and circulated for public review and comment from August 7 to September 8, 2020 (SCH No. 2020080061). The draft Initial Study and MND identified potentially significant impacts to biological resources, and land use and planning. Staff has proposed mitigation measures to reduce the identified impacts to a level of less than significant. Mitigation Measure Nos. 1 through 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 a sensitive wildlife species. All other standard topics of environmental analysis were found less than significant or no impact.

During public review of the IS/MND, the County received comments (**Exhibit E**) from the California Department of Parks and Recreation (State Parks), Studio Schicketanz (project agent), the Ohlone/Costanoan-Esselen Nation (OCEN), and the California Department of Fish and Wildlife (CDFW). The State Parks comments, in general, discuss future development of the Point Lobos Ranch property, and restrictions or limitations on use of adjacent State Parks' lands to the north of the subject project parcel. The Studio Schicketanz comments address the conversion of the test well to a permanent domestic well, and the number of stories or levels in the proposed residence. The OCEN comments objected to the County's description of the tribal consultation in the IS/MND. The comments from CDFW, in general, discuss the sensitive biotic resources that *could* be present on the project site and be potentially impacted by the construction of the proposed residential project; however, the CDFW letter does not provide evidence to support specific references or assertions of presence of sensitive resources on the project site. County staff reviewed the comments received based on the specific circumstances of this project, and determined that they do not alter the conclusions in the draft Initial Study, and no revisions to the draft Initial Study are necessary in response to the comments. The detailed County responses to the CEQA comments are attached as **Exhibit F**.

OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau
- Environmental Services
- Public Works
- Carmel Highlands Fire Protection District

LUAC:

The proposed project was reviewed by the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) on January 6, 2020. At a duly-noticed public meeting, at which all persons had the opportunity to be heard, the LUAC voted 6 - 0 (6 yes and 0 no) to support the project as proposed. No members of the public commented on the project, and the LUAC raised no concerns regarding the project (**Exhibit G**).

Prepared by: Joseph Sidor, Associate Planner, x5262
Reviewed by: Anna Quenga, Senior Planner
Approved by: Erik Lundquist, AICP, HCD Chief of Planning *EL*

The following attachments are on file with the HCD:

Exhibit A - Detailed Discussion

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Project Plans

Exhibit C - Vicinity Map

Exhibit D - Final Initial Study/Mitigated Negative Declaration

Exhibit E - CEQA Comments

Exhibit F - County Responses to CEQA Comments

Exhibit G - Carmel Highlands LUAC minutes for January 6, 2020

cc: Front Counter Copy; California Coastal Commission; Mike Novo, HCD Interim Director, Erik Lundquist, HCD Chief of Planning; Craig Spencer, HCD-Planning Services Manager; Joe Sidor, Project Planner; Public Works; Environmental Health Bureau; Environmental Services; Carmel Highlands Fire Protection District; Jonathan and Jessika Auerbach, Applicant/Owner; Studio Schicketanz, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN190276