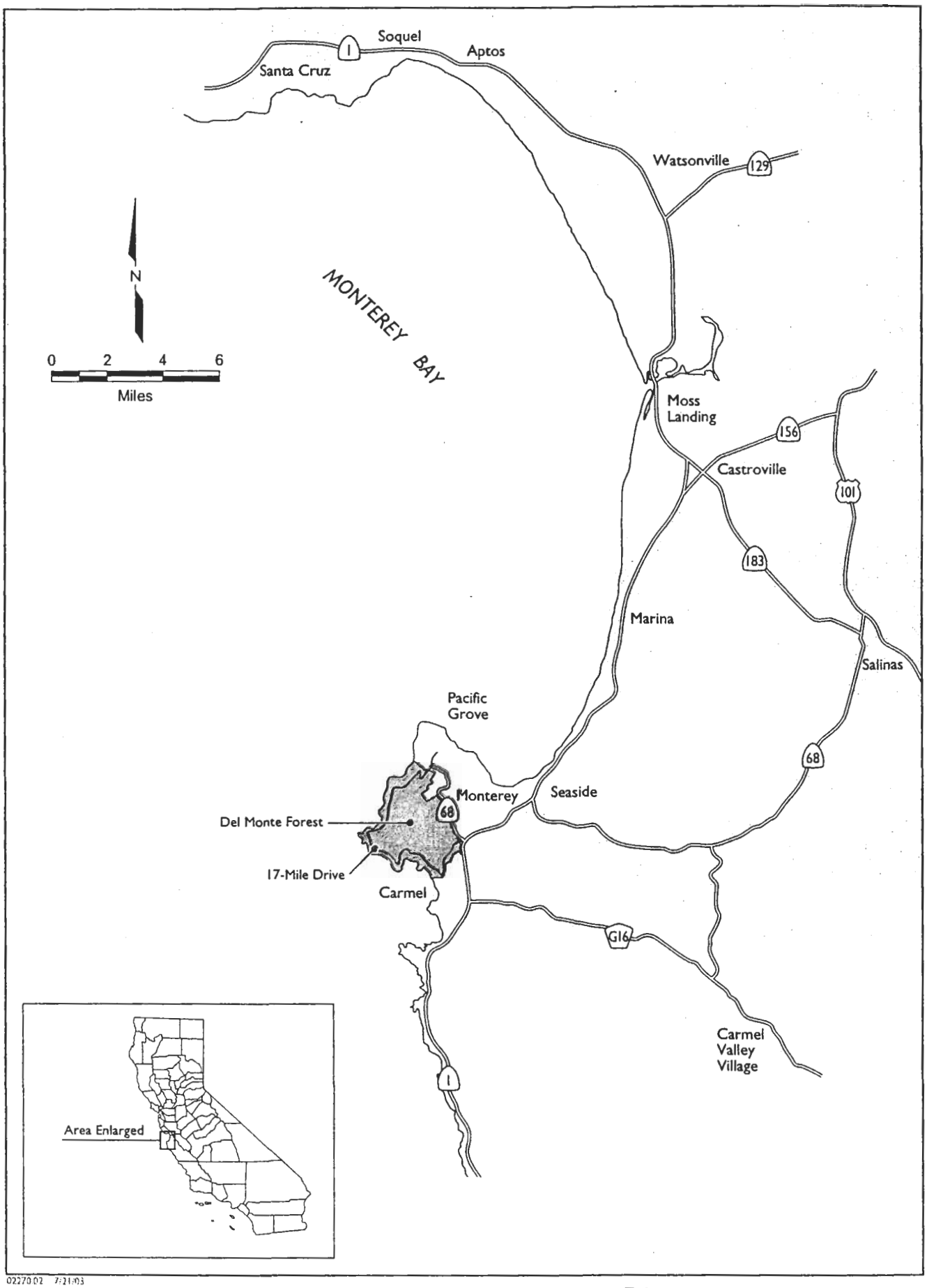

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Exhibit 1, Location Map
Monterey Co. LCP Amendment No. 1-05

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

DEL MONTE FOREST PLAN: FOREST PRESERVATION AND DEVELOPMENT LIMITATIONS

THE PEOPLE OF THE COUNTY OF MONTEREY ORDAIN AS FOLLOWS:

Section 1. TITLE

This measure shall be known as the "Del Monte Forest Plan: Forest Preservation and Development Limitations."

Section 2. FINDINGS AND DECLARATIONS

The people of the County of Monterey hereby find and declare the following:

a. Habitat for Monterey pine trees in Monterey County is diminishing and steps need to be taken to preserve additional natural stands of Monterey pine.

b. Areas of the Del Monte Forest, including the Pescadero Canyon area, provide critical habitat for the preservation of the Monterey pine.

c. The people of Monterey County desire a significant reduction in the amount of future residential development permitted in the Del Monte Forest area to reduce the impacts on Monterey pine habitat and a significant increase in open space to assist in the preservation of the Monterey pine.

d. Any future visitor-serving development should occur adjacent to existing visitor-serving or recreational facilities.

e. Any future development in the Del Monte Forest area must be consistent with the protections currently provided by the California Coastal Act.

f. Any future development in the Del Monte Forest area must be subject to full and complete environmental review as well as public participation through the holding of public hearings.

Section 3. PURPOSE AND INTENT

The people of the County of Monterey hereby declare their purpose and intent in enacting the Initiative to be as follows:

a. To preserve additional Monterey pine trees and related habitat in the Del Monte Forest area of Monterey County.

b. To significantly reduce future residential development and increase open space in the Del Monte Forest area.

c. To encourage future visitor-serving development adjacent to existing visitor-serving or recreational facilities in the Del Monte Forest area.

d. To require that any future development in the Del Monte Forest area be consistent with the protections currently provided by the California Coastal Act.

e. To require that any future development in the Del Monte Forest area be subject to full and complete environmental review and include public participation through the holding of public hearings.

Section 4. DEL MONTE FOREST AREA LAND USE PLAN AMENDMENTS
(Amendments are indicated by ~~strikeout~~ and underlining.)

The Del Monte Forest Area Land Use Plan is amended as follows:

(a) Policy 78a of Chapter 3 (Land Use and Development Element) is amended to read as follows:

Policies Specific to Maintaining Environmental Quality

73. The OSAC Plan and the Site Specific Shoreline Public Access Design Criteria shall be the principal mechanism for implementing environmental quality aspects of this LUP in open space areas.

74. Environmentally sensitive habitat areas will remain undeveloped except for parking or similar access facilities. Access improvements shall be developed consistent with the site specific recommendations of the LUP Access Maps (Appendix B).

75. Within their indigenous range, Monterey cypress trees shall be protected to the maximum extent possible. This shall be accomplished by design review during the development review process.

76. Prior to approval of any proposed development on the Hill property at Pescadero Point, further archaeological review shall be required and mitigation measures adequate to protect the sites archeological resource shall be developed and implemented.

77. Detached or attached guest rooms are not to be equipped for permanent living and are not considered residences. They may be permitted at the maximum rate of one (either attached or detached) per parcel or one (either attached or detached) for each principal residence providing the constraints of the parcel and other plan

policies permit. Furthermore, detached guest rooms shall be located in close proximity to the principal residence, share the same utilities except where prohibited by public health or water management district requirements, contain no kitchen or cooking facilities, and be limited to 425 square feet. Conditions shall be implemented by CC&Rs or other legal restrictions, including revocation provision for non-conformance. Subdivisions shall not be permitted to divide a principle residence from a guest room.

78. Studios and other small non-residential and non-commercial accessory structures such as tool sheds, workshops, or barns may be permitted on any size parcel provided the constraints of the parcel and other plan policies permit. None of these units shall ever be used for habitation purposes.

78a. Encourage the use of caretakers' accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. Applicants for detached caretakers' residences shall demonstrate a need for the unit as part of the development review process. Detached caretakers' residences shall not exceed 850 square feet in size. Subdivisions shall not be permitted to divide a principle residence from a caretaker's residence. Only one caretakers' unit shall be allowed on the parcel.

Additional employee housing is permitted for priority uses (e.g. visitor-serving commercial) ~~in one dormitory/bunkhouse or in temporary structures (i.e., former mobile homes)~~ consistent with all other plan policies.

(b) **Policies 82 and 87 of Chapter 3 are amended to read as follows:**

Policies Specific to Orderly Development Balanced with Resource Conservation

79. Recreation in environmentally sensitive habitat areas such as residual dunes, wetlands, and areas with rare or endangered plants or animals shall be limited to passive, low-intensity recreation use dependent on and compatible with the sensitive resources. Conformance with the appropriate Site Specific Shoreline Public Access Design Criteria and OSAC maintenance standards shall the test of consistency with this policy, where appropriate.

80. Shoreline areas suitable for scenic outdoor recreation, such as from Cypress Point to Point Joe, are intended for day use only, with improvements limited to trails, picnic areas, parking areas, and restroom facilities.

81. Public access plans for the Spanish Bay planning area should be coordinated with plans of the State Department of Parks and Recreation for adjoining Asilomar State Beach to ensure compatibility and a balance of public access opportunities.

~~82. Area B shall be the last area to be developed in Spanish Bay. The southwest portion of Spanish Bay Area B shall be allowed a maximum of 42 units. The north east portion shall be allowed 21 units, a total of 63 units in Area B.~~ Area B may be used for up to 12 units of employee housing.

83. Clustering of uses shall be encouraged wherever practical as a means of preserving Forest values.

84. New development fronting 17-Mile Drive shall maintain an adequate natural buffer. A minimum setback of 100 feet from the centerline of the road shall be maintained to screen new development from motorists, unless otherwise protected by terrain. In the case of Area B, the setback shall be 200 feet from the centerline of 17-Mile Drive. For existing legal lots of record fronting 17-Mile Drive, a minimum setback of 15-20 feet from the front lot line shall be required consistent with that presently required throughout Del Monte Forest. Direct driveway access to 17-Mile Drive should be avoided where possible.

85. New subdivisions shall provide and maintain an adequate natural buffer to protect the forested corridor throughout Del Monte Forest and to screen new development. Accordingly, a minimum setback of 50 feet from the front lot line shall be required in all new subdivisions.

86. Golf course development may be permissible in areas shown for residential development. If golf course development is proposed and approved in any of these areas, it shall result in a reduction in the number of dwelling units permitted by this plan for the area in proportion to the number of acres devoted to the golf course use. For example, a 50 acre golf course in an area shown for residential use at a density of two units per acre will result in a reduction of 100 dwelling units in that area.

87. New commercial development may be permitted when integrated with the resort hotels, the community hospital or the neighborhood commercial center on the Huckleberry Hill quarry site.

(c) The Land Use Designations section of Chapter 3 (Land Use and Development Element) is amended to read as follows:

LAND USE DESIGNATIONS

The basic categories of land use designated in the Del Monte Forest are: 1) residential, 2) commercial, and 3) open space.

These use categories are fully described in the following discussion. Figure 3 shows the planning area framework within which these uses are subsequently discussed. Figures 4 and 4A show environmental considerations which were primary considerations affecting

the location of new development. Figure 4A presents a detailed legend for Figures 6, 7, 8, 9, 10, 11, 12 and 13. Figure 5, attached hereto and incorporated herein by reference, shows the Del Monte Forest Area Land Use Plan, - ~~1984~~ as amended. Figure 5A presents a detailed legend for Figures ~~6A, 7A, 8A, 9A, 10A, 11A, 12A and 13A.~~ 5.

(d) The Commercial subsection of the Land Use Designations section of Chapter 3 (Land Use and Development Element) is amended to read as follows:

Commercial

Three classes of commercial uses are indicated. They include: 1) Visitor-Service Commercial, 2) General Commercial, and 3) Institutional. They are described as follows:

1) Visitor-Service Commercial - This category allows for uses providing basic support services and visitor needs associated with coastal recreation and travel. Major hotel or inn accommodations and support commercial facilities are principal uses. Residential uses consistent with LUP Land Use Maps and intensities may be permitted as secondary uses under this category at the density specified. The ~~three~~ four areas in this category are the existing lodge and environs at Pebble Beach, the ~~proposed~~ Spanish Bay resort, ~~and~~ the visitor-serving facilities at the ~~proposed~~ NCGA Golf Course, and no more than 24 future golf suites to be located in Areas M and N.

2) General Commercial - This category provides for commercial-use areas to support community needs; it includes the professional/administrative offices near the community hospital, and the rock quarry at Sunridge and Lopez Roads, where reclamation for reuse is planned. Future uses will be required to be compatible with the general retailing and community service character of this designation, as well as community services and storage facilities.

3) Institutional - This designation is applied to a variety of uses, including the community hospital, Robert Louis Stevenson School, firehouses, and a utility substation.

(e) Figure 5 entitled "Land Use Plan" in Chapter 3 (Land Use and Development Element) is hereby amended as shown in Exhibit 1 which is incorporated herein by reference.

(f) The introductory subsection of the Land Use by Planning Area section of Chapter 3 (Land Use and Development Element) is amended to read as follows:

LAND USE BY PLANNING AREA

The Land Use Element is described for each of the planning areas. This provides for easier understanding of the uses and the rationale for each use within each planning area. The format for describing each planning area includes: a description of the location, size, and extent of existing land use; a summary of relevant environmental considerations; a summary of public service availability and limitations; and a description of the land uses planned for remaining available property. ~~A map is included for each planning area summarizing the discussion. Table A provides a statistical summary of acreages and planned new uses.~~

~~The number of residential and visitor-serving units shown on Table A and the~~ The densities shown on Figure 5 ~~and on the following land use plan maps for the various planning areas are maximum figures. The exact density is~~ are contingent upon natural resource constraints present and availability of public services as determined through project review.

(g) Table A of Chapter 3 (Land Use and Development Element) is hereby repealed.

(h) The New Land Use subsection of the Spanish Bay (Area 1) section of Chapter 3 (Land Use and Development Element) is amended to read as follows:

New Land Use (See Figure ~~6A~~ 5)

A combination of recreation and visitor-serving land uses along with open space and residential uses is planned for Spanish Bay. Currently, a ~~proposed 270-room~~ resort hotel is ~~would be~~ located seaward of 17-Mile Drive at the former sand mining site. ~~It is expected that the~~ The hotel complex ~~will~~ includes retail, restaurants, tennis courts, swimming pools, 80 residential units (area "A"), and parking facilities with direct access to 17-Mile Drive. ~~One hundred nineteen (119) low and medium-density residential units are planned east of 17-Mile Drive in areas B and C. A maximum of 199 residential units is permitted for the Spanish Bay area. However this number may be reduced if the northerly B area is acquired for open space use.~~

An 18-hole golf course is ~~planned~~ located at Spanish Bay; the areas along the shoreline encompassing the remaining native dune habitat are shown as shoreline and open-space land uses. The golf course ~~will~~ includes rehabilitated riparian and wetland habitat as water hazards and ~~will~~ involves the enhancement of riparian areas as well as rehabilitation of dune landforms and plant associations originally found in the now mined-out area as part of the "links-land" golf course design. Sand necessary for dune landform rehabilitation will be obtained onsite if possible, but may be obtained from other sand pits or at locations designated on the Land Use Plan if insufficient quantities are available on site. When completed, there will be ~~199.86~~ approximately 235 acres in open space.

TABLE A
SUMMARY OF NEW PLANNED DEVELOPMENT IN DEL MONTE FOREST***

Planning Area	Planning Unit	New Developed Acreage	New Residential Dwellings	New Visitor Accommo-dations
Spanish Bay	A	49.60	80**	270
	B	28.90	63	
	C	28.00	56	
		106.50	199	
Spyglass Cypress	J	11.57	22	
	K	11.08	22	
	L	23.05	46	
	M	17.00	68	
	N	51.24	51	
	O*	20.00	40	
		133.94	249	
Middle Fork	H*	23.96	48	
	I	51.50	83	
		75.46	131	
Pescadero	P	34.30	34	
	Q	45.45	45	
	R	75.62	75	
	S*	41.32	41	
	Y	20.41	20	
		217.10	215	
Huckleberry Hill	G	39.00	78	
	Coml.	27.00		
		66.00	78	
Gowen Cypress	D	-	-	
	F	43.30	86	
		43.30	86	
Pebble Beach	U	22.30	22	
	V	26.00	52	
	W	18.00	12	
	X	23.00	23	
		89.30	109	
Country Club	-	-	-	
TOTAL NEW DEVELOPMENT		731.60	1067	270

* This unit count reflects proposed subdivision.
** These units are considered to be condominiums.
*** Summary does not include proposed new golf courses or development of existing vacant lots of record.

A driving range, golf teaching center, and parking are expected to be constructed in Area C to complement the existing Spanish Bay Golf Course. Employee housing may be proposed in Area B.

(i) **Figure 6A of Chapter 3 (Land Use Development Element) is hereby repealed.**

(j) **The New Land Uses subsection of the Spyglass Cypress (Area 2) section of Chapter 3 (Land Use and Development Element) is amended to read as follows:**

New Land Uses (See Figure ~~7A~~ 5)

~~Continuity of t~~The existing pattern of low-density residential development and open space is generally reflected in the land use plan. New recreational and visitor-serving uses may be located in appropriately zoned areas. Residential uses will be allowed to infill the Spyglass Woods Drive area. The remnant sand dune habitat areas near Seal Rock Creek and behind Fan Shell Beach are to be protected in open space for their habitat and scenic resource values. ~~The permitted additional dwellings, therefore, would be concentrated away from the protected area; for example, within the former sand mine reclamation area or within the forested area east of the remnant dunes. A total of 249 additional residential units is allowed in this planning area in areas "J", "K", "M", "N", and "O".~~ When ~~built-out~~ completed, there will be ~~135.5~~ approximately 246 acres ~~in~~ of preserved forest, ~~and~~ shoreline, and recreational open space areas.

(k) **Figure 7A of Chapter 3 (Land Use and Development Element) is hereby repealed.**

(l) **The New Land Uses subsection of the Middle Fork (Area 3) section of Chapter 3 Land Use and Development Element) is amended to read as follows:**

New Land Uses (See Figure ~~8A~~ 5)

~~A golf course and 131 additional residential dwelling units~~ Open space and 11 lots for residential dwellings in Area I are the principal proposed land uses in this planning area ~~(area "H" - 48, area "I" - 83)~~. ~~Low-density residential clusters are shown in the Spruance Road and Forest Lake Road vicinities as well as fronting the golf course.~~

(m) **Figure 8A of Chapter 3 (Land Use and Development Element) is hereby repealed.**

(n) **The New Land Uses subsection of the Pescadero (Area 4) section of Chapter 3 (Land Use and Development Element) is amended to read as follows:**

New Land Uses (See Figure ~~9A~~ 5)

The majority of the area is planned to be preserved as forest and upland open space habitat, reflecting environmental constraints of slopes, soil erosion hazard, and plant and wildlife habitats. Residential development clusters are shown on the more level terraces, with ~~215~~ 20 additional residential dwellings planned on land in Area Y. In addition, there will be 7 lots located on approximately 15 acres, and approximately 230 acres preserved in open space (areas "P", "Q", and "R" ~~"S", and "Y"~~).

(o) **Figure 9A of Chapter 3 (Land Use and Development Element) is hereby repealed.**

(p) **The Environmental Considerations subsection of the Huckleberry Hill (Area 5) section of Chapter 3 (Land Use and Development Element) is amended to read as follows:**

Environmental Considerations (Figure 10)

Much of the west-facing hillside within the Huckleberry Hill planning area has slopes over 30%. Soil on the steeper slopes is generally shallow with rapid runoff potential. Retention of the native trees and groundcover will minimize the erosion and runoff hazards on steeper slopes.

Elimination of residential units in Area G will result in preservation of approximately 965 acres of contiguous open space forest between the Gowen Cypress, Huckleberry Hill, Middle Fork and Pescadero Canyon areas.

Rehabilitation of the operating granite quarry (as well as another small abandoned quarry) should be accomplished in conjunction with ultimate reuse of the property. The face of the stockpiled overburden is subject to erosion into the branch of Sawmill Gulch which traverses the S.F.B. Morse Botanical Reserve. Ultimately, revegetation of the mine face with Monterey pine forest and other indigenous plants will assist in blending the mine site into the surrounding pine forest environment.

(q) **The New Land Uses subsection of the Huckleberry Hill (Area 5) section of Chapter 3 (Land Use and Development Element) is amended to read as follows:**

New Land Uses (See Figure ~~10A~~ 5)

The undeveloped area west of Los Altos Drive is shown primarily as open space for protection of the forest cover on the steep slopes.~~, with one area of residential use shown on more gently sloping knolls. This residential area is suitable for concentration of development. Seventy-eight additional dwelling units are permitted near Ronda Road (area G).~~ The quarry requires rehabilitation. Limited neighborhood commercial uses

may be permitted in the quarry site and the total acreage devoted to such uses shall be limited to ten acres. A corporation yard, recreation vehicle storage facilities, and potable or sub-potable water storage may be permitted at the quarry site. The commercial land use designation allows maximum planning flexibility and could permit this site to become a transfer point for transit connections between normal bus service and intra-Forest transit.

(r) Figure 10A of Chapter 3 (Land Use and Development Element) is hereby repealed.

(s) The New Land Uses subsection of the Gowen Cypress (Area 6) section of Chapter 3 (Land Use and Development Element) is amended to read as follows:

New Land Use (See Figure ~~11A~~ 5)

The land use designations for this planning area reflect the natural and scenic values of the Gowen Cypress habitat. Most of the area will remain in open space in order to protect the environmentally sensitive Gowen Cypress-Bishop pine habitat, riparian habitat and the Sawmill Creek watershed. A total of ~~86 additional residential dwellings~~ 16 residential dwellings is planned ~~in the Gowen Cypress area~~ in area "F". Existing mined out areas not used for residential development can be used for public works purposes and an equestrian center. ~~In addition to residential development, a golf course is planned for the westerly portion of the planning area.~~ Applicable OSAC Plan maintenance standards prescribe specific conditions for open space maintenance and limitations on development within future residential development areas as well as the maximum extent of the S.F.B. Morse Botanical Reserve.

(t) Figure 11A of Chapter 3 (Land Use and Development Element) is hereby repealed.

(u) The New Land Uses subsection of the Pebble Beach (Area 7) section of Chapter 3 (Land Use and Development Element) is amended to read as follows:

New Land Uses (See Figure ~~12A~~ 5)

The entire Pebble Beach planning area, except for the townhouse area near The Lodge, will continue its low-density residential designation. A General Development Plan has been approved by the County for the Lodge and Associated Commercial Area.

The Plan reflects the visitor-serving facilities at The Lodge ~~(maximum of 161 inn units per General Development Plan)~~ and associated commercial area ~~(maximum 25% site coverage per Planning Commercial zoning)~~ along with the recreational uses of the golf courses~~,~~ and beach and tennis club~~, and equestrian center~~. ~~For~~ Open space recreation uses

are planned for portions of the ~~remaining~~ undeveloped areas in Pebble Beach. ~~,low-density residential development is shown north of the equestrian center, while medium-density is allowed adjacent to The Lodge townhouses and the Peter Hay Golf Course. 108 additional residential units are planned for these areas (areas "U", "V", "W", and "X")~~. Twenty-three additional residential units are planned for area X.

The area between Cypress Point and Pescadero Point and seaward of 17-Mile Drive is shown for low-density residential use at 1 unit per 2 acres. Although subdivided, this coastal strip contains some parcels which may be difficult to develop due to the presence of Monterey cypress specimens, a high water table, and rock outcrops.

(v) **Figure 12A of Chapter 3 (Land Use and Development Element) is hereby repealed.**

(w) **The Planned Circulation Improvements subsection of the circulation section of Chapter 4 (Land Use Support Elements) is amended to read as follows:**

Planned Circulation Improvements

In developing circulation improvements for the Forest, it has been assumed that the road system will continue to be privately owned and managed. Precise road locations will be engineered for safety, convenience, and minimal environmental damage from grading and tree removal, to be insured through the County's environmental review and permit process.

One important change to the existing visitor access along 17-Mile Drive will occur in the Spanish Bay planning area where existing Spanish Bay Drive will be terminated 2,000' north of its existing intersection with 17-Mile Drive near Point Joe. In its place, 80 additional visitor parking spaces will be provided (as well as a foot trail along the shoreline connecting with Asilomar State Beach). Additionally, parking will be provided in a portion of area C to accommodate visitor-serving facilities in Spanish Bay. Traffic now using Spanish Bay Drive will be rerouted along a relocated Spanish Bay Road skirting the south side of the Spanish Bay planning area.

A second change planned for the visitor circulation system is the rerouting of 17-Mile Drive through the Country Club planning area via Lopez to Congress and thence to the Spanish Bay planning area. This is intended to reduce congestion and visitor/resident traffic conflicts at busy intersections along this segment of the scenic drive and to reroute the drive out of primarily residential areas.

Additional visitor access improvement are proposed south of Point Joe along 17-Mile Drive where parking areas will be reorganized and access improved. All of these roadway and parking improvements for visitors are consistent with Site Specific Shoreline Public Access Design Criteria developed for these shoreline areas and will be

implemented in a phased manner consistent with the timing shown in Appendix B of this Land Use Plan.

(x) Policy 113 of Chapter 4 (Land Use Support Elements) is amended as follows:

Policies

109. The County shall reserve an adequate volume from its Cal-Am water allotment to supply the proposed Spanish Bay hotel complex, condominiums, and golf facilities and the NCGA golf course facility. Non-priority residential subdivisions shall not be approved until water is assured for these coastal-priority, visitor-service facilities.

110. If reclaimed wastewater becomes available to the Del Monte Forest Area, it shall be used on golf courses in order to conserve and make available additional potable water for domestic use.

111. In reviewing development applications, the Monterey Peninsula Water Management District will be consulted to determine that water connections are available.

112. The County shall reserve water from its allotment for present lot owners. Water not set aside for coastal priority uses or existing legal lots of record may be used as the source for new subdivisions.

113. The developments listed in Table B as first priority developments shall have first priority for the use of available water and sewer capacity. Both water from the County's current allotment of unused water from California-American Water Company (as allotted by the Monterey Peninsula Water Management Agency), and sewage treatment plant capacity as provided by the Carmel Sanitary District have been reserved for such development.

~~All other development in Del Monte Forest area shall be shown on the Land Use Map with an Open Space/Resource Constraint overlay category over the designated land use because sewage capacity is currently unavailable for new development.~~ The Resource Constraint Area designation shown on Figure 5 shall be removed only when water and sewer capacity sufficient to serve such development becomes available and that highway capacity and circulation solutions have been agreed upon and adopted. Until such time that resource problems are solved, there shall be no development other than existing lots of record. The County shall cease issuing coastal development permits for developments which would generate wastewater when the appropriate treatment and disposal facilities reach a capacity threshold or when Pebble Beach Sanitary District will not approve a connection.

114. New development shall employ water conservation techniques to the greatest possible extent. This shall include, among other things, use of water-saving fixtures, retaining native plants, and installing drought- tolerant landscaping.

115. Wastewater reclamation projects are permitted and will be supported providing that they meet all the standards of the Chief of Environmental Health, Monterey County, the Regional Water Quality Control Board, and mitigation measure requirements of the California Environmental Quality Act.

(y) Policy 116 of Chapter 4 (Land Use Support Element) is amended to read as follows:

Policies

116. The housing goal for the Del Monte Forest Area, as with the rest of the County, is to ensure the availability of adequate housing, at affordable prices, to persons of a broad range of economic means. Portions of planning areas Spanish Bay B ~~Spyglass M and Huckleberry G~~ may accommodate employee housing ~~for senior citizens~~ at the permitted ~~same~~ density.

117. The County shall protect existing affordable housing opportunities in the Del Monte Forest Area from loss due to deterioration and demolition or conversion: This will be attained by:

- Discouraging demolition and requirement replacement on a one-for-one basis of all demolished or converted units which were affordable to or occupied by low and moderate income persons. Replacement housing will meet affordability criteria as established in the County General Plan and will be retained as low and moderate income units through deed restrictions or other enforceable mechanisms.

- Promoting housing improvement and rehabilitation programs for low and moderate income persons in both owner-occupied and renter-occupied units.

118. The County shall encourage the expansion of housing opportunities for low and moderate income households, consistent with the countywide provisions of the County Housing Element. The County shall:

- Require all new residential subdivisions to contribute to the provision of low and moderate income housing in conformance with the County's Inclusionary Ordinance and Housing Element. Exceptions may be made for hardship cases.

119. Time-share projects, time-share estates, and other time-share uses as defined in Section 11003.5 of the Business and Profession Code shall be prohibited in existing residential developments in the area covered by this plan.

New projects planned and designed for time-share use as defined above may be allowed in the plan area. Any such development will be subject to a Use Permit or similar permit, requiring a public hearing and discretionary approval by the Planning Commission or other appropriate decision making body. Inherent in the consideration of such proposals is the plan for the overall design, management, and maintenance of such facilities as well as the other applicable policies of this plan.

(z) **Figure 15 entitled "Recreational Facilities" in Chapter 5 (Public Access) is hereby amended as reflected in Exhibit 2 which is attached hereto and incorporated by reference.**

(aa) **A new section is added to Chapter 6 (Implementation and Administration) following the section entitled "Water Allocation in Del Monte Forest" to read as follows:**

Resource Constraint Compliance

As reflected in Figure 5 as amended and in the map entitled "Section 10 of the Zoning Plan of the County of Monterey," and "Section 16 of the Zoning Plan of the County of Monterey," each as amended, the Resource Constraints Overlay has been removed from certain lands in consideration of the following circumstances:

The Resource Constraint "Overlay" arises from Policy 113 of the Del Monte Forest Area Land Use Plan ("DMF LUP"). Policy 113 states that "the Resource Constraint Area designation shall be removed only when water and sewer capacity sufficient to serve such development becomes available and that highway capacity and circulation solutions have been agreed upon and adopted." At the time of adoption of the 1984 DMF LUP, there was insufficient sewer and water service capacity to serve all of the development allowed in the DMF LUP, and the DMF LUP itself (Policy 99) called for a study and program to define and implement traffic improvements.

These were the only constraints on which the Resource Constraint Area designation was based. Since that time, all of these constraints have been addressed and eliminated with respect to the following properties: Spanish Bay areas B and C, Gowen Cypress area F, Huckleberry Hill area G, Middle Fork areas H and I, Spyglass Cypress areas J, K, L, M, N and O, Pebble Beach areas U and V, and Pescadero areas P, Q and R (hereinafter "Properties"). The constraints have been removed as follows:

Sewer. At the time of adoption of the DMF LUP, the Carmel Sanitary District (now Carmel Area Wastewater District or CAWD) sewage treatment plant had an authorized

capacity of 2.4 million gallons per day (MGD). One-third of the CAWD Treatment Plant capacity (800,000 MGD at that time) is owned by the Pebble Beach Community Services District (PBCSD), which is responsible for sewage collection in Del Monte Forest. Based on then-existing flows, the remaining PBCSD capacity at the CAWD Plant was insufficient to serve all of the development planned for Del Monte Forest.

Subsequent improvements to the CAWD treatment plant have raised its authorized capacity to 3.0 MGD, of which the PBCSD share is 1.0 MGD. With this increased capacity, there is sufficient capacity to handle the additional sewage generated by the land uses contemplated in this Plan on the Properties so this constraint has been removed.

Water Supply. At the time of adoption of the DMF LUP, Monterey County's allocation of water from the California-American Water Company system, allocated by the Monterey Peninsula Water Management District, was insufficient to permit water service to all development planned in Del Monte Forest based on the priorities established by Monterey County. Subsequently, the owner of the Properties received a dedicated water entitlement of 365 acre feet annually, independent of Monterey County's allocation under the Monterey Peninsula Water Management District (MPWMD) jurisdictional water allocation program. As a result of the owner's financial guarantee of the cost of the CAWD/PBCSD Wastewater Reclamation Project, there is sufficient water for the land uses allowed by this Plan on the Properties so this constraint has been removed.

Traffic and Circulation. Policies 98 and 99 of the DMF LUP govern the traffic and circulation improvement requirements for new development. Policy 99 requires an independent engineering study to establish an arterial system, changes to Highway 68 and access gates in order to provide for the increased traffic, and traffic controls. These requirements were satisfied by the County's acceptance of the Transportation Engineering Study for the Del Monte Forest, prepared by Burton N. Crowell and The Goodrich Traffic Group (commonly referred to as the "Crowell Report"), which established all of the indicated requirements.

Under Policy 99, new development must either bear the incremental costs of necessary improvements to Highway 68 and Highway 1 required as a result of traffic generated by the development, or pay into a fund that will be administered by the County for the incremental costs of the necessary improvements.

The highway capacity and circulation improvements identified in the Crowell Report under Policy 99, and the funding mechanisms established by Policy 98, have been agreed upon and adopted as required by Policy 113 in the Del Monte Forest Transportation Policy Agreement between Monterey County and the owner of the Properties. The traffic elements of Policy 113 have therefore been satisfied with respect to the Properties so this constraint has been removed.

(bb) **The Management Plan for Del Monte Forest Open Space Property is hereby amended to add the following section to the Introduction after the section entitled "Compatibility with Law and Resident Objectives":**

LUP Figure 5 Conformance with OSAC

The areas designated OR in Areas C, K, M, N, O, U, and V of Figure 5 of the LUP, and the location of the existing equestrian center and polo field, shall be managed and maintained in conformance with the objectives, classifications, and policies for open spaces as indicated for Category VI (Golf Courses) in the Management Plan for Del Monte Forest Open Space Property. The areas designated OF on portions of Areas B, F, G, H, I, L, P, Q and R of Figure 5 shall be managed and maintained in conformance with the objectives, classifications, and policies for open forest as indicated for Category IV (Open Forest) in the Management Plan. The area designated OR within the Gowen Cypress planning area shall be managed and maintained in conformance with the objectives, classifications, and policies for open space as indicated for Category VII (equestrian center).

Section 5. MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN AMENDMENTS.

The Monterey County Coastal Implementation Plan is amended to read as follows:

(a) **Section 20.147.020(N) is amended to read as follows:**

N. Land Use Categories: The basic categories of land use designated in the Del Monte Forest are: 1) residential, 2) commercial, and 3) open space.

1) Residential Land Use: New residential land uses planned for the Del Monte Forest Area range in average density from one to four dwelling units per gross acre. For convenience of designation, they are described in terms of low density (maximum of 1 dwelling unit/acre), and medium density (maximum of 4 dwelling unit/acre). Most of the existing and new residential development areas within the Forest fall within the low or medium categories. Caretakers units, servants quarters, and other separate houses, but not senior citizen units, are considered units of residential development for the purpose of calculating density. The County shall not approve such units in excess of the density allocated by this plan for each planning area.

2) Commercial: Three classes of commercial uses are indicated. They include:

a) Visitor-Service Commercial,
b) General Commercial and
c) Institutional.

They are described as follows:

a) Visitor-Service Commercial - This category allows for uses providing basic support services and visitor needs associated with coastal recreation and travel. Major hotel or inn accommodations and support commercial facilities are principal uses. Residential uses consistent with Del Monte Forest Area Land Use Plan Land Use Maps and intensities may be permitted as secondary uses under this category at the density specified. The four areas in this category are the existing lodge and environs at Pebble Beach, the ~~proposed~~ Spanish Bay resort, the visitor-serving facilities at the ~~proposed~~ Northern California Golf Assoc. Golf Course, and no more than 24 golf suites to be located at Areas M and N.

b) General Commercial - This category provides for commercial-use areas to support community needs; it includes the professional/ administrative offices near the community hospital, and the rock quarry at Sunridge and Lopez Roads, where reclamation for re-use is planned. Future uses will be required to be compatible with the general retailing and community service character of this designation, as well as community services and storage facilities.

c) Institutional - This designation is applied to a variety of uses, including the community hospital, Robert Louis Stevenson School, firehouses, and a utility substation.

3) Open Space: All areas considered critical to maintenance of the natural systems of the Forest are encompassed in this category, including environmentally sensitive habitat areas, the sites of endangered species, riparian areas, wetland areas, and sensitive coastal strand areas. In addition to the open space designation and policies within the body of this Del Monte Forest Area Land Use Plan, a separate, more detailed plan has been prepared for these areas by the Del Monte Forest Open Space Advisory Committee. This Open Space Advisory Committee Plan is adopted as a part of this plan. This Open Space Management Plan, to be administered by the Del Monte Forest Foundation, is generally consistent in terms of both map designations and policies with this Del Monte Forest Area Land Use Plan and provides more detailed maintenance standards

and funding mechanisms for management of open space. However, where there may be conflicts between the Open Spac e Management Plan and this land use plan, the land use plan policies will take precedence.

Open space is classified into three groups: a) recreational; b) forest and c) shoreline. They are described as follows:

a) Recreational - This category permits golf course, the Beach and Tennis Club, and the equestrian center, as well as necessary support and maintenance facilities such as the pro shops, cart shops, parking areas, stables, and barns.

b) Forest - This category includes the S.F.B. Morse Botanical Reserve, riparian corridors, rare plants and specimen trees, and geological hazard areas. Permitted developments are trails, low-intensity recreational facilities, tree cutting, and public works only if consistent with all other plan policies.

c) Shoreline - This category includes sandy beaches, rocky shorelines and tide pools, remnant sand dunes. Permitted are associated support areas for public access including parking turnouts, trails, vista points, and related facilities, consistent with all other plan policies.

(b) Section 20.147.090(B) is amended to read as follows:

B. Specific Development Standards

1. In environmentally sensitive habitat areas, access improvements shall be developed consistent with the site specific recommendations listed in Appendix B "Site Specific Shoreline Public Access Design Criteria" contained in the Open Space Advisory Committee Plan in the Del Monte Forest Land Use Plan (Ref. Policy #74 Del Monte Forest Area Land Use Plan).

2. Detached or attached guest rooms are not to be equipped as permanent living quarters and are not considered residences. Guesthouses are permitted providing the constraints of the parcel and other implementation ordinance development standards and land use plan policies permit. Conditions shall be enforced by CC&Rs or other legal restrictions, including a revocation provision for non-conformance.

Guesthouses in the coastal zone are subject to the following criteria of development:

a. Only one guesthouse per parcel or one for each principal residence on the parcel shall be allowed.

b. Detached guesthouses shall be located in close proximity to the principal residence.

c. Guesthouses shall share the same utilities with the principal residence except where prohibited by public health requirements.

d. The guesthouse shall contain no kitchen or cooking facilities.

e. All facilities such as "wetbars" must be proportionate to the size and scope of the guesthouse. There shall be no more than 6 feet of counter space, other than the counter space pertinent to the bathroom and its attendant fixtures. There may be no more than 8 square feet of cabinet space for storage other than that for personal belongings in clothes closets.

f. Guesthouses shall not exceed 425 square feet of interior area.

g. Guesthouses may not be separately rented, let, leased nor subdivided from the main dwelling.

h. Prior to the issuance of building permits for a guesthouse or the use of an existing building for a guesthouse, the property owner shall record a deed restriction reflecting the regulations applicable to the guesthouse.

i. The guesthouse must be architecturally consistent and compatible with the main structure.

j. The height shall not exceed 12 feet, however, additions to height to provide for architectural consistency and compatibility shall be considered on a case by case basis. The guesthouse may not be more than one story. Exceptions may be made for guesthouses over structures (i.e. a guesthouse over a garage) to provide architectural consistency and compatibility.

k. There must be a demonstration of adequate sewage disposal and water supply.

The above criteria shall also apply to permitted accessory structures.
(Ref. Policy #77 Del Monterey Forest Area Land Use Plan).

3. Studios and other small non-residential and non-commercial accessory structures such as tool sheds, workshops, or barns may be permitted on any size parcel provided the constraints of the parcel and other implementation ordinance requirements permit. None of these units shall be used for habitation purposes (Ref. Policy #78 Del Monte Forest Area Land Use Plan).

4. Caretakers quarters may be permitted throughout the Coastal Zone as provided for in the applicable zoning district and this ordinance. Caretakers quarters (attached and detached) are defined as "a permanent residence, secondary and accessory to an existing main structure, for persons employed exclusively on-site, for purposes of security or to provide continuous care for persons, plants, animals, equipment or other conditions on the site." In the Del Monte Forest Area Land Use Plan area, the following criteria shall be used in applications for detached caretakers' residences:

a. One caretaker unit shall be allowed per lot, subject to first obtaining a use permit as approved by the Zoning Administrator or Planning Commission, as applicable.

b. The minimum lot size is two acres, in order to provide sufficient water and sewer capability under Health Department regulations. Where public water and sewer services are available, there shall be no minimum lot size.

c. Caretakers quarters shall not exceed 850 square feet.

d. The applicant must supply evidence which demonstrates the necessity for such a unit. Legitimate basis for a caretakers' unit include:

1) a security problem on the site;

2) a situation which requires continuous care (i.e. medical problems of an individual(s) or plants, animals, equipment storage)

3) the owner of property cannot perform adequately the function required and requires additional assistance to a sufficient degree to warrant a caretaker.

Acceptable evidence shall include (but is not limited to) such items as a letter from a doctor stating medical needs of an individual, a letter from a police department describing the area's security problems, or employee job descriptions of person intended to be housed in the caretakers' quarters.

e. Caretakers quarters shall be located on the same parcel as the principal residence and may not be later subdivided from the principal residence.

f. Caretaker units shall be excluded from density requirements. However, during the use permit review process, site characteristics shall be reviewed in order to determine that the site is both capable of sustaining the additional development and that the proposal is consistent with the policies of the Del Monte Forest Land Use Plan and this ordinance.

g. One of the occupants of the caretakers quarters shall be employed on the property as their principal place of employment.

h. A minimum of one off-street parking space shall be provided for the caretaker unit.

i. ~~Additional employee housing is permitted for priority uses (e.g. visitor-serving commercial) in one dormitory/bunkhouse or in temporary structures (i.e., former mobile homes) consistent with all other plan policies~~ Additional employee housing is permitted consistent with all other plan policies. (Ref. Policy #78a Del Monte Forest Area Land Use Plan).

j. The caretaker unit shall not be rented.

k. Prior to the issuance of building permits for caretakers quarters or use of an existing building for caretakers quarters, the property owners shall record deed restrictions reflecting the regulations applicable to the caretakers quarters.

5. Recreation in environmentally sensitive habitat areas such as residual dunes, wetlands, and areas with rare or endangered plants or animals is limited to passive, low-intensity recreation use dependent on and compatible with the sensitive resources. Conformance with the appropriate Site Specific Shoreline Public Access Design Criteria (Appendix B of the Open Space Advisory Committee management plan) and Open Space Advisory Committee maintenance standards shall be the test of consistency with this development standard (Ref. Policy #79 Del Monte Forest Area Land Use Plan).

6. Shoreline areas suitable for scenic outdoor recreation, such as from Cypress Point to Point Joe, are for day use only, with improvements limited to trails, picnic areas, parking areas, and restroom facilities (Ref. Policy #80 Del Monte Forest Area Land Use Plan).

7. ~~Area "B" shall be the last area to be developed in Spanish Bay. The southwest portion of Spanish Bay Area B shall be allowed a maximum of 42 units. The north east portion shall be allowed 21 units, a total of 63 units in Area B.~~ Up to 12 units of employee housing may be provided in a portion of Area B. (Ref. Policy #82 Del Monte Forest Area Land Use Plan).

8. Use of the proposed golf courses by the general public shall be maximized. Except for periods of scheduled tournaments, the following requirements for public availability of the courses shall be applied as conditions of approval:

   a. Spanish Bay Golf Links: The course shall be available for use by the general public as well as lodge guests on a first come, first served basis at least 50% of the time. The periods of availability shall be calculated in such a manner as to assure reasonable starting times for the general public.

   b. Northern California Golf Association Course: The proposed NCGA owned and operated golf course shall, in recognition of its broad based, quasi-public membership policy, be available to the general public on a space

available basis. NCGA members and guests may reserve times up to 3:00 p.m. on the day preceding a desired day of play and one starting time per hour shall be reserved by the NCGA. After 3:00 p.m., reservations for starting times for the following day shall be available on a first come, first served basis.

If ownership or operation of the NCGA Course changes, use of the course by the general public shall be on the same basis as that required at the Spanish Bay Golf Links.

Both courses shall be designed to include public viewing areas and trails. The design of these facilities shall be consistent with habitat and safety considerations. (Ref. Policy #90).

9. The golf course proposed for the Spanish Bay planning area rehabilitation area shall provide, as a part of its design, for the restoration of dune landforms and native habitat which once occurred here. To provide maximum opportunity for the re-establishment of native wildlife and plants and to preserve existing dune remnants and forest habitats, the golf course design shall be of the links-land type. Development standards shall include the following criteria:

   a. Prior to grading of the site, a detailed rehabilitation plan shall be submitted for approval by the County. Such plan shall identify the locations and finished contours of the dune, wetland, and riparian habitat restoration areas; source and finished depth of surface materials to be used in the dune area; species, sources, and methodology to be used in re-establishing native vegetation cover; any structural development within or adjoining the rehabilitation areas (i.e. pedestrian barriers, bridges, etc.); a schedule for completion; and measures for long-term maintenance of the restored habitats in a natural condition, including control of invasive, non-native plants within designated natural habitat areas.

   b. The amount of contiguous marsh and open water areas will equal or exceed those presently found on the site.

   c. The amount of riparian vegetation and open water course shall be equal to or greater than presently exists.

d. Where golf course tees, greens, fairways, paths, bridges, and public accessways are developed within 100 feet of the restored riparian and wetland areas, they shall be designed to avoid any significant disruption (from construction and future use) of such areas; other developments should be located beyond this 100-foot wetland buffer area.

e. In the dune restoration areas, the restructured dune landforms shall be surfaced with sand having substantially the same mineral and physical properties, including color and appearance, as that which originally occurred on the site; the depth and composition of sand shall be sufficient, subject to the availability of feasible sand source(s), to provide optimum conditions for re-establishment of native dune flora.

f. At least 25% of the approximately 165-acre golf course area shall be designated as dune habitat restoration area (including existing remnant natural dune habitat areas which may be protected within the golf course perimeter) re-establishment of native dune flora shall proceed as soon as native sand is placed in accordance with criteria no. 1 and no. 5 above, and applicable OSAC standards.

g. Barriers, boardwalks, signing, informational materials and other measures identified by the site specific access recommendations in Appendix B shall be provided in order to protect existing and restored environmentally sensitive dune habitats.

h. Accommodations for spectators shall be designed, located, and managed to avoid trampling of restored habitat areas, otherwise events which would attract spectators shall be precluded.

10. Uses which may be permitted in the existing quarry site in the Huckleberry Hill area include: limited neighborhood commercial uses, corporation yard, storage facilities, and potable or sub-potable water storage. As a condition of approval of such development, a landscaping plan shall be required. The landscaping plan shall include placement of Monterey pine to stabilize fill embankments, screen quarry walls, and to blend the proposed development with the surrounding area. (LUP Policy #95)

11. Proposed development shall not be permitted to make Bicycle Access on 17-Mile Drive between Fan Shell Beach and the Carmel Gate unavailable. Proposed development shall not include the imposition of fees for bicycle access; however, bicycle access may be regulated on weekends in the same manner approved for motor vehicles on 17-Mile Drive as long as a separate coastal bike route is not available. (Ref. LUP Policy #108).

(c) Section 20.147.110 is amended to read as follows:

20.147.110 WATER AND WASTEWATER SERVICES DEVELOPMENT STANDARDS

Intent of Section: It is the intent of this section to insure that the County reserves from its allocated water supply a sufficient quantity of water to accommodate the coastal priority land uses proposed in the Del Monte Forest Area Land Use Plan area.

A. General Development Standards

1. The developments listed in table B of the Del Monte Forest Land Use Plan as first priority developments shall have first priority for the use of available water and sewer capacity. Both water from the County's current allotment of unused water from California-American Water Company (as allotted by the Monterey Peninsula Water Management Agency), and sewage treatment plant capacity as provided by the Carmel Sanitary District have been reserved for such development. The Resource Constraint Area designation shall be removed only when water and sewer capacity sufficient to serve such development becomes available and that highway capacity and circulation solutions have been agreed upon and adopted. Until such time that resource problems are solved, there shall be no development other than existing lots of record. The County shall cease issuing coastal development permits for developments which would generate wastewater when the appropriate treatment and disposal facilities reach a capacity threshold or when Pebble Beach Sanitary District will not approve a connection. All of these constraints have been addressed and eliminated with respect to the following properties: Spanish Bay areas B and C, Gowen Cypress area F, Huckleberry Hill area G and the quarry and corporation yard areas, Middle Fork areas H and I, Spyglass Cypress areas J, K, L, M, N and O, Pebble Beach areas U and V, and Pescadero areas P, Q and R. (Ref. Policy #113 and Resource Constraint Compliance Section (Chapter 6), Del Monte Forest Area Land Use Plan).

2. New development shall include water conservation techniques such as use of water-saving fixtures, retaining native plants, and installing drought-tolerant native-species landscaping (Ref. Policy #114 Del Monte Forest Area Land Use Plan).

3. Wastewater reclamation projects are permitted and will be supported providing that they meet all the requirements of the Director of Environmental Health, Monterey County, the Regional Water Quality Control Board, and mitigation measure requirements of the California Environmental Quality Act (Ref. Policy #115 Del Monte Forest Area Land Use Plan).

4. Septic systems, package treatment plants, and individual water wells shall not be permitted. Development shall utilize public water and sewer services.

Section 6. ZONING MAP AMENDMENTS.

The maps designated Section 10 and Section 16 of the Zoning Plan of the County of Monterey are amended as reflected in Exhibit 3 which is incorporated herein by reference.

Section 7. MONTEREY COUNTY HOUSING ELEMENT AMENDMENTS.

Table 22 of the Monterey County Housing Element is amended as reflected in Exhibit 4 which is incorporated herein by reference.

Section 8. INFORMATIONAL EXHIBITS.

Attached hereto for informational purposes only in Exhibit 5 are true and correct copies of Table A and Figures 6A, 7A, 8A, 9A, 10A, 11A, and 12A which are repealed by this initiative.

Attached hereto for informational purposes only in Exhibit 6 are true and correct copies of Figures 3, 4, and 4A, 5A, 6, 7, 8, 9, 10, 11, 12, and 13, which are referenced in the introductory subsection of the Land Use Designations section of Chapter 3 (Land Use and Development Element).

Attached hereto for informational purposes only in Exhibit 7 is a true and correct copy of Figure 5 prior to amendment as set forth in Exhibit 1.

Attached hereto for informational purposes only in Exhibit 8 is a true and correct copy of Figure 15 prior to amendment as set forth in Exhibit 2.

Attached hereto for informational purposes only in Exhibit 9 are true and correct copies of the maps designated Section 10 and Section 16 of the Zoning Plan of the County of Monterey prior to amendment as set forth in Exhibit 3.

Section 9. IMPLEMENTATION.

If in the year this Initiative becomes effective the maximum number of General Plan amendments permitted by state law for that year have already been made, the General Plan and Zoning amendments made herein shall be made at the earliest possible time thereafter.

Section 10. CONSTRUCTION OF INITIATIVE.

This Initiative is not intended to preempt or conflict with state or federal laws or regulations, and shall be so construed and applied. This Initiative is also intended to be and shall be construed as consistent with each and every element, provision and map, and the whole of the Monterey County General Plan.

Section 11. AMENDMENTS.

1. Except as expressly provided herein, this initiative may be amended or repealed only by the voters at a County election.

2. The County of Monterey Board of Supervisors is hereby authorized and directed to amend provisions of the General Plan and Zoning Code, and other ordinances and policies not amended by this Initiative and in the manner and time required by State Law, if such amendments are necessary to ensure consistency between this Initiative and other elements of the County's General Plan, Zoning Code, and other County ordinances and policies.

Section 12. EFFECTIVE DATE.

The provisions of this Initiative shall become effective upon approval of the voters of the County of Monterey pursuant to California Elections Code section 9122.

Section 13. COMPLIANCE WITH CALIFORNIA COASTAL ACT.

It is the intent of the voters of the County of Monterey that this Initiative be consistent with the California Coastal Act. In the event any section, sub-section, sentence, clause, phrase, or part of this Initiative is determined to be inconsistent with the Coastal Act by a final judgment of a court of competent jurisdiction, this Initiative and the whole thereof shall be of no further force or effect.

Section 14. SEVERABILITY.

1. If any section, sub-section, sentence, clause, phrase, or part of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative, The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, or part thereof would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, or parts are declared invalid or unconstitutional.

2. The voters who signed this petition also declare that they would have signed the petition irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or parts thereof would be declared invalid or unconstitutional, and it is the intent of the voters that the rest of the Initiative be placed on the ballot.

EXHIBIT 1

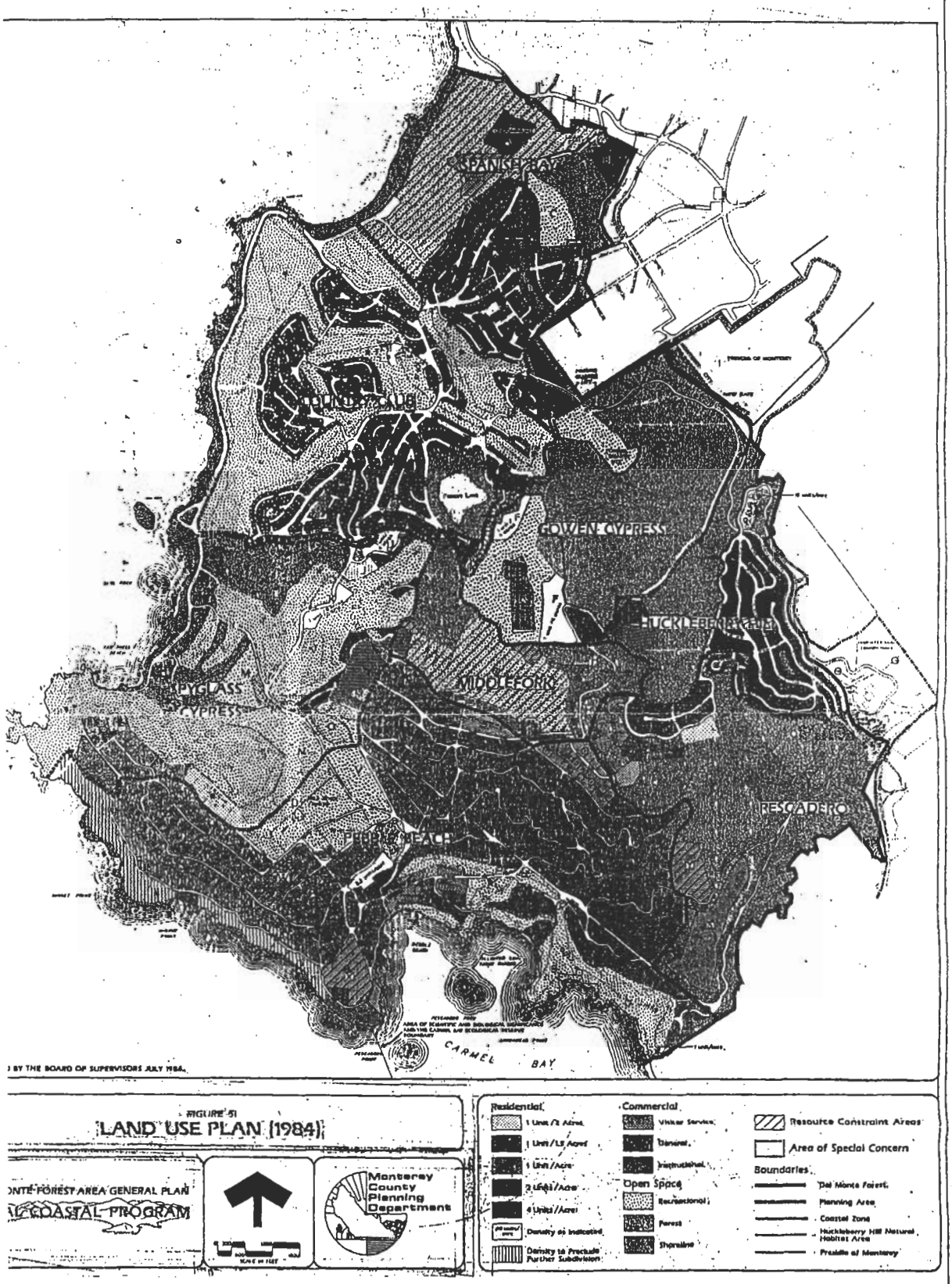

SPANISH BAY
POINT LOBOS
GOWEN CYPRESS
HUCKLEBERRY HILL
MIDDLE FORK
SPYGLASS CYPRESS
RESCADERO
PEBBLE BEACH
CARMEL BAY
BY THE BOARD OF SUPERVISORS JULY 1984.
FIGURE 51
LAND USE PLAN (1984)
ONTE FOREST AREA GENERAL PLAN
AL COASTAL PROGRAM
Monterey County Planning Department
Residential
1 Unit/2 Acres
1 Unit/1.5 Acres
1 Unit/Acre
2 Units/Acre
4 Units/Acre
Density as Indicated
Density to Preclude Further Subdivision
Commercial
Visitor Services
General
Industrial
Open Space
Recreational
Forest
Shoreline
Resource Constraint Areas
Area of Special Concern
Boundaries
Del Monte Forest
Planning Area
Coastal Zone
Huckleberry Hill Natural Habitat Area
Presidio of Monterey

EXHIBIT 2

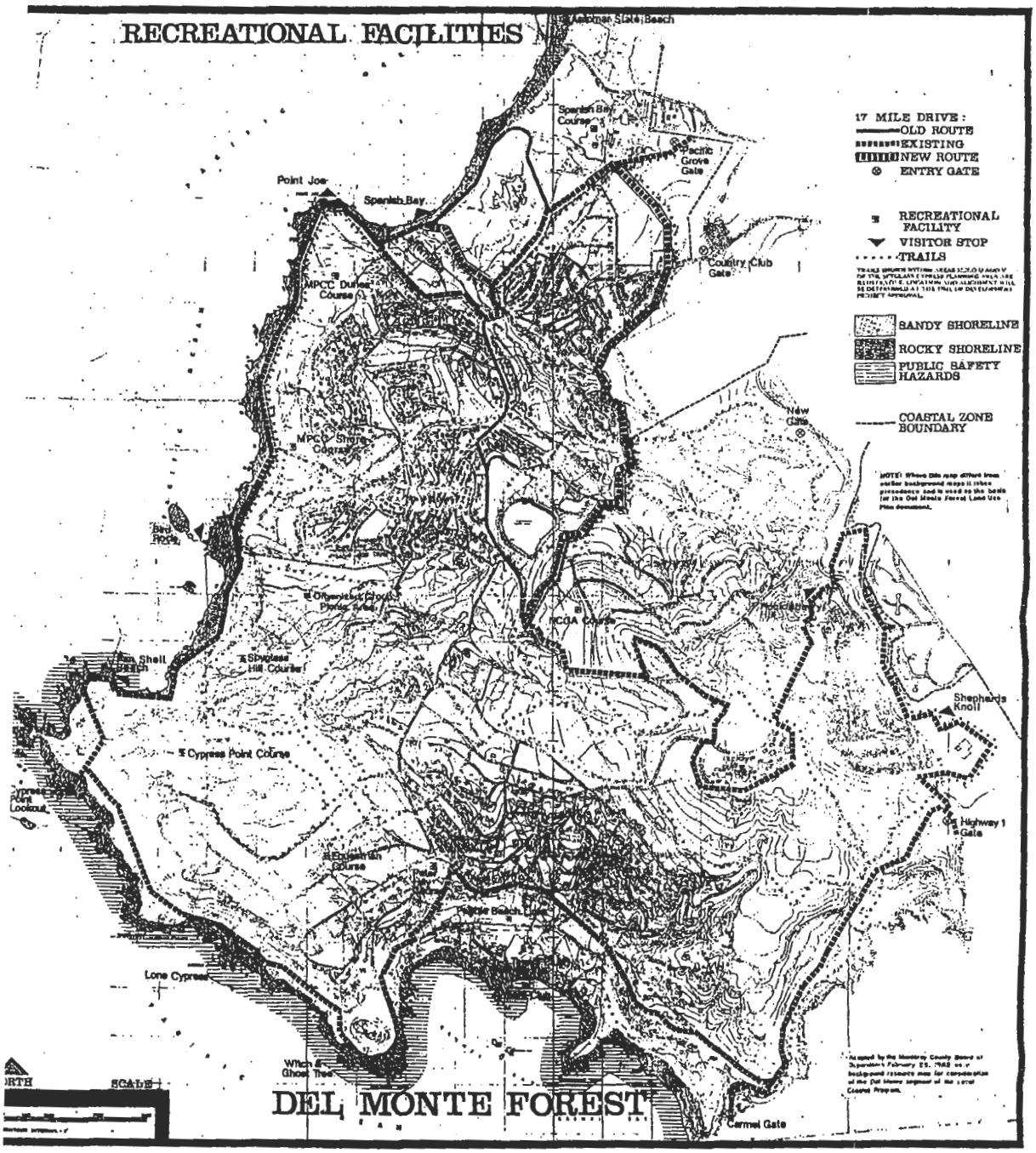
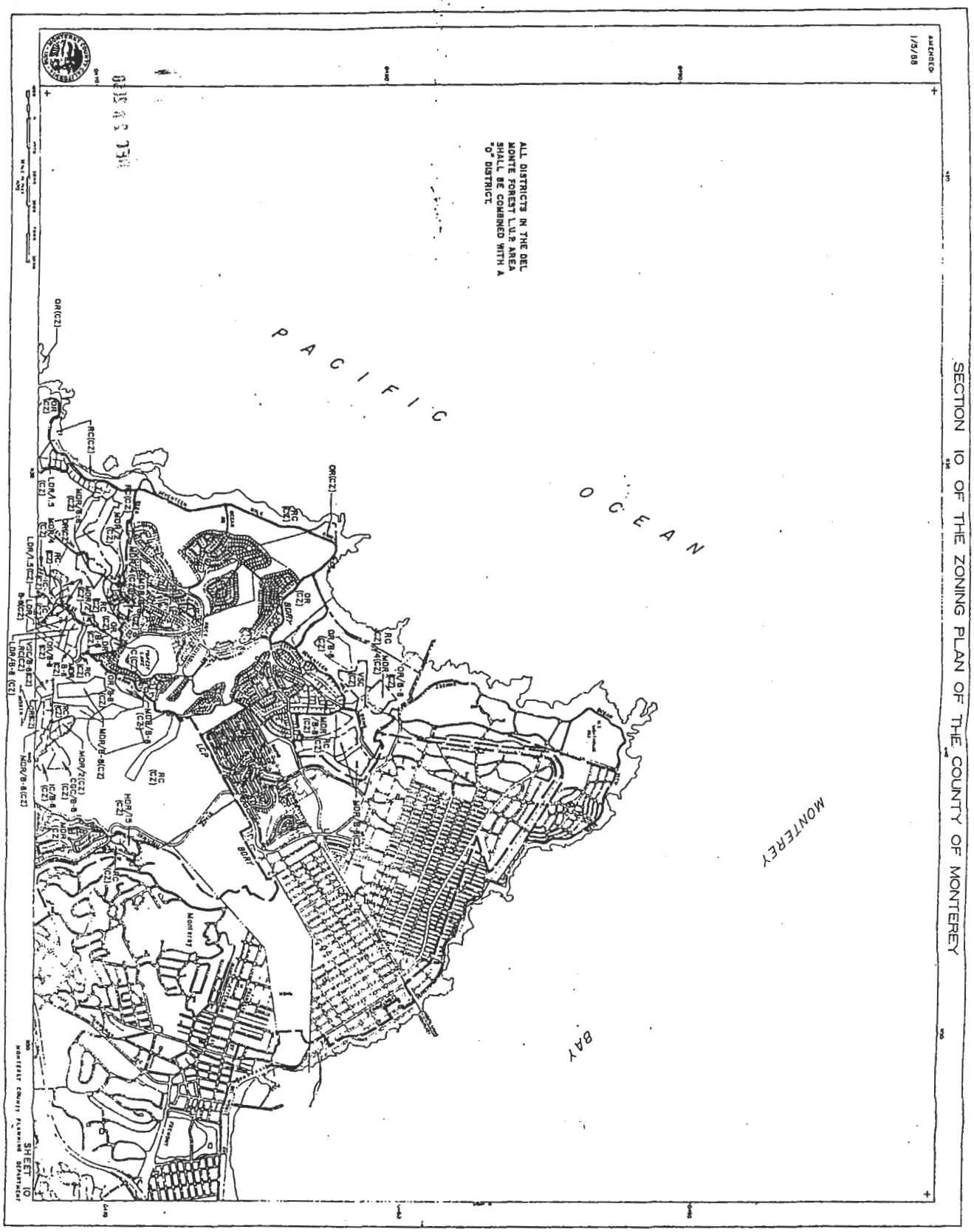

RECREATIONAL FACILITIES
17 MILE DRIVE:
OLD ROUTE
EXISTING
NEW ROUTE
ENTRY GATE
RECREATIONAL FACILITY
VISITOR STOP
TRAILS
SANDY SHORELINE
ROCKY SHORELINE
PUBLIC SAFETY HAZARDS
COASTAL ZONE BOUNDARY
Point Joe
Spanish Bay
Spanish Bay Course
Pacific Grove Gate
Country Club Gate
MPCC Dunes Course
MPCC Shore Course
New Gate
Bird Rock
Shell Beach
Spyglass Hill Course
NCGA Course
Shepherds Knoll
Cypress Point Course
Cypress Point Lookout
Highway 1 Gate
Lone Cypress
Witch & Ghost Tree
Carmel Gate
SCALE
DEL MONTE FOREST

EXHIBIT 3


SECTION 10 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY
AMENDED 1/5/88
ALL DISTRICTS IN THE DEL MONTE FOREST L.U.P. AREA SHALL BE COMBINED WITH A "O" DISTRICT.
PACIFIC OCEAN
MONTEREY BAY
LCP
BDR
Monterey
SHEET 10
MONTEREY COUNTY PLANNING DEPARTMENT

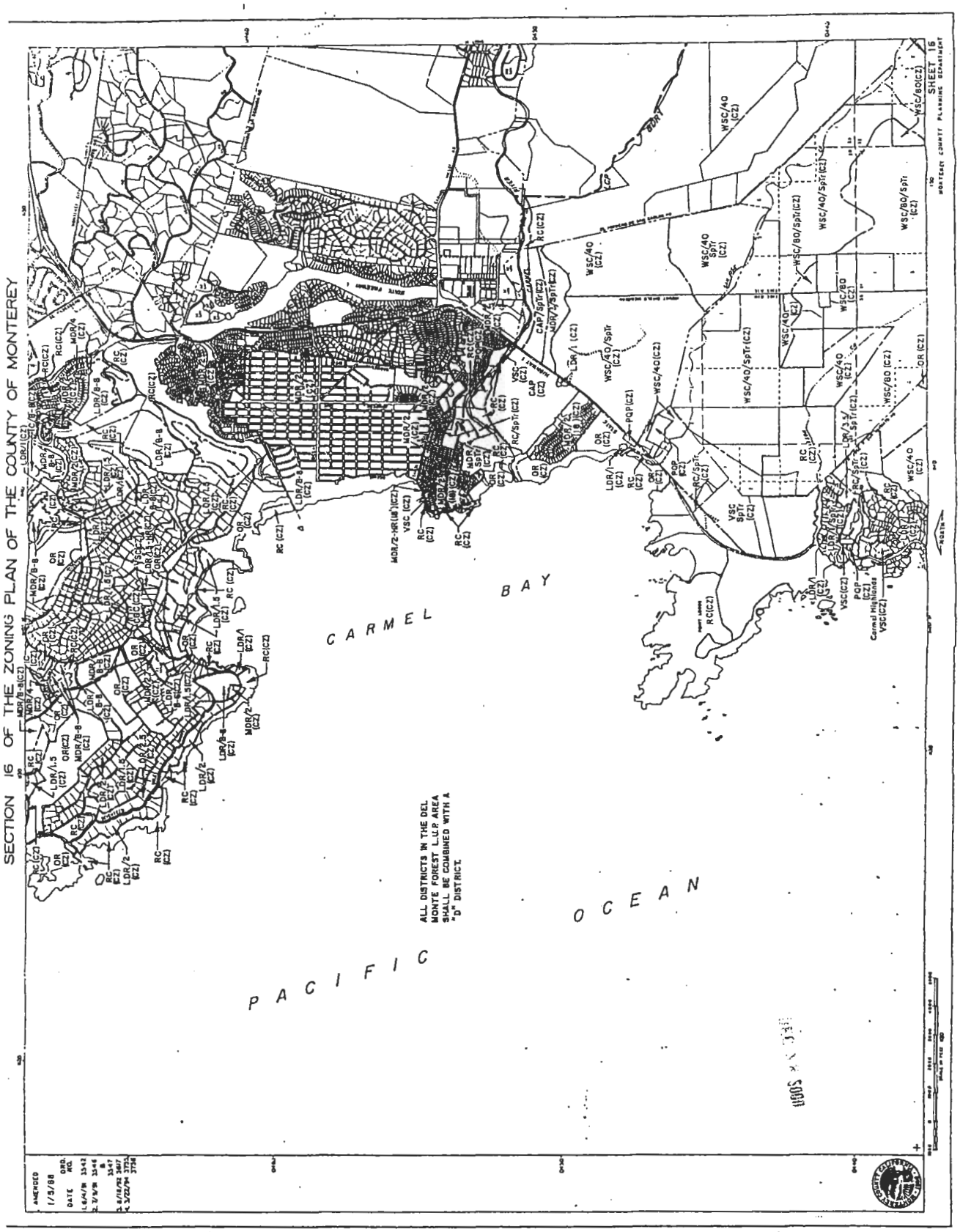


Exhibit 2, Measure A
Monterey Co. LCP Amendment No. 1-05
35

EXHIBIT 4

TABLE 22:
SUITABLE SITES FOR LOW AND MODERATE INCOME HOUSING DEVELOPMENT

		# of Target Income Groups				Project Details		
	Potential Units *	Very Low Income	Lower Income	Moderate Income	Above Moderate Income	Acres	Density DU/Acre	Location
Area Of Development Concentration								
Rancho San Juan	2380	0	119	357	1904	1200	5.1	
Development Incentive Zones								
Boronda Vacant:	98	49	49			29.47	15	
Castroville Vacant:	91	46	46			6.07	15	
Chualar Vacant:	110	53	52			11	10	
Chular	87	44	44			4.84	18	
Pajaro Vacant:	270	135	135			18	15	
San Ardo Vacant:	75	38	38			5	15	
San Lucas Vacant:3	32	16	16			2.14	15	
Subtotal:	763	380	379					
Housing Development By Project/Developer Inclusionary Housing Requirements								
Artichoke Inn	6	6						Castroville
Canada Woods	45	14	9		22	550	0.4	
Carmel Greens	106		36		70		1	Carmel Valley
Coast Ranch	90		8	6	76			Carmel Valley
Country Club Hills	11			1	10	2.79	4	
Del Piero Subdivision	17				17			North County
Elena Estates	20			20		5	4	
Griffin Subdivision	11			2	9			
Holt Ranch Subdivision	149			65	84			
Jim Rector	2			2				Las Lomas
Laguna Seca East	258			39	219	565	0.45	
Las Palmas Ranch	515			32	483			River Rd. and Hwy. 68
Logan Knolls	7				7	64	0.2	
Loma Vista Subdivision	24				24		4	
Macomber Estates	28			4	24			
Mahroom	36				36			
Marani Subdivision	17				17		0.2	
Mc Donald Ranch	65			12	53			Corral De Tierra
Monte Del Lago Mobile Home Park	48		7	41				
Monterey Bay Estates	56			56				Castroville
Monterra Ranch	283			42	241			Hwy. 68 nr York School
Nacim Resort	19			3	16			
Pajaro Hills	16			2	14			
Pajaro Views	29			4	25			

Table 22 continues

Table 22 continued

		# of Target Income Groups				Project Details		
	Potential Units *	Very Low Income	Lower Income	Moderate Income	Above Moderate Income	Acres	Density DU/Acre	Location
Pebble Beach	98 ~~353~~			60 ~~53~~	38 ~~300~~			
Quail Meadows	56		9		47		0.2	8000 Valley Greens Dr.
Rancho Los Robles (Las Lomas)	123			31	92			
Rolling Meadows	24			3	21			
Steve Macias	6	2	4					Hyland Drive, Boronda
Triple M Ranch	39				39	134	0.2	
Valle San Juan Est.	2			2				San Juan Grade Rd. Salinas
Veeder Ranch	27			4	23	82	0.5	Garzas Rd. C.V.
Villa De Castro	20		20					Castroville
Subtotal:	2,519	22	104	424	1,969			
Housing Development By Non Profit Corporations								
Rancho Los Robles (RTC) CHISPA	250	75	150	25				Near Castroville
Pacific Meadows/American Baptist Homes	200	99	61	40				Carmel Valley
Loma Vista Townhomes/ Housing Authority	9	9				2.4	3	Las Lomas
Subtotal:	459	183	211	65				
Joint Venture Agreements: Agreement Signed, Units AMBAG Approved:								
Greenfield	48	17	15	16	0			
Gonzales	25	16	0	9	0			
Subtotal:	73	33	15	25	0			
Fort Ord Reuse:	1253	752	251	251	0			
Subtotal:	1,399	785	266	276	0			
Sites Which Become Affordable By Application Of Housing Element Programs:								
1. Second Units, Mixed Use, Accessory Apts.								
Senior Citizen Units, Caretaker Units:	135	67	68					
2. Fort Ord E. Garrison:								
Farmworker Housing	200	100	100					
Transitional Housing	50	50						
3. Units In Uninc. Area Vacated By Fort Ord Personnel:	50			50				
4. New Inclusionary Units	100		20	80				
5. Development Incentives Plan	300	50	50	200				
Subtotal:	835	267	238	330				
Total Units To Be Constructed:	8,301	1,636	1,316	1,452	3,892			
New Construction Goal:	5,692	1,587	1,315	1,414	1,376			
No. of Units In Excess of New Const. Goal:	2,604	49	1	38	2,516			

*Note: This figure shows potential units according to current land use densities. The potential number of units shown in this Column may exceed available resources and the County's ability to satisfy this buildout within the context of County General Plan requirements as outlined in Section 65300 of the State Government Code.

EXHIBIT 5

FIGURE-6A

SPANISH BAY PLANNING AREA LAND USE

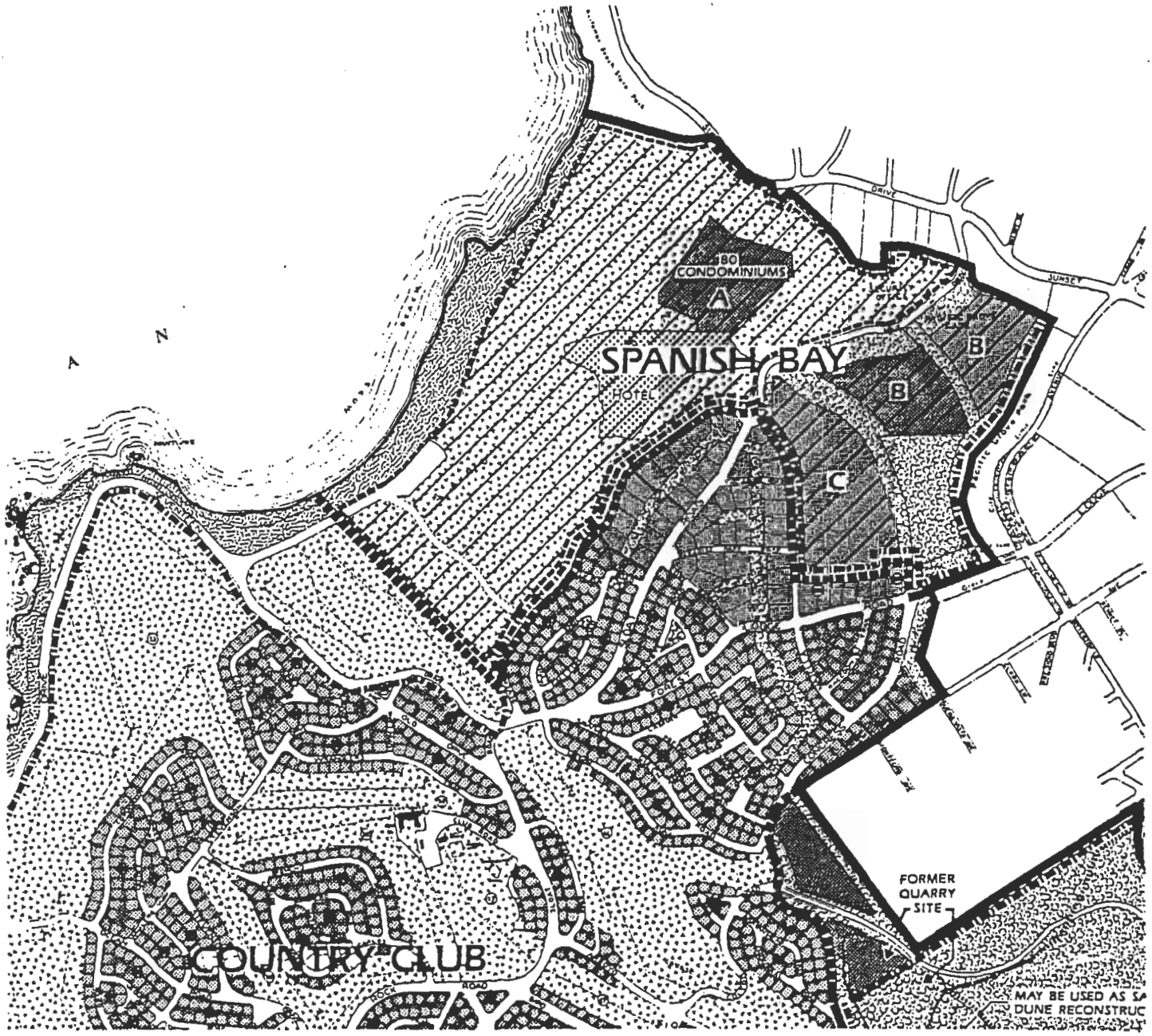


FIGURE 7A

SPYGLASS CYPRESS PLANNING AREA LAND USE

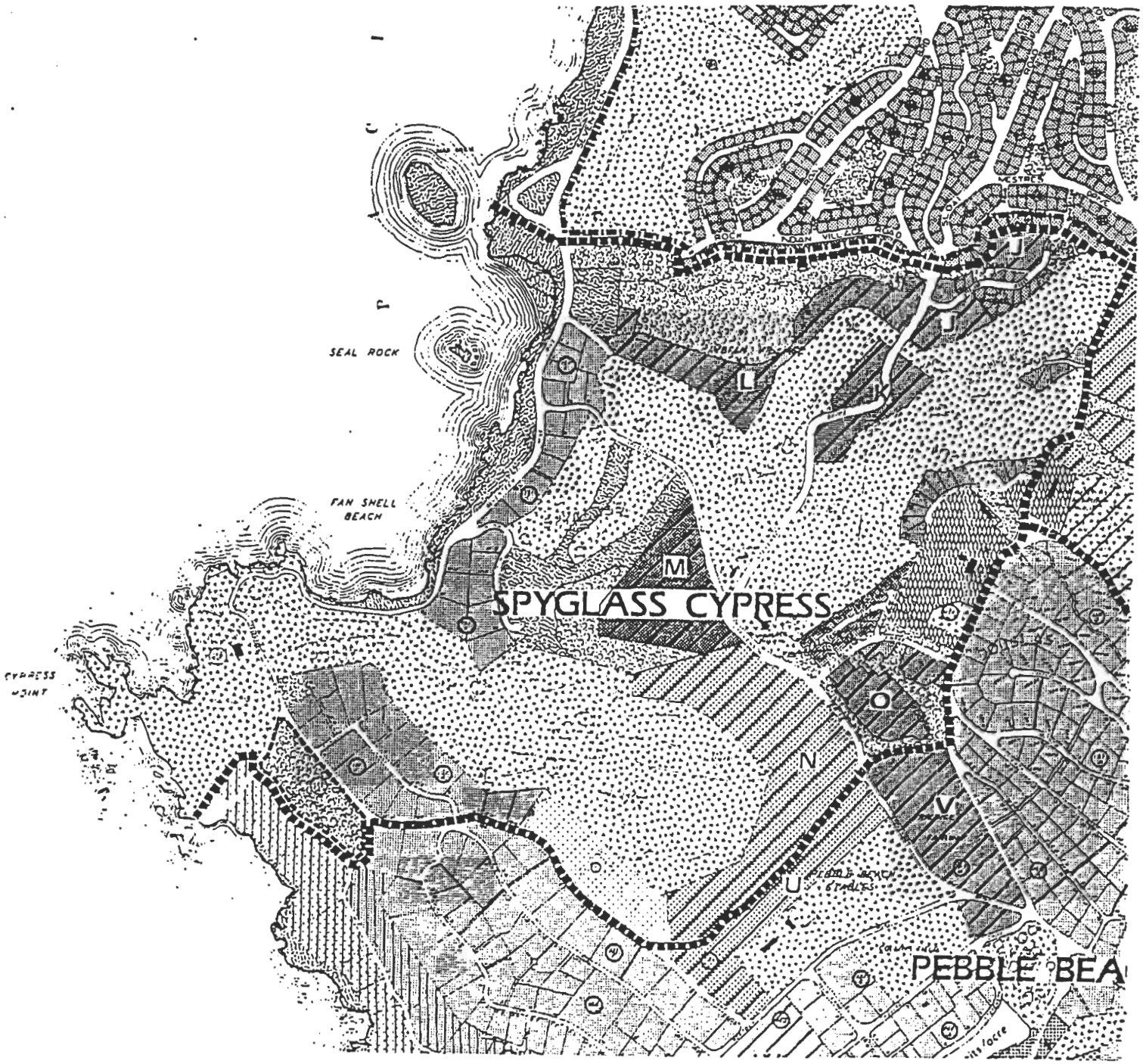


FIGURE 8A

MIDDLE FORK PLANNING AREA LAND USE

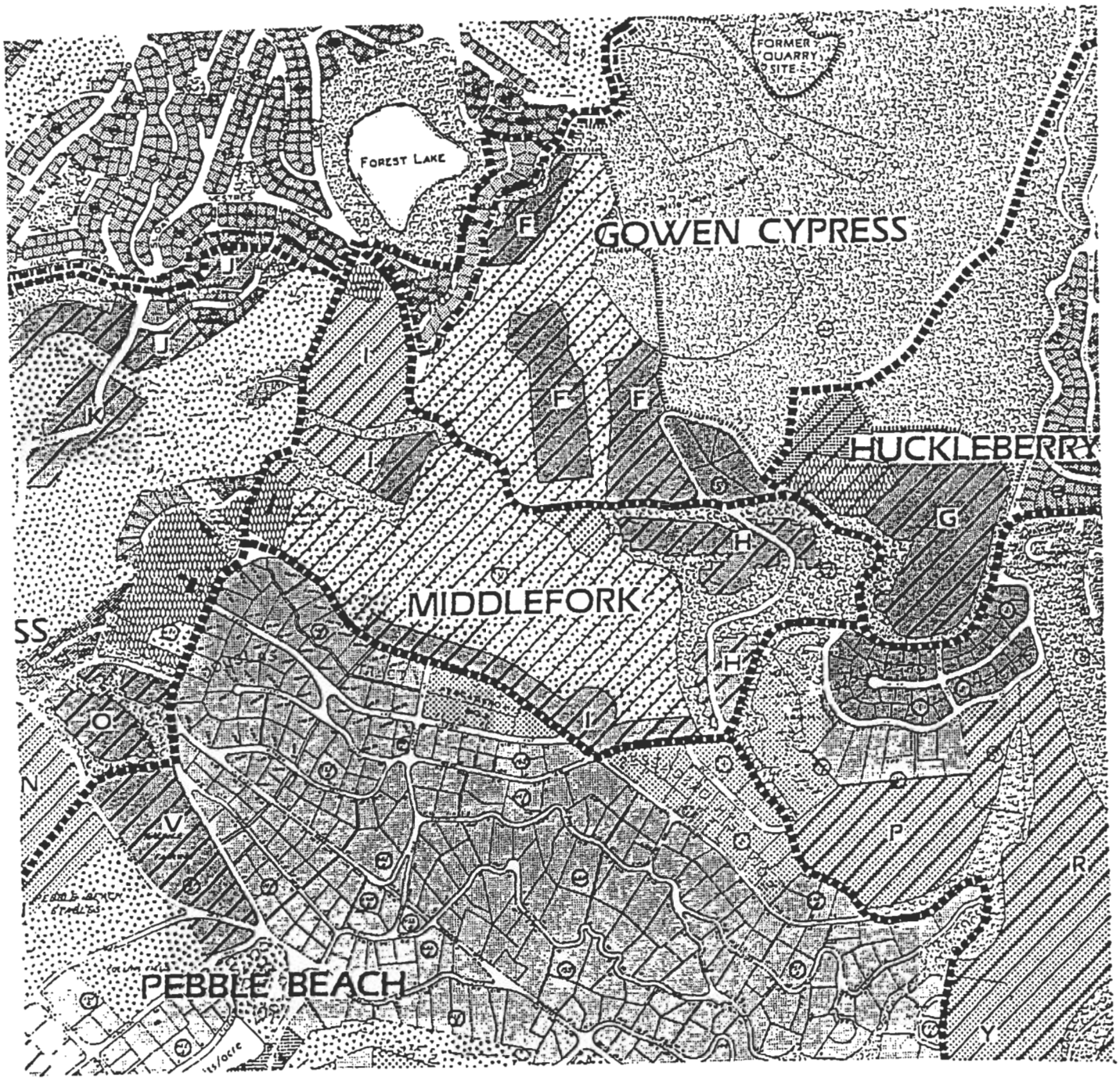


Figure 9A

PESCADERO PLANNING AREA LAND USE

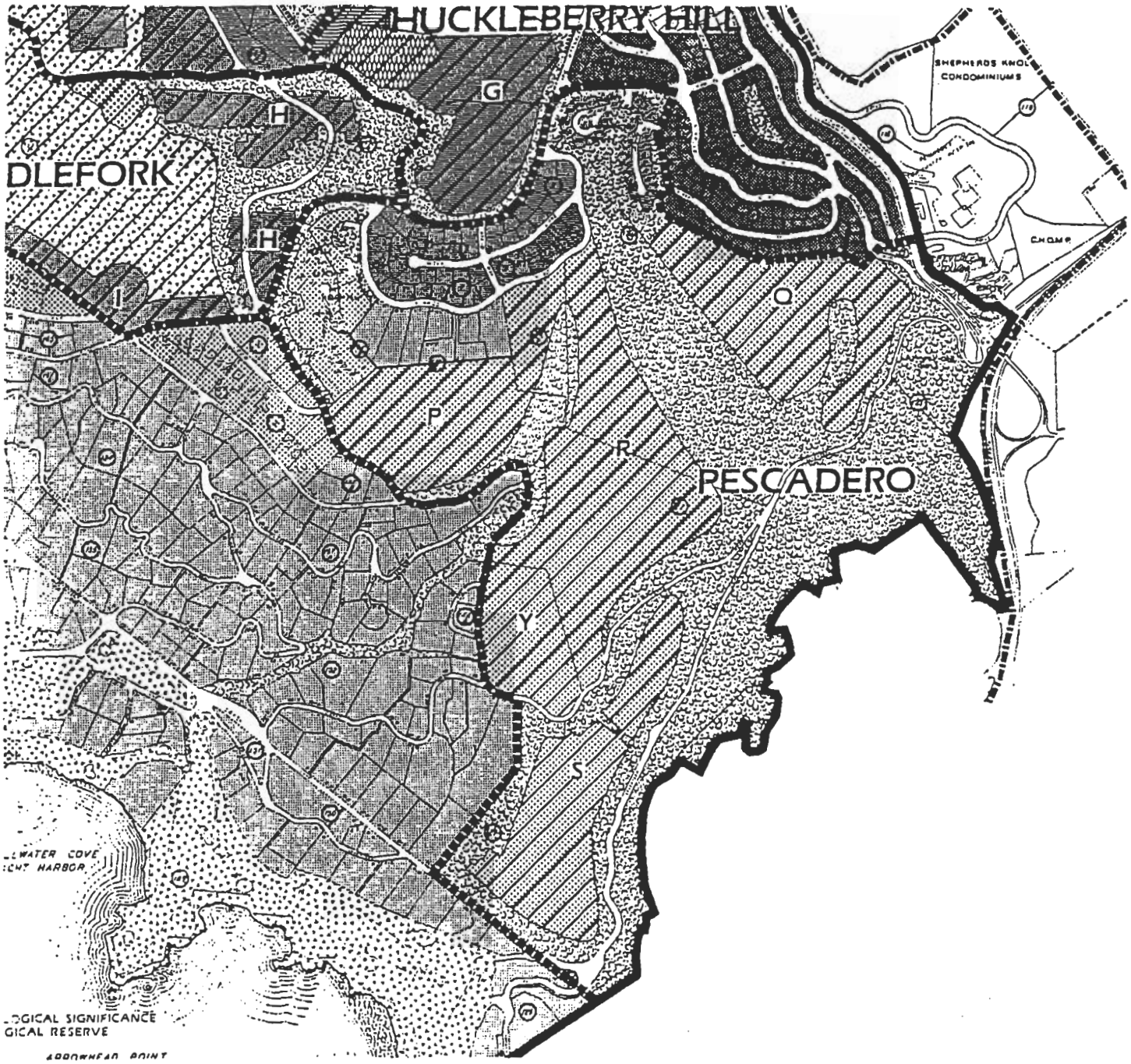


FIGURE 10A

HUCKLEBERRY HILL PLANNING AREA LAND USE

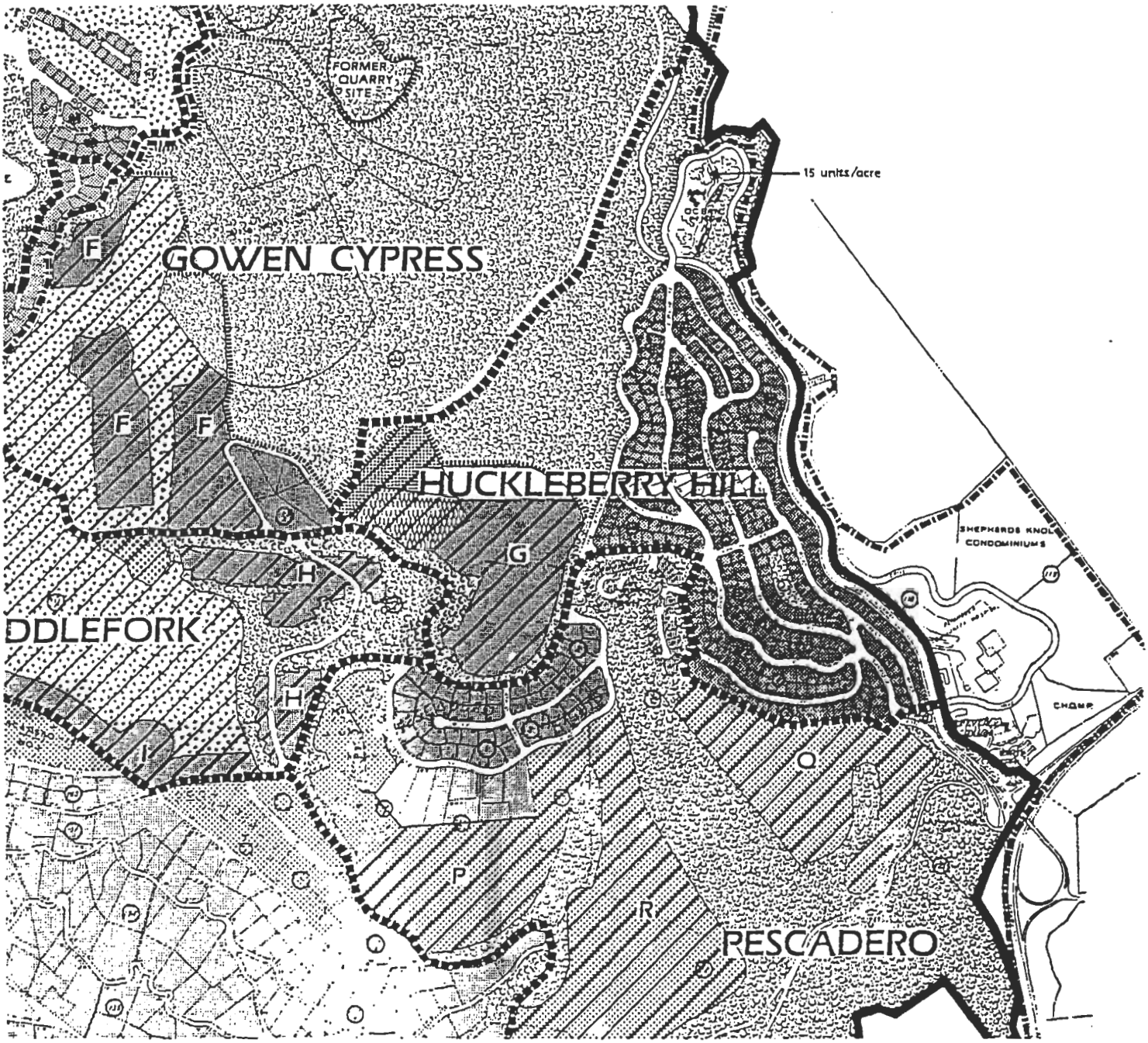


FIGURE 11A

GOWEN CYPRESS PLANNING AREA LAND USE

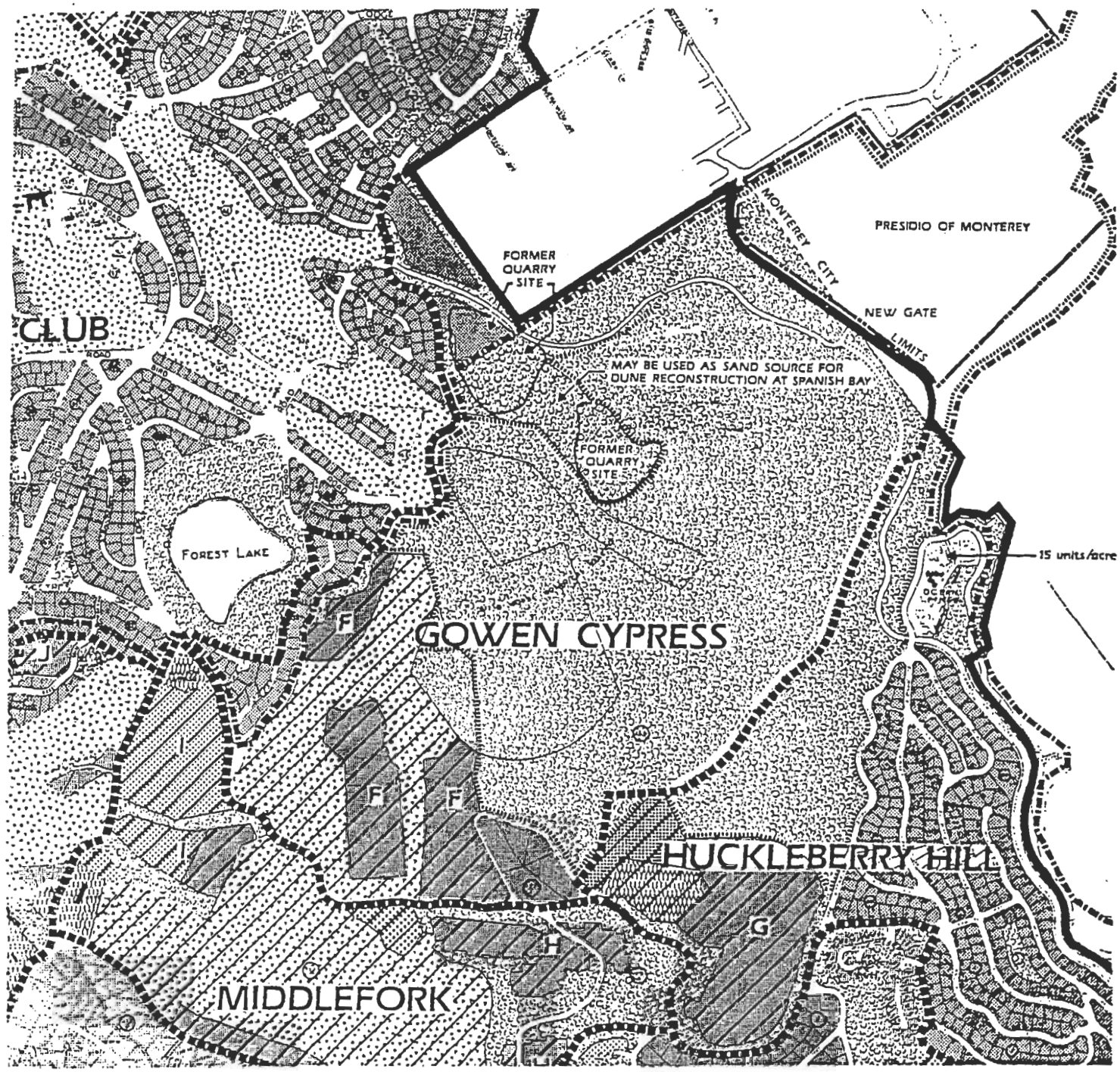


FIGURE 12A

PEBBLE BEACH PLANNING AREA LAND USE

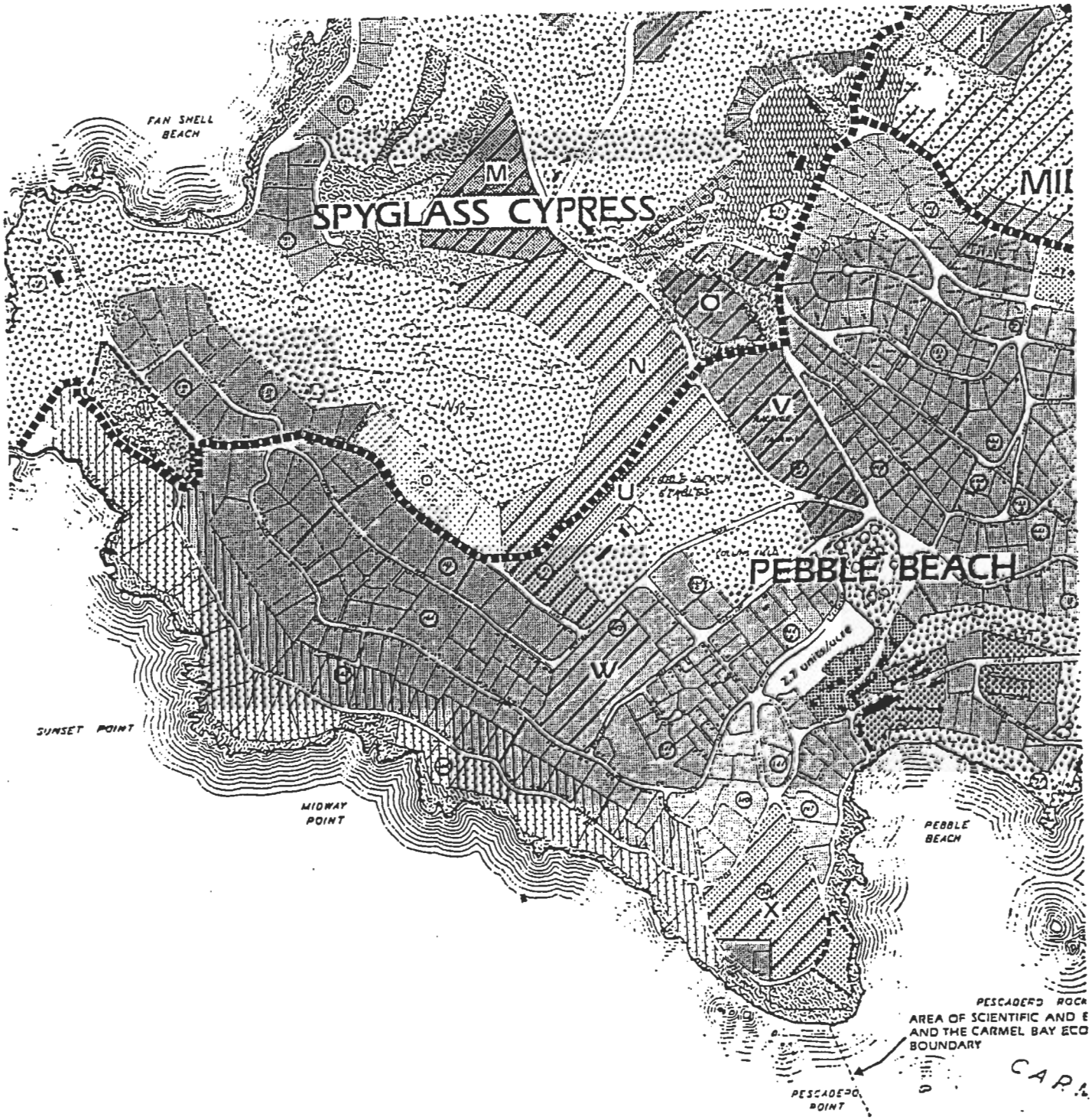


FIGURE 12A

PEBBLE BEACH AREA LAND USE

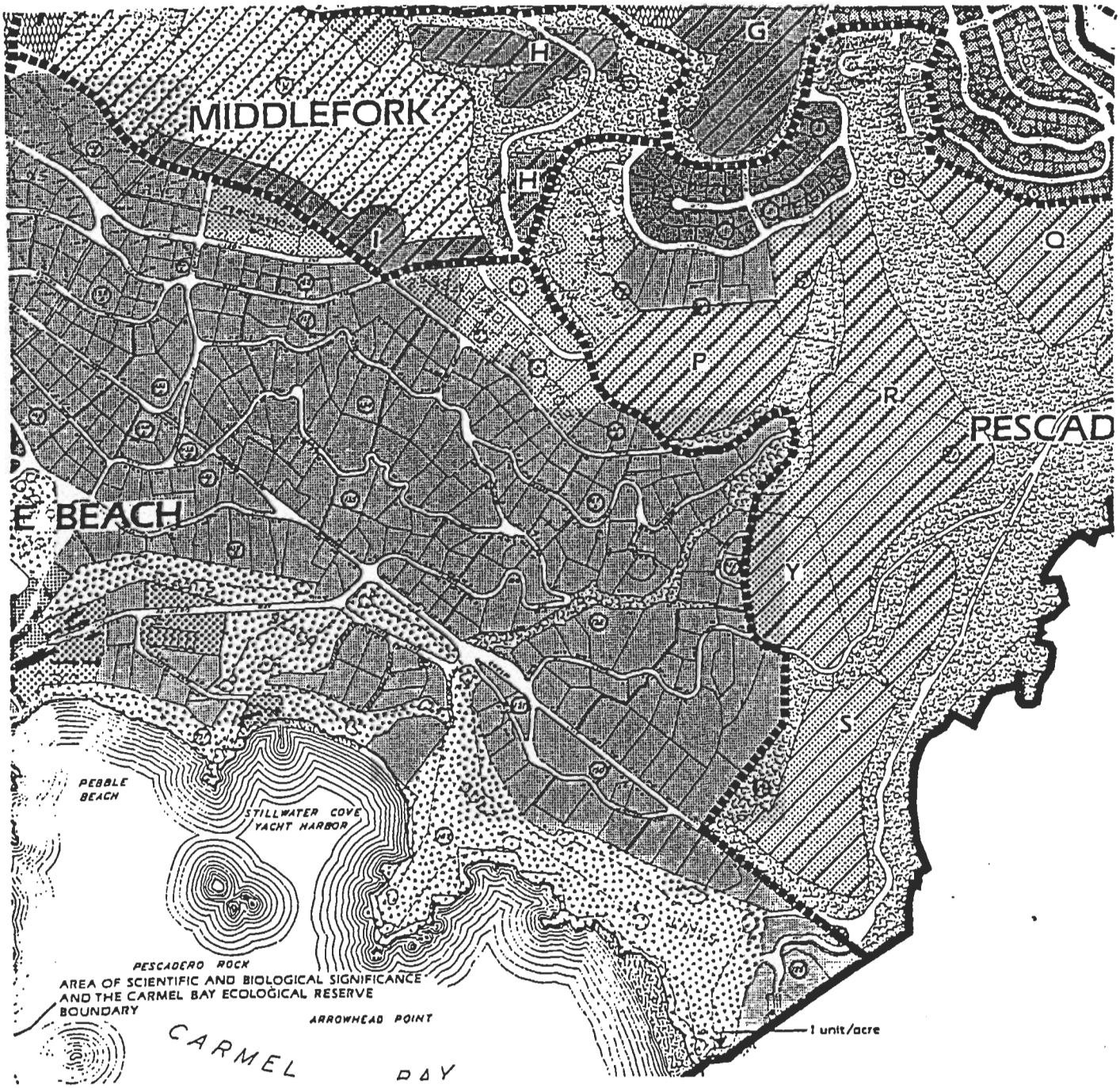


EXHIBIT 6

FIGURE 3
PLANNING AREAS

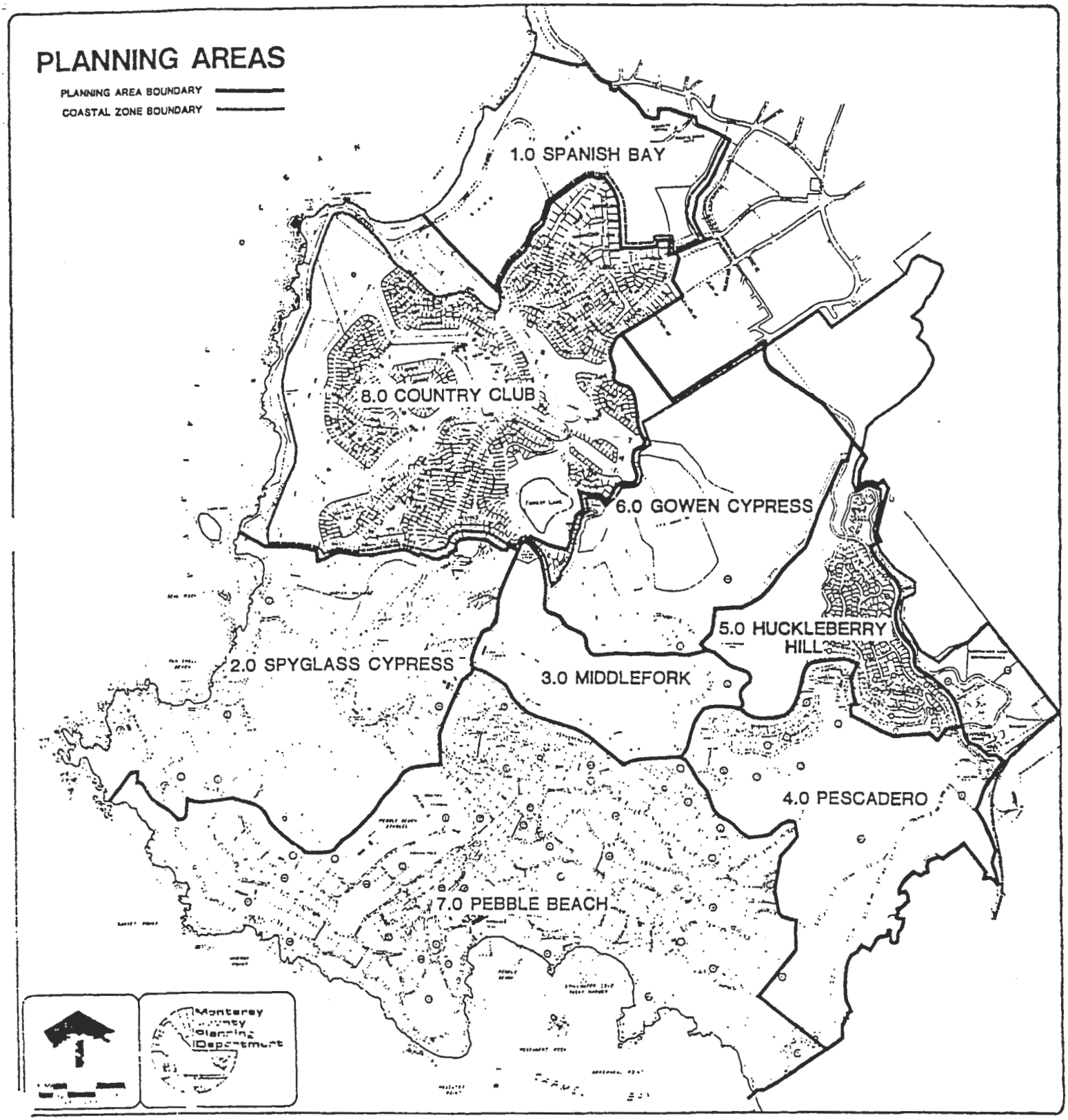


FIGURE 4

ENVIRONMENTAL CONSIDERATIONS

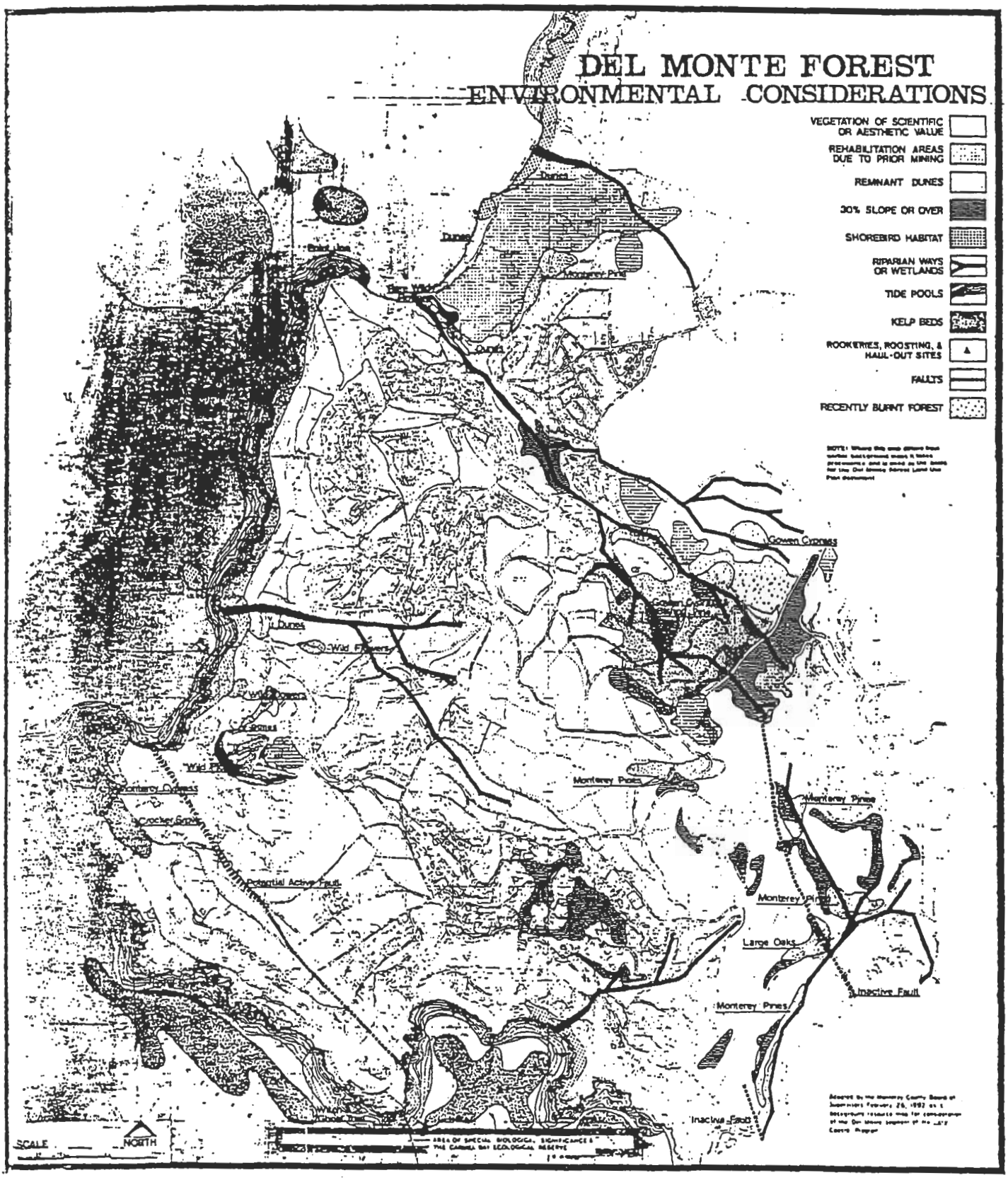


FIGURE 4A

ENVIRONMENTAL CONSIDERATIONS LEGEND

VEGETATION OF SCIENTIFIC OR AESTHETIC VALUE

REHABILITATION AREAS DUE TO PRIOR MINING

REMNANT DUNES

30% SLOPE OR OVER

SHOREBIRD HABITAT

RIPARIAN WAYS OR WETLANDS

TIDE POOLS

KELP BEDS

ROOKERIES, ROOSTING, & HAUL-OUT SITES

FAULTS

RECENTLY BURNT FOREST

NOTE: Where this map differs from earlier background maps it takes precedence and is used as the basis for the Del Monte Forest Land Use Plan document.

SCALE:

0 500 1000 2000 3000

NORTH

FIGURE 5A

DEL MONTE FOREST AREA
LAND USE PLAN - 1984 LEGEND

Residential

- 1 Unit /2 Acres
- 1 Unit /1.5 Acres
- 1 Unit /Acre
- 2 Units /Acre
- 4 Units /Acre
- 00 units/acre — Density as indicated
- Density to Preclude Further Subdivision

Commercial

- Visitor Service
- General
- Institutional

Open Space

- Recreational
- Forest
- Shoreline

- Resource Constraint Areas
- Area of Special Concern

Boundaries

- Del Monte Forest
- Planning Area
- Coastal Zone
- Huckleberry Hill Natural Habitat Area
- Presidio of Monterey

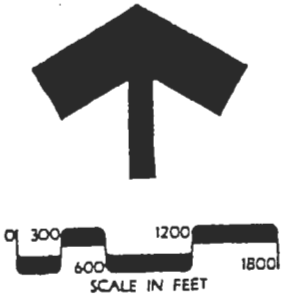


FIGURE 6

SPANISH BAY PLANNING AREA
ENVIRONMENTAL CONSIDERATIONS

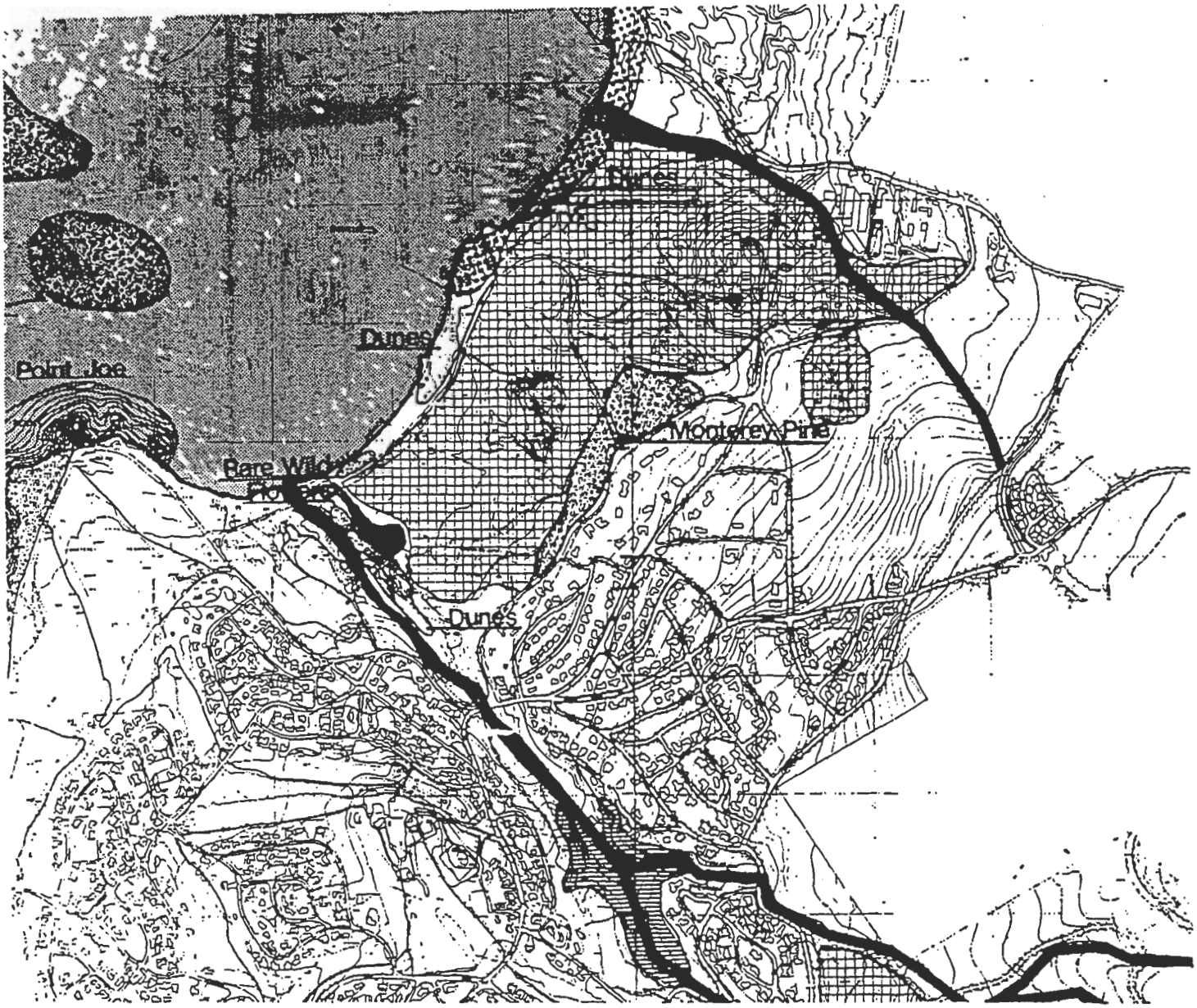


FIGURE 7

SPYGLASS CYPRESS PLANNING AREA
ENVIRONMENTAL CONSIDERATIONS

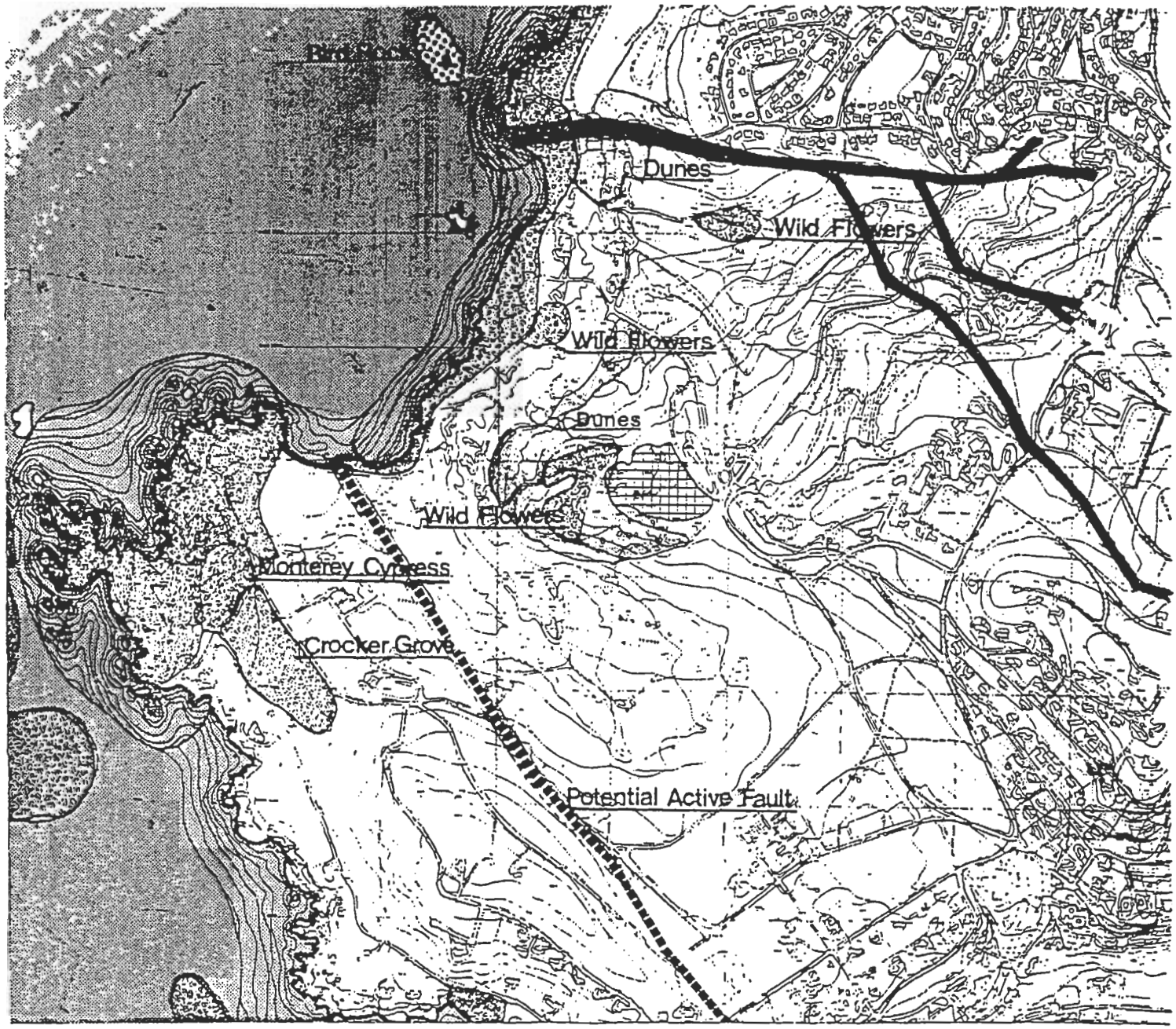


FIGURE 8

MIDDLE FORK PLANNING AREA
ENVIRONMENTAL CONSIDERATIONS

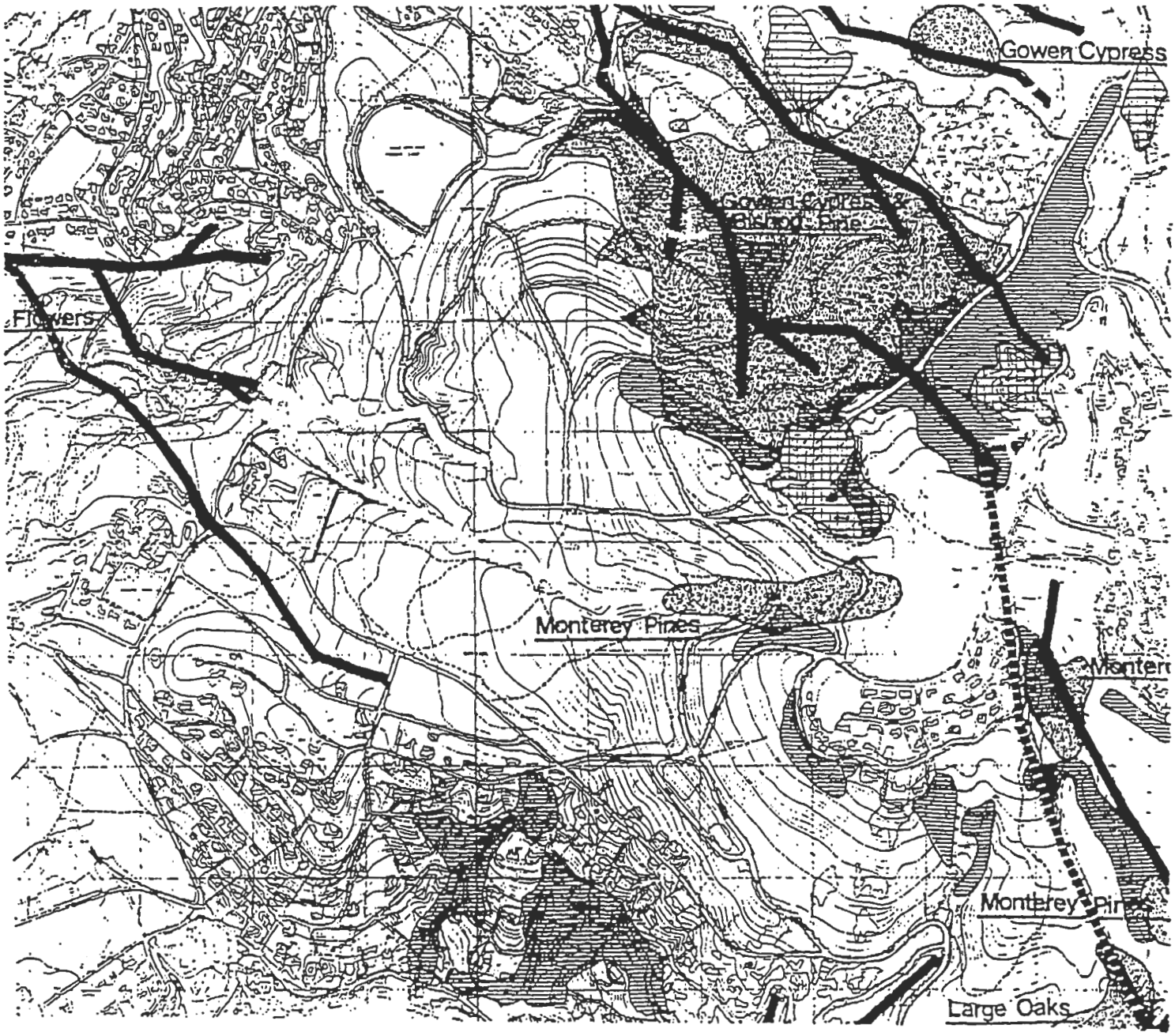


FIGURE 9

PESCADERO PLANNING AREA
ENVIRONMENTAL CONSIDERATIONS

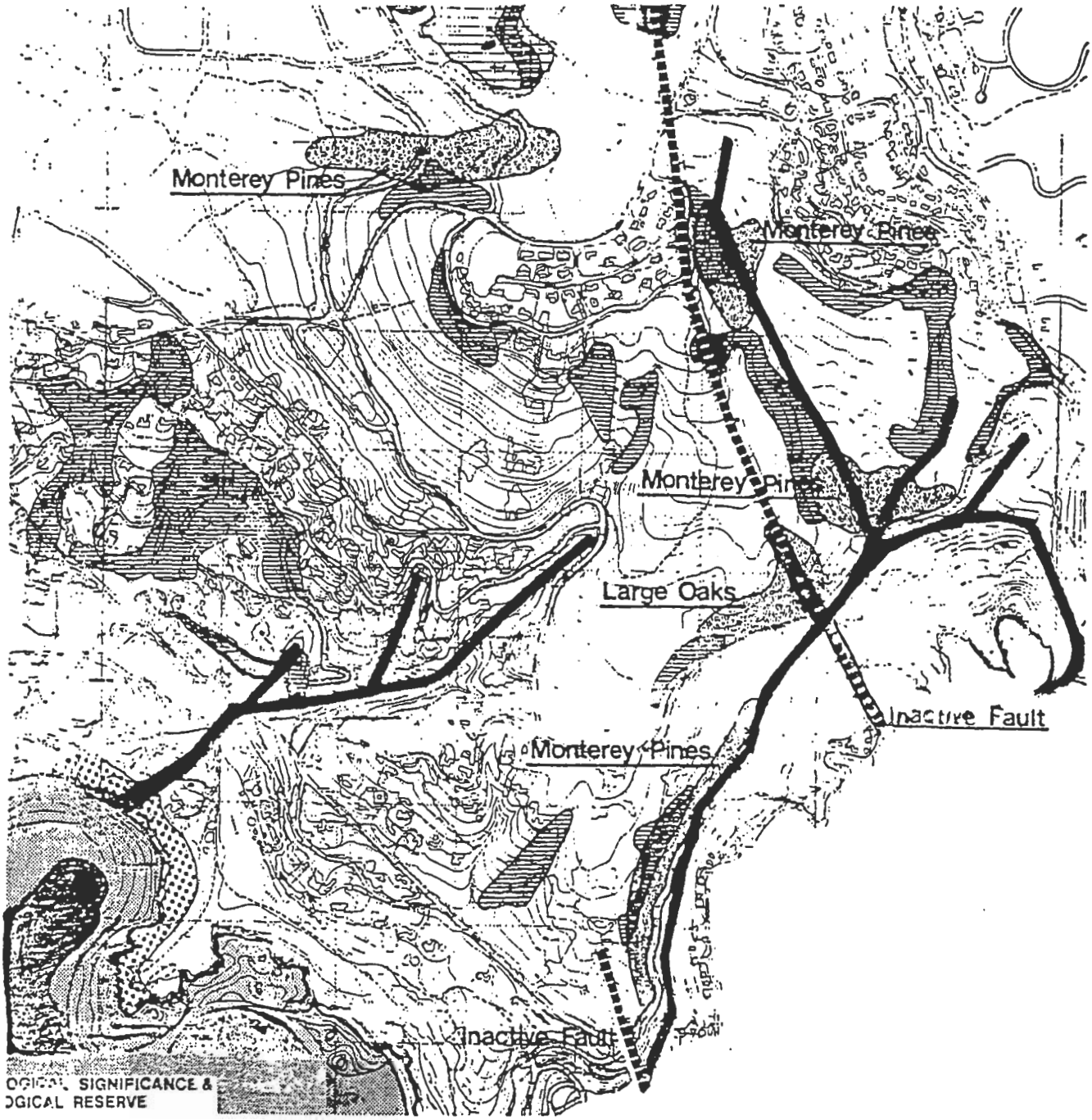


FIGURE 10

HUCKLEBERRY HILL PLANNING AREA
ENVIRONMENTAL CONSIDERATIONS

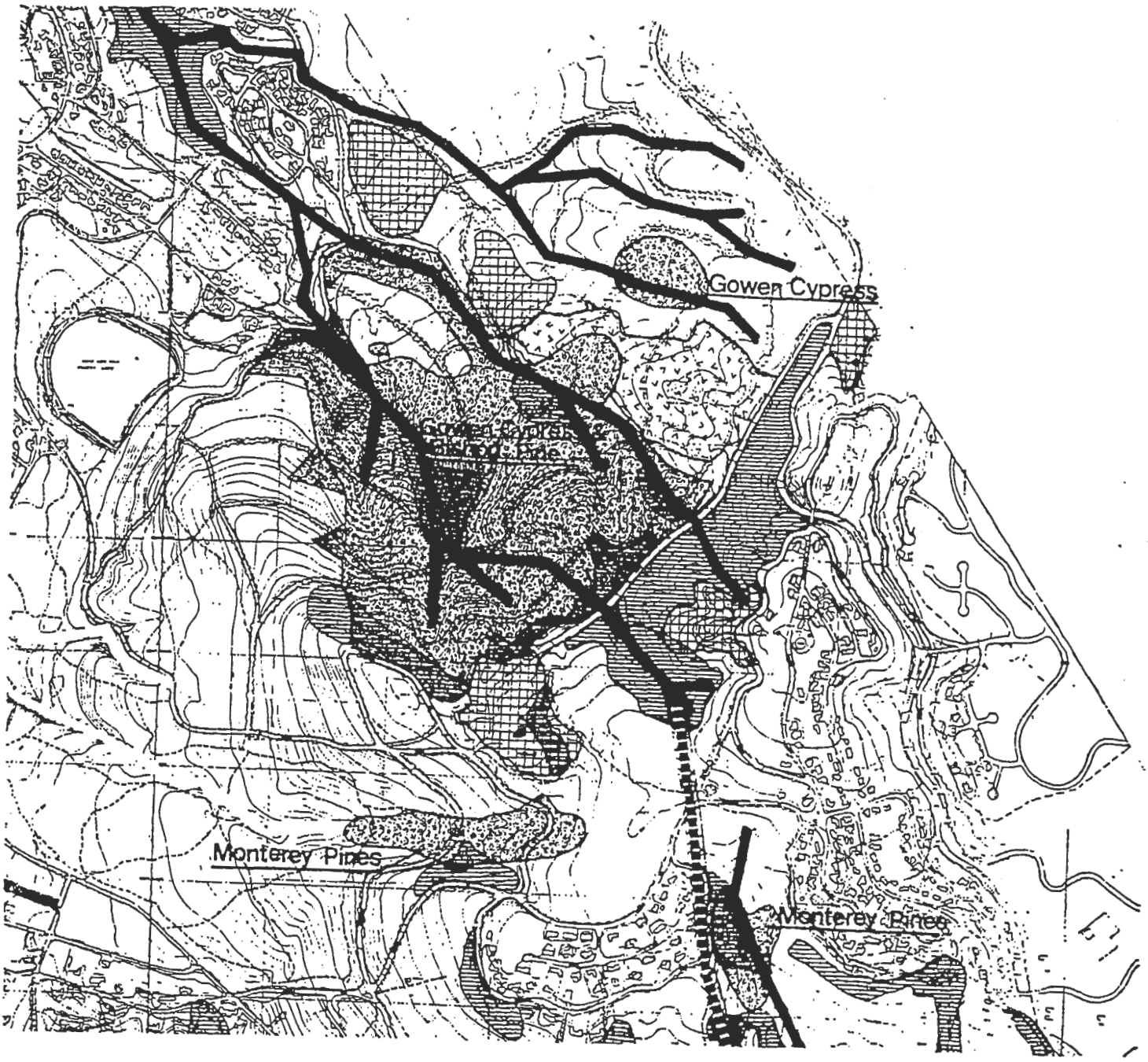


FIGURE 11

GOWEN CYPRESS PLANNING AREA
ENVIRONMENTAL CONSIDERATIONS

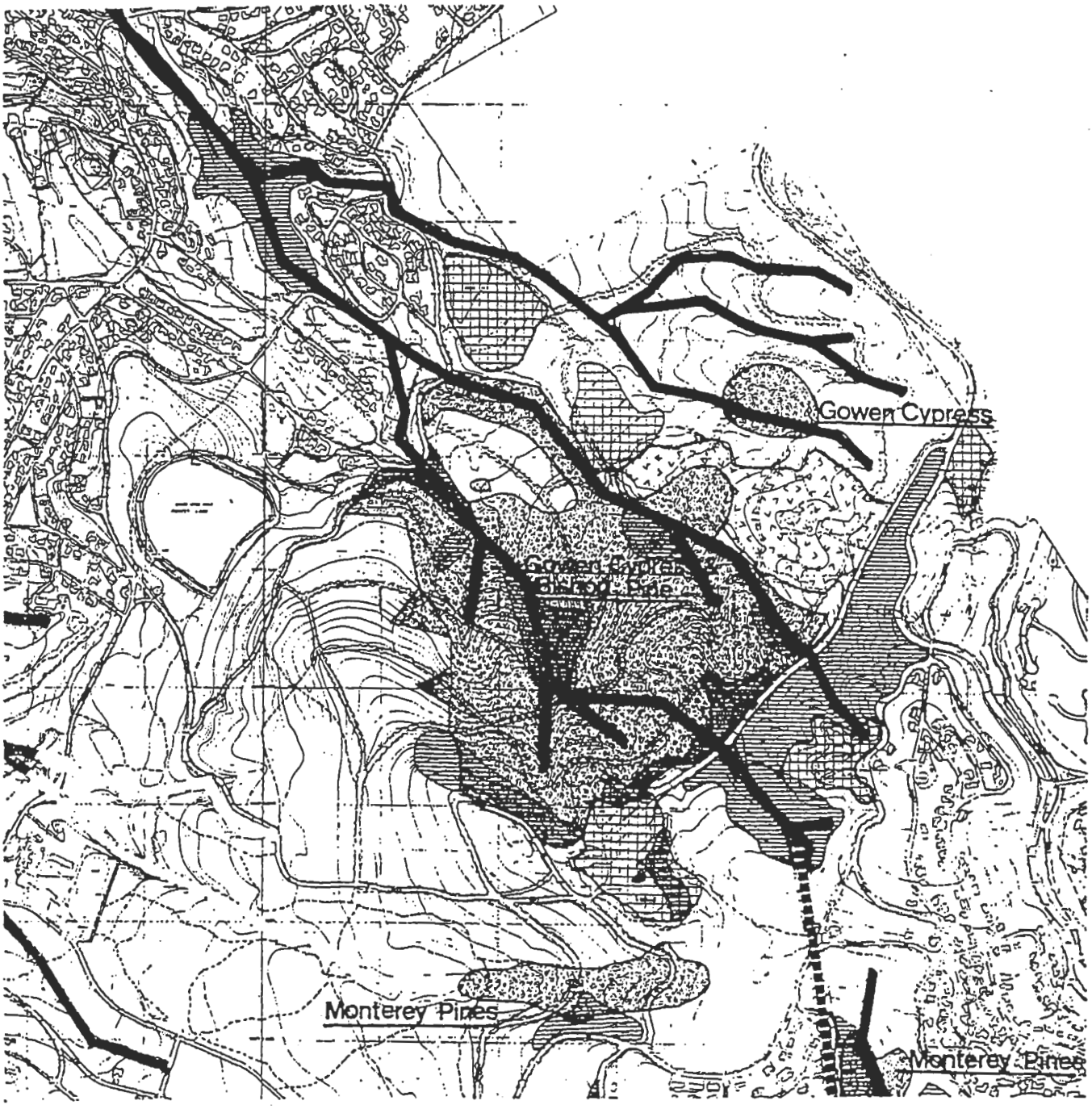


FIGURE 12

PEBBLE BEACH PLANNING AREA
ENVIRONMENTAL CONSIDERATIONS

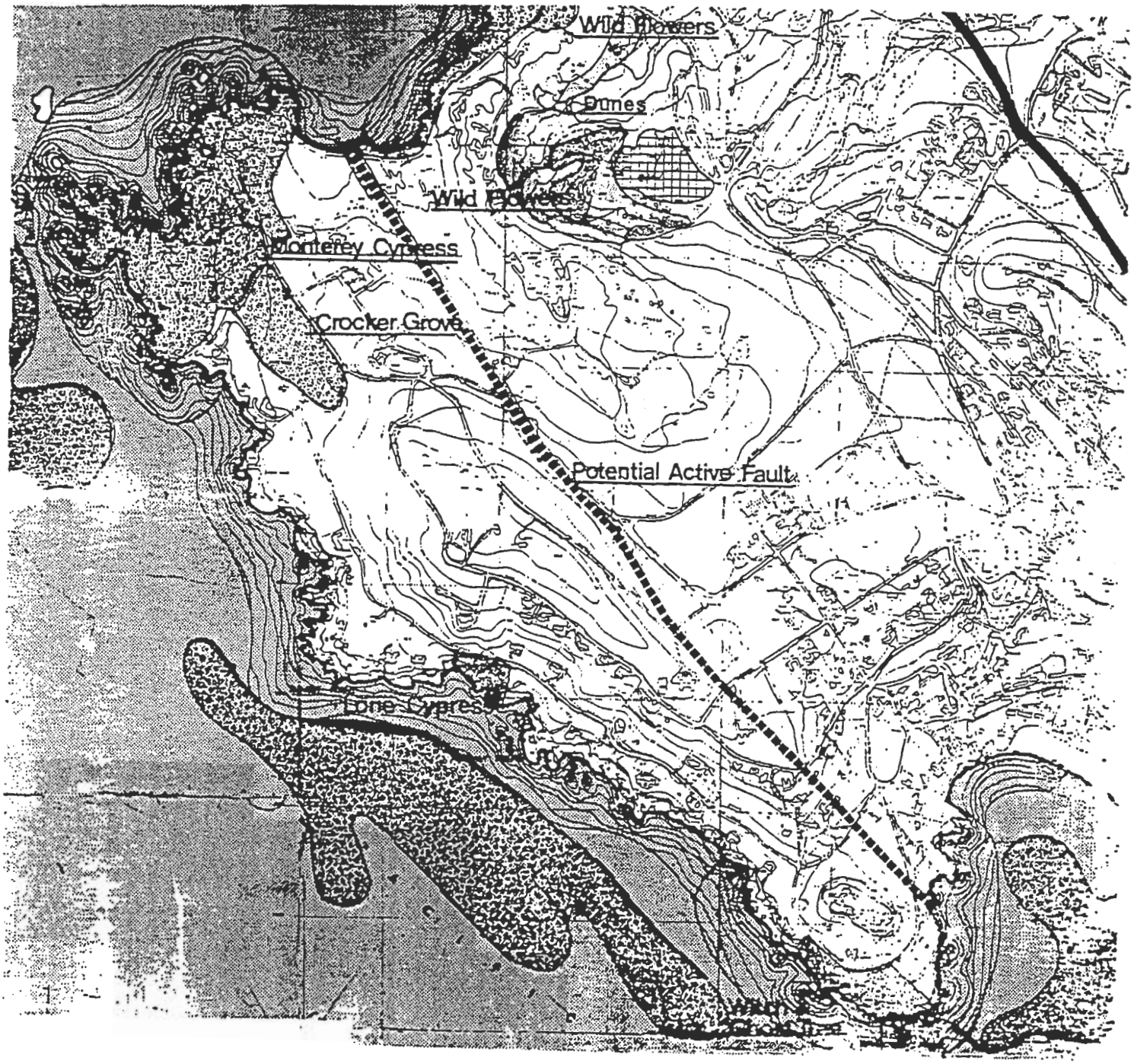


FIGURE 12

PEBBLE BEACH PLANNING AREA ENVIRONMENTAL CONSIDERATIONS

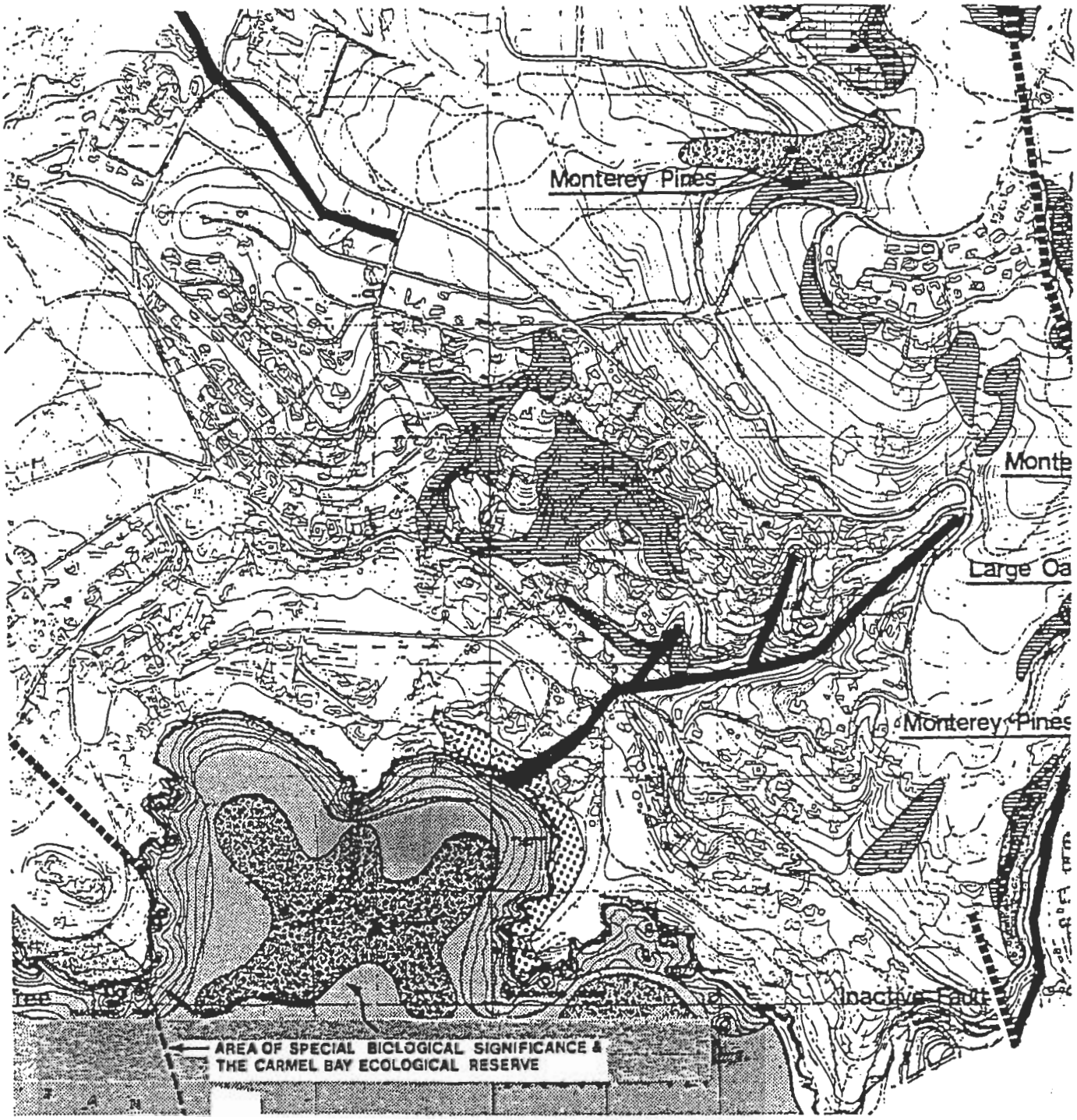


FIGURE 13

COUNTRY CLUB PLANNING AREA
ENVIRONMENTAL CONSIDERATIONS

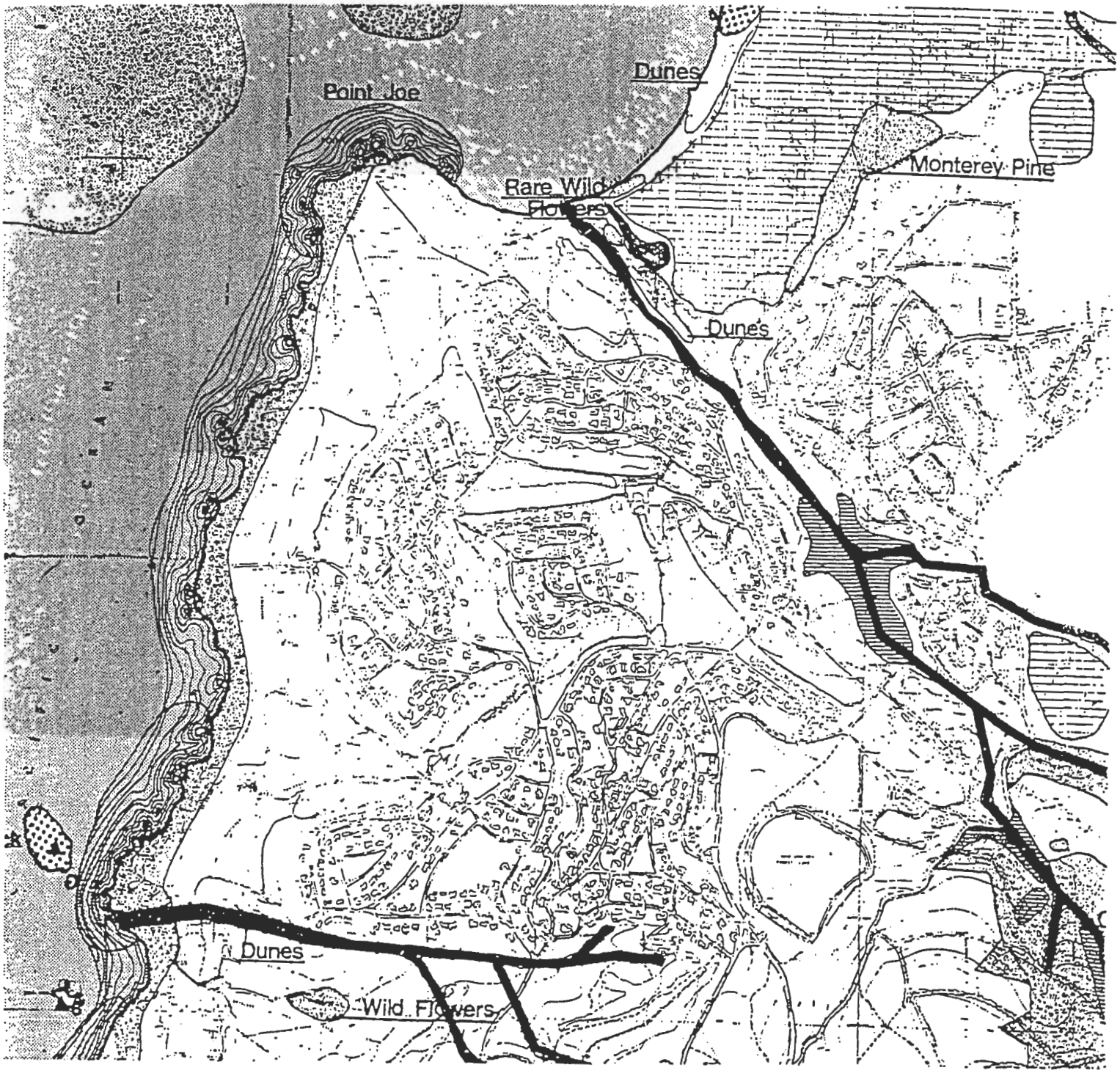


EXHIBIT 7

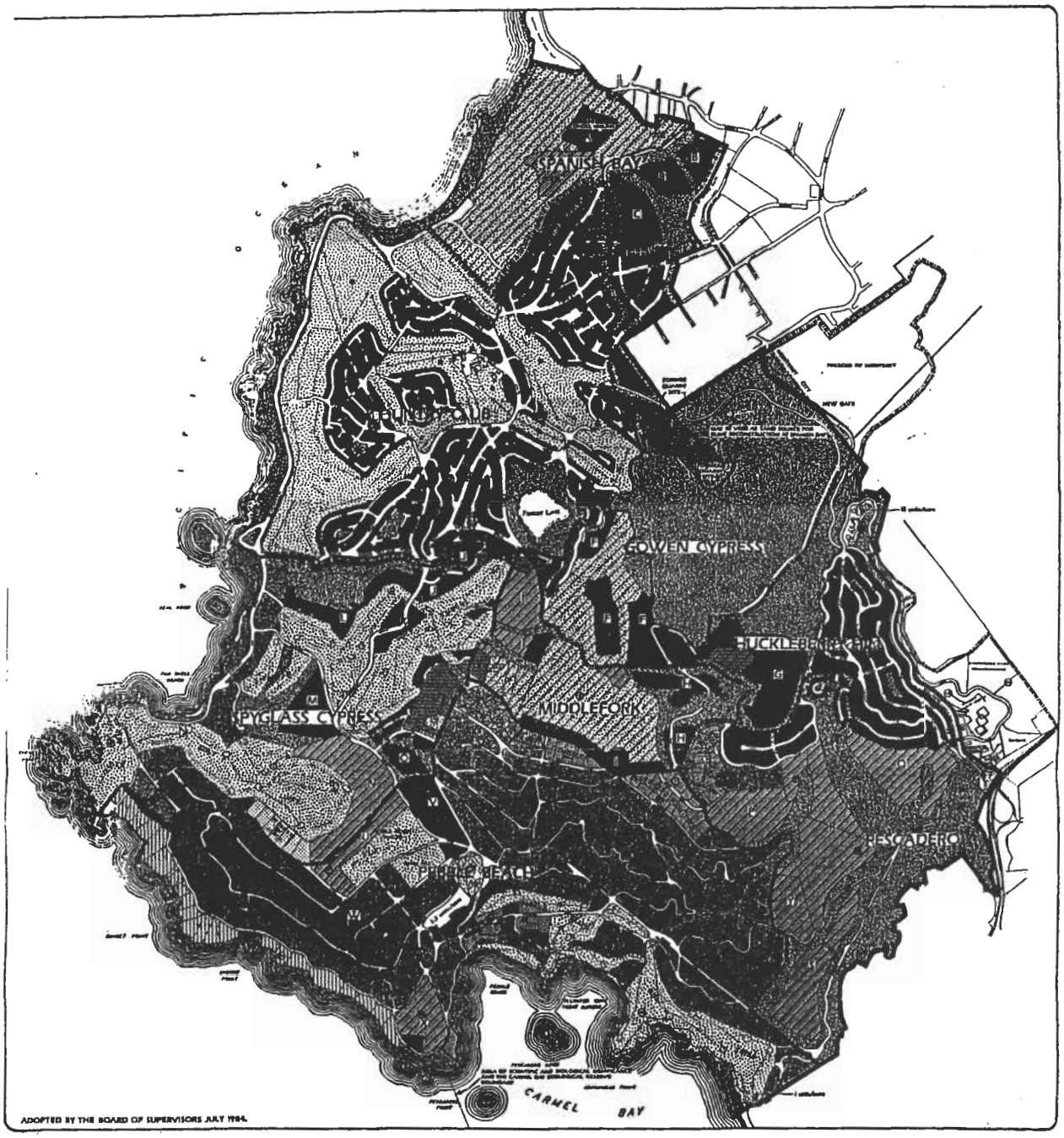


FIGURE 5
LAND USE PLAN (1984)

DEL MONTE FOREST AREA GENERAL PLAN
LOCAL COASTAL PROGRAM

Monterey County Planning Department

Residential
- 1 Unit / 2 Acres
- 1 Unit / 1.5 Acres
- 1 Unit / Acre
- 2 Units / Acre
- 4 Units / Acre
- Density as Indicated
- Density to Preclude Further Subdivision

Commercial
- Visitor Service
- General
- Institutional

Open Space
- Recreational
- Forest
- Shoreline

- Resource Constraint Areas
- Area of Special Concern

Boundaries
- Del Monte Forest
- Planning Area
- Coastal Zone
- Huckleberry Hill Natural Habitat Area
- Presidio of Monterey

EXHIBIT 8

FIGURE 15

RECREATIONAL FACILITIES

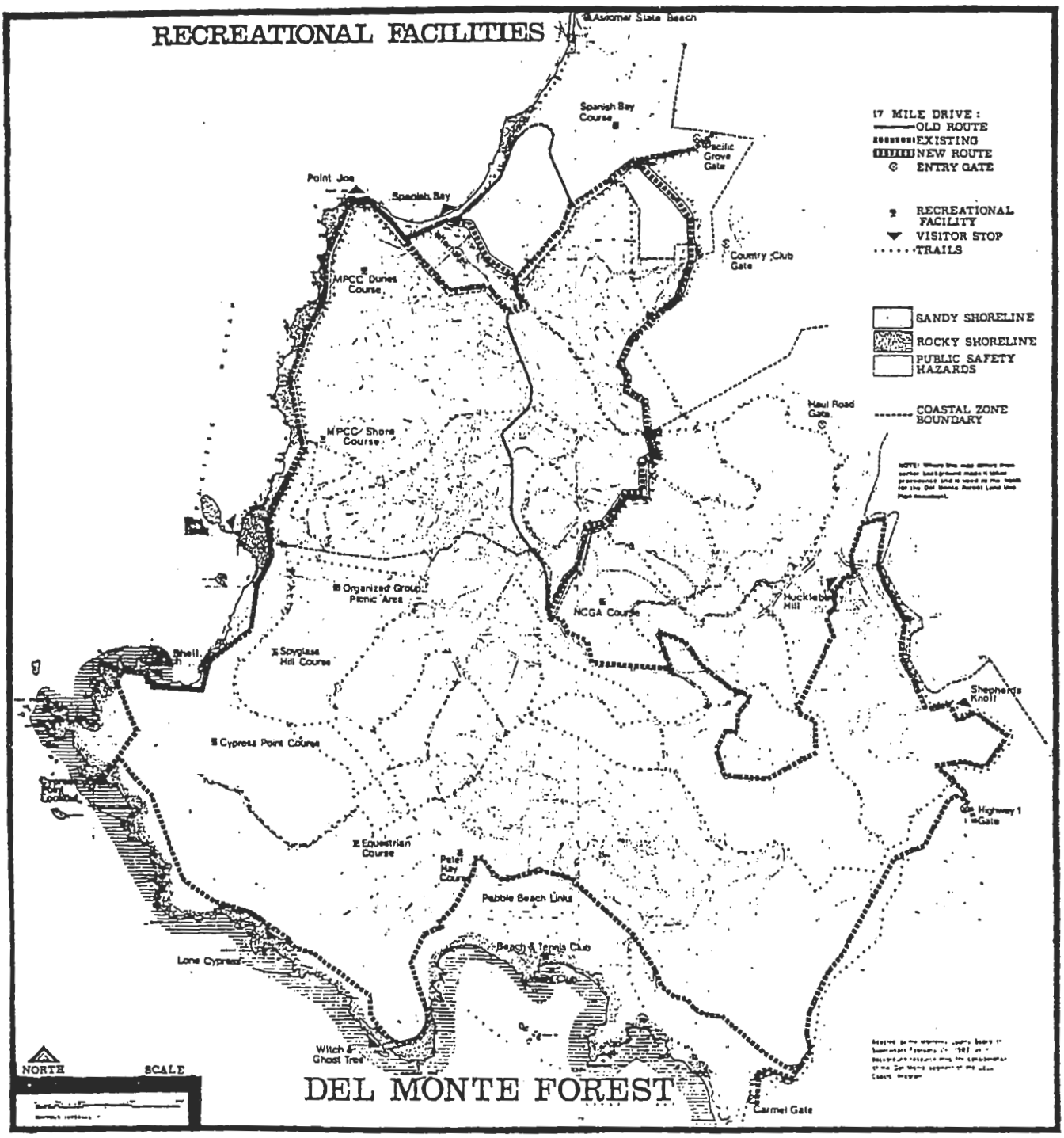
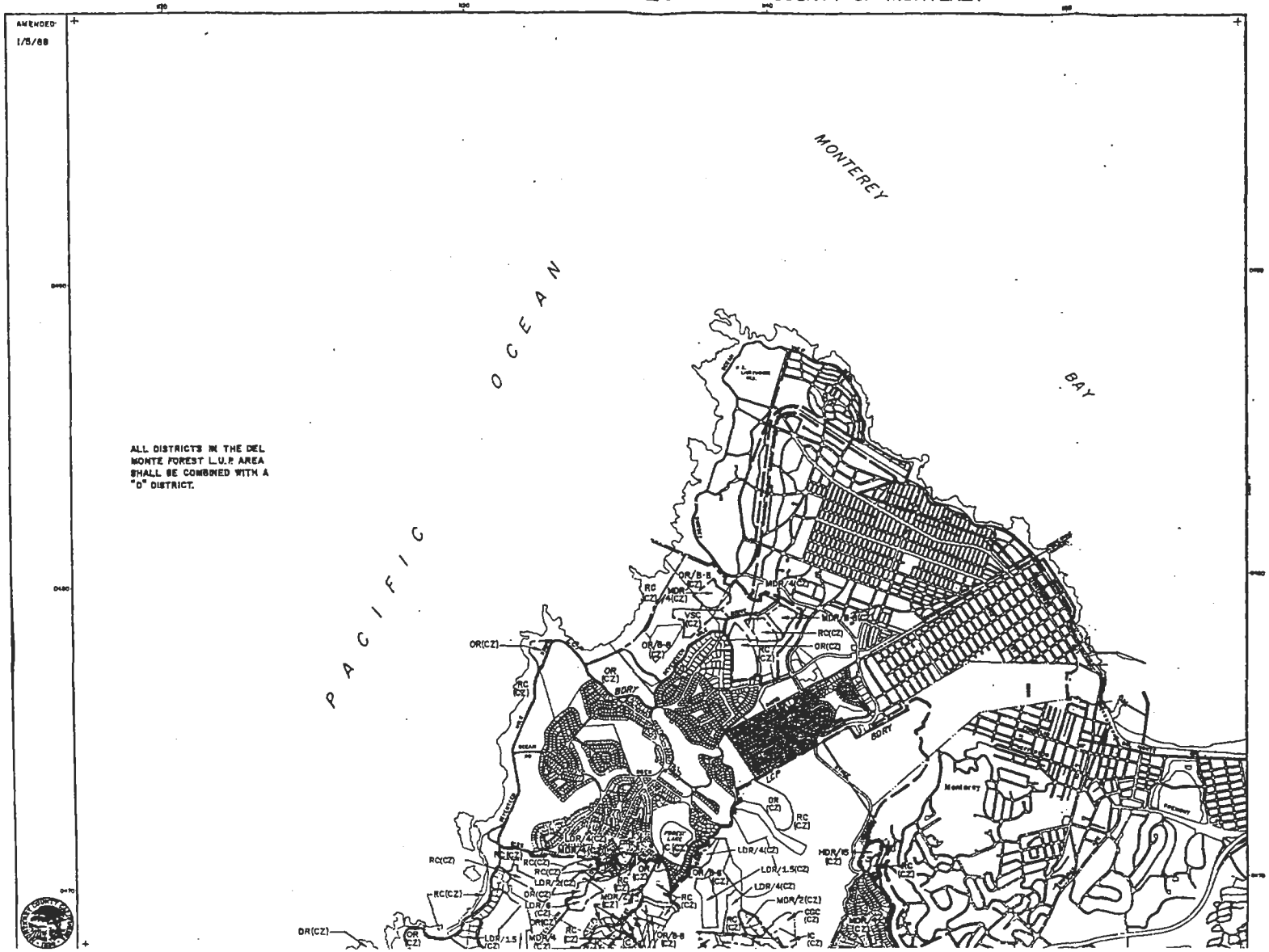
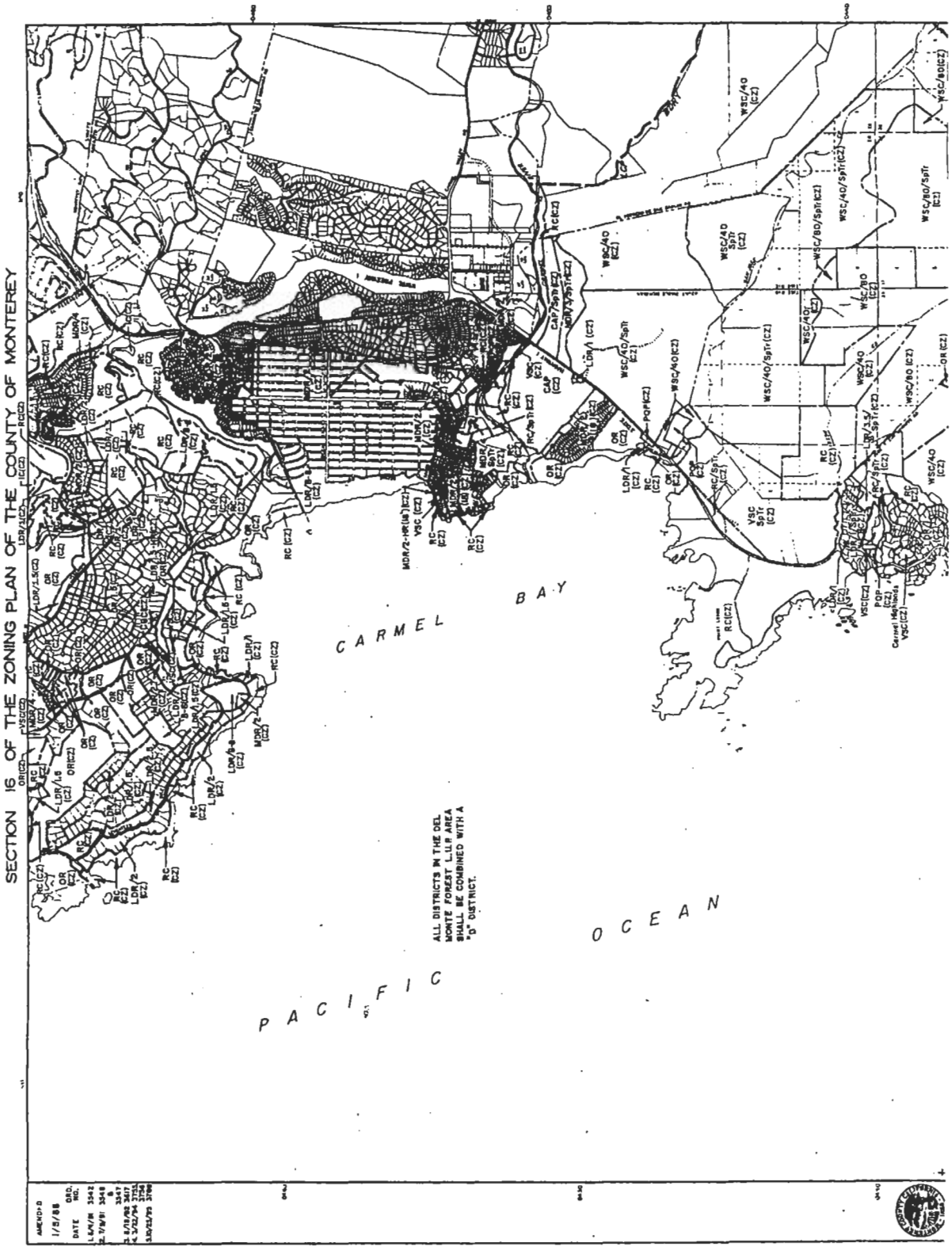


EXHIBIT 9

SECTION 10 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY




SECTION 16 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY
CARMEL BAY
PACIFIC OCEAN
ALL DISTRICTS IN THE DEL MONTE FOREST L.U.P. AREA SHALL BE COMBINED WITH A "D" DISTRICT.
AMENDED
1/5/88
DATE ORD. NO.

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877

February 28, 2005

Supervisor W.B. Lindley, Chair
Monterey County Board of Supervisors
P.O. Box 1728
Salinas, CA 93902

Re: March 1, 2005 Agenda Item S-14: The Pebble Beach Company's Del Monte Forest Preservation and Development Plan (PLN010254, PLN010341, and PLN040160).

Honorable Chair and Supervisors:

We write to urge that you not approve the Pebble Beach Company (PBC) development project because it violates both the Monterey County Local Coastal Program (LCP) and the Commission's Spanish Bay coastal development permit (CDP). The LCP has not been amended by Measure A and thus major components of the project cannot legally be approved. In addition, with or without the certification of Measure A much of the project appears inconsistent with the environmentally sensitive habitat area (ESHA) policies of the LCP, including requirements for wetland protection. The project also directly contravenes the Commission's Spanish Bay CDP forest restoration requirements and associated recorded irrevocable conservation easements. Concerning the adequacy of information for your decision, recent fieldwork by the Commission's biologist suggests that there is more wetland and dune habitat within the project disturbance area than has been identified by the County to date. Similarly, our preliminary review of the legal lot information indicates that there may be fewer legal lots (and thus more proposed subdivision) than identified by the County. Finally, given the substantial evidence that much of the project area qualifies as ESHA under the LCP, your staff recommendation overstates both the "pre-Measure A" development potential under the certified LCP and the project benefits for the Del Monte Forest. This overstatement brings into question the overall rationalization being offered to the public that Measure A and the project will result in less development than would be allowed under the certified LCP.

Project is inconsistent with the certified LCP

We have previously advised that the County not take a final action on any coastal development permits necessary for the project until <u>after</u> the Commission has reviewed Measure A for conformity with the California Coastal Act (PRC 30514(a); also Monterey County LCP Zoning (CIP) 20.06.755 which defines the LCP as the Commission certified version). This is primarily because in the absence of Commission certification of Measure A, major components of the project have no legal basis for approval since they are patently inconsistent with the certified LCP (i.e., without the proposed Measure A LCP amendments). Proposed development that is not consistent with the certified LCP includes: the new Equestrian Center at Sawmill Gulch, which is not allowed in the Open Space Forest (OF) land use designation and Resource Conservation (RC) zoning at this location (nor by a prior CDP and recorded easements, see below); 149 new

visitor-serving units at Spanish Bay and the Pebble Beach Lodge, which are not allowed under Table A of Chapter 3 of the LCP Land Use Plan (LUP); 11 new golf course cottages, which are not allowed under Table A or current zoning; portions of the new golf course which conflict with the OF designation and RC zoning; and, more broadly, all new development proposed beyond a single residence on each legal lot because the B-8 resource constraint zoning that prohibits new development has not been removed: this includes the proposed new golf course, driving range, residential subdivisions, and visitor-serving units.

To address these inconsistencies, the County is proposing to approve the project with a condition that precludes issuance of grading or building permits until the Coastal Commission "has certified the Local Coastal Program changes contained within Measure A." Such an action by the County would be in excess of the County's legal authority, or *ultra vires*.[1] Under the California Coastal Act, the County only has delegated authority to issue coastal development permits that are consistent with its certified LCP (PRC 30604(b)). The certified LCP also requires that all coastal development permits approved by the County be consistent with the policies and ordinances of the LCP (e.g., CIP 20.02.060(A), 20.06.755, and 20.70.050(B)(3)). The County does not have the legal authority to issue coastal permits for developments that are clearly inconsistent with the LCP on a presumption that the LCP will be changed in the future to allow such development. This fundamental lack of authority is not cured by making the approval contingent on the eventual certification of Measure A by the Commission. Moreover, as we have previously observed, the outcome of the Commission's review of the Measure A LCP amendment is uncertain. If the Commission does not certify Measure A as proposed, the County's action will be rendered a nullity.

Project is inconsistent with the certified LCP <u>and</u> a Measure A amended LCP

Commission staff has previously delivered detailed comments to the County questioning the consistency of Measure A and its anticipated land uses with the Coastal Act. We remain concerned that Measure A is not approvable in its current form. Nonetheless, even if the Commission were to certify Measure A as submitted, the PBC project would still not be consistent with the LCP as so amended. The primary reason for this is because there is substantial evidence that undeveloped portions of the project area are predominantly ESHA.[2]

---

[1] We note that in prior instances where LCP amendments were required to allow development being considered by the County, the County has only granted conceptual approval of the requisite coastal permits, and has only taken a final action on the coastal permits after Commission review and approval of the necessary LCP amendments (see, for example, the LCP amendments and permits associated with Mission Ranch (amendment 2-91 and CDP PC-7595) and Oak Hills (amendment 1-95 and CDPs SB840-842) that were referenced by the Company in their January 6, 2005 letter on this topic).

[2] This conclusion is based on preliminary fieldwork and review of the administrative record that has been available to date.

Among other things, ESHA is defined by the LCP as the habitat of rare and/or endangered species, including Federal and State listed species and California Native Plant Society (CNPS) List 1b species (CIP 20.147.020(H); 20.147.020(AA)). The LCP also identifies wetlands, dunes, and riparian habitats as ESHA (Ibid). As is well documented in the project EIR, the undeveloped portions of the project area are mostly made up of large intact tracts of native Monterey pine forest (CNPS List 1b) in association with a variety of sensitive plant (e.g., federally-listed endangered Yadon's piperia) and animal (federally-listed threatened California red-legged frog) species, and include large areas of delineated wetlands, riparian areas, and dunes. Apart from legal definitions, the EIR clearly establishes the biological sensitivity of these species and their habitats. The EIR documents significant impacts to these coastal resources including converting 150 acres of Monterey pine forest to urban use, removing some 15,000 individual Monterey pine trees, and reducing the total known population of Yadon's piperia, an endangered species, by 25% (an estimated loss of 36,000 individual piperia plants).

In analyzing the project to date, the County has relied upon the LCP interpretation that ESHA is only that area containing the habitats and species listed in LUP Appendix A. This narrow reading of the LCP would, if carried forward into action, result in significant adverse impacts to any number of the sensitive species and their habitats in the Del Monte Forest that have been identified and/or listed since certification of the LUP in 1984, including the California red legged frog (threatened), Yadon's piperia (endangered), and many others.[3] This interpretation is at odds with the letter and intent of the LCP's ESHA protection provisions, and disregards the fact that the reference to Appendix A is a reference to a list of known examples when the LCP was certified in 1984 (and not a list meant to limit ESHA to Appendix A for all time).[4] The LCP clearly contemplates that the resources on the ground at the time of proposed development should be determinative of the presence or absence of ESHA for purposes of applying the ESHA protection policies of the LCP. Biological surveys are required at the time of proposed development so that ESHA's might be identified and protected (LUP Policy 12; CIP 20.147.040(A)). In addition, the DMF Land Use Plan (LUP p. 6) clearly notes that the LUP ESHA maps are "to be used as background resource material for decision-making" and that the County "acknowledges that they are not definitive and may contain errors or may be incomplete." Indeed, "challenges" to the accuracy of the maps are encouraged by the County to facilitate updating of the maps and so that "decisions will accordingly be based on the new data."

Consistent with the Coastal Act, the LCP requires that ESHAs be identified, avoided, and buffered (LUP Chapter 2; CIP 20.147.040). Only resource-dependent uses may be approved within an ESHA (e.g., LUP Policy 8; CIP 20.147.040(B)). Subdivisions within ESHA are

---

[3] See the Commission's Draft Periodic Review Findings for the Monterey County LCP, Chapter 3 (2003), for more detail.

[4] This is clear from the LUP text and policies as well as the overall framing definition of ESHA from CIP Section 20.06.440, an LCP section which is generic to all of the coastal planning areas of the LCP. Section 20.06.440 mimics the Coastal Act Section 30107.5 general definition of ESHAs, and then refers the reader to each land use plan segment for specific examples.

prohibited (e.g., LUP Policy 10; CIP 20.147.040(A)(1)). A *minimum* undevelopable 100-foot buffer around ESHAs, including wetlands, is required (e.g., CIP 20.147.040(B)). As documented in the EIR, the project does not avoid or adequately buffer sensitive habitat areas that should be treated as ESHA under the certified LCP. Except perhaps for some anticipated new trails, none of the development proposed in sensitive habitat areas is resource-dependent.[5] Thus, much of the proposed development is inconsistent with these ESHA protection requirements of the LCP. The potential certification of Measure A (which doesn't propose any changes to the LCP's ESHA policies) would not resolve these inconsistencies. In short, the implementation of the County's interpretation of the LCP's ESHA policies for the identified sensitive species and habitats of the Del Monte Forest is contrary to law, common sense, the County's own LCP, and numerous Commission and local government actions in other areas on California's coast. We urge the County to reject the staff recommendation to approve non-resource dependent development in areas that qualify and must be protected as ESHA.[6]

Project is inconsistent with the Coastal Commission's Spanish Bay CDP

The Commission's 1985 approval of the applicant's Spanish Bay project, which allowed the construction of the Spanish Bay Resort and golf course, was conditioned upon certain mitigations to address the environmental impacts of that project. But for these mitigation measures (which the PBC agreed to and has, in material respect, implemented when it accepted the permit) the Spanish Bay project CDP could not have been approved. One such mitigation was that all of the Sawmill Gulch site, both upper and lower portions, be restored.[7] The upper portion was also added to the Huckleberry Hill Natural Habitat Area. To assure implementation of this condition, the PBC recorded an Offer to Dedicate a conservation easement, since accepted by the Del Monte Forest Foundation, for the primary purpose of permanent natural habitat protection *in perpetuity*. As previously noted, all of the Sawmill Site is designated open space forest and zoned resource conservation – a designation and zoning designed to "protect, preserve, enhance, and restore sensitive resource areas in the County of Monterey" (IP 20.36.010).

The PBC now proposes to undo its restoration and conservation commitment by proposing development that is in direct conflict with the mitigation requirements of the Commission's Spanish Bay permit. PBC proposes to put a new equestrian center in Sawmill Gulch. In addition to being prohibited by the certified zoning of the LCP, this development is not allowed by the Commission's Spanish Bay CDP. To address this conflict, the County is proposing to approve the project with a condition requiring the applicant to show that the "Coastal Commission has amended its Spanish Bay Coastal Development Permits to allow for the use of the Sawmill site

[5] Commission staff acknowledges and supports the proposed formal protection of other sensitive habitat areas (through conservation easements) that also should not be developed pursuant to the ESHA protection policies of the LCP.

[6] We note that to the extent that there may be a conflict between LCP ESHA policies, LCP section 20.02.060(D) identifies the Coastal Act as the highest prevailing authority for resolving such conflict.

[7] CDP Conditions 3, 4, 5, and 28.

for the proposed Equestrian Center." This condition fails to consider the fact that the Executive Director of the Commission is obligated to reject an application for a CDP amendment if he/she determines that the amendment would lesson or avoid the intended effect of the original permit, unless new material information is presented (14 CCR § 13166(a)). In this case, an amendment request to develop the Sawmill Gulch restoration area, an area designed to be set aside and restored as mitigation for Spanish Bay project impacts, and required under the recorded easements to be permanently protected as sensitive habitat *in perpetuity*, would clearly be a weakening amendment that would be rejected. We are not aware of any new information that would support an application to eliminate this or any other requirement of the Commission's Spanish Bay CDP.

Information gaps preclude a finding of LCP consistency

In addition to the fundamental information gap associated with the unknown Measure A and Spanish Bay CDP amendment outcomes, there appear to be significant additional information gaps that make it difficult to fully assess the consistency of the project with the LCP. In particular, as we informed the County in January, recent fieldwork conducted by Commission staff in areas MNOUV has led us to conclude that the EIR has not delineated all areas that would qualify as wetland under the LCP using the methodology that we advised in 2002. In particular, there appear to exist significant areas of wetland in the proposed golf course site that have not yet been delineated and that would render additional areas undevelopable. Similarly, it appears that areas of dune habitat at Signal Hill/Spyglass have not been delineated, and that portions of the proposed golf course are sited on top of dune habitat. Finally, based on our preliminary review of the administrative record for the certificates of compliance that have been issued for the project area to date, the number of legal lots may be overstated, raising questions about the level of proposed subdivision necessary to support the project (see also discussion below). We recommend that the County not take a final action on the PBC project until the wetlands, dune, and lot legality information can be appropriately updated, and the project further modified if necessary. In sum, because of the aforementioned Measure A and Spanish Bay unknowns, and because of these additional information gaps, approval at this time may be illegal since the decision-makers (the Board) do not have before them the necessary information (including the Commission's future actions relative to Measure A and Spanish Bay) to make an informed decision about potential environmental impacts (see, for example, Sundstrom v. County of Mendocino).

Development potential under the Del Monte Forest LUP/IP is overstated

PBC and the County staff report for Measure A have presented the project as both reducing the scope and intensity of otherwise allowable development and increasing habitat preservation in the Forest. However, this assertion relies on the unsupportable claim that the LCP allows much more development than the proposed project. The LCP does not guarantee the development of the +-850 residential units that has been suggested as the Company's entitlement within the project area. Rather, the LCP clearly states that the residential densities identified in various planning areas are maximums that need to be understood in relation to resource and other

constraints, where the actual density allowed by the LCP for any specific project area is dependent on the development constraints under relevant LCP requirements (e.g., LUP Policy 68a; CIP 20.147.090).

For example, the LCP prohibits subdivision within ESHA. As discussed above, there is substantial evidence that the undeveloped project area lands, including areas proposed for "preservation," are predominantly ESHA. As such, their development potential is considerably less than 850 residential units. Within the context of Constitutional takings law, the general requirements of which are reflected in CIP 20.02.040 and 20.02.060(B), the maximum development potential of a residentially-zoned legal parcel that is entirely ESHA under the LCP generally is probably not more than a single house.[8] As mentioned, we have not concluded our review of the administrative record on this matter and believe that the number of developable legal lots in the project area may be something less than the 41 that the County has certified. Even still, there is no doubt that the development potential of 41 lots substantially comprising ESHA is significantly less than the 850 units that has been suggested. Moreover, to the extent that the proposed preservation areas are ESHA, they are already substantially protected by the LCP. Thus, only that development that must be allowed under the Constitution, such as a single residence on an all ESHA parcel, should be countenanced as a resource protection "benefit" of the project. In short, it is important that the public record reflect a more realistic statement of the development potential of the Del Monte Forest under the certified LCP, particularly to the extent that arguments about the purported reduction in LCP development potential by Measure A and the project, as well as statements concerning the preservation benefits of the project, are being used to rationalize approval of significant new development in environmentally sensitive areas.

Conclusion

There is no doubt that the proposed PBC development, including Measure A, is complex and controversial. We acknowledge and sincerely appreciate the significant commitment that your staff has made to evaluating and processing the project thus far. We look forward to continuing to work with your staff as the process unfolds. Nonetheless, we have serious concerns with the project, particularly with respect to its significant impacts on environmentally sensitive habitat areas and the contravention of the restoration requirements of the Spanish Bay CDP. Conditions of approval proposed by the County are not adequate to address these fundamental LCP and legal inconsistencies. Because Measure A has not been certified, the approval of much of the project is without legal foundation. Finally, information with respect to wetlands and dune habitats, as well as the number of legal lots, appears to be incomplete or uncertain.

There are other issues of project consistency with the LCP, including questions regarding public access, scenic resources, mitigations outside the coastal zone and therefore beyond the applicability of the LCP, water quality protection, and water supply, as well as more detailed

[8] Such an analysis is case specific. The actual development potential of any particular lot will depend on the transactional history of the parcel, applicable laws and regulations, development context, environmental constraints, etc.

concerns related to the protection of habitat and wetlands, that may need to be further addressed. But at this point and given the accelerated pace at which this project is now being moved through the County, these further issues are secondary to the fundamental conflicts of the proposed project with the LCP's ESHA protection policies. We recommend that you not approve the project because it is not consistent with the Monterey County certified LCP and the Commission's Spanish Bay coastal development permit.

Sincerely,

Charles Lester by DRL

Charles Lester
Deputy Director
California Coastal Commission

cc: Ann Anderson, Clerk to the Board of Supervisors
Lew Bauman, Monterey County Administrative Officer
Scott Hennessy, Monterey County Planning Director
Thom McCue, Monterey County Senior Planner
Mark Stilwell, Pebble Beach Company

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December 22, 2004

Supervisor Louis Calcagno
Chair, Monterey County Board of Supervisors
P.O. Box 1728
Salinas, CA 93902

Subject: **Measure A and the Pebble Beach Company's Project in the Del Monte Forest**

Dear Chairman Calcagno:

I write to express the California Coastal Commission's concern about the manner in which the County is processing the Pebble Beach Company's Del Monte Forest project coastal development permit (CDP) application. We understand that this project relies on, and is intended to be measured against, the County's Local Coastal Program (LCP) as modified by Measure A. However, the County has not yet submitted Measure A to the Coastal Commission for review under the Coastal Act, and the LCP modifications proposed by Measure A are not part of the certified LCP. It is premature for the County to take final action on the Pebble Beach Company's CDP application until the Coastal Commission has fully reviewed Measure A for conformance with the Coastal Act. Similarly, because the Pebble Beach CDP application proposes significant development of property in conflict with the previously implemented CDP for Spanish Bay, neither the County's nor the Commission's review of this new project should precede Coastal Commission action on an amendment to the Spanish Bay CDP. As you know, the Coastal Commission holds the Spanish Bay CDP, not the County; therefore the Commission retains continuing jurisdiction over the permit. Finally, the legality of the County's pending action is in question since the standard of review for the County at this time is the existing unmodified LCP. The County's decision to move ahead with the Del Monte Forest project CDP application prior to establishing the degree to which Measure A can be incorporated into its LCP, coupled with the bypassing of Coastal Commission action on an amendment to the existing Spanish Bay CDP, will result in unnecessary and unwarranted expenditures of public funds by both of our agencies and significant confusion for the public.

The Commission therefore strongly advises that the County refrain from taking any final action on the Pebble Beach Company's CDP application until <u>after</u> it has submitted, and the Coastal Commission has acted on, the proposed Measure A LCP amendments, as required by law. Similarly, the County should not take final CDP action until <u>after</u> the Coastal Commission has acted on any Spanish Bay CDP amendment request. As our staff has advised the County on several previous occasions, the Coastal Commission strongly recommends that the County address proposed LCP amendments <u>before</u> conducting any further deliberations on the CDP application for the project.

In summary, the proposed LCP amendment as well as the amendment to the Spanish Bay CDP need to be processed by the County and the Coastal Commission <u>before the County takes further</u>

action on the CDP for the new Pebble Beach Company project. To discuss processing and scheduling options, please contact Deputy Director Charles Lester or Coastal Planner Dan Carl in the Commission's Central Coast District Office.

As always, the Coastal Commission would like to work cooperatively with the County to expeditiously process the County's requests but this will be more difficult to do if the proper processing order is not followed. Acting otherwise will only lead to a needless expenditure of public funds and costly and time-consuming litigation and controversy, which is not in anyone's interest. We look forward to working with you to resolve this situation.

Sincerely,

Meg Caldwell

Meg Caldwell
Chair, California Coastal Commission
On behalf of the California Coastal Commission

cc: District 1 Supervisor Fernando Armenta
District 3 Supervisor W.B. "Butch" Lindley
District 4 Supervisor Edith Johnsen
District 5 Supervisor Dave Potter
Ann Anderson, Clerk to the Board of Supervisors
Sally Reed, Monterey County Administrative Officer
Scott Hennessy, Monterey County Planning Director
Thom McCue, Monterey County Senior Planner
Mark Stilwell, Pebble Beach Company
Peter Douglas, Coastal Commission Executive Director

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

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November 17, 2004

Thom McCue
Monterey County Planning and Building Inspection Department, Coastal Office
2620 First Avenue
Marina, CA 93933

Subject: **Monterey County Public Hearings on "Pebble Beach Company's Del Monte Forest Preservation and Development Plan" Project (PLN 010254, PLN 010341, and PLN 040160)**

Dear Mr. McCue:

Thank you for forwarding the County Subdivision Committee hearing notice to our office last week regarding the above-referenced project, as well as forwarding the County's staff report for that hearing to our office this week. According to these materials, the County Subdivision Committee intends to have a hearing on the Pebble Beach Company project on November 18, 2004, to be followed by Planning Commission and Board of Supervisor hearings starting in January 2005. The Subdivision Committee is being asked to recommend (to the Planning Commission and Board of Supervisors) that the project, including required changes to the County's Spanish Bay permit, be approved.

We continue to strongly advise that the project not be heard until after there have been final Coastal Commission decisions on the LCP (Measure A) and coastal permit (Spanish Bay) amendments that would be required for the project to proceed.

We note that the draft CEQA documents acknowledge these Coastal Commission review requirements, and we further note that the County's staff report also acknowledges these requirements. However, the current staff recommendation then proceeds to identify a portion of the project that could proceed absent any further Commission action on Measure A and Spanish Bay, and a portion of the project that cannot. This is implemented by suggested conditions of approval that are structured to require evidence of Commission certification of Measure A and approval of the Spanish Bay coastal permit amendment (prior to issuance of grading and building permits) for only a segment of the project. Presumably the intent is to allow the rest of the project to proceed without such Commission action. In both cases, such approval appears structured to precede submittal of Measure A.

Such an approach is problematic and we strongly recommend that project approval not precede required Commission approvals, and not be segmented in this manner.

It is inappropriate for project approval to be conditioned on future Coastal Commission approvals, and it is inappropriate for an interrelated project of this magnitude to be segmented into a portion that requires Measure A certification and a portion that purportedly does not. We disagree with the analysis that a portion of the project is consistent with the existing LCP. Furthermore, conditioning the project approval in whole or in part in this manner presupposes

that the Commission will certify the Measure A LCP amendment as submitted, and will modify the Spanish Bay coastal permit as proposed. As you are aware from our previous comments, we continue to have serious reservations about the project and the LCP amendment, and it is unwise to presume that LCP and permit amendments would be approved as submitted. In short, the outcomes of a Measure A amendment to the LCP and an associated amendment to the Spanish Bay coastal permit are uncertain, and the specifics of these outcomes will necessarily affect the manner in which all aspects of the project (both those deemed consistent and those not in the staff report's segmentation of the project) can be found consistent with the LCP and past permits. County decision makers at each level need to have the benefit of this information prior to making final decisions on the project. Without it, their understanding of this large and contentious project, and their discussions on the merits of it in relation to the LCP, will be significantly hampered. Because of this, a final County action on the project prior to final Commission action is not appropriate.

Given the inextricable link between the LCP amendment and the proposed project, we understand why the County would want to use the ongoing CEQA review process to help develop information both for the permit review and to support an LCP amendment submittal. To a point, such a combination makes sense as a way to pool scarce County resources on common questions. However, it is now time that these review processes be separated. To do otherwise seems to us to be poor use of time and resources because any series of County hearings on the project now will be without the benefit of knowing what the Coastal Commission will do later. In other words, if the County holds a series of hearings leading to an action now (as is the intended approach according to the notice and staff report that we received), these hearings will not have the benefit of critical information for making coastal permit decisions. Any "final" decisions made after this series of hearings will need to be revisited at additional hearings following Coastal Commission actions, and are thus premature.

Moreover, even the existing "known" body of information is in question, and this also indicates that decisions on the project now would not be prudent. Specifically, the aforementioned CEQA documentation, and the current County staff report analysis that incorporates and relies upon it, is incomplete and has been compromised by an incorrect evaluation foundation. This is particularly the case in terms of the DEIR's identification of environmentally sensitive habitat area (ESHA) and its ESHA impact evaluation methodology (please see our March 22, 2004 letter on the original DEIR and our November 10, 2004 letter on the PRDEIR for specific reasons for this). We continue to highlight that the DEIR's evaluation has not been sufficiently inclusive of Del Monte Forest ESHA, and has not been clearly premised on Coastal Act and LCP requirements that impacts to ESHA be avoided. Likewise, and related to County staff report references to legal lots and certificates of compliance (whether conditional or unconditional), we have not seen supporting documentation for determining the number of legal lots of record that are a part of this application (most recently requested in our DEIR comments), and thus there remains significant uncertainty in this regard. Remember, too, that conditional certificates of compliance require coastal development permits. Any decisions on whether a certificate is conditional or unconditional is also a question of whether a coastal permit is required and subject to Coastal Commission concurrence in this regard. In sum, as we have advised since March of this year, and most recently reiterated in our November 10, 2004 PRDEIR comments, we

continue to recommend that the DEIR be revised and recirculated for public review and comment.

We strongly recommend that hearings (if there are any at all) at this time at the County level be limited to perfecting supporting information for the LCP amendment (including perfecting project CEQA information), and that any such hearings explicitly <u>not</u> include any decisions on the project in advance of final Commission actions on both the Measure A LCP amendment and the Spanish Bay coastal permit amendment.

We continue to believe that good planning and public policy require that the review process for the LCP amendment and the Spanish Bay coastal permit amendment conclude and precede any coastal permit decisions on the project itself. To do otherwise appears to us a poor use of scarce staff and decision-maker time and resources, would diminish the value of the project deliberations at each decision-making level leading to a final Board decision, and would only serve to unnecessarily complicate and delay an ultimate decision on the project itself. That said, if the County decides to proceed with the project review schedule and recommendations noted in the hearing notice and staff report despite our recommendation, please note that any ultimate Board approval of the project should be considered tentative and cannot be forwarded to the Commission as a final action. At a minimum, the Board would have to hold at least one additional coastal permit hearing (preceded by at least one hearing on the LCP in the case Measure A is not approved by the Commission as submitted) after Coastal Commission action to take final action on the coastal permits and then send them to the Coastal Commission to start the ten-day appeal period. This needs to be made explicit in any staff report and/or approval documents, and any approval conditions requiring future Coastal Commission actions should be omitted. In the case that the County proceeds with hearings, please provide this letter, and our DEIR and PRDEIR letters, to the Subdivision Committee members, Planning Commissioners, and Supervisors for those hearings.

We hope that this letter has again helped to frame the LCP and coastal permit context for this project. We, like the County and the Pebble Beach Company, are anxious to come to final resolution on the project and on the LCP. As we have said before, the proposed project is one of the largest to be proposed in the Central Coast in recent years, it involves significant impacts to important coastal resources, and it remains the subject of considerable public debate. It would be unfortunate if the final outcome was unnecessarily hindered and complicated by a flawed process. We are optimistic that this can be avoided.

As always, feel free to contact me if you would like to discuss this matter further.

Sincerely,

Dan Carl
Coastal Planner

cc: Pebble Beach Company

STATE OF CALIFORNIA – THE RESOURCES AGENCY

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November 10, 2004

Thom McCue
Monterey County Planning and Building Inspection Department, Coastal Office
2620 First Avenue
Marina, CA 93933

Subject: **Partial Revision of the Draft Environmental Impact Report titled "Pebble Beach Company's Del Monte Forest Preservation and Development Plan" (SCH Number 2002021130)**

Dear Mr. McCue:

Thank you for forwarding the above-referenced Partial Revision of the Draft Environmental Impact Report (PRDEIR) to our office for review. In sum, please note that we continue to have serious reservations about the Local Coastal Program (LCP) amendment necessary for Pebble Beach Company's proposed project (Measure A), and the project itself (see also our previous correspondence to this effect, including our recent March 22, 2004 letter on the original DEIR). As has only become clearer with the PRDEIR, the proposed project would significantly and adversely affect coastal resources, including significant environmentally sensitive habitat area (ESHA) resources. This PRDEIR, like the DEIR before it, neglects to identify all ESHA as ESHA, and fails to account for the LCP and Coastal Act ESHA requirements in this regard, including continuing a reliance on mitigation as opposed to avoidance. The EIR's utility for LCP amendment and project review is compromised as a result. Nonetheless, we continue to provide comment here with the intent of helping the County in its preparation of the underlying information necessary for further project review and discussion. We hope that these comments prove helpful in this regard.

CEQA Process

We were surprised to see a PRDEIR as opposed to a completely revised DEIR as we previously requested. We continue to believe that the CEQA evaluation process has been compromised by an incorrect evaluation foundation – most significantly in terms of the DEIR's identification of ESHA and its ESHA impact evaluation methodology (please see our March 22, 2004 letter on the original DEIR for specific reasons for this). In particular, the DEIR's evaluation has not been sufficiently inclusive of Del Monte Forest ESHA, and has not been clearly premised on Coastal Act and LCP requirements that impacts to ESHA be avoided. We continue to recommend that a complete revised DEIR would be the most appropriate means to rectify these problems. This is particularly the case if, as the County has indicated in the past, the CEQA document is being developed for both the proposed project and the Measure A LCP amendment supporting it. Moreover, due to degree to which the fundamental changes necessary would lead to a substantial increase in the severity of project environmental impacts, CEQA requires recirculation in this case (including but not limited to CEQA guidelines section 15088.5(2) and (4)). Please revise the

DEIR (in response to previous comments received as well as information developed and comments received on this PRDEIR) and recirculate it for public review and comment.

PRDEIR

We appreciate the depth of additional information developed in the PRDEIR. Other than our basic CEQA objection described above, we found the PRDEIR to be informative and helpful on the limited subset of issues that it evaluated. That said, other than our request for additional water data and our request for additional information regarding potential indirect impacts to Yadon's piperia (on page 5 of our March 22, 2004 letter), the PRDEIR does not otherwise respond to the questions and comments from our March 22, 2004 letter. Accordingly, any subsequent CEQA documents must respond to all other comments in our previous letter, and our comments here are limited accordingly. To the extent that there is any question in this regard, then we incorporate our March 22, 2004 letter in its entirety as a part of this letter by reference, and consider it to have been submitted on this PRDEIR as well. We have the following comments specific to the PRDEIR:

1. The PRDEIR water impact evaluation appears to be premised at least partially on limiting annual Cal-Am Carmel River diversions from the Carmel River to 11,285 AFY per State Water Resource Control Board (SWRCB) Order WR 95-10, and on the effect of the project as related to current withdrawals from the River.

   (a) The PRDEIR omits a copy of SWRCB Order WR 95-10. Please ensure that any subsequent CEQA documents include a copy of SWRCB Order WR 95-10, and any relevant attachments, amendments, and/or other SWRCB documentation affecting the order.

   (b) The PRDEIR appears to indicate that Cal-Am has not perfected a legal water right to 11,285 AFY from Carmel River. As the PRDEIR indicates, SWRCB has indicated that Cal-Am has legal rights to only 3,376 AFY (see also SWRCB March 17, 2004 letter commenting on the DEIR). Please provide a clear explanation of, and supporting documentation for, Cal-Am's existing legal water rights pertaining to Carmel River.

   (c) The PRDEIR does not explain how (including from what source) water will be provided to serve the proposed project in the event Cal-Am cannot perfect a legal right to its existing Carmel River diversions. This information is necessary for understanding water impacts due to the project. Please ensure that subsequent CEQA documents include this information.

   (d) The PRDEIR does not make a compelling case that existing withdrawals (nor the 11,285 AFY figure) are an appropriate baseline from which to measure project impacts. We note that the PRDEIR appears to acknowledge as much (though the analysis baseline isn't changed in light of this) when it indicates that existing withdrawals both exceed Cal-Am legal rights and have resulted in adverse biological impacts. Rather, we need to understand the effect of the project related to the estimated maximum amount of water

that could be withdrawn from the River without affecting River resource values (fisheries and otherwise). Please provide this information, including any supporting assumptions and information as well as the most current recommendations in this regard from the resource agencies involved (including the California Department of Fish and Game (CDFG), NOAA Fisheries, United States Fish and Wildlife Service (USFWS), SWRCB, etc.).

2. It is clear from the PRDEIR that Cal-Am's withdrawals from the Seaside Basin have increased in recent years, and it appears clear from the PRDEIR that this has had and is continuing to have an adverse impact on this groundwater resource.

   (a) The PRDEIR briefly touches on the types of problems associated with overpumping of the Basin (such as saltwater intrusion), but does not provide a clear baseline description of the existing condition of the Basin in this regard. Please provide information on the Basin's water quality trends, including at a minimum a clear description/assessment of the effect of historical pumping levels on saltwater intrusion in the Basin, and potential responses being considered (i.e., limits in pumping, importation of water, etc.). Please provide any supporting documentation and maps as well.

   (b) Similar to Carmel River resources, the PRDEIR does not make a compelling case that existing Seaside Basin withdrawals are an adequate baseline from which to measure project impacts. Rather, as with Carmel River, we need to understand the effect of the project related to the maximum amount of water that could be withdrawn from the Basin without affecting its resource value. If trends indicate this figure to be changing (as indicated in the PRDEIR where "safe yield" estimates have been lowered just this year), then please extrapolate such trends in this regard. Although it is not clear from the PRDEIR whether the Basin's estimated "safe yield" (currently estimated in the PRDEIR at 4,375 AFY) represents this maximum potential withdrawal amount, at a minimum, the project impacts as compared to the basin's safe yield should be evaluated. Please provide this information including any supporting assumptions and information as well as the most current recommendations in this regard from the resource agencies involved (again, CDFG, NOAA Fisheries, USFWS, SWRCB, etc.).

3. The PRDEIR water impact evaluation also appears to be premised at least partially on the Pebble Beach Company's water entitlement agreement with the Monterey Peninsula Water Management District (MPWMD).

   (a) The PRDEIR omits a copy of the agreement. Please ensure that any subsequent CEQA documents include a copy of the agreement, and any relevant attachments, amendments, and/or other documentation affecting it.

   (b) It is not clear from the PRDEIR how or why this agreement translates into a right to water; something that is governed by water law and not by agreements made between water management districts and private companies. Please provide clear explanation of how this entitlement translates into a water right.

(c) It is not clear from the PRDEIR how or why the agreement should be read to allow Pebble Beach Company to use water that is not actually physically available. We note that the agreement is based on two primary suppositions: that the Pebble Beach Company will use less Cal-Am water because it is using reclaimed water instead, and that the entitlement of 365 AFY of Cal-Am water is available. Pebble Beach Company has greatly reduced its reliance on Cal-Am water for irrigation purposes, but in only one year so far reached the target of 800 AFY saved, upon which the agreed upon entitlement was based. If reclamation efforts are not yielding expected water savings, commitments to reserve water based on reclamation may no longer be appropriate; particularly in light of resource impacts to Carmel River and the Seaside Basin due to existing (and proposed) withdrawals. It appears that the agreement needs to be updated to reflect the current impact (from withdrawals) and reclaimed water use realities. This is particularly the case given that the agreement's 365 AFY was apparently developed based on estimates of Del Monte Forest buildout that do not appear to have adequately accounted for the number of legal lots of record and resource constraints on them otherwise (see also March 22, 2004 comments in this regard), and was developed well before the agreement itself. Please provide a clear analysis of how and why the agreement helps demonstrate a long-term water supply to serve the project when even existing withdrawals of water are leading to resource degradation and have not themselves been legally perfected (see also above). Please also provide evidence of input from MPWMD in this regard.

(d) PRDEIR Table G.2-6 indicates that the Company has used only 9.9 AFY out of an original agreement for 365 AFY. Please provide a breakdown for how the 9.9 AFY has been allocated, including underlying information documenting that amount of use for the projects to which the allotment has been directed.

4. The PRDEIR relies in large part upon Recycled Water Project (RWP) Phase II improvements to offset water use impacts due to the proposed project.

(a) The PRDEIR omits an analysis of how project impacts will be offset if Phase II: (a) is not developed for whatever reason; or (b) is less successful than estimated. Given the track record with reclaimed water use in the Forest (where use of same has not generally achieved all of the potable water savings predicted, and the PRDEIR indicates that approximately 30% of the RWP water currently supplied is actually potable water), it seems unwise to rely so heavily on such a mitigation without some sort of mechanism for ensuring that expected savings are achieved, and if they aren't, a companion mechanism for offsetting shortfalls. Please perform an expanded analysis and mitigation assessment that is based upon a spectrum from complete success with Phase II in effect down to it not being developed at all (i.e., the current reclaimed water status quo). Such analysis should include rational demarcation points for scenarios in-between (e.g., using success rates of 25%, 50%, 75%, etc), perhaps based on the current track record of success with recycled water in the Forest.

(b) Except in very dry years, the PRDEIR indicates that all water supplied for irrigation in the Forest would be from recycled water (PRDEIR Table P1-6), and refers to Appendix G for details and assumptions supporting this. It is not clear to us from the PRDEIR discussion how and/or why such irrigation use quantities would be achieved, and we couldn't find a clear explanation of this in Appendix G. Please provide a clear explanation (including maps and figures) as to what constitutes the irrigation use within the Forest to which Table P1-6 corresponds, and please also clarify the Appendix G explanation for why this would be the case. Please also explain and provide a description of the implementing mechanisms that would be used to ensure that only recycled water is used in this regard.

5. Please modify the EIR's overall water supply impact assessment (and mitigation framework), including that relative to cumulative impacts, to address the above comments.

6. We appreciate the PRDEIR's improved information regarding indirect impacts to Yadon's piperia due to the project, but we continue to disagree with the ESHA identification and impact assessment methodology applied to this federally-listed endangered species. The PRDEIR does not identify Yadon's piperia and its habitat as ESHA. As we have previously indicated, most recently in our March 22, 2004 letter, Yadon's piperia must be evaluated as ESHA and impacts to this species avoided (we note here that all comments regarding ESHA in our March 22, 2004 letter are included in their entirety in this comment by reference). Toward this end we cannot agree that project impacts on piperia can be mitigated to a less than significant level. According to the PRDEIR, the project would directly remove 36 acres of occupied Yadon's piperia habitat (and over 36,000 individual plants). Such project direct impact includes removal of the world's largest known occurrence of piperia at the site of the proposed golf course; an occurrence appropriately recognized by the PRDEIR as "considered important to the recovery of the species." Project direct impacts in this regard represent destruction of over a quarter of the known Yadon's piperia population in the Forest and 21% of the known population in the world. In addition, the PRDEIR indicates that the project would result in indirect adverse impacts to 24 acres of occupied piperia habitat (some 17,000 individual plants), and to 63 acres of other potential piperia habitat. Accordingly, future CEQA documents must be modified: to identify this species and its habitat (see also below) as ESHA; must be premised on avoidance of impacts to it; and must consider impacts to Yadon's piperia to be significant and unmitigatable (please also refer to our March 22, 2004 letter).

7. The PRDEIR begins to discuss the habitat conditions for Yadon's piperia, including identifying Monterey pine forest areas as potentially suitable habitat, but stops short of providing conclusions or a useable methodology in this regard. Rather, the PRDEIR relies on a methodology that uses a 50-foot "occurrence buffer" around piperia plants and clusters to determine an "occurrence area" for piperia. Although the 50-foot buffer can be used to acknowledge some "habitat" surrounding individuals found above ground, we don't believe it can be used to meaningfully estimate Yadon's piperia habitat areas. Rather, based on the sensitivity of the species, it is incumbent upon the EIR documents to clearly explain its

habitat characteristics, and to delineate the acreage of the area within which such characteristics are present in order to quantify the area of piperia habitat. In this respect, the PRDEIR appears to support applying at least a conservative approach where areas of Monterey pine forest are deemed to provide habitat for piperia. Given the endangered status of the species, and the fact that its known population is almost entirely limited to the Del Monte Forest, such a cautious approach seems appropriate here. Please provide an analysis of Yadon's piperia habitat characteristics, and an evaluation of the Forest areas containing such characteristics, including updated maps and acreage tables. For any Monterey pine forest areas deemed not to exhibit such characteristics, please provide an explanation as to why this is the case.

8. The PRDEIR is equivocal in terms of quantifying indirect impacts to Yadon's piperia. As previously indicated, we believe the most conservative approach would be to analyze such indirect impacts as direct impacts if it is not clear whether indirectly impacted resources will continue to provide habitat/resource value due to the project. In this case, the PRDEIR makes a compelling case that indirect impacts <u>will</u> result in adverse impacts. This is particularly obvious where large areas of habitat would be fragmented by the project (e.g., as is perhaps most obvious with the proposed golf course fragmentation as shown in Appendix E Figure E-9-YP). As such, the more conservative approach is even more compelling in this case. Please supplement the piperia impact analysis with tables (modeled on PRDEIR Tables P2-1, P2-2, and P2-3) that quantify indirect piperia impacts in this regard and that can be used in to an additive manner (avoiding overlap with direct impacts).

9. The PRDEIR indicates that the 2004 Yadon's piperia survey methodology differed from that done in 1996, and that this has resulted in a 2004 estimated acreage of occupied habitat that is roughly 1/10 the size of that estimated in 1996. Please provide documentation indicating that the California Department of Fish and Game and the United States Fish and Wildlife Service concur with the methodology and conclusions documenting Yadon's piperia habitat, including that based upon the requested habitat characterization method above.

10. The PRDEIR identifies two new areas – the Company's Old Capitol and Aguajito (Jack's Peak) sites – where conservation easements would be applied to offset project impacts. The PRDEIR indicates that Yadon's piperia surveys would be done to identify that portion of these sites that would be subject to such easement. Please ensure that any such delineation process also be based upon habitat characterization (as discussed above), and that it be clear in any final documents what portion of these sites would be subject to easement. For example, the PRDEIR indicates that only one acre of the much larger Aguajito site would have such an easement applied to it, though this seems counterintuitive to us given that this area is covered in Monterey pine forest that appears otherwise conducive to Yadon's piperia. Please supplement any subsequent CEQA documents with this information.

11. For any subsequent CEQA documents, please include clear maps, acreage figures, and narrative description of all of the areas to which protective legal instruments (e.g.,

conservation easements, property restrictions, outright dedications, etc.) would be applied, accompanied by the relevant controlling text of any such instruments.

Final CEQA Documents
The utility of final CEQA documents (for use by decision makers and the interested public) is often compromised by the use of a final EIR document that isn't actually "final" but rather represents acknowledgement of a suite of changes in response to comments received on a draft. Such a "final" EIR necessitates painstaking and difficult cross-referencing between documents to be able to understand a project and its expected impacts. These difficulties are only exacerbated when there are multiple and/or atypical CEQA documents and substantial comments (such as in this case with a DEIR in two parts, a PRDEIR so far, and a significant amount of comments). The value of final CEQA documents for informing public debate on projects is decreased in such cases.

As you know, the proposed project is one of the largest to be proposed in the Central Coast in recent years, it involves significant coastal resources, and it remains very controversial. Because of this, and to provide for the most open and informed public discussion and debate on its merits, we recommend that any final CEQA documents be prepared in such a way that reference back to drafts is not necessary. In other words, the final CEQA document would include the final text and figures within which all changes (in response to comments or otherwise) are reflected. Comments and responses on drafts could be in a companion final appendix document of some sort, but would not require cross-referencing. The revised and recirculated DEIR requested offers an opportunity to begin organizing the document to be finaled in this way.

Thank you for the opportunity to comment. As with our prior DEIR comments, we hope that these comments help to frame the LCP and coastal permit context for this project and future development within the Del Monte Forest. We continue to be available for consultation in this regard. Although the project will no doubt remain controversial, we continue to believe it is important that the County and the Commission maximize the extent to which we are working from a common understanding of the environmental baseline, and potential project impacts, in our reviews. Good planning and public policy require as much, and informed public debate on the merits of LCP amendments and coastal permits is better accomplished when this is the case. As always, feel free to contact me if you'd like to discuss this matter further.

Sincerely,

Dan Carl
Coastal Planner

cc: Pebble Beach Company
State Clearinghouse (SCH # 2002021130)

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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March 22, 2004

Thom McCue
Monterey County Planning and Building Inspection Department, Coastal Office
2620 First Avenue
Marina, CA 93933

Subject: **Draft Environmental Impact Report titled "Pebble Beach Company's Del Monte Forest Preservation and Development Plan" (SCH # 2002021130)**

Dear Mr. McCue:

Thank you for forwarding the above-referenced Draft Environmental Impact Report (DEIR) to our office for review. We appreciate the information developed and presented in the DEIR, and the level of complexity and difficulty associated with an evaluation of a project of this magnitude. The Pebble Beach Company's (PBC) project is one of the largest to be proposed in the Central Coast in recent years, it involves significant coastal resources, and it remains very controversial. As you know, it is important that any Local Coastal Program (LCP) and coastal development permit (CDP) decisions in this matter be well-supported with clear and comprehensive evidence and analysis, and the CEQA process plays a critical role in this regard.

In light of this, we are concerned that some of the fundamental coastal resource issues raised by the PBC project are not framed correctly thus far in the DEIR, and that this significantly compromises the utility of the document for purposes of LCP and coastal development permit decision-making. In particular, we don't believe that the DEIR accurately frames the environmentally sensitive habitat area (ESHA) issues associated with the project and Measure A, and has mostly overlooked our previous comments in this regard. Because the EIR will be used by the County and the Commission for LCP and CDP decision making, we believe the process is better served by the County circulating a revised DEIR that is significantly changed as described below. Therefore, our comments here are brief, limited primarily to highlighting what we believe to be the significant DEIR problems in need of correction. For example, the DEIR continues to rely on mitigation for impacts as opposed to avoidance of ESHA as required by the Coastal Act. We have also attached our previous comments on PBC's proposal for development within the forest and its relation to Monterey County LCP requirements (i.e., the PBC Lot Program (predecessor) project and Measure A) and on the protection of the forest's Monterey pine habitat specifically (i.e., our periodic LCP review draft findings) that remain relevant inasmuch as they provide background information, draft discussion of Monterey pine forest habitat issues, and more detail with respect to the concerns summarized in this letter (see attached correspondence and our excerpted LCP periodic review findings). Please include these attachments within the CEQA record as a portion of our input on the DEIR.

Finally and more generally, we are concerned that the DEIR does not correctly identify the extent of ESHA within the forest and the proposed development areas, in part because it fails to

through the Commission. In addition, the DEIR should be corrected to indicate that such amendments are required, and not that they "may" be required.

ESHA and Avoidance

The DEIR continues to use the interpretation that the LCP's Del Monte Forest Land Use Plan (LUP) Figure 2 and Appendix A define *all* ESHAs within the forest. We continue to disagree with this methodology, and don't believe that it is the correct interpretation of how to identify ESHA within the forest under the certified LCP (please see our previous comments attached in this regard). The Del Monte Forest in general, and the proposed development area specifically, are home to a high number of sensitive species and/or significant habitat resources. Much of this habitat is inter-related understory and overstory (like the Monterey pine-Yadon's piperia association). We do not agree with the DEIR categorization that some of these resources are ESHA and some not based strictly on LUP Figure 2 and Appendix A. There are at least nineteen species of plants in the project area that are considered to be rare or endangered for the purposes of CEQA, and at least seven of these that are state and/or federally listed. Similarly there exists habitat for at least thirteen special-status wildlife species in the project area, and at least four listed species have been documented in the project area. The DEIR clearly shows that severe impacts to these resources would be expected with the proposed project. We cannot agree that only that portion of these species shown on LUP Figure 2 and Appendix A (circa 1984) are ESHA as defined by the LCP and the Coastal Act, and are the only habitats, therefore, to which ESHA protections apply. To take this approach lacks biological common sense. For example, Yadon's piperia, a federally-listed endangered species found almost exclusively on the Monterey peninsula and in the Del Monte Forest, had not yet even been discovered in 1984, and thus is not represented in the 1984 LUP references. Yet, listed endangered species habitat is, almost by definition, typically considered to be ESHA by the Commission. The fact that Federal and California Engendered Species Act "take" authorization would be required for species that would be displaced by the project but that are not listed in LUP Appendix A (like California red-legged frog) is a good indicator that there is more ESHA present than only that in the 1984 LUP references.

We recommend that the DEIR be modified to assess impacts to LCP and CEQA-recognized rare or endangered species habitat, including all listed species habitat, and all wetlands, particularly where associations of various sensitive species exist, as ESHA. This includes undeveloped areas of indigenous Monterey pine forest (identified by the California Native Plant Society as a List 1B species; see also attached letters, and attached LCP periodic review findings on Monterey pine in this regard). Please note that the LCP defines "rare and/or endangered species" in the Del Monte Forest as "those identified as rare, endangered, and/or threatened by the State Department of Fish and Game, United States Department of Interior Fish and Wildlife Service, the California Native Plant Society and/or pursuant to the 1973 convention on International Trade in Endangered Species of Wild Flora and Fauna" (LCP Section 20.147.020(AA)). This LCP definition is clear, and is an appropriate method for defining which species' habitats in the forest are considered ESHA.

corrected in this regard (see our attached correspondence, particularly the letter dated May 19, 1999 for the correct Coastal Act and LCP definitions for ESHA).

- The DEIR does not appear to explicitly quantify indirect impacts to resources, such as to Monterey pine and Yadon's piperia (see, for example, DEIR pages 3.3-22 and 3.3-33). These indirect resource impacts should be explicitly identified in any DEIR impact assessment and tabular counts. The most conservative DEIR approach would be to analyze indirect impacts as direct impacts if it is not clear whether indirectly impacted resources will continue to provide habitat/resource value due to the project. Please supplement the DEIR in this regard.

- The precise number and current legal status of the underlying PBC properties is not totally clear from the DEIR or otherwise (see also our attached comments, and specifically the October 23, 2000 letter on this point). We recommend that the DEIR be supplemented to include a clear description of the individual properties involved, including any chain of title and other information necessary to determine the number and configuration of legal lots. This information is important for understanding the basis from which project evaluation can proceed.

- The DEIR mapping of the Huckleberry Hill Nature Preserve is from the 1984 LUP, and does not include an updated map that includes the Sawmill Gulch restoration areas added to the Preserve by the Spanish Bay permits (see also our attached comments, and specifically the May 19, 1999 letter). The DEIR should include a clear map of the current boundaries of the Preserve.

- We appreciate the complexity of the water supply and demand issues as they relate to PBC's entitlement. This is clearly a complicated issue area, and we appreciate the information and analysis in the DEIR. That said, it is not clear to us from the DEIR information presented that the Carmel River would not be adversely affected by water use due to the proposed project. It is our understanding that existing river withdrawals have already resulted in significant resource degradation. We believe that additional information is necessary to understand the relation of the project to the withdrawals from the Carmel River and the health of the River as a result. Please supplement the DEIR to provide information and analysis regarding the health of the Carmel River, including an analysis of the effect of current withdrawals on listed and other species habitat there, the optimum River levels necessary to support these species' needs, and the effect of additional withdrawals on Carmel River health due to project-related demand. We would suggest that NOAA Fisheries, United States Fish and Wildlife Service, and California Department of Fish and Game (at a minimum) be consulted in this process.

- A portion of the proposed golf course is located on what was apparently historically the Spyglass Quarry. The DEIR does not provide adequate information on the history of the quarry and subsequent development that has resulted in fill and use as a PBC corporation yard/landfill of sorts. Please supplement the DEIR with a history of this portion of the project area that includes, at a minimum, a description of (including dates associated with) past quarrying activities, all subsequent development (including the apparent fill that has created the level portion of this area), and all permits for any development.

review. In terms of process, we recommend that Measure A be submitted and acted on, and that the required CDP amendments be applied for and acted on, before the County further considers or acts on the proposed project.

We hope that these comments help to frame the LCP and CDP context for this project and future development within the Del Monte Forest. In the interest of facilitating the decision processes of the County and the Commission to the maximum degree feasible, we would welcome and invite you to engage in more direct consultation with our planning staff with respect to the various biological and ESHA issues raised by the project. Although the project will no doubt remain controversial, it is important that the County and the Commission maximize the extent to which we are working from a common knowledge base, including biologic expertise, concerning the basic facts and science underlying the various resources at issue. We continue to be available to the County and PBC, within the restrictions of our limited staffing, for such consultation.

Sincerely,

Diane Landry

Diane Landry
District Manager

Attachments: Letters dated May 19, 1999, October 28, 1999, October 23, 2000, November 21, 2000, March 30, 2001, and April 3, 2002; Draft Periodic LCP Review Findings for "Protection of Monterey Pine Forest Habitat"

cc: State Clearinghouse

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December 31, 2003

Scott Hennessy, Director
Department of Planning and Building Inspection
Monterey County
P.O. Box 1208
Salinas, CA 93902

Subject: Coordination on Habitat Planning for Del Monte Forest

Dear ~~Mr. Hennessy~~ Scott,

I am writing to follow up briefly on our phone conversation of several weeks ago in which we discussed on-going work associated with the Pebble Beach Company "Measure A" project (PBC). I also spoke with Thom McCue. Although there are many issues related to this project that require close coordination between the County and the Commission, I am concerned that we have not coordinated sufficiently on the detailed habitat related planning that has been on-going, and that will eventually be incorporated into the Draft Environmental Impact Report (DEIR) for the project.

As you know, potential habitat impacts of the PBC project, and appropriate mitigation measures where impacts cannot be avoided, will be one of the significant issues that the County and the Commission will need to address in the review of LCP amendments and the project. While we understand that your staff is somewhat constrained in its review given the origins of the project in the voter-approved Measure A, we believe that the decision-making processes of both the County and the Commission can only be improved by early coordination on such critical planning issues. In particular, potential conflicts between the County and the Commission, and thus project delays, may be better avoided by coordinating, before completion of the DEIR, on the biological data collection, field work, evaluation, etc. being conducted by the County. We appreciated the opportunity to do such coordination early in the process, particularly that between our wetlands biologist and consulting biologists for the project. However, we have heard very little from the County about on-going habitat planning in the last year.

I understand from Mr. McCue that the DEIR may be completed as early as next month. If this is the case, it may be too late for the Commission to provide meaningful input into the baseline planning work of the DEIR, although we will certainly provide the County with feedback for the Final EIR. If this is not the case, though, we invite you to meet with us to discuss the current status of habitat planning in Del Monte Forest, so that we may help to maximize the utility of the DEIR for purposes of future public review. In either case, improving our coordination concerning the review of the PBC project can only assist us in our mutual review responsibilities, particularly given the severe financial constraints under which our agencies are operating.

Finally, we have recently completed the background materials and draft findings for the Commission's Periodic Review of the Monterey County LCP. I have enclosed a CD with all of the materials for your review. Although we have been and will continue working closely with the County's General Plan Update staff, we look forward to feedback from the Department of Planning and Building Inspection on the Preliminary Recommendations and our analysis of LCP implementation. We are planning to present the preliminary Periodic Review recommendations and findings to our Commission at the March meeting in Monterey, and we hope to further refine our recommendations prior to that meeting based on review and input from the County and the public. We have tentatively planned on presenting the material to the Monterey County Board of Supervisors at the end of January. Of course, there are a significant number of Periodic Review recommendations related to habitat protection, particularly Monterey pine forest habitat. In terms of the PBC project, short of direct coordination, it may be beneficial for your Department to consider these recommendations and analysis in your on-going Measure A and PBC project review. Please do not hesitate to call Rick Hyman or me if you have questions about the Periodic Review. We look forward to working with your Department in the new year.

Sincerely,

Charles Lester
District Director

Enclosures: Monterey County Periodic Review CD

cc: Cheryl Burrell, Pebble Beach Company

STATE OF CALIFORNIA - THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
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October 23, 2000

Monterey County Board of Supervisors
c/o Lou Calcagno, Chair
240 Church Street
Salinas, CA 93901

Subject: ***Pebble Beach Company Proposed Initiative: "Del Monte Forest Plan: Forest Preservation and Development Limitations"***

Dear Honorable Supervisors,

Our office would like to take this opportunity to provide initial comments on the "Del Monte Forest Plan: Forest Preservation and Development Limitations" Initiative (the Initiative) proposed by the Pebble Beach Company and placed on the November ballot by your Board. As you know, the Initiative proposes making numerous changes to the Monterey County Local Coastal Program (LCP), including amending the Del Monte Forest Area Land Use Plan (LUP) and the Monterey County Coastal Implementation Plan (IP). If County voters approve the Initiative in November, it will next be submitted by the County as an LCP amendment request to the Coastal Commission. The Commission will then process the submittal in the same manner as any LCP amendment. It is important, therefore, that the changes proposed by the Initiative be understood within the context of both the Coastal Act and the resource protection requirements of the existing LCP. In particular, we note that much of the land in the Del Monte forest that would be affected by the Initiative is constrained by existing natural resources on site, such as environmentally sensitive Monterey pine forest, wetland, riparian and dune habitats, and several rare and endangered sensitive plant species that the LCP protects, regardless of underlying land use designations.

Proposed Land Use Changes

As we understand it, the Initiative would change the Del Monte Forest Area LUP land use and IP zoning district designations[1] for approximately 35 parcels owned by the Pebble Beach Company (PBCo). These parcels cover approximately 592 acres[2], the majority of which are currently undeveloped and characterized by large tracts of Monterey pine forest, wetlands, and other sensitive habitats. [Please refer to: (1) Attachment 1 for a figure prepared by PBCo that shows both existing and proposed zoning under the Initiative; (2) Attachment 2, a table prepared by CCC staff showing the existing conditions and changes proposed for each land use area; and (3) Attachment 3, staff analysis of the land use changes proposed for each area.]

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[1] Throughout this letter, land use designations are generally spelled out, followed by zoning district in parentheses; for example Open Space Forest (RC) represents the Open Space Forest land use designation and the Resource Conservation zoning district.

[2] All acreages are approximated from those given in the *Pebble Beach Lot Program – Project Applications Summary Handout, prepared by Monterey County Planning & Building Dept. for Minor Subdivision/Subdivision Committee* January 12, 1999.

Approximately 500 acres of the undeveloped area affected by the Initiative is currently designated Residential [zoned medium-density residential (MDR/B8) or low-density residential (LDR/B8)]. About 80 acres of the affected area are currently designated Open Space Forest (zoned Resource Conservation, or (RC)), and about 12 acres are currently designated General Commercial (zoned Coastal General Commercial or (CGC)). Under the proposed Initiative, approximately 198 acres would be redesignated as Open Space Forest (RC), approximately 288 acres would be redesignated Open Space Recreation (also zoned Open Space Recreation or (OR)), and approximately 9 acres would be redesignated Commercial Visitor Serving (zoned Visitor Serving Commercial or (VSC)). Approximately 12 acres would remain General Commercial (CGC), and approximately 85 acres would remain Residential (94% zoned LDR and 6% zoned MDR).

Generally speaking, the Initiative would rezone large tracts of undeveloped, largely forested land in the Spanish Bay, Spyglass/Cypress, Gowen Cypress, Middlefork, and Pescadero planning areas from Residential (MDR/B8 and LDR/B8) to Resource Conservation (RC). Other areas in the Spanish Bay, Spyglass Cypress and Pebble Beach planning areas would be rezoned from Residential to Open Space Recreational (OR). These area changes would modify zoning designations in order to facilitate a new 18-hole golf course and clubhouse (in the Spyglass/Cypress and Pebble Beach planning areas), and a new driving range and golf teaching center (in the Spanish Bay planning area). The Initiative also proposes to rezone the Sawmill Gulch area, located in the Gowen Cypress planning area, from Resource Conservation (RC) to Open Space Recreation (OR), in order to allow for the relocation of the equestrian center from its current site near Peter Hay Hill.

Proposed changes to Residential (MDR/B8 and LDR/B8) and General Commercial (CGC) designations would allow up to 60 residential units to be developed in Del Monte Forest for employee housing, including up to 12 employee housing units in the Spanish Bay Planning Area B (zoned MDR), and up to 48 employee housing units in the Gowen Cypress Planning Area (zoned CGC). The Initiative would also remove the B8 Resource Constraint overlay from the residentially zoned areas defined in the Initiative.

In addition, the Initiative would remove the existing 161-unit cap on Commercial Visitor Serving development in the Lodge area, and the similar 270-unit cap in the Spanish Bay Resort area. And, the new Commercial Visitor Serving (zoned VSC) designation in the Spyglass Cypress Planning Area would allow for the potential development of up to 24 "golf-suites."

Coastal Planning Issues Raised by the Initiative

In general, the Del Monte Forest would certainly benefit from a "down-zoning" meant to clearly limit future potential development in currently undeveloped forest areas, particularly given the extent of sensitive coastal resources present there. For example, some areas currently designated for residential development would be more aptly described by the Open Space Forest land use designation and Resource Conservation zoning district, as proposed in certain instances under the Initiative. We recognize as well that any reduction in future residential development would also be expected to correspondingly decrease the amount of traffic, water use, and other public service requirements associated with such development. (Of course, other potential changes

under the Initiative, such as the increase of visitor serving units, also represent their own corresponding increases of such impacts.)

Nonetheless, as we have indicated previously (see most recently our letters dated May 19, 1999 and October 28, 1999; Attachments 4 and 5, respectively), Commission staff remains concerned about the impacts that any future development may have with respect to the existing native Monterey pine forest and other environmentally sensitive habitats located in the Del Monte Forest. For example, both the golf course and driving range are being proposed for areas that contain some of the most important remaining undeveloped Monterey pine forest, wetland and other sensitive habitats in the Del Monte Forest Land Use Area. Other areas slated by the Initiative for development contain similar resource constraints. The current LCP and the Coastal Act provide an array of policies aimed at protecting sensitive resource areas. As such, we are concerned that the proposed Initiative, read as a whole, is not adequately consistent with existing resource protection policies in light of the significant on-the-ground resources found in the affected areas.

In addition, our limited analysis to date has identified other coastal planning issues raised by the Initiative, including: proposed relocation of the equestrian center to Sawmill Gulch in light of previous permit conditions that require conservation easements and reclamation/restoration of the site; the impacts that increased equestrian use may bring to sensitive habitat areas in and adjacent to the Sawmill Gulch site; and the potential impacts from the proposed increase in visitor-serving uses at various sites.

Overall Development Potential in Del Monte Forest

Overall, the Initiative indicates that it would reduce the total number of potential new residential units from 889 single family dwelling to 38 general residential units, 60 employee residential units and 24 visitor-serving units (See Attachment 2). However, it should be understood that the 889 potential residential units cited by the PBCo do not represent any entitlement. There are not currently 889 vacant residential lots owned by PBCo in Del Monte Forest. The 35 residentially zoned parcels owned by PBCo would first have to be subdivided to obtain this number of new residential sites. The 889-unit number appears to have been derived solely by calculating the acreage of the affected area, and applying the maximum allowed density to derive a total of potentially developable units.

The actual current development potential of the land proposed for rezoning, though, is considerably less. This is because development within any of the areas described in the Initiative would be severely constrained by the sensitive coastal resources present there, including wetlands, dunes, riparian corridors, and Monterey pine forest. As shown on previous resource maps prepared by the PBCo (contained in the Pebble Beach Lot Program – Project Applications Summary Handout), almost all of the areas listed in the Initiative are currently occupied by Monterey pine forest. Most of the areas also include some amount of environmentally sensitive dune, wetland and riparian habitats, as well as Yadon's piperia (*Piperia yadonii*), a federally endangered plant species of which nearly the entire remaining population is limited to the Del Monte forest. Other rare, threatened and endangered plant species found in these areas include Gowen Cypress, Bishop Pine, Hookers manzanita, Hickman's onion, and Monterey Clover. As

required by the currently certified LCP, protection of these existing resources (i.e., avoidance and buffers) would restrict the location and size of any potential building envelope, significantly reducing the actual development potential for the undeveloped land that would be affected by the Initiative.

Inasmuch as the effect of the proposed changes to the Del Monte Forest Land Use Plan is being described in relation to an overall development potential, it would appear to be in everyone's interest to have a better understanding of this actual potential. We note that a more accurate representation of current development potential could be calculated by identifying the number of existing legal lots of record in the forest (which appears to be only 35), mapping out the environmental constraints for the affected properties (including necessary buffers), and then identifying the remaining potential building envelopes.

Management of Monterey Pine Forest

The LUP policy guidance for forest and soil resources in Del Monte Forest states

> *The natural beauty of the Del Monte Forest is one of its chief assets. The forest resource, in addition to its role in the areas natural environment, is a principal constituent of the scenic attractiveness of the area, which should be preserved for the benefit of both residents and visitors. The Forest is more than an aggregate of trees. It is home to the area's wildlife and serves to moderate climatic extremes. Therefore, long-term preservation of the Forest resource is a paramount concern.*

As noted in Commission staff's previous correspondence on the earlier Pebble Beach Company Lot Program Application, LUP policies regarding preservation of the forest resources require that: the forest be retained "to the maximum feasible degree" (LUP policy 31); projects minimize tree removal (CIP Section 20.147.050(D)(3)) with preference for design concepts which pursue this goal (LUP Policy 34); for all projects proposing tree removal, "preservation of scenic resources shall be a primary objective" (LUP Policy 33); and perhaps most importantly, where LUP objectives conflict, "preference should be given to long-term protection of the forest resource" (LUP Policy 32).

Since certification of the County's LCP in 1984, the status of species that have become rare or especially valuable today have changed from those originally listed in the LCP. Changes associated with the Monterey Pine forest are particularly pertinent to the Del Monte Forest. Within its native range, Monterey Pine is found in just four places in the world—the largest stand being that which mantles the Monterey Peninsula and defines the Del Monte Forest. While native pine forest has generally been threatened in post-European times by habitat conversion, the continued existence of native Monterey Pine forest at all is currently threatened by the pitch canker epidemic. Estimates are that pitch canker disease could result in the death of up to 85% to 90% of the Monterey pine (*Pinus radiata*) trees within the Forest. Because of its limited native range, the threat of ongoing habitat conversion, and now pitch canker, the native Monterey Pine has been listed as a federal Species of Concern and placed on the California Native Plant Society List 1B, making it specifically eligible for recognition under the California Endangered Species Act. [The Native Plant Society has already submitted a petition (in August

1999) to list Monterey Pine as a threatened species, although it was temporarily withdrawn in December 1999 to allow the California Department of Fish and Game time to analyze the volume of information submitted.]

Because of the pitch canker threat, and in light of the special status now associated with the native Monterey pine forest, we recommend that any comprehensive LCP amendment, such as the land use changes proposed by the Initiative, include policies that protect Monterey Pine forest habitat and minimize the risk of native pine forest extinction[3]. Such policies should require designation of the most sensitive forest tracts as ESHA. For those areas not so identified, and not otherwise determined to be ESHA through environmental review, comprehensive tree protection and diseased tree removal protocols should be put in place, including: identification of infected and/or disease resistant/tolerant trees; protection and genetic preservation of disease resistant strains; designation of proper techniques for reducing the spread of the disease (covering removal, handling and disposal of infected materials); and specification of replanting requirements using disease resistant trees.

Along these lines, if the Initiative is submitted as an LCP amendment, the Commission also will have to determine if the proposed Open Space Management Classifications are appropriate, given the existing sensitive resources on each site. As written, the Initiative proposes to manage Open Space Forest under the Open Space Management Classification VI. This classification was originally developed for lands adjoining those planned for development and for permanent forest space that generally consists of even-aged Monterey pine forest. However, it may be more appropriate to manage these areas under Open Space Management Classification II, which was developed for areas such as the SFB Morse Reserve, Crocker Cypress Grove and other areas that consist of "...rare, endangered, or unique plants and their associated communities that have been designated as natural areas of special botanical interest."

We would additionally anticipate that any future amendment to the LCP also will need to provide for the incorporation of potential future technology and/or knowledge that could aid in the long-term protection and preservation of forest resources in the Del Monte Forest (e.g., new cloning, green waste management, and/or pest eradication techniques), as recommended by the Monterey Pine Watch program and experts in this field.

Land Use Designations and Zoning for Open Space

Because the Initiative proposes to redesignate large areas of forest from residential to open space zoning, it is important to understand the differences between the different proposed open space land use designations. Overall, open space land use areas are critical to maintaining the natural systems of the Del Monte Forest, including sites of endangered species, riparian areas, wetland areas, and sensitive coastal strand areas (dunes and beaches). The LUP has two land use designations involving such areas: Open Space Forest and Open Space Recreational. Open Space Forest land use areas are implemented by the Resource Conservation (RC) zoning districts; Open Space Recreational land use areas are implemented by the Open Space

[3] That is, whether or not the Initiative passes, we encourage the Board of Supervisors to consider submitting additional LCP amendments to the Coastal Commission aimed at accomplishing this goal.

Recreational (OR) zoning districts. Regulations for RC and OR zoning districts are outlined in the County's Coastal Implementation Plan (IP) Chapters 20.37 and 20.38, respectively.

The purpose of the Resource Conservation (RC) zoning district is to protect, preserve, enhance, and restore sensitive resource areas in Monterey County. Principal permitted uses in a RC zoning district are (a) resource dependent educational and scientific research facilities uses, and low-intensity day use recreation uses such as trails, picnic areas and boardwalks; and (b) restoration and management programs for fish, wildlife, or other physical resources. Currently, Open Space Forest land uses specified in the Del Monte Forest Land Use area are aimed at protecting such resources as the SFB Morse Botanical Reserve, riparian corridors, rare plants and specimen trees, and geological hazard areas. Potential development allowed in Open Space Forest areas include trails, low-intensity recreational facilities, tree cutting, and public works only if consistent with all other plan policies.

The purpose of Open Space Recreation (OR) zoning district is for the establishment, enhancement and maintenance of the outdoor recreation uses in Monterey County. Principle permitted uses in Open Space Recreation zoning districts include hiking and equestrian trials, picnic areas, minimum accessory facilities, such as restrooms, parking accessory to other principal permitted uses and open air recreation facilities, such as parks, athletic fields and swimming pools. Currently, Open Space Recreational land uses in the Del Monte Forest Land Use Area include the golf courses, beach and tennis club, and equestrian center along with the necessary support and maintenance facilities such as pro shops, cart shops, parking areas, stables and barns. As such, the Open Space Recreational land use designation represents a fairly intensive level of use. Thus, these zoning classifications should be understood as a spectrum from most protective (RC) to less protective (OR).

Roughly estimated, the Initiative would rezone approximately 198 acres from Residential (MDR/B8 and LDR/B8) to Open Space Forest (RC). This would be an appropriate strategy in light of the resources present in these areas (as discussed above), in that it would reduce the potential intensity of use and would provide stronger resource protection policies to these areas. New Open Space Forest (RC) areas would include much of the sensitive Pescadero Canyon area and most of the currently undeveloped lands that abut the Huckleberry Hill Nature Preserve and the Samuel F. B. Morse Botanical Reserve.

The Initiative would also rezone approximately 288 acres of land in the forest to Open Space Recreational. While most of this land would change from Residential (R) to Open Space Recreation (OR), approximately 42 acres would be changed from Open Space Forest (RC) to Open Space Recreation (OR). These zoning changes are intended to facilitate development of a new golf course in the Spyglass/Pebble Beach planning areas and relocation of the equestrian center to the Sawmill Gulch area. The Initiative would also rezone approximately 24 acres from Residential (MDR/B8) to Open Space Recreation (OR), to allow for a new driving range and golf teaching center in the Spanish Bay planning area.

In general, the change from Residential (MDR/B8 or LDR/B8) to Open Space Recreation (OR) is welcome inasmuch as it might better protect on-the-ground resources in the designated areas. Still, we expect that the pursuit of any future development activities in those areas necessarily

will follow the required sensitive resource protection policies contained in the existing LCP. The proposed changes from Open Space Forest (RC) to Open Space Recreation (OR) are questionable in that they could allow for an increased level of recreational use and structural development in areas previously considered suitable only for low-intensity uses and facilities. Such activities could have significant impacts on sensitive habitats in and adjacent to these areas. (See, for example, the discussions that follow.)

Proposed Golf Course, Equestrian Center, and Spanish Bay Driving Range

Again, the Initiative proposes, among other changes, land use changes from Residential (MDR/B8, LDR/B8) and Open Space Forest (RC) to Open Space Recreational (OR). This change is intended to facilitate the potential development of a new 18-hole golf course, driving range and golf teaching center, and relocation of the existing equestrian center and polo fields. As indicated in the most recent resource maps prepared by the Pebble Beach Company, the areas proposed for development of the new golf course and driving range, as well as the area proposed for the relocation of the equestrian center are all significantly constrained by environmentally sensitive habitat. The area proposed for development of the golf course (Area MNOUV) is almost entirely occupied by Monterey pine forest, and contains rare and endangered plant species, including Hooker's manzanita, Hickman's onion, and large areas of Yadon's piperia. Wetland and dune habitats also exist scattered throughout this area. The Sawmill Gulch area (marked EQ on Attachment 1) is similarly constrained by Monterey pine forest and sensitive wetland habitat. The area proposed for the new driving range (Area C) has previously been identified as a high priority for preservation due to the rare Monterey pine forest habitat that is located on middle-aged dunes at the site. ESHA and terrestrial resource policies of the LCP protect all wetlands, marshes, seasonal ponds, remnant coastal dunes, riparian corridors, and other sensitive resources such as the Monterey Pine forest. (With respect to wetlands, the County in cooperation with the Pebble Beach Company is currently conducting new delineations. Once these are made available, a thorough review should be conducted to determine what level of recreational use and associated development, if any, may be appropriate in or adjacent to these sensitive wetland habitat areas.)

Additionally, we note that some of the Initiative's proposed changes conflict with provisions of previous coastal permits issued to the Company that required two scenic and conservation easements over the upper and lower Sawmill Gulch quarry sites.[4] As we described in our May

[4] As part of the Spanish Bay Resort project permitting (CDP PC-5202), a Conservation and Scenic Easement Deed was granted March 10, 1986 for the Sawmill Borrow Site (lower Sawmill Gulch quarry site) that had been mined for sand during project construction. This Deed restricted any development and uses in the area to project activities, restoration and revegetation, construction, maintenance, repair and use of public services (new road, utility lines/pipes, existing fire roads, pedestrian and equestrian trails) and "...use for open space, recreational and scientific study uses." As we have stated in previous correspondence (see letter dated May 19, 1999), facilities required to accommodate an entire equestrian center would be substantially more intense that the limited development contemplated by this easement.

A second Scenic and Conservation Easement was required under the Spanish Bay Coastal Development Permit (CDP 3-84-226), for the protection of natural and scenic resources within the Huckleberry Hill Natural Habitat Area, including the upper Sawmill Gulch quarry site (Area 6). A separate condition of that permit also required

19, 1999 correspondence, amendments to easements and underlying Coastal Commission permits would be needed to pursue relocation of the proposed full-scale equestrian center to the Sawmill Gulch site. Additionally, any such amendment request would need to demonstrate that it would not substantively weaken the effect of the Commission's previous actions, including provision of similar forest open space benefits elsewhere.

On a related note, the Spanish Bay permit (3-84-226) Special Condition 28 also required a mitigation program that included, among other things, rehabilitation of the Upper Sawmill Gulch quarry site, its incorporation into the Huckleberry Hill Natural Habitat Area, and abandonment and reforestation of the existing Haul Road slopes and roadbed. The Pebble Beach Company is not yet in full compliance with this condition.

Resource Constraints Overlay

The Initiative proposes to lift development restrictions related to infrastructure constraints by amending the LCP to include language that states that water, sewer and highway capacity are now considered sufficient to serve the level of development proposed by the Initiative. The Commission will need a substantive analysis of these resources, in conjunction with the proposed development potential in the Initiative to determine whether the applicable resource constraints overlay is in fact no longer required.

Commercial Visitor Serving Land Use

The Initiative would remove the existing potential development limitations for the Lodge and Spanish Bay Areas, which are presently set in the General Development Plan at 161 and 270-inn units, respectively. As the Initiative does not establish any new limits or restrictions, any new development would be subject to zoning regulations for the Visitor Serving Commercial zoning district, including a requirement that it conform to an approved General Development Plan. Any increase in development in these areas may result in direct, indirect and cumulative impacts that can affect land use, water use, public access, traffic circulation, parking, and other public services within Del Monte Forest. A more detailed analysis of these factors is needed to determine whether or not the proposed zoning changes and anticipated future uses can be found to be consistent with the existing LCP and the Coastal Act.

Related to these issues are the Initiative's proposed zoning changes in the Spyglass Quarry Dune area to allow for "golf suites." The Initiative, however, does not make clear what a "golf suite"

"...reclamation plans for the upper and lower Sawmill Gulch quarry sites... these locations shall be reclaimed as natural wildlife habitat suitable for addition to the adjacent Huckleberry Hill Natural Habitat Area unless a separate CDP allows an alternative use." The Conservation Easement OTD was recorded October 12, 1987 and added areas within the Sawmill Gulch quarry site to the Huckleberry Hill Open Space area. Development and uses within the easement area are restricted to those that comply with the LCP and are consistent with the primary purpose and intent of preserving and maintaining the natural plant and wildlife habitats found within the Huckleberry Hill Natural Habitat Area. Increased equestrian use in and adjacent to SFB Morse Preserve and Huckleberry Hill Natural Habitat Area could be expected if the equestrian center is relocated nearer to these preserve areas, raising questions of consistency with this 1987 easement.

is, nor how these units would be managed. For proper evaluation, any LCP and/or General Development Plan amendment request would have to detail the size and scale of these units as well as the proposed arrangement for ownership and visitor-serving use.

LCP Amendment Process

The Initiative proposes a number of changes to the County's current Local Coastal Program for Del Monte Forest. If the initiative passes, the changes proposed by it will not be effective until they are certified by the Coastal Commission as part of the Del Monte Forest LUP and IP. An initiative adopted by the voters has the same legal status as a plan or ordinance adopted by a City Council or County Board of Supervisors. If the initiative amends a certified LCP or affects land use in the coastal zone, the measure must be submitted to the Coastal Commission for review and certification as an LCP amendment.

If the voters pass the Initiative, the County would submit the revisions proposed in the ballot measure to the Coastal Commission for review and certification. The standard of review for an amendment to the Del Monte Forest LUP is conformance with all policies of the California Coastal Act of 1976. The standard of review for the Coastal Implementation Plan (County Zoning Ordinances) is conformance with the policies of the LUP. Regulations for amendments to certified LCPs are generally outlined in Title 14, Article 15 of the California Code of Regulations, although, as discussed in the following paragraphs, the process is somewhat different for LCP amendments proposed through the initiative process.

Unlike LCP amendments proposed by local governments, amendments proposed by the passage of an initiative are submitted directly to the Coastal Commission by the local government after certification of the election results. Thus the usual local public hearings, CEQA review and public notices associated with the preparation of an LCP amendment are not required.

Following submittal of such an amendment, the Commission will set the item for a public hearing and prepare a staff report on the proposal. The Commission hearing will be noticed as required by the regulations and the staff recommendation will be available for public review prior to the hearing. After the close of the public hearing, the Commission may either (1) approve the amendment without modification; (2) approve the amendment with suggested modifications to the proposed amendment; or (3) deny the proposed amendment all together. If the amendment is approved with suggested modifications, the Board of Supervisors may either accept or reject the Commission's proposed revisions in order to complete the process.

In closing, we would like to reiterate the critical importance of analyzing the changes proposed by the Initiative in light of the sensitive resources currently existing within the Del Monte Forest. We are supportive of proposed land use changes that protect the pine forest and other ESHAs present within the areas defined by the Initiative. We remain concerned, however, that a number of the proposed land use changes have the potential to substantially increase the level of intensity of use in areas that contain significant sensitive habitats, specifically with regard to portions of the areas proposed for the new golf course, driving range and relocated equestrian center. Changes to the Del Monte Forest Area plan definitely are in order given the age of the County's

LCP, but any such changes must protect the Monterey pine forest, wetlands, and other sensitive species there if the area is to remain the special coastal resource that it is today.

Thank you for your consideration of these comments. As always, we remain available to answer any questions and to assist with any LCP amendment(s) or related coastal permits that may result from the Initiative.

Sincerely,

Tami Grove

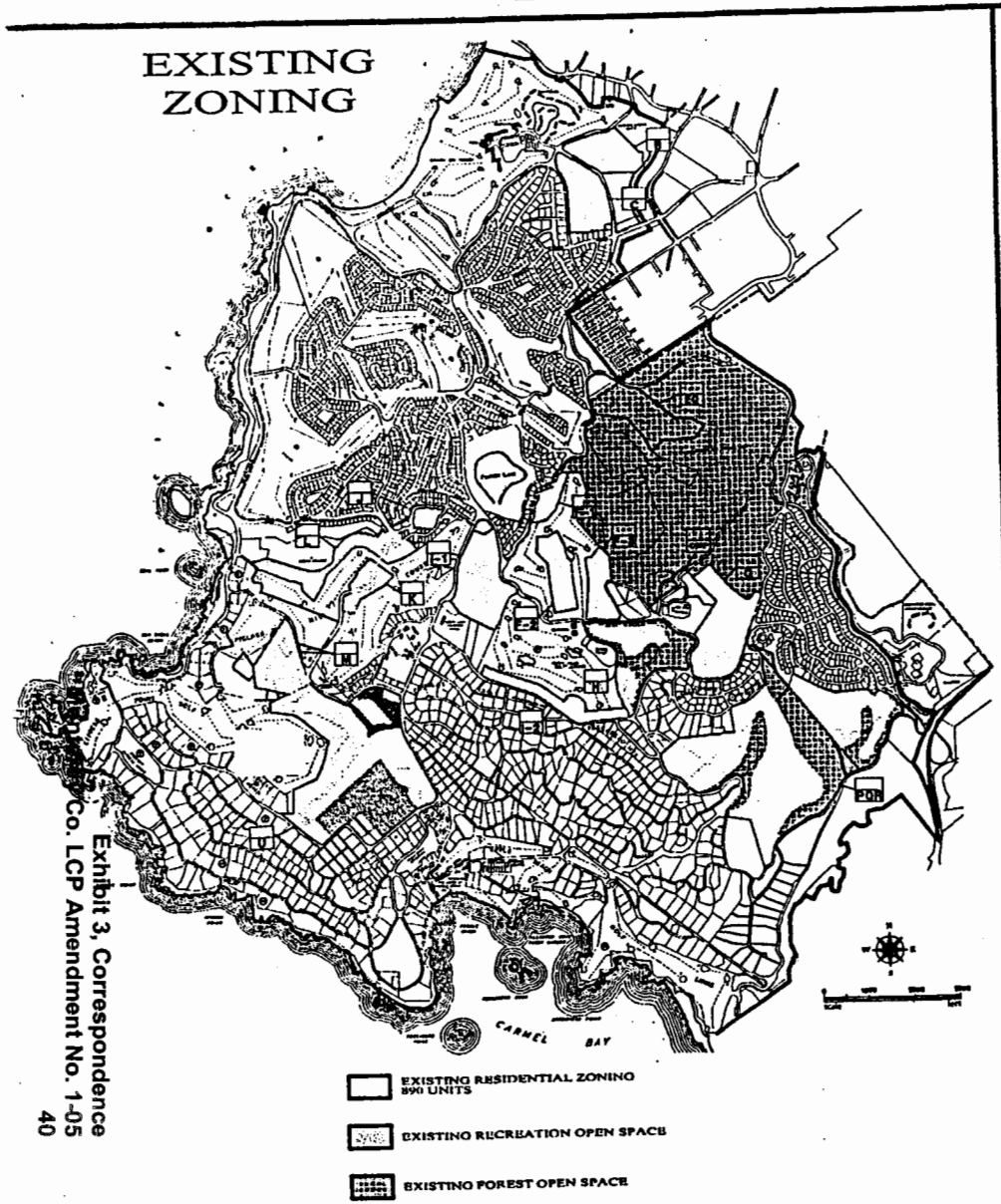
Tami Grove
Deputy Director
California Coastal Commission

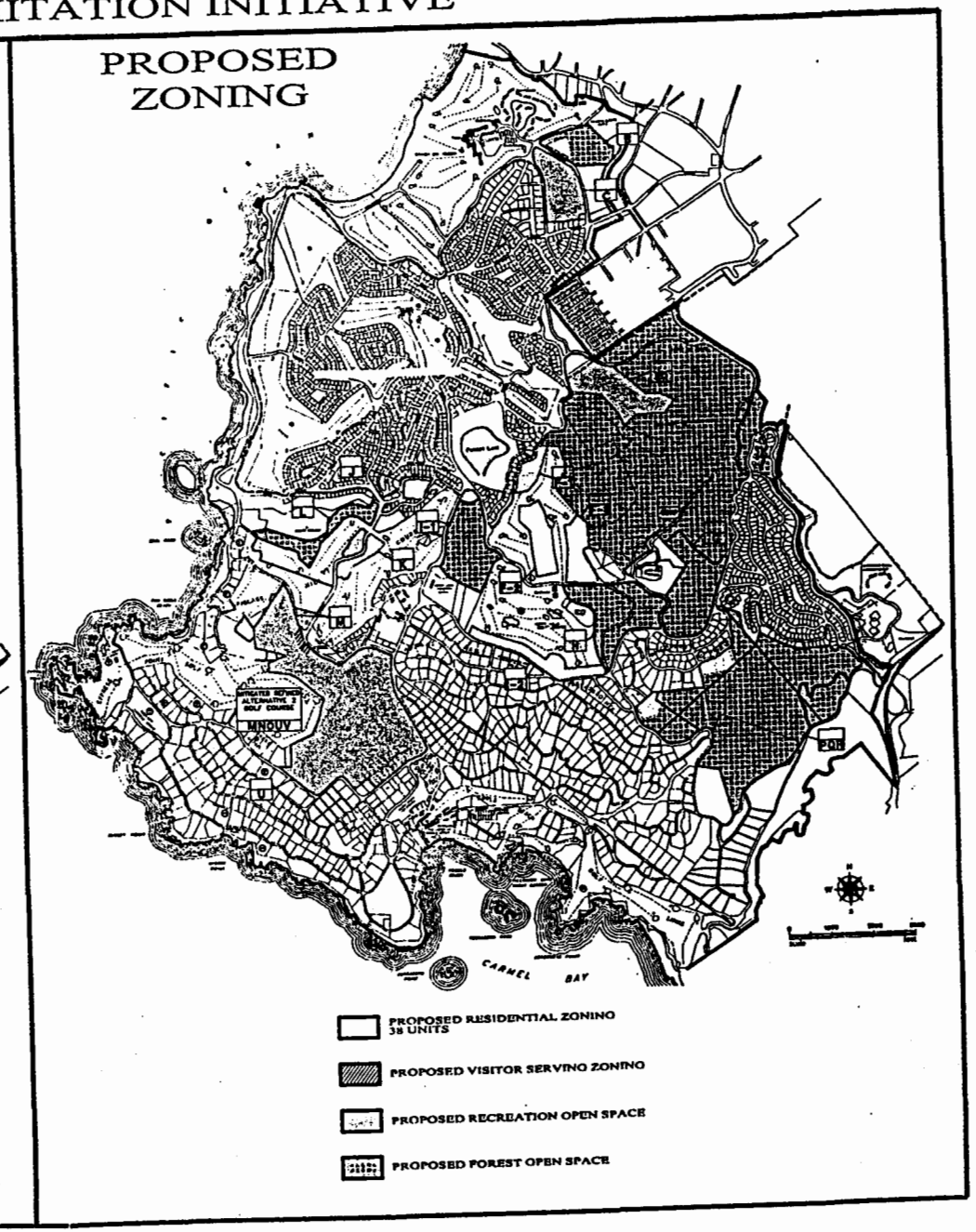
Cc: Jim Colangelo, Assistant Admin. Officer, Monterey County Planning and Building Dept.
Jeff Main, Supervising Planner, Monterey County Planning and Building Dept.
Adrienne Grover, Esq., Acting County Counsel, Monterey County
Dave Potter, District 5 Supervisor, Monterey County Board of Supervisors
Peter Douglas, Executive Director, California Coastal Commission
Allen Williams, Carmel Development Company (Representative for Pebble Beach Co.)
Tony Lombardo, Esq., Lombardo & Gilles (Attorney for Pebble Beach Company)

Attachments:
1. Map showing Existing and Proposed Land Use Designations (prepared by Pebble Beach Company)
2. Existing Conditions and Proposed Land Use Changes (Table prepared by CCC staff)
3. Staff Analysis of Proposed Changes to LUP Land Use Designation and CIP Zoning Districts Described in Pebble Beach Company Proposed Initiative (prepared by CCC staff)
4. May 19, 1999 Correspondence from Tami Grove to Bill Phillips, Monterey County Planning Director on Pebble Beach Lot Program
5. October 28, 1999 Correspondence from Tami Grove to Bill Phillips, Monterey County Planning Director on Pebble Beach Lot Program

Attachment 1.

DEL MONTE FOREST PLAN: FOREST PRESERVATION AND DEVELOPMENT LIMITATION INITIATIVE





Prepared By Pebble Beach Co.

Attachment 2. Existing Conditions and Proposed Land Use Changes to Del Monte Land Use Plan

Planning Area	Area (Acreaage)	Current LUP Designation (Zoning District) and Maximum Number of Potential Development Units	Proposed LUP Designation (Zoning District) and Maximum Number of Potential Development Units	Proposed Changes to "New Land Uses"	Existing Resources On-Site	Approximate % Constrained by Existing Resources
Spanish Bay	B (29 acres)	R (MDR/B8) 63	OF & R (RC) & (MDR) 12 Employee Units	Adds up to 12 employee residences and additional employee parking Replaces senior citizen with employee use for affordable housing	MPF, YP, RIPARIAN	100% MPF 25% other
	C (29 acres)	R (MDR/B8) 56	OR (OR) 0	Driving range, golf teaching center, and parking to compliment existing golf course	MPF, WETLANDS	100% MPF 10% other
Gowen Cypress	F-1 (10 acres)	R (MDR/B8) 17	R (LDR) 2		MPF, YP, HM(MD), GC	100 % MPF 60% other
	F-2 (20 acres)	R (MDR/B8) 39	R (LDR) 10	Removes golf course in western part	MPF. YP, HM(MD), GC, BP	100% MPF 25% other
	F-3 (17 acres)	R (MDR/B8) 30	R (LDR) 4		MPF, YP, HM(MD), HO, GC/BP ESHA	100% MPF 90% other
Huckleberry Hill	G (48 acres)	R (MDR/B8) 78	OF (RC) 0		MPF, HM(MD), MC, HO	100% MPF 60% other
Middle Fork	H (54 acres)	R & OF (MDR/B8) & (RC) 48	OF (RC) 0		MPF, YP, HM(HD), HO	100% MPF 50% other
	I-1 (40 acres)	R (LDR/B8) 46	OF (RC) 11	Removes golf course as principle proposed land use	MPF, YP, HM (HD), HO, RIPARIAN	100% MPF 50% other
	I-2 (12 acres)	R (MDR/B8) 37	R (LDR) 3		MPF, YP	100% MPF 10% other

Planning Area	Area (Acreaage)	Current LUP Designation (Zoning District) and Maximum Number of Potential Development Units	Proposed LUP Designation (Zoning District) and Maximum Number of Potential Development Units	Proposed Changes to "New Land Uses"	Existing Resources On-Site	Approximate % Constrained by Existing Resources
Spyglass Cypress	J (9 acres)	R (MDR/B8) 22	R & OF (LDR) & (RC) 1		MPF, YP, WETLANDS, RIPARIAN	100% MPF 50% other
	K (11 acres)	R (LDR/B8) 22	R &OR (LDR) & (OR) 0		MPF, YP, WETLANDS	100% MPF 75% other
	L (18 acres)	R (MDR/B8) 46	OF (RC) 0		MPF, YP, WETLANDS, RIPARIAN, DUNES	100% MPF 10% other
	M/N (9 acres)	R (MDR/B8) 24	CVS (VSC) 24	Removes Residential Units Adds up to 24 future Golf Suites	MPF, DUNES	100% MPF 60% other
Spyglass/ Pebble Beach	MNOUV (211 acres)	R & OF (MDR/B8, LDR/B8) & (RC) & (OR) 207	OR (OR) 0	Adds New Golf Course Removes existing Equestrian Center near Peter Hay Hill Removes limitation on amount of development in Lodge area	MPF, YP, HM(HD), HO, PC, WETLANDS, DUNES	80% MPF 40% other
Pescadero	PQR (14 acres)	R (LDR/B8) 154	R & OF (LDR) & (RC) 7		MPF, YP, HM(MD), HO, RIPARIAN	100% MPF 25% other
Huckleberry Hill	Corp Area (12 acres)	CG (CGC/B8) 0	CG (CGC) 48 Employee Units	Adds Employee Units as allowable use	MPF	5% MPF
Gowen Cypress	EQ Equestrian Center (42 acres)	OF (RC) 0	OR (OR) 0	Adds Equestrian Center in Sawmill Gulch and adds Open Space Recreational as allowable land use	WETLANDS	10% other

Land Use Designations: R = Residential; OR = Open Space/Recreation; OF = Open Space/Forest; CG = Commercial General; CVS = Commercial Visitor Serving
Zoning Designations: RC = Resource Conservation; OR = Open Space Recreational; LDR = Low Density Residential; MDR = Medium Density Residential; VSC = Visitor Serving Commercial; CGC = Coastal General Commercial
Existing Resources: MPF= Monterey pine forest; YP = Yadon's piperia, HM = Hooker's manzanita; (HD) = High Density; (MD) = Medium Density; GC = Gowen Cypress; BP = Bishop pine; HO = Hickman's onion; MC = Monterey clover; PC = Pacific Grove clover

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Attachment 3.

STAFF ANALYSIS OF PROPOSED CHANGES TO LUP LAND USE DESIGNATION AND CIP ZONING DISTRICTS DESCRIBED IN PEBBLE BEACH COMPANY PROPOSED INITIATIVE: "DEL MONTE FOREST PLAN: FOREST PRESERVATION AND DEVELOPMENT LIMITATIONS."

The following information provides the Commission staff's analysis of the zoning and land use designation changes proposed by the "Del Monte Forest Plan: Forest Preservation and Development Limitations" initiative ("the Initiative"). Comments are given for each area described in the initiative, organized within each of the different planning areas outlined in the LUP.

Spanish Bay Planning Area:

Area B

Proposed under the Initiative

- The LUP land use designation for a portion of Area B would be changed from Residential (R) to Open Space Forest (RC). The LUP land use designation for the rest of Area B would remain Residential (MDR), and would allow the potential development of up to 12 Employee housing units. Language in the LUP would also be amended to remove the restrictions for additional employee housing units to "dormitory/bunkhouse or temporary (ie, former mobile homes)," thereby allowing permanent rather than temporary affordable housing units to be built consistent with all other plan policies. LUP language would also be amended to accommodate employee, rather than senior citizen, housing.

Staff Comments

- The existing Residential (MDR/B8) zoning in Area B allows a maximum of 63 potential residential development units. However, any potential development in Area B would be constrained by existing ESHA and other sensitive resources[1], including environmentally sensitive riparian habitat areas, Monterey pine forest habitat, and Yadon's piperia. According to the previous resource maps prepared by the Company, Area B is almost entirely covered with Monterey pine forest, and approximately 20% of the area contains environmentally sensitive riparian habitat areas and Yadon's piperia.

- Commission staff conducted a site visit to Area B on October 3, 2000, and observed that the site contains two cleared and graded areas, and a fairly wide, unpaved roadway. These disturbed areas appear to be appropriately zoned for residential development, as designated in the current LCP and as proposed in the Initiative. The area surrounding these two disturbed areas, however, is densely forested and would seem to be more appropriately zoned Open Space Forest (RC). Although the Initiative proposes doing just that for a

[1] References made to mapped ESHA and other mapped sensitive resources in this attachment are based on 1) *Pebble Beach Lot Program Project Applications Summary Handout for the Monterey County Minor Subdivision / Subdivision Committee* (January 12, 1999, for hearing January 14, 1999); 2) CCC staff field visits; and 3) CDP permit history for Del Monte Forest.

portion of the site (see Attachment 1) it is not clear that the proposed residential areas would be located only within the disturbed areas in Area B.

Area C

Proposed under the Initiative

- The LUP land use designation for Area C would be changed from Residential (R) to Open Space Recreational (OR) and would allow for the development of a new driving range, golf teaching center, and parking areas to compliment the existing Spanish Bay golf course.

Staff Comments

- The existing Residential (MDR/B8) zoning in Area C allows a maximum of 56 potential residential development units. However, any potential development in Area C would be constrained by existing ESHA and other sensitive resources, including environmentally sensitive wetlands, and Monterey pine forest habitat. According to the previous resource maps prepared by the Company, Area C is almost entirely covered with Monterey pine forest, and approximately 10% of the area contains environmentally sensitive wetlands.

- Commission staff conducted a site visit to Area C on October 3, 2000, and observed that the site is densely forested with both Monterey pine and oak woodland habitats, and contains a dense, well developed brushy understory. Based on existing site conditions, Commission staff believe that Area C would be more appropriately zoned Open Space Forest (RC) than Open Space Recreational as proposed by the Initiative. Please note Area C has been identified by the California Department of Fish and Game as a high priority area for preservation due to the rare Monterey pine forest habitat located on middle aged dunes according to the *Monterey Pine Forest Conservation Strategy Report* (Jones & Stokes, 1996).

Gowen Cypress Planning Area:

Areas F-1, F-2, F-3

Proposed under the Initiative

- The LUP land use designations for Areas F-1, F-2, and F-3 would remain Residential but the zoning would be changed from MDR/B8 to LDR, and would allow a maximum of 16 potential residential development units, when combined.

Staff Comments

- The existing Residential (MDR/B8) zoning in Areas F-1, F-2, and F-3 allows a maximum of 86 potential residential development units when combined. However, any potential development in these areas would be constrained by existing ESHA and other sensitive resources, including environmentally sensitive Gowen cypress/Bishop pine forest habitat, Monterey pine forest habitat, Yadon's piperia, Hooker's manzanita and Hickman's onion. According to the previous resource maps prepared by the Company, each of these three areas is almost entirely covered with Monterey pine forest habitat. Additionally, nearly 50% of Area F-1 contains Yadon's piperia and 30% contains Hooker's Manzanita. Area F-2 contains about 25% Hooker's manzanita, 10% Yadon's piperia, and some number of Bishop pine and Gowen cypress trees, and Area F-3 contains about 80% Hooker's manzanita, 5%

Yadon's piperia, and 20% environmentally sensitive Bishop pine/Gowen cypress forest habitat.

- Commission staff conducted a site visit to Area F-1 on October 3. Areas F-2 and F-3 have not yet been visited by staff. Additional research is necessary to analyze the proposed changes here. However, previous resource mapping indicate that Areas F-1, F-2 and F-3 are heavily constrained, irregardless of the land use and zoning designations.

Huckleberry Hill Planning Area:

Area G

Proposed under the Initiative

- The LUP land use designation for Area G would be changed from Residential (MDR/B8) to Open Space Forest (RC).

Staff Comments

- The existing Residential (MDR/B8) zoning in Area G allows a maximum of 78 potential residential development units. However, any potential development in Area G would be constrained by existing ESHA and other sensitive resources on site. These include Monterey pine forest habitat, Yadon's piperia, Hookers Manzanita, Monterey clover, and Hickman's onion. According to the previous resource maps prepared by the Company, Area G is almost entirely covered with Monterey pine forest habitat, nearly 60% of Area G contains Hooker's manzanita, approximately 30% contains Yadon's piperia, and approximately 15% contains Monterey clover.

- Commission staff has not yet conducted a site visit to Area G. Given the coverage suggested by the previous mapping and the proximity of Area G to the rest of the Huckleberry Hill Natural Habitat Area, however, Commission staff believe that the appropriate zoning designation for Area G would be Open Space Forest (RC), as proposed by the Initiative, rather than the current Residential (MDR/B8) zoning designation.

Middle Fork Planning Area:

Area H

Proposed under the Initiative

- The LUP land use designation for a portion of Area H would be changed from Residential (MDR/B8) to Open Space Forest (RC). The rest of Area H would remain Open Space Forest (RC).

Staff Comments

- The existing Residential (MDR/B8) zoning district for Area H allows a maximum of 48 potential residential development units. However any potential development in Area H would be constrained by existing ESHA and other sensitive resources on site. These include Monterey pine forest habitat, Yadon's piperia, Hookers Manzanita, and Hickman's onion. According to the previous resource maps prepared by the Company, Area H is

almost entirely covered with Monterey pine forest habitat, approximately 25% of the site contains Yadon's piperia, and approximately 25% contains Hooker's manzanita.

- Commission staff has not yet conducted a site visit to Area H. Given the coverage suggested by the previous mapping and the proximity of Area G to the rest of the Huckleberry Hill Natural Habitat Area, however, Commission staff believe that the appropriate zoning designation for all of Area H would be Open Space Forest (RC), as proposed by the Initiative.

Areas I-1 and I-2

Proposed under the Initiative

- According to Attachment 1 and Attachment 2, the LUP land use designation for Area I-1 would be changed from Residential (LDR/B8) to Open Space Forest (RC). As shown on Attachment 2, however, Area I-1 would also include 11 lots for residential development. This is not indicated on Attachment 1, nor is it shown on Exhibit 1 of the Initiative (Revised Figure 5 Land Use Plan). Exhibit 1 of the Initiative, shows the proposed land use changes in Area I-1 as all Open Space Forest (RC). However, the text of the Initiative states that "Open space and 11 lots for residential dwellings in Area I are the principal proposed land uses in this planning area." The text does not further define how many of the 11 lots would be in Area I-1 or Area I-2.

Staff Comments

- Any residential development in an Open Space Forest (RC) zone would conflict with the limited uses allowed in a (RC) zoning district. Attachment 2 states that 11 residential lots are proposed in Area I-1 and 3 residential units are proposed in Area I-2. Thus there is an apparent conflict between the Initiative text and Exhibit 1, as well as between Attachment 1 and Attachment 2 for the land use and zoning designations proposed for Areas I-1 and I-2.

- The existing Residential (LDR/B8) zoning in Area I-1 allows a maximum of 46 potential residential development units. However, any potential development in Area I-1 would be constrained by existing ESHA and other sensitive resources, including environmentally sensitive riparian corridor habitat, Monterey pine forest habitat, Yadon's piperia, Hooker's manzanita, and Hickman's onion. Area I-1 is almost entirely covered with Monterey pine forest, approximately 40% of the site contains Yadon's piperia, 20% of the site contains Hooker's manzanita, and two environmentally sensitive riparian corridors traverse the area.

- The existing Residential (MDR/B8) zoning in Area I-2 allows a maximum of 37 potential residential development units. However, any potential development in Area I-2 would be constrained by existing ESHA and other sensitive resources, including Monterey pine forest habitat and Yadon's piperia. According to the previous resource maps prepared by the Company, Area I-2 is almost entirely covered with Monterey pine forest, and approximately 10% of the area contains Yadon's piperia.

- Commission staff has not conducted a site visit of Area I-1.

- Commission staff conducted a site visit to Area I-2 on October 3, and observed that the area contains both mature Monterey pine trees as well as numerous pine saplings. Many of the mature pines appeared to be infected by pine pitch canker. Additional research would be

necessary to understand the relation of Areas I-1 and I-2 to future development. However, previous resource mapping suggests that these areas are constrained by environmentally sensitive habitat irregardless of land use and zoning designations.

Spyglass Cypress Planning Area:

Area J

Proposed under the Initiative

- The LUP land use designation for a portion of Area J would be changed from Residential to Open Space Forest. The rest of area J would remain Residential, but would be down-zoned from MDR/B8 to LDR to allow one (1) potential residential development unit.

Staff Comments

- The existing Residential (MDR/B8) zoning in Area J allows a maximum of 22 potential residential development units. However, any potential development in Area J would be constrained by existing ESHA and other sensitive resources, including environmentally sensitive wetlands and riparian habitat areas, Monterey pine forest habitat, and Yadon's piperia. According to the previous resource maps prepared by the Company, Area J is almost entirely covered with Monterey pine forest, approximately 40% of the area is constrained by Yadon's piperia, and approximately 10% of the area contains environmentally sensitive wetlands and riparian corridor habitat.

- Commission staff conducted a site visit of Area J on October 3, and observed a small remnant of native pine forest, with numerous mature Monterey pine trees. Area J is generally surrounded by residential development. Commission staff agree that the majority of Area J should be zoned Open Space Forest (RC) as proposed by the Initiative as it contains riparian habitat located adjacent to Seal Rock Creek. Commission staff also agree that it is possible that one residential unit could be developed in this area, as proposed by the Initiative. However, any residential development here would need to be found consistent with all other plan policies.

Area K

Proposed under the Initiative

- The LUP land use designation for a portion of Area K would be changed from Residential to Open Space Recreational. The rest of Area K would remain Residential, but would be down-zoned from MDR/B8 to LDR. No additional residential development would be allowed in this area.

Staff Comments

- The existing Residential (MDR/B8) zoning in Area K allows a maximum of 22 potential residential development units. However, any potential development in Area K would be constrained by existing ESHA and other sensitive resources, including environmentally sensitive wetland areas, Monterey pine forest habitat, and Yadon's piperia. According to the previous resource maps prepared by the Company, Area K is almost entirely covered with Monterey pine forest, approximately 60% of the area contains Yadon's piperia, and

approximately 10% of the area contains environmentally sensitive wetlands and riparian habitat.

- Commission staff conducted a site visit to Area K on October 3, and observed that the area east of Stevenson Drive contains both mature Monterey pine trees as well as numerous pine saplings. Many of the mature pines appeared to be infected by pine pitch canker. This eastern area lies between the existing Spyglass Hill Golf Course and Stevenson Drive. The portion of Area K west of Stevenson Drive, proposed by the Initiative to be zoned Open Space Recreation (OR) (for the potential development of a clubhouse) appeared to be densely forested, with slopes steeply sloping away from Stevenson Drive. According to the previous resource maps prepared by the Company, this portion of Area K also contains environmentally sensitive freshwater wetlands and riparian habitat. Based on our current understanding, Commission staff believe that this western portion of Area K would be more appropriately zoned Open Space Forest (RC) rather than Open Space Recreational (OR) as proposed by the Initiative. Additional research is necessary to understand the relationship of the forested strip adjacent to the existing golf course (portion of Area K east of Stevenson Drive) to surrounding habitat areas.

Area L

Proposed under the Initiative

- The LUP land use designation for Area L would be changed from Residential (MDR/B8) to Open Space Forest (RC).

Staff Comments

- The existing Residential (MDR/B8) zoning in Area L allows a maximum of 46 potential residential development units. However, any potential development in Area L would be constrained by existing ESHA and other sensitive resources, including environmentally sensitive dune, wetland, and riparian corridor habitat areas, Monterey pine forest habitat, and Yadon's piperia. According to the previous resource maps prepared by the Company, Area L is almost entirely covered with Monterey pine forest, approximately 5% of the area contains Yadon's piperia, and approximately 5% of the area contains environmentally sensitive dune, wetland and riparian corridor habitat.

- Commission staff conducted a site visit to Area L on October 3, and observed that the area contains riparian habitat adjacent to Seal Rock Creek. Commission staff agree that Area L would be more appropriately zoned Open Space Forest (RC), as proposed by the Initiative rather than Residential as currently zoned.

Area M/N

Proposed under the Initiative

- The LUP land use designation for a portion of Area M/N would be changed from Residential (MDR/B8) to Commercial Visitor Serving (VSC), and would allow for the potential development of up to 24 "golf suites." The Initiative does not further describe the size, layout or planned use of these units. Language in the LUP would be changed to add the future golf suites as a new visitor serving commercial area to those areas currently listed in the LUP.

Staff Comments

- The existing Residential (MDR/B8) zoning in this portion of Area M/N allows a maximum of 24 potential residential development units. However, any potential development in this area would be constrained by existing ESHA and other sensitive resources on site, which include environmentally sensitive dune habitat areas and Monterey pine forest habitat. According to the previous resource maps prepared by the Company, Area M/N is almost entirely covered with Monterey pine forest, approximately 50% of the area contains Yadon's piperia, and approximately 10% of the area contains environmentally sensitive dune habitat.

- Commission staff conducted a site visit to Area M/N on October 3, and observed that the area contains the old Spyglass quarry site, which has been used for some time as a dumping and fill site for the Pebble Beach Company. This site originally included a coastal dune complex that was quarried during the development of the Spyglass Golf Course. The area surrounding the fill includes both intact dunes, stabilized by Monterey pine, as well as degraded dunes (due to previous quarrying activities) that are regenerating. Remnants of the original dune complex could be observed along the edge of Stevenson Drive, indicating that the dune complex originally extended at least this far inland. The history of the quarry and fill in relation to the Coastal Act at this location need to be better understood. It is not clear when quarrying stopped, when fill began, and what Coastal Act requirements applied (and apply) here. Further research along these lines is necessary before a determination on the appropriateness of the zoning changes proposed by the Initiative for this area can be made.

Spyglass / Pebble Beach Planning Area:

Area MNOUV

Proposed under the Initiative

- The LUP land use designation for Area MNOUV would be changed from Residential (MDR/B8, LDR/B8), and Open Space Forest (RC) to Open Space Recreational (OR). Existing recreational facilities adjacent to Area MNOUV include the Pebble Beach Equestrian Center and Collins Field, both of which are currently zoned Open Space Recreational (OR). This land use change would allow the potential development of a new 18-hole golf course, which would require the relocation of the existing equestrian center and Polo Fields located near Peter Hay Hill to the Sawmill Gulch area (see below).

Staff Comments

- The existing Residential (MDR/B8 and LDR/B8) zoning in Areas MNOUV could possibly allow a maximum of 207 potential residential development units when combined. However, any potential development in these areas would be heavily constrained by existing ESHA and other sensitive resources on site, which include environmentally sensitive dune and wetland habitat areas and Monterey pine forest habitat. These areas also contain several rare and endangered plant species, including Yadon's piperia, Hooker's manzanita, Tidestrom's lupine, Monterey spineflower, Layia carnosa, Pacific Grove clover and Hickman's onion. According to the previous resource maps prepared by the Company, Area MNOUV is almost entirely covered with Monterey pine forest habitat, 40% of the area

contains Yadon's piperia and approximately 10-15% of the area contains environmentally sensitive wetlands.

- Commission staff conducted a brief site visit to Area MNOUV on October 3, and observed that the undeveloped areas here are densely forested with Monterey pine with a well developed understory. Recent wetland habitat mapping of the area also shows numerous wetland habitats in the area. Commission staff will have to conduct further field investigations of these areas before a determination can be reached as to the extent of wetlands. This area appears highly constrained by Monterey pine and other ESHA. Based on our current understanding, a traditional 18-hole golf course appears to be overly ambitious in light of these constraints. In any case, while golf course development is already an allowed use within areas zoned Residential in the Del Monte Forest, any development in these areas must be consistent with the resource protection policies of the LCP.

Area O

Proposed under the Initiative

- The LUP land use designation for a portion of Area O would be changed from Open Space Forest (RC) to Open Space Recreational (OR).

Staff Comments

- This land use change would increase the type and intensity of recreational use from that currently allowed. According to the previous resource maps prepared by the Company, Area O is almost entirely covered by Monterey pine forest habitat, Yadon's piperia, and Hooker's manzanita.

- Commission staff are concerned that because Area O is nearly 100% sensitive habitat, changing zoning from Open Space Forest (RC) to Open Space Recreational (OR), as proposed by the Initiative, is not appropriate in that it would weaken the resource protections currently provided for the sensitive coastal resources in this area.

Pescadero Planning Area

Area PQR

Proposed under the Initiative

- The LUP land use designations for a portion of Area P would be changed from Residential to Open Space Forest (RC). A portion of area P would remain Residential (LDR) to allow a maximum of 7 potential residential development units.

- The LUP land use designations for Areas Q and R would be changed from Residential (LDR/B8) to Open Space Forest (RC).

Staff Comments

- The existing Residential (LDR/B8) zoning in Areas PQR allows a maximum of 154 potential residential development units, when combined. However, any potential development in these areas would be constrained by existing ESHA and other sensitive resources, including

environmentally sensitive riparian habitat areas, Monterey pine forest habitat, and other rare and endangered plant species. According to the previous resource maps prepared by the Company, Area PQR is almost entirely covered with Monterey pine forest, and 25% of the area is constrained by wetlands, riparian corridor habitat, Yadon's piperia, Hooker's manzanita, Hickman's onion and Sandmat manzanita. The portion of Area P that would remain Residential (LDR) is almost entirely constrained by Monterey pine forest habitat, Yadon's piperia and Hooker's manzanita.

- Commission staff conducted a site visit of Areas PQR on October 3, and observed that much of this area is steeply sloped and densely forested with both mature Monterey pine and young Monterey pine saplings. Rezoning the majority of these areas from Residential (LDR/B8) to Open Space Forest (RC) is appropriate, as these areas lie adjacent to lands of the Pescadero Canyon Open Space, which is one of the largest remaining tracts of Monterey pine forest habitat in the Del Monte Forest. Any residential development within this area must be consistent with the resource protection policies of the LCP.

Huckleberry Hill – Corporation Yard

Proposed under the Initiative

- The General Commercial LUP zoning designation for the Corporation Yard would remain unchanged and would allow development of up to 48 employee residential units.

Staff Comments

- This land use would seem appropriate, as this site is located in a barren or disturbed area that is not apparently constrained by on-site ESHA or sensitive plant species. The Corporation Yard area is located adjacent to Monterey pine forest habitat, however, so any potential development will still have to comply with resource protection policies of the LCP.

- Commission staff has not yet conducted a site visit to the Corporation Yard Area. Given the amount of disturbed land and developed facilities currently on site (i.e., existing Pebble Beach Offices and Corporation Yard facilities), additional employee housing in this area, as proposed by the Initiative, appears to be an appropriate use of the site. It should be noted, however, that under the current zoning ordinance, the General Commercial (CGC/B8) zoning district allows for residential development only as long as the gross square footage for residential use does not exceed the gross square footage of commercial use.

Gowen Cypress Planning Area - Equestrian Center

Proposed under the Initiative

- The LUP land use designation for the area designated EQ (Equestrian Center) would be changed from Open Space Forest (RC) to Open Space Recreational (OR). This change in zoning would increase the amount and type of recreational uses from those currently allowed in Open Space Forest.

Staff Comments

- This area, known locally as Sawmill Gulch, was mined in the past to provide sand for the Spanish Bay Development, and as part of previous permit conditions is subject to scenic and conservation easements that require restoration, revegetation and reclamation for

wildlife habitat. A portion of this area (approximately 17 acres) is a part of the Huckleberry Hill Natural Habitat Area. The level of use and facilities required to accommodate an entire equestrian center in the Sawmill Gulch site would be substantially more intense than the limited development contemplated by the current Open Space Forest (RC) zoning, the Spanish Bay CDP, and the applicable easements. Any potential development in the Sawmill Gulch area, regardless of the Initiative, would either have to be found consistent with the land use restrictions provided for in the easements, or would require amending the Spanish Bay Permit and the associated easements. Any such amendment would have to demonstrate that it would not weaken resource protection efforts of the Commission's previous actions. (See also Attachment 3 for previous correspondence on this topic.)

- Commission staff conducted a site visit of the Sawmill Gulch area on October 3, and observed that restoration efforts in both the Upper and Lower Borrow Site areas have so far produced large areas occupied by wetland, Monterey pine and Gowen cypress forest habitats. While the restoration of these areas is not yet completely successful, it is clear that this area is becoming a part of the surrounding Huckleberry Hill Natural Habitat Area in resource value. What is more, it is clear that with some minor efforts, slope erosion in the upper quarry could be reduced to improve soil development and accumulation that would greatly improve growing conditions in these areas. The intensive recreational use that would occur if the equestrian center were to be relocated to the Sawmill Gulch area and the amount of structural facilities that would be necessary to support such activities would have significant impacts on the largely undisturbed habitats that currently exist in that area. Based on our site visit and observations of existing conditions, Commission staff believe that the Sawmill Gulch area should continue to be zoned Open Space Forest (RC), rather than be changed to Open Space Recreational (OR) as proposed by the Initiative.

Additional changes to the LUP include the following:

- ***Initiative:*** Table A, Summary of Planned Development, would be deleted without a replacement, and would thereby delete the numbers established as maximums for new development (residential and visitor accommodations) in Del Monte Forest.
  Staff comments: Without limitations on maximum development allowed in each area, future development will be regulated based on the ordinances for each zoning district (e.g., height restrictions, setback restrictions and parking requirements), and the resource protection policies of the LUP.

- ***Initiative:*** LUP Figure 5 would be replaced with a revised Figure 5 showing all proposed Land Use designation changes. Figures 6A, 7A, 8A, 9A, 10A, 11A, 12A, and 13A (maps showing land use designations within each Planning Area) would be removed without replacement. ***Staff Comments:*** Such a modification is only supportable to the extent that (1) the revised Figure 5 reflects on the ground resources as discussed in this attachment and the letter it accompanies; and (2) Figure 5 is replaced with a revised figure such that the sub-maps (i.e., 6A, 7A, 8A, etc) are no longer necessary for planning purposes. Because it is difficult for a single 11x17" map to provide adequate detail for such a large land use area, we believe that the sub-maps for each planning area are still necessary and should continue to be included in the LUP. Obviously, any sub-maps should also be revised to reflect those land use changes shown on the revised Figure 5.

- ***Initiative:*** The Initiative would remove the existing 161-unit limitation on potential development for visitor serving use in the Lodge area and 270-unit limit on potential development for visitor serving use in the Spanish Bay area. ***Staff Comments:*** The Initiative does not propose any new limits or restrictions for further development or expansion of existing visitor serving facilities in the Del Monte Forest, therefore any new development would be subject to zoning regulations for the Visitor Serving Commercial zoning district. Any increase in development in these areas may result in direct, indirect and cumulative impacts that can affect land use, water use, public access, traffic circulation, parking, and other public services within Del Monte Forest.

- ***Initiative:*** The "New Land Uses" subsection of the Spanish Bay planning area would be updated to describe existing development in the area, including the Spanish Bay hotel complex and the Spanish Bay Golf Course. The Spanish Bay hotel complex currently includes retail, restaurants, tennis courts, swimming pools, and 80 residential units. New language would be added to indicate that a driving range, golf teaching center, and parking area are expected to be constructed in Area C to compliment the existing Spanish Bay Golf Course. ***Staff Comments:*** LCP changes that update the fact that the Spanish Bay Resort is now built are supportable. However, changes to language that allow for conversion of native pine on middle aged dune at Area C (as proposed by the Initiative) do not appear consistent with protecting the valuable coastal resources at this location.

- ***Initiative:*** New language would be added to the "New Land Uses" subsection for each planning area to reflect the new proposed land use designations shown in Attachment 2. ***Staff Comments:*** As discussed above, some of those changes do not appear consistent with protecting valuable coastal resources located within particular areas of the Del Monte Forest.

- ***Initiative:*** The initiative would remove the Resource Constraints overlay (for water, sewer, highway capacity and traffic circulation), which presently exists over Areas B, C, F, G, H, I, J, K, L, M, N, O U, V, P, Q, and R. ***Staff Comments:*** The Commission will require a substantive analysis of these resources, in conjunction with the proposed development potential in the initiative to determine whether the applicable resource constraints overlay is in fact no longer required.

- ***Initiative:*** The initiative would amend the CIP to allow up to 24 "golf suites", to be located in Areas M and N, as a Visitor-Service Commercial use. ***Staff Comments:*** As the initiative does not make clear what a "golf suite" is, and how these units would be managed, any LCP and General Development Plan amendment would have to describe the size and scale of these units as well as the proposed arrangement for ownership and visitor-serving use.

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May 19, 1999

William L. Phillips
Planning Director
Monterey County Planning and Building Inspection Department
P.O. Box 1208
Salinas, CA 93902

Subject: ***Pebble Beach Lot Program Application***

Dear Mr. Phillips,

We would like to take this opportunity to offer our views on some of the important Local Coastal Program (LCP) issues associated with the proposed Pebble Beach Lot Program which your Planning Commission will soon be reviewing. We understand that the Lot Program is still subject to several levels of review at the County level and that, as such, the final disposition of the project is some months away. Accordingly, the purpose of this letter is to clearly frame some of the larger coastal concerns early enough in the County's process to allow County decision-makers to proceed with knowledge of these important issues. Of course, this letter only reflects the major issues that have surfaced during our review thus far, with recognition that other concerns may arise as we continue our analysis of the proposal as it moves through the review process.

First, we want to thank your staff, specifically Jeff Main and Kate McKenna of the County Planning Department's Coastal Team, for contributing their time and energy to the Del Monte Forest field trip visit on Tuesday, March 30, 1999. This field trip allowed Commission staff, including the Commission's Executive Director, to meet and discuss Lot Program issues with County Planning staff as well as representatives of the Pebble Beach Company, California Department of Fish and Game, California Native Plant Society, Del Monte Forest Open Space Advisory Committee, Del Monte Forest Property Owner's Association, Concerned Residents of Pebble Beach, and several other individuals interested in the project. I understand from the participants from our office that the site visits to proposed development nodes were very informative and that a number of opposing points of view were heard.

This letter is meant to document and elaborate for the record the comments that Commission staff members made during the March 30 field trip, and to further clarify several Lot Program issues that have otherwise come to our attention. Specifically, we want to be certain that the definition and application of LCP policies regarding Environmentally Sensitive Habitat Areas with respect to the Lot Program are proceeding correctly. As part of this issue, we are especially concerned about the County's treatment of native Monterey pine forest and wetland resources. And finally, we would like to provide guidance on the effect of the Commission's requirement to record a conservation easement covering the Upper Sawmill Gulch borrow site, as well as the need for LCP amendments for the Lot Program as it is currently envisioned.

Environmentally Sensitive Habitat Areas
Issue: All Environmentally Sensitive Habitat Areas (ESHAs), including wetlands, need to be properly delineated and then all applicable LCP policies need to be applied.

Commission staff is concerned that County staff's interpretation of what constitutes an ESHA within the Del Monte Forest is not sufficiently inclusive. Our understanding is that County staff

has recognized certain species and habitats (such as Yadon's piperia) in the CEQA and Ecological Management Implementation Plan processes, but has interpreted the LCP's ESHA policies to apply only to those habitats that are listed in Appendix A ("List of Environmentally Sensitive Habitats of Del Monte Forest Area") of the 1984 Del Monte Forest Area Land Use Plan (LUP). LUP Figure 2 schematically identifies the locations of these Appendix A habitats. However, this method relies on a list created 15 years ago as opposed to the reality of the resources present on the ground today. As a result, a number of rare and sensitive habitat areas are not being considered ESHA for the purposes of Lot Program planning. This ESHA interpretation, in our opinion, is inconsistent with the certified LCP and the effect of such an interpretation is that rare and sensitive habitat areas would not be protected consistent with the protections provided for them by the certified LCP.

The California Coastal Act defines ESHA as follows:

> *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

The certified Monterey County LCP definition for ESHA is essentially the same as the Coastal Act definition, Zoning Code Section 20.06.440 defining ESHA as follows:

> *Environmentally sensitive habitat means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.(See individual land use plan segments definitions for specific examples.)*

The Lot Program project is located within the Del Monte Forest Area Segment of the LCP which is governed by Chapter 20.147 of the Zoning Code. Section 20.147.020(H) of Chapter 20.147 further defines ESHA in the Del Monte Forest as follows:

> *<u>Environmentally sensitive habitats</u>: Environmentally sensitive habitat areas are those in which plant or animal life or their habitats are rare or especially valuable due to their special role in an ecosystem. These include rare, endangered, or threatened species and their habitats; other sensitive species and habitats such as species of restricted occurrence and unique or especially valuable examples of coastal habitats; riparian corridors; rocky intertidal areas; nearshore reefs; offshore rocks and islets; kelp beds; rookeries and haul-out sites; important roosting sites; and Areas of Special Biological Significance (ASBS).*
>
> *In the Del Monte Forest area, examples of terrestrial, aquatic, and riparian habitats which have been determined to be entirely or in part environmentally sensitive include: the rare Monterey cypress and endangered Gowen cypress forest communities, the endemic Monterey pine/Bishop pine association, remnants of the indigenous coastal sand dunes, riparian corridors, wetlands, and sites of rare and endangered plants and animals associated with these and other habitats.*

This ESHA definition mirrors and implements the definition in the Del Monte Forest LUP, where it states that "environmentally sensitive habitat areas are those in which plant or animal life or their habitats are rare or especially valuable due to their special role in an ecosystem." The LUP goes on to describe "examples" of ESHAs in the Forest (such as sites of rare and endangered plants and animals) and states that a complete listing of these examples is shown in LUP Appendix A. LUP Appendix A states that "the environmentally sensitive habitats of the Del

Monte Forest Area ***include*** the following" (emphasis added) and then proceeds to provide a categorical and species listing. As such, we believe that Appendix A is not meant to be the definitive list of Forest ESHAs for all time, but rather a listing of ESHA examples known in 1984.

In fact, much has changed in the Forest since 1984 and the LUP ESHA maps and listings have never been updated to reflect these changes. Since 1984, new sensitive species have been discovered and listed (e.g., Yadon's piperia, listed as a federal endangered species), other species have become more endangered and given new listing status (e.g., Tidestrom's lupine, state and federal endangered species), and yet others are threatened in ways not imagined in 1984 (e.g., pitch canker and the native Monterey pine; Monterey pine is now listed as a federal species of concern and a petition is being prepared to propose Monterey pine for state threatened list status).

Irrespective of the LUP's maps and lists, the LCP specifically requires a biological survey for all proposed development in or near ESHAs whether the ESHA is shown on the LUP's ESHA map (LUP Figure 2), or the ESHA is determined through the evaluation of "other current available resource information" and/or on-site investigation (Zoning Code Section 20.147.040(A)(2)). The LCP-required biological survey includes the requirement that all projects in or adjacent to such ESHAs be referred to the California Department of Fish and Game (CDFG) and that "recommendations from the California Department of Fish and Game shall be included as conditions of project approval" (see Zoning Code Attachment 2, Botanical/Biological Report Format). It is our understanding that CDFG has pointed out that certain sensitive habitats would be impacted by the Lot Program, but that these areas were not being treated as ESHAs. We further understand that CDFG has consistently recommended to the County that all such ESHAs be recognized in the planning process. To date, these recommendations have been embraced only within the context of identifying CEQA impacts and mitigations, as opposed to pursuing relevant ***avoidance*** strategies as required by the LCP.

Consistent with County Zoning Code Sections 20.06.440 and 20.147.020(H) defining ESHA within the Del Monte Forest, and Section 20.147.040(A) defining biological survey requirements, the ESHA designation applies not only to resources known and mapped at the time of LUP certification (i.e., 1984), but also to sensitive habitat areas as they exist today. As such, the ESHA designation applies to: LUP Appendix A habitats, LUP Figure 2 habitats, newly identified habitat areas associated with species known and LUP mapped/listed in 1984, newly identified habitat areas for sensitive species which were not identified or listed as ESHA in 1984, and newly identified habitat areas for sensitive species which were not even known in 1984. In sum, the LCP requires resources on the ground to dictate the presence or absence of ESHA. If biological analysis indicates that an area in which plant or animal life or their habitats are "rare or especially valuable" today, those species and habitats must be treated as ESHAs today. **As a general rule, State and Federally listed species, California Native Plant Society List 1B species, other species which have been formally so designated, and their habitats fall into the category of ESHA to which the LCP's ESHA policies apply. Likewise, all wetlands, marshes, seasonal ponds, remnant coastal dunes, and riparian corridors, among other sensitive resources, are protected by the ESHA policies of the LCP.**

Please note that Monterey pine (*Pinus radiata*), though not yet currently state or federally listed as threatened or endangered, has been listed on the California Native Plant Society's List 1B ("Plants Rare, Threatened, or Endangered in California and elsewhere"); according to CDFG's Natural Diversity Data Base, List 1B species are specifically eligible for state listing. Due to the threat of pitch canker disease, it has been predicted that 85% to 90% (or more) of the native pine stock constituting the Forest in the Del Monte Forest will eventually die. Because the native

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range for Monterey pine is limited only to the Monterey Peninsula (main) stand and three other isolated places on the globe, the primary hope for the survival of the Monterey pine worldwide is that there will be enough natural diversity within the native stands so that at least some trees will have genetic disease resistance and/or tolerance, that these trees can be used to propagate new trees for urban repopulation, and that larger tracts of native Monterey pine forest habitat can be preserved and managed so that natural regeneration can take place to repopulate pine forest habitats. As such, the native pine stands in the Del Monte Forest represent a global resource for native forest management efforts and for breeding programs to develop disease-resistant and/or tolerant stock. The Pebble Beach Company has been active in developing disease resistant stock and thus far has identified 60 individual trees which exhibit resistance to pitch canker. It is not clear at this time whether or not these efforts alone will eventually be enough to ensure the continued survival of the species. In fact, because uncombined native pine genetic materials may as yet lead to resistance and/or tolerance unmanifested to date in any one individual specimen, propagation of individual trees must be complemented by preservation of large, manageable tracts of native pine forest habitat.

Although pitch canker had yet to be identified when the LUP was certified in 1984, the LCP is very protective of Monterey pine in the Del Monte Forest. In fact, in addition to its List 1B and Federal Species of Concern status, the native pine forest making up the Del Monte Forest is to be preserved as a matter of "paramount concern" (LUP Policy Guidance Statement); the natural forest is to be retained "to the maximum feasible degree" (LUP Policy 31); projects are required to minimize tree removal (IP Section 20.147.050(D)(3)) with preference for design concepts which pursue this goal (LUP Policy 34); for all projects proposing tree removal, "preservation of scenic resources shall be a primary objective" (LUP Policy 33); and, perhaps most importantly, "where LUP objectives conflict, preference should be given to long-term protection of the forest resource" (LUP Policy 32).

Because of the pitch canker threat and in light of the special status now associated with the native pine forest in the Del Monte Forest, the LCP's ESHA policies will also come into play, as discussed above. Extinction, or merely extinction in the wild – however remote the possibility – is not acceptable. Therefore, we recommend that until the pitch canker threat is clearly resolved, that the most cautious approach is warranted. The County's treatment should distinguish between Monterey pine forest habitat and individual pine specimens, including ascribing greater sensitivity to those individual specimens which thus far exhibit disease resistance and/or tolerance (regardless of size), and should identify how Monterey pine are to be treated in a planning context. We should note too that the Monterey pine forest in the Del Monte Forest must be understood and treated as a complex, interdependent web of living organisms rather than just a collective noun for a group of trees in the landscaping sense. Given the severity of the threat, the dawning realization of the importance of any disease resistant and/or tolerant trees, the significance of larger manageable forest tracts available for natural genetic recombination and regeneration, and our belief that there is no acceptable risk when the possibility of extinction exists, the County must demonstrate that the environmental sensitivity of Monterey pine in the Del Monte Forest has been thoroughly analyzed in a manner befitting its importance to the species as a whole, as well as its current threatened status.

Accordingly, we recommend that to achieve LCP compliance with respect to Monterey pine forest, the County must identify the different levels of sensitivity associated with the different areas of Monterey pine forest involved in the Lot Program. An illustrative example of this type of differentiation is provided in the LUP for the adjacent Carmel Area LCP segment which distinguishes between ESHA pine forest and non-ESHA pine forest as follows (Zoning Code Section 20.146.040):

The sensitivity of Monterey Pine habitats in the Carmel area shall be determined on a case-by-case basis through the completion of a biological/botanical report for the project. Examples of sensitive Monterey pine forest include naturally-occurring groves which:

a. function as habitat for rare or endemic plant or animal species;

b. have special value for wildlife due to the presence of snags suitable for cavity-dwelling species, or occurrence with Coast live oak, or native shrub understory;

c. have high aesthetic value due to their location within the public viewshed.

Under this methodology, rather than categorically describing all Monterey pine forest as ESHA, some Monterey pine habitat areas may meet the ESHA criteria while others may not. And while this Carmel Area LCP policy doesn't address the pitch canker threat either, it does suggest a more sophisticated planning basis for reviewing proposed development which could acknowledge the current threat to the species, and protect those areas that are sensitive while allowing for development as appropriate, and otherwise LCP-consistent, in those areas determined to not be sensitive. The Carmel LUP method would need additional pitch canker-related sensitivity indicators (for example, 'naturally occurring groves which lend themselves to active management, including prescribed burning' may be an appropriate indicator of ESHA pine). In any event, it would appear very useful for such a delineation to take place prior to any further review of the Lot Program. Pursuant to the LCP's biological survey requirements, CDFG should take part in any such effort.

In any event, please be aware that in a manner similar to the Coastal Act, the certified LCP provides substantial protection for ESHAs. In fact, the LUP's ESHA policy guidance statement states that "all categories of land uses, both public and private, shall be subordinate to the protection of these [ESHA] areas." LUP Policies 8 through 30 provide the policy direction for protection of these areas. Of particular note, and mirroring the requirements of Coastal Act Section 30240, LUP Policy 8 states:

Environmentally sensitive habitat areas that are not designated as rehabilitation areas shall be protected against any significant disruption of habitat values. Within environmentally sensitive habitat areas, new land uses shall be limited to those that are dependent on the resources therein. *Land uses immediately adjacent to environmentally sensitive habitat areas shall be compatible with long-term maintenance of the resource; development shall be sited and designed to prevent impacts which would significantly degrade the protected habitat. In designated open space areas, conformance to the applicable OSAC Plan maintenance standards shall be considered the test of consistency with this policy. (Emphasis added.)*

LUP Policy 8 is implemented through Zoning Code Section 20.147.040(B)(4) which likewise states "new land uses within environmentally sensitive habitat shall be limited to resource-dependent uses...." The effect of these policies is that ESHAs are protected against any significant disruption and only uses dependent on the ESHA resource are allowed within these areas.

Of note for the Lot Program's proposed subdivisions, LUP Policy 10 states:

New subdivisions which create commitment to development immediately adjacent to environmentally sensitive habitat areas shall be allowed only at densities compatible with protection and maintenance of these resources. ***New subdivisions may be approved only where potential adverse impacts to environmentally sensitive habitats can be prevented.*** *Conformance to the applicable OSAC maintenance standards shall be*

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required wherever open space lands would be affected. No residential subdivision shall be allowed unless it is first demonstrated that, for each new residential lot, normal residential development, including driveway and utility connections, is feasible ***without damage to any environmentally sensitive habitat****. (Emphasis added.)*

LUP Policy 10 is implemented by Zoning Code Section 20.147.040(A)(1) which only allows new residential lots where the eventual residential development would be "feasible without damage to any environmentally sensitive habitat." Furthermore, the LCP's development standards require a 100-foot buffer around ESHAs within which "no new residential parcels shall be created whose only building site is in the buffer area" (Zoning Code Section 20.147.040(B)(1)). Whenever "rare/endangered and/or threatened species are encountered on the site of a proposed development...performance standards...are intended to isolate building sites from identified locations of rare and endangered plants or other environmentally sensitive habitats" (Zoning Code Section 20.147.040(B)(3)). These are but a few of the many ESHA-protective policies of the LCP. Please further consult LUP Policies 8 through 30 and Zoning Code Section 20.147.040 for a better understanding of the limitations on development in or near these areas.

Finally, it is our understanding that the Lot Program was submitted without explicit delineations of each of the wetland areas within the project boundaries. Final wetland delineation would take place as a condition of project approval. If this is accurate, such an approach would not conform with LCP policies which require the precise location of these sensitive areas to be mapped, buffered (with 100 foot setbacks from the edge of the wetland) and avoided (Zoning Code Section 20.147.040). It is incumbent upon the project applicant to explicitly delineate all wetland areas prior to any permit decisions being rendered on the project. Accordingly, we would recommend that all wetland delineations, and any other outstanding ESHA delineations, be completed prior to any further debate on the merits of the project.

Upper Sawmill Gulch Easement

Issue: If the proposed full-scale equestrian center is to be constructed at the Upper Sawmill Gulch site, the existing easement (and the underlying permit) needs to be amended.

On December 8, 1998, Monterey County Planning staff requested from Coastal Commission staff clarification of the terms and conditions of the Huckleberry Hill Open Space Area Conservation Easement required by the Commission in 1985 as a condition of approval of the Spanish Bay project. As part of this 1985 Commission approval, the Upper Sawmill Gulch site was to be rehabilitated and incorporated into the Huckleberry Hill Open Space Area if the Applicant (Pebble Beach Company) elected to build a new fifth entrance gate and road in Del Monte Forest (which it did). Accordingly, pursuant to the recorded and accepted Easement, the entire Upper Sawmill Gulch site is within the Huckleberry Hill Open Space Area and is subject to the terms of the easement. Among other things, development and uses permitted in the Huckleberry Hill Open Space Area include "...facilities for active recreational pursuits (such as parks and picnic areas, but excluding tennis courts, off road vehicle use or similar activities inconsistent with the primary purpose of this Offer)." "The primary purpose of this offer is the permanent preservation of natural plant and wildlife habitat within the Huckleberry Hill Open Space."

Although "facilities for active recreational pursuits" could be interpreted to include facilities to accommodate equestrian trail use, Commission staff believe that an entire equestrian center (buildings, stables, rings, etc.) stretches the limit of such an interpretation. Such an equestrian center would be substantially more intense than the limited development to facilitate active

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recreational pursuits that is contemplated by the easement. This is not consistent with the primary purpose of Huckleberry Hill Open Space Area of preserving the natural habitat therein.

Although relocation of the equestrian center may be consistent with the Coastal Act, it is our opinion that prior to the County approving an equestrian center at the Upper Sawmill Gulch location (at or near the intensity currently proposed), the Huckleberry Hill Open Space Conservation Easement would need to be amended to allow for this use. Pursuant to the terms of the Easement, such an amendment would take the form of a written agreement between the Pebble Beach Company, the Del Monte Forest Foundation (the Grantee), the County and the Executive Director of the Coastal Commission.

In addition, the Upper Sawmill Gulch area was dedicated open space to offset the impacts of development of the new fifth gate and entrance road (which has been completed) associated with the Spanish Bay Resort project. As such, if the equestrian center is to be relocated to this protected open space area, we would need to process an amendment to the Spanish Bay coastal development permit (CDP 3-84-226) to provide for this alteration; specifically, Special Condition 28 would need to be amended. Such an amendment request would need to demonstrate that it would not substantively weaken the effect of the Commission's previous action and should be predicated on the provision of similar forest open space benefits elsewhere. It would appear that a range of suitable alternative preservation sites, including, but not limited to the Pescadero Canyon Watershed, are available.

Resource Constraint Overlay/B-8 Zoning
Issue: All LCP amendments necessary for the proposed development to proceed must be identified, forwarded to the Coastal Commission, and approved by the Commission before coastal permits are approved.

In order to allow for the proposed Lot Program development, the LUP's Resource Constraint Overlay must be removed and the overlay zoning for the underlying parcels must be changed from B-8 to B-6. The Resource Constraint designation on LUP Figure 5 appears to be a good candidate for removal. LUP Policy 113 states in applicable part:

> *The Resource Constraint Area designation shall be removed only when water and sewer capacity sufficient to serve such development becomes available and that highway capacity and circulation solutions have been agreed upon and adopted.*

The implementing zoning classification can likewise be altered. Zoning Code Section 20.42.030(H)(4) states:

> *Reclassification of an area from "B-8" zoning may be considered when the constraints existing at the time of placing "B-8" zoning on the area zoned "B-8" no longer exist and additional development and/or intensification of land use will not be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.*

However, the County has thus far categorized these changes as "determination[s] that measurable public facility constraints no longer exist resulting in amendment to the LUP (removal of resource constraint overlay on LUP Figure 5 and reclassification of Title 20 – CIP Section Maps 10 & 16 from MDR/B-8 to MDR/B-6)." From recent conversations between Commission staff and County staff, we now understand that the County intends to process LCP amendments to accomplish these changes. Be that as it may, please note that it is not clear from the materials we have seen to date that such LCP amendments are included as part of the current Lot Program package. The County can determine that measurable public facility

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constraints no longer exist, but these determinations do not of themselves "result in amendment" to the LUP and the Zoning Code. Rather, these discretionary decisions on the part of the County must be reflected in adopted amendments to the LUP and the Zoning Code.

LUP Policy 113 and Zoning Code Section 20.42.030(H)(4) allow for the resource constraint designation to be removed and for property to be reclassified from B-8, but the LCP does not provide a self-implementing procedure for this to occur. In fact, the only zoning changes not requiring Coastal Commission approval as an LCP amendment are described by Zoning Code Section 20.94.042 ("Zoning Changes And Amendments Not Subject To California Coastal Commission Certification"):

> *Zoning designation reclassifications constituting an amendment to this Title and initiated for the purpose of preserving or enhancing the coastal resources including adding any "B", "A", "HR", "Z" overlay zoning designations shall not require certification by the California Coastal Commission.*

In other words, the Commission has to approve the removal (but not the addition) of such designations. Because both the LUP and Zoning Code would be changed, and lacking any previously certified means for so changing the LCP without an amendment, the Lot Program as it is currently constituted requires an LCP amendment to modify the Resource Constraint overlay/B-8 zoning. As such, the County decision-making body would need to make the determination that the applicable resource constraints no longer exist and forward to the Commission an LCP amendment package for these changes, as well as any other LCP changes otherwise necessary or contemplated for the Lot Program (e.g., re-zoning for the Sawmill Gulch Borrow Site).

Other LCP Issues

Issue: Findings are needed to establish the appropriateness of a golf course and any accessory facilities within a residentially zoned area.

At the outset, we believe that we should be clear that the Lot Program golf course may or may not be viable due to a number of factors, including the ESHA issues highlighted above. Notwithstanding the question of viability, the proposed golf course would be located on lands partially zoned residential and on lands partially zoned open space recreational (i.e., Collins Field and the existing equestrian center).

The LCP's Del Monte Forest open space recreational land use definition specifically encompasses golf courses and golf course support facilities, such as pro shops, cart shops, and parking areas (Zoning Code Section 20.147.020(N)(3)(a)); all existing golf courses in the Del Monte Forest are zoned Open Space Recreational. This derives from the LUP's land use categories which prescribe golf courses for open space recreational lands. In contrast, the LCP's Del Monte Forest residential land use definition does not include golf courses or golf course support facilities (Zoning Code Section 20.147.020(N)(1)). Nonetheless, golf courses are allowed as conditional uses in the subject residential and open space recreation zoning districts.

Golf courses as a conditional use in residential districts derive from LUP Policy 86 which states in part that "golf courses may be permissible in areas shown for residential development." Based upon this LUP Policy, golf courses were added as a conditional use to the medium and low density residential zoning districts by LCP amendment in 1995 (Zoning Code Sections 20.12.050(Z) and 20.14.050(D)).

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In light of this conditional nature of the golf course use, it will be important for the County to make findings that a golf course facility is or is not compatible with the land use category within which it is eventually placed. Moreover, it is clear that some amount of accessory "facilities" and/or "structures" to support golf course use are allowed in the subject residential and open space recreation zoning districts (Zoning Code Sections 20.12.050(R), 20.14.040(R), and 20.38.050(B)). The issue to be analyzed is what level of intensity and what types of uses can be appropriately characterized as "accessory to the main golf course use." The LCP defines Accessory Use as follows (Zoning Code Section 20.06.1330):

> *Accessory use means a use accessory to and customarily a part of the permitted use, clearly incidental and secondary to the permitted use and which does not change the character of the permitted use.*

It is our understanding that the proposed Lot Program golf course clubhouse building is approximately 40 feet tall and approximately 125 feet wide by 200 feet long, and includes a 2,600 square foot restaurant, a 3,100 square foot meeting room facility, and a 2,300 square foot retail area. It will be incumbent on the County to make the requisite findings that all aspects of such a facility are "accessory to," "customarily a part of," and "incidental to" any golf course that may eventually be approved. If such findings cannot be made for any particular component of the clubhouse or other structural development proposed as accessory to the golf course, then it must be deleted or reduced in size to comply with the LCP. In the alternative, an LCP amendment to redesignate a portion of the site to a commercial use could be pursued.

Thank you for the opportunity to help frame these important Lot Program LCP issues. In closing, I would like to reiterate that the certified LCP requires the County to identify and analyze all ESHAs based upon the reality of the resources on the ground. Furthermore, the LCP requires that this identification and analysis be done prior to a discretionary body making a decision on the project so that these areas can be avoided and protected. Finally, for the project to be approved as it is currently constituted, amendments to the LCP and to the Huckleberry Hill Open Space Area Conservation Easement would be appropriate. We hope that you take these very important LCP issues into consideration before preparing your recommendation(s) on the Lot Program applications. In any event, please note that any coastal permits approved for the Lot Program are appealable to the Coastal Commission.

If you should have any questions about these issues, please feel free to contact Lee Otter, District Chief Planner, at the address and phone number above.

Sincerely,

Charles F. Lester
for

Tami Grove
Deputy Director
California Coastal Commission

cc: Dave Potter, District 5 Supervisor, Monterey County Board of Supervisors
Ed Brown, Vice President, Planning, Pebble Beach Company
Brian Hunter, Central Coast Regional Manager, California Department of Fish and Game
Kate McKenna, Coastal Team Supervising Planner, Monterey County Planning and Building Inspection Department

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STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
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PHONE: (831) 427-4863
FAX: (831) 427-4877

October 28, 1999

William L. Phillips, Director
Monterey County Planning and Building Inspection Dept.
P.O. Box 1208
Salinas, CA 93902

Subject: *Pebble Beach Lot Program*

Dear Bill:

We appreciate your thoughtful letter of June 3, 1999, responding to various Local Coastal Program (LCP) issues raised by the Pebble Beach Company's application for the subject "Lot Program." Specifically, our reading of your response is that we have reached agreement on how to resolve several issues raised in our earlier correspondence. However, there remain at least four important topics where we have not reached closure: 1) the definition of environmentally sensitive habitat area (ESHA); 2) impact avoidance, rather than mitigation, as the appropriate response to development proposed in an ESHA; 3) adoption of a protocol for development projects that would impact native Monterey pine forest; and, 4) the need to delineate wetlands according to State and Federal standards, prior to the decision on the application. The purpose of this letter is to emphasize the Commission's continued focus on the need to rigorously protect all ESHAs, and to reiterate the recommendations in our May 19, 1999 letter.

Definition of ESHA. We cannot agree that the Appendix A list of ESHAs in the Del Monte Forest Land Use (LUP) can be relied upon as the sole criteria for whether or not an ESHA exists on a property where development is proposed. In fact, as we detailed in our May 19 letter, the LCP requires resources on the ground to dictate the presence or absence of ESHA; if biological analysis indicates that an area in which plant or animal life or their habitats are "rare or especially valuable" today, those habitats and species must be treated as ESHAs today. This ESHA determination is critical because it tells the County (or, upon appeal, the Coastal Commission) whether a development is (or is not) subject to the LCP policies that are designed to protect ESHAs.

We acknowledge the history of Land Use Plan (LUP) Appendix A as an effort to produce a list of ESHAs that could be relied upon for making land use decisions. However, circumstances have changed since the appendix was developed in the early 1980's. Obviously such mapping approaches can have utility only if they are frequently updated. In this case, changes since the Del Monte Forest Area LUP was certified include the listing of additional species' habitat, and a better understanding of forest resources. Again, the LCP requires that the ESHA protection policies must be applied to all environmentally sensitive habitat areas – whether explicitly listed in the LCP or not. The facts on the ground have priority over dated inventories.

Avoidance of ESHAs, rather than mitigation. We recognize that the County has considered impacts to non-LUP listed species within the context of CEQA. However, CEQA mitigation and LCP/Coastal Act avoidance requirements are not the same thing. The Coastal Act and LCP do not allow for mitigated "take." Rather, development must avoid ESHA unless it is both resource

dependent and does not significantly disrupt habitat values. We understand that these LCP requirements create difficulties with respect to the Lot Program (including Refined Alternative 2). For example, based on what we know to date, it appears that the proposed golf course and many (if not all) of the proposed subdivisions, are especially constrained by the presence of substantial areas of Yadon's piperia habitat. In any case, we believe the only LCP-consistent course is to pursue a strategy that begins with avoidance of impacts rather than mitigation of impacts.

- **Measures to protect Monterey Pine forest.** We agree that the cornerstone of any effort to preserve native forest habitat is to set aside extensive tracts of intact natural forest and provide for active management that replicates the effects of natural processes. However, as noted in our correspondence of May 19, 1999, such habitat conservation measures need to be supplemented with genetic preservation measures. Otherwise, the saving of habitat could potentially become meaningless.

Therefore, as recommended in our May 19th letter, different areas of Monterey pine forest need to be distinguished according to their varying degrees of biologic importance and sensitivity. In particular, the importance of those large, intact tracts which lend themselves to active management and represent major reserves of genetic diversity, needs to be recognized and formally identified. The Del Monte Forest LUP already identifies two broad forest habitat areas as ESHAs: the Huckleberry Hill Natural Habitat Area, and the original range of the Monterey cypress. Accordingly, based on new information and better ecological insights, we would expect that additional ESHAs would be designated for the most sensitive portions of Monterey pine forest. Once identified, recognition of these areas as ESHAs, along with appropriate long term management policies, should be confirmed through the LCP amendment process.

There may also be smaller, more fragmented stands of native pine which qualify as ESHA. The sensitivity of these smaller Monterey Pine habitats should be determined on a case-by-case basis through the completion of biological/botanical reports as development is proposed. Examples of such smaller stands which might be identified as ESHA include naturally-occurring groves: that function as habitat for rare or endemic plant or animal species; that have special value for wildlife (e.g., due to the presence of snags suitable for cavity-dwelling species, or occurrence with Coast live oak, or native shrub understory); or that lend themselves to active management, including prescribed burning. Smaller tracts that so qualify as ESHA must likewise be avoided and buffered consistent with the LCP's ESHA protection policies.

A companion effort to protect the Monterey pine genetic resource should also be undertaken in those projects that impact Monterey pine not determined to be ESHA (as described above). This effort should reflect current understandings of Monterey pine forest biology and the pine pitch canker disease epidemic. The County should apply a site-specific avoidance and mitigation strategy as you have already begun to do for other sites in Del Monte Forest and the Carmel area containing Monterey pine.

We are encouraging the formal adoption of such a strategy, including a consistent set of tree removal criteria, by each City and County having native stands of Monterey pine forest. This

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standardized protocol could be written into the County's Forest Maintenance Standards and Forest Management Plan requirements. Although the details are still evolving, the following general measures summarize what we believe at this time to be an appropriate protocol. These steps would apply for any new development that would require removal of non-ESHA native pines within the indigenous range of the Monterey pine forest:

1. Each affected tree would be identified and evaluated for possible resistance or tolerance to pitch canker, by a qualified licensed arborist or Registered Professional Forester; within infected groves, only a relatively small number of trees are expected to so qualify.
2. Based on this evaluation, the project would be modified as necessary (including consideration of feasible project alternatives) to avoid impacting those trees that are healthy and/or disease tolerant specimens.
3. Where such avoidance is infeasible, the lot-specific Forest Management Plan (already required by the LCP) would identify appropriate mitigation measures to insure that the genetic characteristics of all resistant and disease tolerant trees flagged for removal are perpetuated (all healthy and disease tolerant trees would be so treated unless through innoculum testing they were demonstrated to be susceptible to pitch canker). Such measures may include transplanting resistant young trees, salvage of cones/seeds/tip cuttings from other resistant trees, support for genetic conservatorship programs, legal preservation for retained on-site and/or off-site habitat, and care and maintenance of transplanted or regenerated resistant stock.
4. Removed trees would be subject to handling and disposal requirements that would not exacerbate the spread of pine pitch canker disease.
5. Replacement trees (LCP-required) should be of transplanted natural stock, from within the original Monterey pine range (possibly limited to the particular lot or adjacent lots) and showing no evidence of pitch canker infection. Disease resistant nursery stock could be used if no suitable transplants are available.

Wetland delineation standards. We are encouraged that County staff recognizes the need to perform wetland delineation prior to consideration by decision makers. And, we especially applaud the recognition of the need to develop more specific criteria to refine the definition of wetlands in the Del Monte Forest area.

We note that Coastal Act and LCP wetland definitions are quite broad. Further detail is found in Section 13577(b)(1) of the Commission's regulations. Namely, that "[a] wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes...." We interpret this to mean that if the site is wet enough long enough to support a preponderance of wetland plants, or to result in the formation of hydric soils, it is a wetland. Although hydrology is obviously important, soils or hydrophytes are sufficient indicators. In general, we rely on the federal procedures as contained in the Corps of Engineers 1987 Wetland Delineation Manual to make the determinations regarding soils and wetland vegetation. However, we note that we will consider all relevant data that are available to delineate wetlands.

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Accordingly, we are concerned about the County's reliance on Federal wetland standards, without mention of State standards, for the Lot Program wetland delineations. According to the California Department of Fish and Game (CDFG), wetlands can be delineated in terms of standing water, hydric soils, or the presence of obligate and facultative vegetation. As described above and based on this CDFG methodology, only one of the three criteria is necessary to qualify an area as a wetland. As such, the lack of one or more of these factors does not rule out a particular feature being protected as a wetland; the strict application of the Federal rules alone may have this undesirable result.

Therefore, we recommend that the County require that the delineations be done in a manner that reflects both Federal and State standards. And, these delineations need to be completed prior to any decision on a project's design, layout, or configuration that could affect the wetland.

Contrary to the indication in your letter, the most recent draft Lot Program wetland mapping that we have seen to date would appear to require more than "minor changes to project design" in order to avoid and buffer wetland resources consistent with the LCP. In fact, it appears that the refined Alternative 2 golf course site is home to a number of wetland sites that, in tandem with the Yadon's piperia habitat, would appear to require major project reevaluation of this component. We are particularly interested in reviewing any additional wetland delineation materials that have been developed for the development areas.

In closing, we would like to re-emphasize that avoidance of impacts to ESHAs (including wetlands) is required by the LCP. This includes provision of sufficient buffers to assure protection of wetland and other ESHA resources. Allowing impacts and then mitigating for them is not consistent with the LCP. Any variances that may be pursued to the LCP's 100-ft. ESHA setback standard will need to be very carefully justified, on a case-by-case basis, so that the decision makers can be certain that development will in fact meet the LCP standard (i.e., "will not adversely affect the long term maintenance of the environmentally-sensitive habitat" (Zoning Code Section 20.147.040(B)(1))).

With this letter, I would like to invite you to call or meet with me personally in order to insure that we have not missed signals. Similarly, I am asking my staff to be available to you for any necessary clarifications, and to assist in shaping the anticipated LCP amendments.

Sincerely,

Charles F. Lester
for
Tami Grove
Deputy Director

cc: Dave Potter, District 5 Supervisor, Monterey County Board of Supervisors
Brian Hunter, Central Coast Regional Manager, California Department of Fish & Game
Ed Brown, Vice President, Planning, Pebble Beach Company
John Dixon, Senior Biologist, California Coastal Commission

Attachment 5 - pg 4

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

October 26, 2000

Monterey County Board of Supervisors
c/o Lou Calcagno, Chair
240 Church Street
Salinas, CA 93901

Subject: ***Pebble Beach Company Proposed Initiative: "Del Monte Forest Plan: Forest Preservation and Development Limitations" – Addendum***

Dear Honorable Supervisors,

The Coastal Commission recently commented on the "Del Monte Forest Plan: Forest Preservation and Development Limitations" Initiative (the Initiative). It has come to our attention that the acreages given in our letter for lands being proposed for rezoning may be inaccurate. These areas were calculated using acreages given in the Pebble Beach Lot Program - Project Applications Summary Handout for the Minor Subdivision/Subdivision Committee dated January 12, 1999. The current information available to us is not adequate to determine the accurate acreage for each area being changed by the Initiative.

While we acknowledge these inaccuracies, it does not substantively change any of the comments or conclusions made in our previous letter of October 23, 2000.

In addition, some copies of our comments may be missing Page 3 of Attachment 3. Please find this page attached.

Sincerely,

for
Tami Grove
Deputy Director
California Coastal Commission

Cc: Jim Colangelo, Assistant Admin. Officer, Monterey County Planning and Building Dept.
Jeff Main, Supervising Planner, Monterey County Planning and Building Dept.
Adrienne Grover, Esq., Acting County Counsel, Monterey County
Dave Potter, District 5 Supervisor, Monterey County Board of Supervisors
Peter Douglas, Executive Director, California Coastal Commission
Allen Williams, Carmel Development Company (Representative for Pebble Beach Co.)
Tony Lombardo, Esq., Lombardo & Gilles (Attorney for Pebble Beach Company)

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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FAX: (831) 427-4877

October 28, 1999

William L. Phillips, Director
Monterey County Planning and Building Inspection Dept.
P.O. Box 1208
Salinas, CA 93902

Subject: ***Pebble Beach Lot Program***

Dear Bill:

We appreciate your thoughtful letter of June 3, 1999, responding to various Local Coastal Program (LCP) issues raised by the Pebble Beach Company's application for the subject "Lot Program." Specifically, our reading of your response is that we have reached agreement on how to resolve several issues raised in our earlier correspondence. However, there remain at least four important topics where we have not reached closure: 1) the definition of environmentally sensitive habitat area (ESHA); 2) impact avoidance, rather than mitigation, as the appropriate response to development proposed in an ESHA; 3) adoption of a protocol for development projects that would impact native Monterey pine forest; and, 4) the need to delineate wetlands according to State and Federal standards, prior to the decision on the application. The purpose of this letter is to emphasize the Commission's continued focus on the need to rigorously protect all ESHAs, and to reiterate the recommendations in our May 19, 1999 letter.

Definition of ESHA. We cannot agree that the Appendix A list of ESHAs in the Del Monte Forest Land Use (LUP) can be relied upon as the sole criteria for whether or not an ESHA exists on a property where development is proposed. In fact, as we detailed in our May 19 letter, the LCP requires resources on the ground to dictate the presence or absence of ESHA; if biological analysis indicates that an area in which plant or animal life or their habitats are "rare or especially valuable" today, those habitats and species must be treated as ESHAs today. This ESHA determination is critical because it tells the County (or, upon appeal, the Coastal Commission) whether a development is (or is not) subject to the LCP policies that are designed to protect ESHAs.

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In closing, we would like to re-emphasize that avoidance of impacts to ESHAs (including wetlands) is required by the LCP. This includes provision of sufficient buffers to assure protection of wetland and other ESHA resources. Allowing impacts and then mitigating for them is not consistent with the LCP. Any variances that may be pursued to the LCP's 100-ft. ESHA setback standard will need to be very carefully justified, on a case-by-case basis, so that the decision makers can be certain that development will in fact meet the LCP standard (i.e., "will not adversely affect the long term maintenance of the environmentally sensitive habitat" (Zoning Code Section 20.147.040(B)(1))).

With this letter, I would like to invite you to call or meet with me personally in order to insure that we have not missed signals. Similarly, I am asking my staff to be available to you for any necessary clarifications, and to assist in shaping the anticipated LCP amendments.

Sincerely,

Chris F. [illegible]
for
Tami Grove
Deputy Director

cc: Dave Potter, District 5 Supervisor, Monterey County Board of Supervisors
Brian Hunter, Central Coast Regional Manager, California Department of Fish & Game
Ed Brown, Vice President, Planning, Pebble Beach Company
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May 19, 1999

William L. Phillips
Planning Director
Monterey County Planning and Building Inspection Department
P.O. Box 1208
Salinas, CA 93902

Subject: ***Pebble Beach Lot Program Application***

Dear Mr. Phillips,

We would like to take this opportunity to offer our views on some of the important Local Coastal Program (LCP) issues associated with the proposed Pebble Beach Lot Program which your Planning Commission will soon be reviewing. We understand that the Lot Program is still subject to several levels of review at the County level and that, as such, the final disposition of the project is some months away. Accordingly, the purpose of this letter is to clearly frame some of the larger coastal concerns early enough in the County's process to allow County decision-makers to proceed with knowledge of these important issues. Of course, this letter only reflects the major issues that have surfaced during our review thus far, with recognition that other concerns may arise as we continue our analysis of the proposal as it moves through the review process.

First, we want to thank your staff, specifically Jeff Main and Kate McKenna of the County Planning Department's Coastal Team, for contributing their time and energy to the Del Monte Forest field trip visit on Tuesday, March 30, 1999. This field trip allowed Commission staff, including the Commission's Executive Director, to meet and discuss Lot Program issues with County Planning staff as well as representatives of the Pebble Beach Company, California Department of Fish and Game, California Native Plant Society, Del Monte Forest Open Space Advisory Committee, Del Monte Forest Property Owner's Association, Concerned Residents of Pebble Beach, and several other individuals interested in the project. I understand from the participants from our office that the site visits to proposed development nodes were very informative and that a number of opposing points of view were heard.

This letter is meant to document and elaborate for the record the comments that Commission staff members made during the March 30 field trip, and to further clarify several Lot Program issues that have otherwise come to our attention. Specifically, we want to be certain that the definition and application of LCP policies regarding Environmentally Sensitive Habitat Areas with respect to the Lot Program are proceeding correctly. As part of this issue, we are especially concerned about the County's treatment of native Monterey pine forest and wetland resources. And finally, we would like to provide guidance on the effect of the Commission's requirement to record a conservation easement covering the Upper Sawmill Gulch borrow site, as well as the need for LCP amendments for the Lot Program as it is currently envisioned.

Environmentally Sensitive Habitat Areas
Issue: All Environmentally Sensitive Habitat Areas (ESHAs), including wetlands, need to be properly delineated and then all applicable LCP policies need to be applied.

Commission staff is concerned that County staff's interpretation of what constitutes an ESHA within the Del Monte Forest is not sufficiently inclusive. Our understanding is that County staff

has recognized certain species and habitats (such as Yadon's piperia) in the CEQA and Ecological Management Implementation Plan processes, but has interpreted the LCP's ESHA policies to apply only to those habitats that are listed in Appendix A ("List of Environmentally Sensitive Habitats of Del Monte Forest Area") of the 1984 Del Monte Forest Area Land Use Plan (LUP). LUP Figure 2 schematically identifies the locations of these Appendix A habitats. However, this method relies on a list created 15 years ago as opposed to the reality of the resources present on the ground today. As a result, a number of rare and sensitive habitat areas are not being considered ESHA for the purposes of Lot Program planning. This ESHA interpretation, in our opinion, is inconsistent with the certified LCP and the effect of such an interpretation is that rare and sensitive habitat areas would not be protected consistent with the protections provided for them by the certified LCP.

The California Coastal Act defines ESHA as follows:

> *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

The certified Monterey County LCP definition for ESHA is essentially the same as the Coastal Act definition, Zoning Code Section 20.06.440 defining ESHA as follows:

> *Environmentally sensitive habitat means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.(See individual land use plan segments definitions for specific examples.)*

The Lot Program project is located within the Del Monte Forest Area Segment of the LCP which is governed by Chapter 20.147 of the Zoning Code. Section 20.147.020(H) of Chapter 20.147 further defines ESHA in the Del Monte Forest as follows:

> *<u>Environmentally sensitive habitats</u>: Environmentally sensitive habitat areas are those in which plant or animal life or their habitats are rare or especially valuable due to their special role in an ecosystem. These include rare, endangered, or threatened species and their habitats; other sensitive species and habitats such as species of restricted occurrence and unique or especially valuable examples of coastal habitats; riparian corridors; rocky intertidal areas; nearshore reefs; offshore rocks and islets; kelp beds; rookeries and haul-out sites; important roosting sites; and Areas of Special Biological Significance (ASBS).*
>
> *In the Del Monte Forest area, examples of terrestrial, aquatic, and riparian habitats which have been determined to be entirely or in part environmentally sensitive include: the rare Monterey cypress and endangered Gowen cypress forest communities, the endemic Monterey pine/Bishop pine association, remnants of the indigenous coastal sand dunes, riparian corridors, wetlands, and sites of rare and endangered plants and animals associated with these and other habitats.*

This ESHA definition mirrors and implements the definition in the Del Monte Forest LUP, where it states that "environmentally sensitive habitat areas are those in which plant or animal life or their habitats are rare or especially valuable due to their special role in an ecosystem." The LUP goes on to describe "examples" of ESHAs in the Forest (such as sites of rare and endangered plants and animals) and states that a complete listing of these examples is shown in LUP Appendix A. LUP Appendix A states that "the environmentally sensitive habitats of the Del

Monte Forest Area ***include*** the following" (emphasis added) and then proceeds to provide a categorical and species listing. As such, we believe that Appendix A is not meant to be the definitive list of Forest ESHAs for all time, but rather a listing of ESHA examples known in 1984.

In fact, much has changed in the Forest since 1984 and the LUP ESHA maps and listings have never been updated to reflect these changes. Since 1984, new sensitive species have been discovered and listed (e.g., Yadon's piperia, listed as a federal endangered species), other species have become more endangered and given new listing status (e.g., Tidestrom's lupine, state and federal endangered species), and yet others are threatened in ways not imagined in 1984 (e.g., pitch canker and the native Monterey pine; Monterey pine is now listed as a federal species of concern and a petition is being prepared to propose Monterey pine for state threatened list status).

Irrespective of the LUP's maps and lists, the LCP specifically requires a biological survey for all proposed development in or near ESHAs whether the ESHA is shown on the LUP's ESHA map (LUP Figure 2), or the ESHA is determined through the evaluation of "other current available resource information" and/or on-site investigation (Zoning Code Section 20.147.040(A)(2)). The LCP-required biological survey includes the requirement that all projects in or adjacent to such ESHAs be referred to the California Department of Fish and Game (CDFG) and that "recommendations from the California Department of Fish and Game shall be included as conditions of project approval" (see Zoning Code Attachment 2, Botanical/Biological Report Format). It is our understanding that CDFG has pointed out that certain sensitive habitats would be impacted by the Lot Program, but that these areas were not being treated as ESHAs. We further understand that CDFG has consistently recommended to the County that all such ESHAs be recognized in the planning process. To date, these recommendations have been embraced only within the context of identifying CEQA impacts and mitigations, as opposed to pursuing relevant ***avoidance*** strategies as required by the LCP.

Consistent with County Zoning Code Sections 20.06.440 and 20.147.020(H) defining ESHA within the Del Monte Forest, and Section 20.147.040(A) defining biological survey requirements, the ESHA designation applies not only to resources known and mapped at the time of LUP certification (i.e., 1984), but also to sensitive habitat areas as they exist today. As such, the ESHA designation applies to: LUP Appendix A habitats, LUP Figure 2 habitats, newly identified habitat areas associated with species known and LUP mapped/listed in 1984, newly identified habitat areas for sensitive species which were not identified or listed as ESHA in 1984, and newly identified habitat areas for sensitive species which were not even known in 1984. In sum, the LCP requires resources on the ground to dictate the presence or absence of ESHA. If biological analysis indicates that an area in which plant or animal life or their habitats are "rare or especially valuable" today, those species and habitats must be treated as ESHAs today. **As a general rule, State and Federally listed species, California Native Plant Society List 1B species, other species which have been formally so designated, and their habitats fall into the category of ESHA to which the LCP's ESHA policies apply. Likewise, all wetlands, marshes, seasonal ponds, remnant coastal dunes, and riparian corridors, among other sensitive resources, are protected by the ESHA policies of the LCP.**

Please note that Monterey pine (*Pinus radiata*), though not yet currently state or federally listed as threatened or endangered, has been listed on the California Native Plant Society's List 1B ("Plants Rare, Threatened, or Endangered in California and elsewhere"); according to CDFG's Natural Diversity Data Base, List 1B species are specifically eligible for state listing. Due to the threat of pitch canker disease, it has been predicted that 85% to 90% (or more) of the native pine stock constituting the Forest in the Del Monte Forest will eventually die. Because the native

range for Monterey pine is limited only to the Monterey Peninsula (main) stand and three other isolated places on the globe, the primary hope for the survival of the Monterey pine worldwide is that there will be enough natural diversity within the native stands so that at least some trees will have genetic disease resistance and/or tolerance, that these trees can be used to propagate new trees for urban repopulation, and that larger tracts of native Monterey pine forest habitat can be preserved and managed so that natural regeneration can take place to repopulate pine forest habitats. As such, the native pine stands in the Del Monte Forest represent a global resource for native forest management efforts and for breeding programs to develop disease-resistant and/or tolerant stock. The Pebble Beach Company has been active in developing disease resistant stock and thus far has identified 60 individual trees which exhibit resistance to pitch canker. It is not clear at this time whether or not these efforts alone will eventually be enough to ensure the continued survival of the species. In fact, because uncombined native pine genetic materials may as yet lead to resistance and/or tolerance unmanifested to date in any one individual specimen, propagation of individual trees must be complemented by preservation of large, manageable tracts of native pine forest habitat.

Although pitch canker had yet to be identified when the LUP was certified in 1984, the LCP is very protective of Monterey pine in the Del Monte Forest. In fact, in addition to its List 1B and Federal Species of Concern status, the native pine forest making up the Del Monte Forest is to be preserved as a matter of "paramount concern" (LUP Policy Guidance Statement); the natural forest is to be retained "to the maximum feasible degree" (LUP Policy 31); projects are required to minimize tree removal (IP Section 20.147.050(D)(3)) with preference for design concepts which pursue this goal (LUP Policy 34); for all projects proposing tree removal, "preservation of scenic resources shall be a primary objective" (LUP Policy 33); and, perhaps most importantly, "where LUP objectives conflict, preference should be given to long-term protection of the forest resource" (LUP Policy 32).

Because of the pitch canker threat and in light of the special status now associated with the native pine forest in the Del Monte Forest, the LCP's ESHA policies will also come into play, as discussed above. Extinction, or merely extinction in the wild – however remote the possibility – is not acceptable. Therefore, we recommend that until the pitch canker threat is clearly resolved, that the most cautious approach is warranted. The County's treatment should distinguish between Monterey pine forest habitat and individual pine specimens, including ascribing greater sensitivity to those individual specimens which thus far exhibit disease resistance and/or tolerance (regardless of size), and should identify how Monterey pine are to be treated in a planning context. We should note too that the Monterey pine forest in the Del Monte Forest must be understood and treated as a complex, interdependent web of living organisms rather than just a collective noun for a group of trees in the landscaping sense. Given the severity of the threat, the dawning realization of the importance of any disease resistant and/or tolerant trees, the significance of larger manageable forest tracts available for natural genetic recombination and regeneration, and our belief that there is no acceptable risk when the possibility of extinction exists, the County must demonstrate that the environmental sensitivity of Monterey pine in the Del Monte Forest has been thoroughly analyzed in a manner befitting its importance to the species as a whole, as well as its current threatened status.

Accordingly, we recommend that to achieve LCP compliance with respect to Monterey pine forest, the County must identify the different levels of sensitivity associated with the different areas of Monterey pine forest involved in the Lot Program. An illustrative example of this type of differentiation is provided in the LUP for the adjacent Carmel Area LCP segment which distinguishes between ESHA pine forest and non-ESHA pine forest as follows (Zoning Code Section 20.146.040):

The sensitivity of Monterey Pine habitats in the Carmel area shall be determined on a case-by-case basis through the completion of a biological/botanical report for the project. Examples of sensitive Monterey pine forest include naturally-occurring groves which:

a. function as habitat for rare or endemic plant or animal species;

b. have special value for wildlife due to the presence of snags suitable for cavity-dwelling species, or occurrence with Coast live oak, or native shrub understory;

c. have high aesthetic value due to their location within the public viewshed.

Under this methodology, rather than categorically describing all Monterey pine forest as ESHA, some Monterey pine habitat areas may meet the ESHA criteria while others may not. And while this Carmel Area LCP policy doesn't address the pitch canker threat either, it does suggest a more sophisticated planning basis for reviewing proposed development which could acknowledge the current threat to the species, and protect those areas that are sensitive while allowing for development as appropriate, and otherwise LCP-consistent, in those areas determined to not be sensitive. The Carmel LUP method would need additional pitch canker-related sensitivity indicators (for example, 'naturally occurring groves which lend themselves to active management, including prescribed burning' may be an appropriate indicator of ESHA pine). In any event, it would appear very useful for such a delineation to take place prior to any further review of the Lot Program. Pursuant to the LCP's biological survey requirements, CDFG should take part in any such effort.

In any event, please be aware that in a manner similar to the Coastal Act, the certified LCP provides substantial protection for ESHAs. In fact, the LUP's ESHA policy guidance statement states that "all categories of land uses, both public and private, shall be subordinate to the protection of these [ESHA] areas." LUP Policies 8 through 30 provide the policy direction for protection of these areas. Of particular note, and mirroring the requirements of Coastal Act Section 30240, LUP Policy 8 states:

Environmentally sensitive habitat areas that are not designated as rehabilitation areas shall be protected against any significant disruption of habitat values. Within environmentally sensitive habitat areas, new land uses shall be limited to those that are dependent on the resources therein. *Land uses immediately adjacent to environmentally sensitive habitat areas shall be compatible with long-term maintenance of the resource; development shall be sited and designed to prevent impacts which would significantly degrade the protected habitat. In designated open space areas, conformance to the applicable OSAC Plan maintenance standards shall be considered the test of consistency with this policy. (Emphasis added.)*

LUP Policy 8 is implemented through Zoning Code Section 20.147.040(B)(4) which likewise states "new land uses within environmentally sensitive habitat shall be limited to resource-dependent uses...." The effect of these policies is that ESHAs are protected against any significant disruption and only uses dependent on the ESHA resource are allowed within these areas.

Of note for the Lot Program's proposed subdivisions, LUP Policy 10 states:

New subdivisions which create commitment to development immediately adjacent to environmentally sensitive habitat areas shall be allowed only at densities compatible with protection and maintenance of these resources. ***New subdivisions may be approved only where potential adverse impacts to environmentally sensitive habitats can be prevented.*** *Conformance to the applicable OSAC maintenance standards shall be*

> *required wherever open space lands would be affected. No residential subdivision shall be allowed unless it is first demonstrated that, for each new residential lot, normal residential development, including driveway and utility connections, is feasible* ***without damage to any environmentally sensitive habitat****. (Emphasis added.)*

LUP Policy 10 is implemented by Zoning Code Section 20.147.040(A)(1) which only allows new residential lots where the eventual residential development would be "feasible without damage to any environmentally sensitive habitat." Furthermore, the LCP's development standards require a 100-foot buffer around ESHAs within which "no new residential parcels shall be created whose only building site is in the buffer area" (Zoning Code Section 20.147.040(B)(1)). Whenever "rare/endangered and/or threatened species are encountered on the site of a proposed development...performance standards...are intended to isolate building sites from identified locations of rare and endangered plants or other environmentally sensitive habitats" (Zoning Code Section 20.147.040(B)(3)). These are but a few of the many ESHA-protective policies of the LCP. Please further consult LUP Policies 8 through 30 and Zoning Code Section 20.147.040 for a better understanding of the limitations on development in or near these areas.

Finally, it is our understanding that the Lot Program was submitted without explicit delineations of each of the wetland areas within the project boundaries. Final wetland delineation would take place as a condition of project approval. If this is accurate, such an approach would not conform with LCP policies which require the precise location of these sensitive areas to be mapped, buffered (with 100 foot setbacks from the edge of the wetland) and avoided (Zoning Code Section 20.147.040). It is incumbent upon the project applicant to explicitly delineate all wetland areas prior to any permit decisions being rendered on the project. Accordingly, we would recommend that all wetland delineations, and any other outstanding ESHA delineations, be completed prior to any further debate on the merits of the project.

Upper Sawmill Gulch Easement

Issue: If the proposed full-scale equestrian center is to be constructed at the Upper Sawmill Gulch site, the existing easement (and the underlying permit) needs to be amended.

On December 8, 1998, Monterey County Planning staff requested from Coastal Commission staff clarification of the terms and conditions of the Huckleberry Hill Open Space Area Conservation Easement required by the Commission in 1985 as a condition of approval of the Spanish Bay project. As part of this 1985 Commission approval, the Upper Sawmill Gulch site was to be rehabilitated and incorporated into the Huckleberry Hill Open Space Area if the Applicant (Pebble Beach Company) elected to build a new fifth entrance gate and road in Del Monte Forest (which it did). Accordingly, pursuant to the recorded and accepted Easement, the entire Upper Sawmill Gulch site is within the Huckleberry Hill Open Space Area and is subject to the terms of the easement. Among other things, development and uses permitted in the Huckleberry Hill Open Space Area include "...facilities for active recreational pursuits (such as parks and picnic areas, but excluding tennis courts, off road vehicle use or similar activities inconsistent with the primary purpose of this Offer)." "The primary purpose of this offer is the permanent preservation of natural plant and wildlife habitat within the Huckleberry Hill Open Space."

Although "facilities for active recreational pursuits" could be interpreted to include facilities to accommodate equestrian trail use, Commission staff believe that an entire equestrian center (buildings, stables, rings, etc.) stretches the limit of such an interpretation. Such an equestrian center would be substantially more intense than the limited development to facilitate active

recreational pursuits that is contemplated by the easement. This is not consistent with the primary purpose of Huckleberry Hill Open Space Area of preserving the natural habitat therein.

Although relocation of the equestrian center may be consistent with the Coastal Act, it is our opinion that prior to the County approving an equestrian center at the Upper Sawmill Gulch location (at or near the intensity currently proposed), the Huckleberry Hill Open Space Conservation Easement would need to be amended to allow for this use. Pursuant to the terms of the Easement, such an amendment would take the form of a written agreement between the Pebble Beach Company, the Del Monte Forest Foundation (the Grantee), the County and the Executive Director of the Coastal Commission.

In addition, the Upper Sawmill Gulch area was dedicated open space to offset the impacts of development of the new fifth gate and entrance road (which has been completed) associated with the Spanish Bay Resort project. As such, if the equestrian center is to be relocated to this protected open space area, we would need to process an amendment to the Spanish Bay coastal development permit (CDP 3-84-226) to provide for this alteration; specifically, Special Condition 28 would need to be amended. Such an amendment request would need to demonstrate that it would not substantively weaken the effect of the Commission's previous action and should be predicated on the provision of similar forest open space benefits elsewhere. It would appear that a range of suitable alternative preservation sites, including, but not limited to the Pescadero Canyon Watershed, are available.

Resource Constraint Overlay/B-8 Zoning
Issue: All LCP amendments necessary for the proposed development to proceed must be identified, forwarded to the Coastal Commission, and approved by the Commission before coastal permits are approved.

In order to allow for the proposed Lot Program development, the LUP's Resource Constraint Overlay must be removed and the overlay zoning for the underlying parcels must be changed from B-8 to B-6. The Resource Constraint designation on LUP Figure 5 appears to be a good candidate for removal. LUP Policy 113 states in applicable part:

> *The Resource Constraint Area designation shall be removed only when water and sewer capacity sufficient to serve such development becomes available and that highway capacity and circulation solutions have been agreed upon and adopted.*

The implementing zoning classification can likewise be altered. Zoning Code Section 20.42.030(H)(4) states:

> *Reclassification of an area from "B-8" zoning may be considered when the constraints existing at the time of placing "B-8" zoning on the area zoned "B-8" no longer exist and additional development and/or intensification of land use will not be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.*

However, the County has thus far categorized these changes as "determination[s] that measurable public facility constraints no longer exist resulting in amendment to the LUP (removal of resource constraint overlay on LUP Figure 5 and reclassification of Title 20 – CIP Section Maps 10 & 16 from MDR/B-8 to MDR/B-6)." From recent conversations between Commission staff and County staff, we now understand that the County intends to process LCP amendments to accomplish these changes. Be that as it may, please note that it is not clear from the materials we have seen to date that such LCP amendments are included as part of the current Lot Program package. The County can determine that measurable public facility

constraints no longer exist, but these determinations do not of themselves "result in amendment" to the LUP and the Zoning Code. Rather, these discretionary decisions on the part of the County must be reflected in adopted amendments to the LUP and the Zoning Code.

LUP Policy 113 and Zoning Code Section 20.42.030(H)(4) allow for the resource constraint designation to be removed and for property to be reclassified from B-8, but the LCP does not provide a self-implementing procedure for this to occur. In fact, the only zoning changes not requiring Coastal Commission approval as an LCP amendment are described by Zoning Code Section 20.94.042 ("Zoning Changes And Amendments Not Subject To California Coastal Commission Certification"):

> *Zoning designation reclassifications constituting an amendment to this Title and initiated for the purpose of preserving or enhancing the coastal resources including adding any "B", "A", "HR", "Z" overlay zoning designations shall not require certification by the California Coastal Commission.*

In other words, the Commission has to approve the removal (but not the addition) of such designations. Because both the LUP and Zoning Code would be changed, and lacking any previously certified means for so changing the LCP without an amendment, the Lot Program as it is currently constituted requires an LCP amendment to modify the Resource Constraint overlay/B-8 zoning. As such, the County decision-making body would need to make the determination that the applicable resource constraints no longer exist and forward to the Commission an LCP amendment package for these changes, as well as any other LCP changes otherwise necessary or contemplated for the Lot Program (e.g., re-zoning for the Sawmill Gulch Borrow Site).

Other LCP Issues

Issue: Findings are needed to establish the appropriateness of a golf course and any accessory facilities within a residentially zoned area.

At the outset, we believe that we should be clear that the Lot Program golf course may or may not be viable due to a number of factors, including the ESHA issues highlighted above. Notwithstanding the question of viability, the proposed golf course would be located on lands partially zoned residential and on lands partially zoned open space recreational (i.e., Collins Field and the existing equestrian center).

The LCP's Del Monte Forest open space recreational land use definition specifically encompasses golf courses and golf course support facilities, such as pro shops, cart shops, and parking areas (Zoning Code Section 20.147.020(N)(3)(a)); all existing golf courses in the Del Monte Forest are zoned Open Space Recreational. This derives from the LUP's land use categories which prescribe golf courses for open space recreational lands. In contrast, the LCP's Del Monte Forest residential land use definition does not include golf courses or golf course support facilities (Zoning Code Section 20.147.020(N)(1)). Nonetheless, golf courses are allowed as conditional uses in the subject residential and open space recreation zoning districts.

Golf courses as a conditional use in residential districts derive from LUP Policy 86 which states in part that "golf courses may be permissible in areas shown for residential development." Based upon this LUP Policy, golf courses were added as a conditional use to the medium and low density residential zoning districts by LCP amendment in 1995 (Zoning Code Sections 20.12.050(Z) and 20.14.050(D)).

In light of this conditional nature of the golf course use, it will be important for the County to make findings that a golf course facility is or is not compatible with the land use category within which it is eventually placed. Moreover, it is clear that some amount of accessory "facilities" and/or "structures" to support golf course use are allowed in the subject residential and open space recreation zoning districts (Zoning Code Sections 20.12.050(R), 20.14.040(R), and 20.38.050(B)). The issue to be analyzed is what level of intensity and what types of uses can be appropriately characterized as "accessory to the main golf course use." The LCP defines Accessory Use as follows (Zoning Code Section 20.06.1330):

> *Accessory use means a use accessory to and customarily a part of the permitted use, clearly incidental and secondary to the permitted use and which does not change the character of the permitted use.*

It is our understanding that the proposed Lot Program golf course clubhouse building is approximately 40 feet tall and approximately 125 feet wide by 200 feet long, and includes a 2,600 square foot restaurant, a 3,100 square foot meeting room facility, and a 2,300 square foot retail area. It will be incumbent on the County to make the requisite findings that all aspects of such a facility are "accessory to," "customarily a part of," and "incidental to" any golf course that may eventually be approved. If such findings cannot be made for any particular component of the clubhouse or other structural development proposed as accessory to the golf course, then it must be deleted or reduced in size to comply with the LCP. In the alternative, an LCP amendment to redesignate a portion of the site to a commercial use could be pursued.

Thank you for the opportunity to help frame these important Lot Program LCP issues. In closing, I would like to reiterate that the certified LCP requires the County to identify and analyze all ESHAs based upon the reality of the resources on the ground. Furthermore, the LCP requires that this identification and analysis be done prior to a discretionary body making a decision on the project so that these areas can be avoided and protected. Finally, for the project to be approved as it is currently constituted, amendments to the LCP and to the Huckleberry Hill Open Space Area Conservation Easement would be appropriate. We hope that you take these very important LCP issues into consideration before preparing your recommendation(s) on the Lot Program applications. In any event, please note that any coastal permits approved for the Lot Program are appealable to the Coastal Commission.

If you should have any questions about these issues, please feel free to contact Lee Otter, District Chief Planner, at the address and phone number above.

Sincerely,

Charles F. Lester
for

Tami Grove
Deputy Director
California Coastal Commission

cc: Dave Potter, District 5 Supervisor, Monterey County Board of Supervisors
Ed Brown, Vice President, Planning, Pebble Beach Company
Brian Hunter, Central Coast Regional Manager, California Department of Fish and Game
Kate McKenna, Coastal Team Supervising Planner, Monterey County Planning and Building Inspection Department

DL/LS 3/15/85

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT
701 OCEAN STREET, ROOM 310
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(408) 426-7390 ATSS: 8-529-2304

FILED: 11/16/84
49th/180th DAY: 1/4/85 (waived) 5/17/85
STAFF REPORT: 3/11/85
HEARING DATE: 3/28/85
STAFF: LO/DSL/RH/cm - (SC)

ADOPTED

REGULAR CALENDAR

PROJECT DESCRIPTION

APPLICANT: Pebble Beach Company

PERMIT NO: 3-84-226

PROJECT LOCATION: Resort, golf course, condominiums: 17 Mile Drive, adj. to Asilomar St. Beach. Sand Quarry site: Sawmill Gulch, off Congress Rd. Road development: Hwy. 68 to 17 Mile Drive. All in Del Monte Forest, Monterey County

PROJECT DESCRIPTION: Develop Spanish Bay Resort and condominiums. Includes 270 hotel units, 18-hole golf course, relocation of Spanish Bay Road; 80 residential condominium units, land division; new entrance road for Del Monte Forest off State Highway 68; sand quarry and reclamation of mined areas. See next page for details.

LOT AREA: 236 acres @ Spanish Bay; 25 acres @ Sawmill borrow site.

ZONING: Condo. site-Residential @ 3.9 units /acre; Hotel site - Planned Commercial (PC)

BLDG.COVERAGE: 334,650 sq. ft. (new); 19,404 sq. ft. (proposed demolition)

PLAN DESIGNATION: Commercial Visitor Service (hotel and condo. sites); Open Space (balance of project)

PAVEMENT COVERAGE: 352,480 sq. ft. (including 742 parking spaces)

PROJECT DENSITY: Condos.--4/acre

LANDSCAPE COVERAGE: 674,522 sq. ft.

HEIGHT ABV.FIN.GRADE: 52 ft. (max.), 46.5 ft. (typ.)

LOCAL APPROVALS RECEIVED: Approval of Combined Development Permit, Use Permit for sand quarry site and certification of EIR, by Monterey County Board of Supervisors, 11-6-84; Pebble Beach Community Services District, sewer "will serve" letter, 11-9-84.

SUBSTANTIVE FILE DOCUMENTS: Certified Del Monte Forest LUP; Spanish Bay EIR; Transportation Engineering Study for the Del Monte Forest, March 1984; Route Concept Report, Route 68 in Monterey County, Caltrans District 5; Geotechnical and Ocean Wave Runup Reports by Rodgers Johnson & Associates; Coastal Commission Preliminary Staff Report and Exhibits for hearing of 12/12/84.

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

RECOMMENDED CONDITIONS

Standard Conditions

See Exhibit A.

Special Conditions

OVERALL

PROJECT COMPONENTS

1. The Coastal Development Permit for this project shall be divided into three components, as described below, for the purpose of satisfaction of conditions:

a. Component I shall include installation of golf course, clubhouse (with 130-seat restaurant), and golf course maintenance buildings; the resort hotel, not to exceed 270 rooms; tennis courts; Seventeen Mile Drive alignment changes; all parking areas at Spanish Bay; drainage structures and wetland restoration work at Spanish Bay; visitor parking lot; Spanish Bay Road relocation, and pedestrian public access trails; all dune rehabilitation, erosion control, and forest management measures authorized pursuant to this permit; 3-parcel land division; demolition of existing structures and all grading and removal of vegetation to the extent sufficient to complete this component, including excavation of material from the Sawmill Gulch borrow pit area if required to complete dune rehabilitation.

b. Component II shall include the residential condominium development, not to exceed 80 units, including the subdivision of land as required for condominium ownership.

PROJECT COMPONENTS (CONT.)

c. Component III shall include the new Del Monte Forest entrance road between State Highway 68 and 17 Mile Drive, construction of new intersection at Highway 68, toll gate facility, and removal of vegetation sufficient to complete this phase.

This permit does not include approval of any "package plant" or other wastewater treatment or reclamation facility, nor any excavations for the express purpose of installing such facility.

PROJECT PHASING

2. Those portions of the Coastal Development Permit for Components II or III respectively, shall not be transmitted unless the "PRIOR TO TRANSMITTAL" conditions for Component I have been satisfied prior to such transmittal.

INCORPORATION OF COUNTY PERMIT CONDITIONS

3. To the extent that County permit conditions (Exhibit B) are consistent with the project as approved by this permit, such County permit conditions shall be considered as conditions of this permit as well, to the extent applicable to each respective component of this project. All changes, amendments, or other modifications of County permits and/or permit conditions shall be subject to review and approval by the Executive Director, and if found to be material, shall require amendment of this Coastal Development Permit. The road development allowed pursuant to Component III is not required as a condition of this permit.

MINIMIZE OFF-SITE IMPACTS OF SAND EXCAVATION AND HAULING

4. PRIOR TO EXCAVATION OF ANY PORTION OF THE SAWMILL GULCH BORROW SITE WITHIN THE COASTAL ZONE, permittee shall provide for the Executive Director's review and approval, a detailed analysis/description of the measures to be used to minimize disruption of natural forest habitat due to excavations at Sawmill Gulch. First priority shall be given to receipt of surplus fill and sand from current off-site excavations, specifically including the Presidio of Monterey. This permit authorizes stockpiling of such materials at Spanish Bay, subject to the approval of the Executive Director as to siting of such stockpiles.

Second priority shall be given to deeper on-site excavations at Spanish Bay or other on-site design measures which could reduce the 530,000 cubic yard fill importation requirement.

Only in the event that the above measures are not sufficient for completion of the golf course and dune rehabilitation program, may the Sawmill Gulch sand mining site(s) be reopened and deepened. However, excavation of natural forest habitat at Sawmill Gulch will be allowed only if:

a. all the above measures, including deepening of the existing sand quarries, are insufficient to result in an aesthetic, functional design with required dune habitat rehabilitation at Spanish Bay;

b. the excavations are limited in area so as to disturb only the minimum area needed to complete the project; and

c. the method of fill transport within the coastal zone is consistent with the objectives of the Coastal Act, especially with respect to public safety, health and welfare, and will not significantly interfere with coastal access as it crosses 17 Mile Drive.

MINIMIZE OFF-SITE IMPACTS OF SAND EXCAVATION AND HAULING (CONT.)

This permit specifically requires substitution of a conveyor belt system for fill transport purposes, in event that excavations in the Sawmill Gulch area are required. The plans for that portion of the system which lies within the coastal zone shall be submitted for the Executive Director's review and approval prior to clearing or excavations within the Sawmill Gulch or Navaho Tract areas, and shall be accompanied by any necessary local government approvals.

DEDICATION OF HUCKLEBERRY HILL HABITAT AREA

5. PRIOR TO TRANSMITTAL OF THAT PORTION OF THE PERMIT which allows excavation of natural forest habitat at Sawmill Gulch, and/or road development within the Huckleberry Hill Natural Habitat Area, the permittee shall execute and record a document, in a form and content approved by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or a private association approved by the Executive Director, an easement for the protection of natural and scenic resources within the area identified below. The terms and provisions of such offer shall be in accordance with the Del Monte Forest Land Use Plan (LUP) as certified by the California Coastal Commission on September 24, 1984, particularly Policy 13 with respect to dedication of easements and Policy 26 with respect to dedication of the Huckleberry Hill wildlife habitat area (i.e., the Gowen cypress-Bishop pine habitats and adjacent areas within Del Monte Forest, shown as "Terrestrial Sensitive Habitat" and "Rare Plant" on Figure 2 of the LUP). Such scenic and conservation easement shall also encompass any additional area within Del Monte Forest shown within the "Huckleberry Hill Natural Habitat Area" on Figure 5 of the certified LUP. The terms of the easement shall specifically identify the permanent preservation of existing natural habitats as the primary purpose of the dedication, and shall provide for scientific study and public visitation consistent with this purpose.

The offer shall run with the land in favor of the people of the State of California, binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

REPLACEMENT FOREST HABITAT

6. PRIOR TO ANY NATIVE TREE REMOVAL PURSUANT TO THIS PERMIT (other than removal of reclaimed forest), permittee shall submit for review and approval by the Executive Director a legally enforceable document which will provide for preservation of critical environmentally sensitive forest habitat in place of natural forest habitats which are disrupted or removed pursuant to this permit. Specifically, such document shall obligate the permittee to provide for the acquisition and preservation of specified environmentally sensitive forest habitat sites elsewhere within Del Monte Forest, as follows:

REPLACEMENT FOREST HABITAT (CONT.)

a. The Monterey cypress habitat parcel on the seaward side of 17 Mile Drive and Crocker Grove, identified in Policy 21b of the certified Del Monte Forest Land Use Plan (LUP) as Assessor's Parcel No. 8-491-19; or,

b. Assessor's Parcel No. 8-491-10 on Sunset Point or other suitable vacant parcel within the Monterey cypress plant community as shown on LUP Figure 2A; or,

c. Assessor's Parcel No. 8-051-3 at #1 Holman Highway, within the Huckleberry Hill Natural Habitat Area, together with rehabilitation of the Upper Sawmill Gulch borrow site as part of the Huckleberry Hill Natural Habitat Area, and dedication of the rehabilitated area as open space.

In event that the above properties identified by Assessor's Parcel Number cannot be purchased at fair market value, or less, alternate parcels may be proposed in lieu of the above-identified sites in order to satisfy this condition. Such alternate parcel(s) shall not be substituted unless the Executive Director finds, in writing, that the proposed substitute(s) will mitigate the loss of natural forest habitat in a functionally equivalent manner as that proposed herein.

FINAL SITE PLAN(S)

7. PRIOR TO TRANSMITTAL OF THE PERMIT, permittee shall submit for the Executive Director's review and approval, a final site plan for the Spanish Bay golf course. The final site plan shall indicate the following:

a. Area designated for shoreline public recreational use;

b. Shoreline access improvements required by the certified LUP for the site;

c. Adequate recreational and safety buffer between golf course use and public recreational areas, including existing and future beach use area (based on a 50-year shoreline erosion rate), beach parking areas, and pedestrian trails. In order to insure the unimpaired recreational enjoyment of the beach use area, a separate explanation and justification shall be provided in each instance where the buffer is less than the following:

1) Edge of fairways - 100 yards

2) Beyond greens - 100 yards

3) Behind tees - 25 yards

d. Revised tee locations based on a 50-year shoreline erosion rate (assumed to be 20 feet as measured from existing bluff edge except where erosion rate is demonstrated as less by appropriate expert investigation);

FINAL SITE PLAN(S) CONT.

e. Locations of fencing or other type of physical barrier, generally not to exceed three feet in height; to be located between the shoreline open space area and the Spanish Bay golf course where the safety buffer is less than 100 yards; such barrier shall, among other purposes, be designed to prevent small children from straying into the areas of golf course play;

f. No significant disruption of remnant natural dune habitats which support native plant communities;

g. No loss or disturbance of any natural dune habitat which supports any of the rare plants listed in Appendix A of the Del Monte Forest Land Use Plan—provided that the transplant method of mitigation may be utilized for isolated occurrences of Tidestrom's lupine which are not located on natural dune surfaces or which do not constitute viable populations where presently located;

h. Location and design of emergency beach access to both North and South Moss Beach, and aesthetic redesign of 80-space visitor parking lot;

i. Location and design of public access trails:

1) Along blufftop, along entire shoreline frontage (indicate both immediate preferred location, and provisional future relocation to account for 50-year shoreline erosion rate);

2) From Spanish Bay hotel site to shoreline;

3) From City of Pacific Grove trail system to shoreline, subject to realignment due to special access study conducted jointly with Asilomar State Beach;

j. Location of bikeway for resort guests which connects to the designated future location of the Monterey Peninsula Recreational Trail and encourages non-automobile access to the primary visitor attractions of the Monterey Peninsula;

k. Revision of tennis courts area to maximize retention of native pine forest.

l. Revised drainage plans (i.e. detention basin and weir), subject to staff consultation with Dept. of Parks and Recreation, and Dept. of Fish and Game, prior to Executive Director approval.

NO OBLIGATION FOR SHORELINE STRUCTURES TO PROTECT GOLF COURSE

8. Upon acceptance of this permit, permittee shall submit to the Executive Director written acknowledgement that neither the Commission nor local government is obligated to approve construction of a shoreline protective device to protect the subject property in any event that the golf course, at some future point in time, is subject to damage from erosion or waves. In such event, the landowner (deed holder) may be required to modify the golf course as needed or take some other measure to protect the golf course than the construction of a shoreline protection device.

FINAL GRADING, EROSION CONTROL, TREE REMOVAL, FOREST MANAGEMENT, FOUNDATION RECLAMATION PLANS

9. PRIOR TO THE COMMENCEMENT OF GRADING OR CLEARING FOR ANY PARTICULAR PORTION OF THE PROJECT, permittee shall submit for the Executive Director's review and approval, the following project plans for the respective portion of the project, as applicable:

a. Final grading plan, consistent with the above conditions;

b. Erosion control plan which incorporates all applicable measures listed in certified LUP Policy No. 35, including the limitations on wet-season operations;

c. Final tree removal plan, consistent with the above conditions, along with evidence that the proposed tree removal does not constitute a conversion of commercial timberlands within the meaning of Coastal Act Section 30243;

d. Forest Management Plan for all parcels included in that portion of the project. Such Forest Management Plan(s) shall conform to the criteria contained in Policy No. 32 of the certified LUP;

e. Foundation plans for any included buildings;

f. Reclamation Plan for Spanish Bay, including the following plans, each of which shall be in accordance with the respective standards for such plans as detailed in the Findings:

1) Resource Management Plan for Dune Preservation and Rehabilitation Areas, including temporary, permanent, and intermittent (i.e., special event) fencing or other measures as needed for habitat protection and erosion control; such fencing/barriers shall generally not exceed 3 feet in height;

2) Wetland Rehabilitation and Management Plan for the Spanish Bay Area; and,

3) Forest Management Plan.

g. Reclamation Plans for the upper and lower Sawmill Gulch quarry sites, if disturbed; these locations shall be reclaimed as natural wildlife habitat suitable for addition to the adjacent Huckleberry Hill Natural Habitat Area unless a separate coastal development permit allows an alternative use.

RARE SPECIES TRANSLOCATION

10. Rare plant specimens discovered growing on man-made surfaces outside of known natural sand dune habitats shall be protected. Where no other means of protection is feasible, all rare plant species and rare animal host species (including, but not limited to Tidestrom's lupine, Sand gilia, and wild buckwheat (Eriogonum sp.) which are found growing in any area which will be disturbed by golf course or other development pursuant to this permit shall be transplanted, using the best available techniques. Such transplanting shall conform to California Department of Fish and Game notification procedures and other requirements as applicable. The receiving location for such transplants shall in each case be identified prior to removal of such plants from their original location and shall be subject to prior review and approval by the Executive Director. Relocation of representative Black legless lizard populations shall be provided for in a similar manner. Such relocations shall not be considered an acceptable mitigation if significant disruption of environmentally sensitive habitat would result.

Special Conditions

~~RELIANCE ON EXISTING RESOURCE MANAGEMENT AGREEMENT~~

11. PRIOR TO TRANSMITTAL OF THE PERMIT FOR COMPONENT I of the development, permittee shall ~~execute and record an agreement between permittee and the California Coastal Commission. Such agreement shall recognize that the separate resource management agreement of July 24, 1984, between Pebble Beach Company and the Monterey County Board of Supervisors (Exhibit C, attached) will, in part, provide for open space and public access benefits that would otherwise be required as conditions of this permit. The new agreement shall also specify that any amendments to the July 24, 1984, agreement which affect public access or the preservation of open space shall be subject to approval of the California Coastal Commission.~~ submit to the Executive Director written acknowledgement that, notwithstanding the separate agreement between Pebble Beach Company and the Monterey County Board of Supervisors dated July 24, 1984 (Exhibit C, attached), the specific standards contained in these conditions for the open space and public access areas which are the subject of this permit shall define the standards of performance for permittee's obligations under the agreement.

EFFECT ON EXISTING AGREEMENT

DEDICATION OF ON-SITE ACCESS EASEMENTS

12. PRIOR TO TRANSMITTAL OF COASTAL DEVELOPMENT PERMIT FOR THIS PROJECT, permittee shall execute and record a document, in a form and content approved by the Executive Director of the Commission, irrevocably offering to dedicate public access easements as follows:

a. In the Shoreline Open Space area as designated in the LUP, easement(s) for Resource Conservation, Public Access and Recreation consistent with the final site plan (Condition No. 7 above), Resource Management Plan (Condition No. 9 above), and the specific standards contained in the Del Monte Forest Land Use Plan; and

b. Along each of the routes for access to the shoreline as specified in Condition No. 7.i. above, at a width of at least 10 feet, public access easements for pedestrian and (between the former railroad alignment and 17 Mile Drive) bicycle access.

The offer shall run with the land in favor of the people of the State of California, binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

DEL MONTE FOREST ROAD SYSTEM AGREEMENT

13. PRIOR TO OCCUPANCY OF THE HOTEL OR CONDOMINIUMS, permittee shall submit an effective agreement between the property owner and the County of Monterey regarding public use of the Del Monte Forest Road system. This agreement shall be consistent with the requirements of the certified Del Monte Forest Land Use Plan, particularly Policies 96, 108, and 145 and shall be submitted for the review and approval of the Executive Director. In order to avoid duplication, such agreement may incorporate the existing management agreement of July 24, 1984, between the County and the Pebble Beach Company.

DEDICATION OF OFF-SITE ACCESS LOCATIONS

14. PRIOR TO OCCUPANCY OF THE HOTEL OR CONDOMINIUMS, OR JUNE 30, 1986, whichever occurs first, permittee shall submit offers of dedication and maps indicating the areas offered for the following shoreline access areas: Spanish Bay, Point Joe to Bird Rock, Bird Rock to Fan Shell Beach, Fan Shell Beach, Cypress Point, Ghost Tree and Stillwater Cove (areas identified in Access Recommendations #1,2,3,4,5,6,8,9,10,12 in the LUP). ~~The size of areas indicated shall be substantially consistent with the areas indicated on the certified LUP Land Use Map. Offers shall be consistent with LUP Policy 128 and are subject to the review and approval of the Executive Director.~~ The terms of the offers, including size of the areas offered, shall be consistent with certified LUP Policy 128, Appendix B of the certified LUP, and may provide for management and maintenance of access areas by permittee under the terms of the access easement. Offers shall be subject to the review and approval of the Executive Director.

PLANS FOR OFF-SITE ACCESS IMPROVEMENTS

15. PRIOR TO OCCUPANCY OF THE HOTEL OR CONDOMINIUMS, or in accordance with the schedule contained in Appendix B of the Del Monte Forest Land Use Plan (LUP), whichever is first, permittee shall submit plans for signing and improvements to the access areas identified in the Access Recommendations of the certified LUP as areas 1,2,3,4,5,6,7,8,9,10,12. The Plan shall be consistent with certified LUP Policies 143, 145 and the Recommendations contained in Appendix B of the certified LUP. In addition, the costs of improvement of the public access trails required pursuant to Condition 7, either on-site or on adjacent State Beach lands, shall be borne by the permittee and its successors and assigns. A Performance Bond in the amount of 1 million dollars shall be posted to ensure that the planned improvements are completed. The Improvement Plan and Performance Bond shall be submitted for prior review and approval by the Executive Director.

TIMING OF ON-SITE ACCESS IMPROVEMENTS

16. All on-site access improvements at Spanish Bay, including the trail between the S.P.R.R. right-of-way and North Moss Beach, shall be constructed and available for public use prior to the opening of the golf course or occupancy of the hotel or condominiums, whichever occurs first.

TIMING OF OFF-SITE ACCESS IMPROVEMENTS

17. All access and resource management improvements specified by the Del Monte Forest Land Use Plan for Areas 7 (Crocker Cypress Grove), 9 (Midway Point), and 12 (Stillwater Cove Beach Access) shall be implemented and available for public use prior to occupancy of the hotel or condominiums, or June 30, 1986, whichever occurs first. The access improvements for the other sites specified in Condition No. 15 above shall be completed in accordance with the schedule contained in Appendix B of the Del Monte Forest Land Use Plan.

PROVISION OF AFFORDABLE RECREATION FACILITIES

18. PRIOR TO TRANSMITTAL OF THE PERMIT, permittee shall submit a plan for Executive Director review and approval, for the provision of adequate low/no/moderate cost public recreational/visitor serving facilities on site. At a minimum this plan shall include the following:

a. improved/signed public path from hotel to ~~the up-coast end of~~ South Moss Beach;

b. six table picnic area in the forested area south-west of the hotel;

c. moderately priced restaurant within the resort complex;

d. provisions of bike racks adequate to accommodate 20 bicycles; and

e. availability of golf cart paths for pedestrian use during non-golfing daylight hours.

All improvements shall be completed and available for public use prior to occupancy of the Spanish Bay Hotel.

GOLF COURSE: PUBLIC AVAILABILITY

19. PRIOR TO OPENING OF GOLF COURSE AT SPANISH BAY, applicant shall submit a plan for Executive Director review and approval indicating a method of implementing Certified LUP Policy 90 which requires adequate opportunity for the general public to use the golf course.

All other visitor-serving facilities at Spanish Bay shall be available to the public on a daily-occupancy (i.e., non-timeshare) basis. An exception will be allowed in event the 80-unit condominium phase of the project, or portion thereof, is made available on a timeshare basis.

ACCESS INFORMATION

20. PRIOR TO OCCUPANCY OF THE HOTEL, and upon improvement of each access area, gate handouts (brochures) shall be updated to include descriptions of all public access points and low/no/moderate cost visitor serving facilities (hiking trails, bike paths, picnic areas, moderate cost, restaurants, etc.) consistent with agreements (See Condition No. 11 above) and required improvements (per certified Land Use Plan). All signing shall be consistent with handouts.

WASTEWATER TREATMENT CAPACITY--PRIORITY USES

21. PRIOR TO TRANSMITTAL OF THAT PORTION OF THE PERMIT FOR COMPONENT I OF THIS PROJECT, or portion thereof, permittee shall submit for the Executive Director's review and approval, written documentation which certifies that sufficient wastewater treatment capacity (beyond the maximum recorded average dry weather flow of 751,000 gallons per day) will unconditionally be available from the Pebble Beach Community Services District at the time that the hotel (or portion thereof, including restaurants and golf course) is first occupied; and that the available capacity is adequate to serve all of the following developments:

a. ~~all service commitments, i.e.,~~ all connections approved, but not yet placed into service (at 279 gpd per residence);

b. two additional years of residential development on existing vacant parcels (estimated at 20 homes per year at 279 gpd each); and

c. all development resulting from Component I construction at Spanish Bay (or portion thereof if insufficient capacity exists for all of Component I).

Available capacity shall be defined as that from a system with all governmental approvals and funding, and in operation or under construction, if it can be demonstrated that the improvements will be operational when needed for the Component I developments. The baseline flow figure of 751,000 gpd may be adjusted to reflect the improved capacity of the wastewater treatment lines resulting from repairs completed since the 751,000 gpd flow rate was recorded. Evidence of such improved capacity on the part of the Pebble Beach Community Services District shall be presented for review and approval by the Executive Director before any adjustments to the baseline flow rate are made.

REQUIRED HIGHWAY 68 IMPROVEMENTS AND ALTERNATIVE TRANSPORTATION PLAN

22. PRIOR TO TRANSMITTAL OF A COASTAL DEVELOPMENT PERMIT FOR COMPONENT I OF THIS PROJECT, permittee shall commit funding for Highway 68 improvements near Community Hospital as specified by Caltrans (see Exhibit D). Permittee shall also submit a construction schedule and evidence that the application process to permit this work has commenced. Necessary funds as determined by Caltrans shall be placed in an escrow account or otherwise committed exclusively to these improvements, subject to the approval of the Executive Director. Also, prior to occupancy of hotel or condominiums, whichever is first, permittee shall provide evidence for Executive Director review and approval of a funding commitment and implementation schedule for all those items specified in the "alternative transportation plan" as required by Monterey County (See Exhibit B, Condition No. 15). The required visitor shuttle shall include daily trips to major visitor points (e.g., Carmel, Cannery Row, Monterey, Point Lobos) in addition to the airport.

Prior to the occupancy of the hotel or condominiums, or completion of the new access road (Project Component III), whichever occurs first, the Highway 68 improvements near Community Hospital and the requirements of the "alternative transportation plan" shall be completed and operational.

FUNDING OF OSAC PLAN

26. Prior to occupancy (or upon sale, if earlier) of each condominium unit, permittee shall deposit the sum of 4,000 dollars into the Del Monte Forest Foundation's Open Space Capital Improvements and Acquisition Fund as identified in Chapter 7 of the certified Del Monte Forest Land Use Plan (OSAC Plan Implementation). The purpose of such deposits shall be identified as the acquisition and preservation of environmentally sensitive habitat. ~~particularly as specified in Cond. No. 6 above. The specific arrangements for such deposits shall be the same as for other residential development in Del Monte Forest pursuant to the agreement between permittee and the County of Monterey, dated July 24, 1984 (Exhibit C, attached).~~

COMPONENT III

FINAL PLANS FOR "5TH GATE ROAD"

27. PRIOR TO TRANSMITTAL OF THAT PORTION OF THE COASTAL DEVELOPMENT PERMIT FOR COMPONENT III OF THIS PROJECT (i.e., new Del Monte Forest entrance road) permittee shall submit final grading/site plans, for Executive Director review and approval, which show the following:

a. utilization of either the existing Haul Road route as identified in Figure 11A of the certified LUP, or the Sawmill Gulch ("Alternative C") alignment;

b. limits of grading or other physical disruption, indicating (in the case of the Haul Road alternative) no significant disruption of environmentally sensitive habitats;

c. all feasible measures to minimize loss of natural forest habitat and to minimize grading, including use of maximum feasible vertical angle for cut and fill slopes; minimum safe lane and shoulder widths within the Huckleberry Hill Natural Habitat Area; protection of retained trees in accordance with certified LUP Policy No. 34; and in the case of "Alternative C", reduction in the radius of the curve on the entrance road where adjacent to Highway 68;

d. salvage of topsoil and replacement on exposed slopes as part of the erosion control plan required by Condition 9.b;

e. design and location of signs and other structures within view of both Highway 68 and the new road;

f. location of tollgate, passing and holding lanes beyond view of Highway 68;

g. an intersection design which will not further degrade the Level of Service on Highway 68.

TIGATION
OGRAM
OR ROAD
LTERNATIVE

28. In event that entrance road "Alternative C" is selected by permittee, PRIOR TO TRANSMITTAL OF THAT PORTION OF THE COASTAL DEVELOPMENT PERMIT FOR COMPONENT III OF THIS PROJECT, permittee shall submit, for Executive Director review and approval, a rigorous, enforceable habitat and scenic resource mitigation program. Such mitigation program shall ~~be in accordance with the standards of acceptability detailed in Finding No. 5, and shall provide for the~~ include, at a minimum, the following measures:

a. 1) Rehabilitation of the Upper Sawmill Gulch quarry site, and its incorporation into the Huckleberry Hill Natural Habitat Area;

2) Abandonment and reforestation of the existing Haul Road slopes and roadbed (except that an emergency access lane of minimum width may be retained for forest fire suppression and other emergency purposes and for equestrian/pedestrian use);

3) Scarification and rehabilitation of existing redundant, unneeded fire trails within the Huckleberry Hill habitat area;

4) Submittal of final grading/site plans which show all feasible measures to minimize grading and loss of natural forest habitat; and,

b. Preservation of all parcels identified by Assessor's Parcel Number in Condition No. 6 above (subject to the provisions therein for substitution of alternative parcels in event that a designated parcel is not available for purchase).

FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

SITE AND PROJECT DESCRIPTION

1. The purpose of this application by the Pebble Beach Company is to develop the Spanish Bay Resort and condominiums. The application includes a 4-story, 270-room hotel, restaurant, health spa, retail shops and 499-space parking facility; 80 condominium units with an internal street system; and 18-hole golf course, plus tennis courts; drainage improvement and sewage treatment facilities; new road development between State Highway 68 and 17 Mile Drive (approx. 2 miles), new Del Monte Forest entrance gate, and relocation of Spanish Bay Road; golf course maintenance facility; restrooms; landscaping; dismantling of 18 existing corporation yard and storage structures; removal of approx. 15 acres of Monterey pine forest (±1200 trees); 83-space visitor beach parking facility and improved shoreline access path; 530,000 cubic yard sand borrow pit, and dune/forest/riparian habitat reclamation program. The resort site is located on 17 Mile Drive, adjacent to Asilomar State Beach at the northern corner of Del Monte Forest; the borrow site and new Del Monte Forest entrance road are located in the Sawmill Gulch-Huckleberry Hill area, about one mile east of the Spanish Bay Resort site. All of these sites are in the unincorporated area of Monterey County.

Sand mining operations, now abandoned, have reduced a substantial portion of the Spanish Bay site to bedrock. Uphill in the Sawmill Gulch area, another abandoned sand mine is proposed to be reopened as a source of fill to rebuild the Spanish Bay landscape. The new resort will face the Pacific Ocean across the expanse of a major new golf course. This proposed new use will reclaim an area once dominated by a spectacular formation of crystalline white sand dunes. The proposed golf course will be distinguished by its links-land design and substantial areas devoted to native dune plant rehabilitation.

Public recreational use is focused on the 17 Mile Drive-Spanish Bay Road circuit, as well as the shoreline. The beach area is divided by a low, rock-punctuated bluff into South Moss Beach and North Moss Beach—a moderately wide, gently sloping crescent popular with surfers and other beach users who walk southwards from Asilomar State Beach.

Another important public use feature is State Highway 68, which is proposed as a State Scenic Highway in the City of Monterey's Skyline Land Use Plan. This busy arterial provides access between State Highway 1 and the shoreline at Asilomar. A new entrance road for Del Monte Forest is required by the conditions of the County's permit, and will require the construction of a new intersection with Highway 68.

TITE AND ROJECT ESCRIPTION CONT.)

For purposes of condition compliance, the project has been divided into three components, according to Coastal Act priority and public works capacity considerations. Component I includes the golf course, landscape rehabilitation, and hotel portions of the project. Component II comprises the residential condominium portion of the project, and Component III is the new Del Monte Forest entrance road and toll gate required as a condition of County permit approval.

DENTIFICA-TION OF ATURAL ABITATS ITHIN ROJECT REA

2. Within the Spanish Bay project area, more than 100 acres of former natural dune habitat and forest have been severely disrupted by the now-abandoned sand mines. Only bare ground, non-native iceplant, pampas grass, genista (Scotch broom, French broom), and acacia can be found over much of this damaged landscape. At the other extreme the new Del Monte Forest entrance road portion of the project will cross the unspoiled slopes of Huckleberry Hill, densely forested and known for its concentration of rare, disjunct, and endemic native flora.

Overall, the Spanish Bay project will affect four different categories of natural habitat: remnant coastal dunes, native Monterey pine forest, riparian vegetation, and beach/rocky shoreline. In the dune and pine forest areas the project as submitted will have adverse impacts; however, substantial dune, forest and riparian habitat restoration efforts are part of the project design and are intended to offset the adverse impacts. A more detailed analysis by habitat category follows.

a. Coastal dunes. The Asilomar area's most important identifying natural feature has historically been its brilliant white sand dunes, eroded from the underlying granite bedrock at the tip of the Monterey Peninsula. The sand in the Asilomar dunes is distinguished from the dunes that mark the shoreline of Monterey Bay not only by color, but also by purity of silica content, lack of riverine supply, and different geologic provenance. Correspondingly, the native flora which stabilizes the Asilomar dunes represents a unique assemblage as well.

Originally, the inland margin of the dunes was anchored by native Monterey pine-Coast live oak forest. Seaward of the forest, a variety of specially-adapted native wild flowers carpeted the dunes. However, the original extent of the native flora has been drastically reduced. Sand mining at Spanish Bay eliminated the highest of the dunes. Residential development, encroachment by non-native iceplant and pampas grass, golf course development and trampling by heavy concentrations of recreational users have each taken their toll of the remaining portions of this native dune flora between Pt. Pinos and Fan Shell Beach.

IDENTIFICATION OF NATURAL HABITATS WITHIN PROJECT AREA (CONT.)

Now, only a few small examples remain of dunes stabilized by Monterey pine forest; one such example occurs on the Spanish Bay site near the proposed location of the main resort buildings. Further seaward, the rare Menzies wallflower has disappeared altogether from the Spanish Bay site, although scattered examples remain in adjacent dune areas, possibly in the City of Marina, and at Humboldt Bay. Two other rare plants, Coast gilia and Tidestrom's lupine still retain a foothold at Spanish Bay—and the rare lupine appears to be reestablishing itself in at least two formerly disturbed dune areas.

Another plant species of particular interest at Spanish Bay is the Seacliff buckwheat (Eriogonum parvifolium). This coastal shrub is the host plant for the endangered Smith's blue butterfly where it occurs in Big Sur to the south, and in the Monterey Bay dunes to the north. While four stands of the buckwheat are found on the site, generally on the low dunes behind the Moss Beach headland, they have been subjected to wind damage and pedestrian trampling. A field survey, June-August 1983, found no Smith's blue butterflies on the site. The buckwheat itself is not considered a rare or endangered species.

One animal species which is especially sensitive to the loss of dune habitat is the Black legless lizard. This burrowing denizen of the dunes is found at Spanish Bay, although mining and the encroachments of non-native iceplant have drastically reduced suitable habitat. The species is under consideration for listing by the Federal government, and has already been placed on the international (IUCN) list. The lizard's most important requirement appears to be the protection of sufficient areas of naturally-vegetated dune surface, linked by continuous sandy corridors so as to avoid isolating "islands" of such habitat.

b. Monterey pine forest. Native Monterey pine forest covers that portion of the Spanish Bay resort site closest to 17 Mile Drive. In addition, the primary sand borrow site at Sawmill Gulch and most of the new road between Highway 68 and 17 Mile Drive will be located in this forest type. Monterey pine has become a popular species for landscaping and forest products plantations. However, the natural stands of this tree are limited to just three locations: the Ano Nuevo area at the San Mateo-Santa Cruz county line, the Cambria area in San Luis Obispo County, and the Monterey Peninsula area.

IDENTIFICATION OF NATURAL HABITATS WITHIN PROJECT AREA (CONT.)

While the species itself is not in danger, the natural character of much of its original habitat has been lost to urban and suburban development. As a result the only extensive tract of this forest type that remains on the Monterey Peninsula is the approx. one square mile area identified as the Huckleberry Hill Natural Habitat Area in the LUP. In this area the various native plant and animal species which are found in the forest understory remain in a relatively undisturbed condition. The best-known features of the Huckleberry Hill Natural Habitat Area are the included groves of the rare Gowan cypress—found mainly in or near the S.F.B. Morse Reserve—and a disjunct population of Bishop pine.

Another unique portion of the Monterey Peninsula's native pine forest stabilizes the remnant dunes at Asilomar and on the Spanish Bay site. While the occurrence of Monterey pine forest on sand dunes was undoubtedly once more widespread, mining and development have reduced this phenomenon to the point that only a relatively few areas of the original dune-pine forest interface remain. A prominent example is located near the point at which the existing Spanish Bay Road emerges from the forest before descending to the beach area below.

c. Riparian habitats. Three different drainages cross the Spanish Bay Resort site. The northern drainage channel parallels Sunset Drive, entering Asilomar State Beach lands before reaching the shoreline. The central drainage corridor spreads out into the mined area without reaching the sea. The southerly drainage area is located near the seaward end of the Sawmill Gulch drainage basin. Each of the drainages were severely impacted by mining activity, and no longer represent natural stream channels. Deep accumulations of silt are found at the seaward end of each drainage. Willow scrub and pampas grass are now characteristic vegetation in these areas.

In the upper portion of the Sawmill Gulch watershed are located two abandoned sand pits. Eroding surfaces and siltation problems are still evident here, despite reclamation plantings of substantial areas with Monterey pine and Gowan cypress. Invading acacia and pampas grass are encroaching into the disturbed areas. Above the abandoned sand pits, the headwaters of the Sawmill Gulch watershed within the Huckleberry Hill habitat area are relatively untouched and support various native plant species.

COASTAL DUNES: IMPACTS, MITIGATION (CONT.)

Many of these important mitigating measures will be detailed in the required Resource Management Plan (RMP) for Dune Preservation and Rehabilitation Areas. A satisfactory RMP will include, at a minimum, the following: documentation and identification of dune preservation and rehabilitation areas comprising at least 25% of the 165-acre golf course area, and wherever feasible being continguous so as to meet habitat requirements for the Black legless lizard (as determined through consultation with the California Dept. of Fish & Game, and U.S. Fish & Wildlife Service); measures to be used to prevent damage to protected areas from construction activity, golf course operations, and public use; species, locations, densities, propagation methods, interim irrigation methods (if any), and soil treatments for all plantings; incompatible non-native plant species likely to be found in the area, and procedures for continuous surveillance for, and eradication of such incompatible species; procedures which take into account future shifts in dune shape and location, as well as any adjustments in the golf course design which may be required; and the legal and financial arrangements, including enforceable deed restrictions in favor of the State of California or the functional equivalent, through which the permanent maintenance of the Dune Preservation and Rehabilitation Areas will be assured, regardless of ownership.

In summary, the preservation of existing remnant dune features, together with the rehabilitation of coastal dune plant habitat within the context of the golf course, will be assured and reinforced by the conditions attached to this permit. Therefore, with respect to coastal dune habitats, this project is found consistent with the applicable Coastal Act policies identified in Finding No. 3 above, particularly with respect to Section 30240 regarding environmentally sensitive habitats.

MONTEREY PINE FOREST IMPACTS, MITIGATION

5. Monterey Pine Forest Habitat: A substantial area of Monterey pine forest is proposed for removal. These forest areas will be removed to accommodate a portion of the main hotel site; tennis courts; parts of the 499-space parking lot; greens, tees, and fairways for a portion of the golf course (particularly the 10th, 11th, and 12th holes); golfer restroom facilities and golf course maintenance facilities; the new forest entrance road, including the new Highway 68 entrance gate area and the Congress Road extension; and the Sawmill Gulch sand borrow site. According to the EIR, approximately 32 acres of forest will be removed altogether, including 7.3 acres at the resort hotel site, 9.0 acres of golf course development, and 5.8 acres of natural pine forest at Sawmill Gulch.

Some mitigating aspects of the project will be the replanting of approx. 26 acres of forestland, reforestation of the now-denuded sand plant (future condominium) site, and rehabilitation of about 12 acres of riparian (mainly willow thicket) vegetation. Additional mitigation required under the LUP would include, among other things, dedication of a conservation/scenic easement over the Huckleberry Hill natural habitat area; the implementation of forest management plans or OSAC Maintenance Standards for each development site; protection of retained trees from construction equipment damage; application of wet-season grading criteria (per LUP Policy No. 35); suppression of invasive non-native plants; dedication of visually prominent areas as scenic or conservation easements; and deed restrictions or protective easements on other environmentally sensitive habitat areas, which would include dunes stabilized by Monterey pine forest.

MONTEREY PINE FOREST: IMPACTS, MITIGATION (CONT.)

Additionally, some siting adjustments in the golf course and golf cart path designs appear necessary to avoid disrupting the principal remaining example of coastal dune stabilized by native Monterey pine forest. As conditioned, these adjustments are required through submittal of a revised site plan for the Spanish Bay area.

Because the route proposed for the new Del Monte Forest entrance road will penetrate and partially fragment the environmentally sensitive Huckleberry Hill Natural Habitat Area as identified in the Del Monte Forest Land Use Plan (LUP), a substantial adverse impact will result. While the traffic generated by this development will not by itself require such a new road, a new entrance road is required by the LUP (Policy 100). Although the LUP allows the existing Haul Road alignment to be utilized for this purpose, the current proposal was found to be more desirable from a traffic engineering standpoint. The certified LUP specifies the existing Haul Road alignment "or another acceptable nearby location" (LUP p. 78). Commission-certified LUP Figure 14 shows potential collector road alignments in both areas; but LUP Policy 100 requires only a (single) entrance road, which shall be routed and designed to "avoid significant disruption of the environmentally sensitive Huckleberry Hill habitat area."

Approximately 2700 lineal feet of the new road (identified as "Alternative C" in the County permit conditions) will run through "Terrestial Sensitive Habitat" as shown on Figure 2 on the certified Land Use Plan (see Exhibit F, attached). Approximately 1000 lineal feet of this distance falls within the Huckleberry Hill Natural Habitat Area (LUP Figures 5 and 11A). The width of the cleared corridor through the forest will be variable, but typical sections are estimated to require 60-100 feet including cuts, fills, and roadbed. Additional habitat loss will result from the extra lanes needed for the new toll gate facility, and from the widening of Highway 68 at the new intersection to 4 lanes--tapering to 2 lanes several hundred feet each direction from the intersection.

This portion of the LUP's designated Forest Open Space was included in the Huckleberry Hill Natural Habitat Area because of the unspoiled forest corridor along Highway 68, because it contains part of the unique disjunct Bishop pine population, because it buffers the Gowan pygmy cypress groves and other adjacent rare plant habitat, and because it contributes to the overall extent of the essentially undeveloped block of native forestland which occupies the center of the Monterey Peninsula. However, the proposed alignment of the "Alternative C" road will not affect the watershed of the Gowan cypress groves, and will remove only 33 Bishop pines. While the Bishop pines are a unique and scientifically-interesting occurrence, they are not an endangered species and the projected loss will be minor in comparison with the total population to be protected pursuant to Condition No. 5. Therefore, while the proposed "Alternative C" will undeniably and substantially impact a designated environmentally sensitive habitat, by removing several hundred native trees of various species and eroding the essential continuity of this "pocket wilderness", the selected alignment maintains a respectful distance from the even more sensitive central portion of the Huckleberry Hill Natural Habitat Area.

In contrast to "Alternative C", the existing Haul Road represents an existing high standard roadbed, and further removal of native forest will be avoided.

The Haul Road alignment if constructed with a "right-turn only" type of intersection at Highway 68 could be utilized without further loss of sensitive forest habitat. In fact, this route is already used intermittently by quarry trucks and by automobile traffic during the Bing Crosby golf tournament. However, the traffic analysis contained in the EIR predicts that it would be much less effective in collecting traffic and providing for future internal circulation needs upon full residential development of Del Monte Forest. The more effective "Alternative C" will result in significant loss of environmentally sensitive forest habitat as detailed above and in Finding No. 10b regarding scenic resources. But, these impacts can be offset if a very rigorous program of mitigation is effected. Such a program would result in a substantial improvement in the quantity and quality of environmentally sensitive forest habitat to be preserved within Del Monte Forest, which would not otherwise be preserved under the LUP or existing commitments by permittee.

An acceptable mitigation program would have all measures effectively implemented within 5 years of project commencement, and would include:

a. Permanent preservation of certain parcels identified in the certified Del Monte Forest LUP, the approved City of Monterey Skyline LUP, and in the Commission's permit process. Each of these parcels are identified by Assessor's Parcel Number in Condition No. 6 of this permit, and provision is made to preserve alternate parcels in event the identified sites cannot all be secured. While the identified parcels are relatively small—the largest is only 3.38 acres—they represent the most critical unprotected locations of environmentally sensitive forest habitat within or adjacent to Del Monte Forest. Accordingly, their value for mitigation purposes is relatively great, and their preservation is essential to the implementation of the respective LCP Land Use Plans in a manner consistent with Coastal Act Section 30240.

b. Rehabilitation of the Upper Sawmill Gulch quarry site, and its incorporation into the Huckleberry Hill Natural Habitat Area;

c. Abandonment and reforestation of the existing Haul Road slopes and roadbed (except that an emergency access lane of minimum width could be retained for forest fire suppression and other emergency purposes and for equestrian/pedestrian use);

d. Scarification and rehabilitation of existing redundant, unneeded fire trails within the Huckleberry Hill habitat area; and,

e. Submittal of final grading/site plans which show all feasible measures to minimize grading and loss of natural forest habitat.

The result of such a program, when all elements are carried out, will be a net enhancement of environmentally sensitive habitat within both Del Monte Forest overall, and within the Huckleberry Hill Natural Habitat Area in particular. Therefore, while a significant degradation of environmentally sensitive habitat would result from the "Alternative C" alignment, on balance the objectives contained in Chapter 1 of the Coastal Act will be met through this mitigation program.

Accordingly, this permit is conditioned to allow—but not require—a new Del Monte Forest entrance road; to allow use of either the Haul Road or "Alternative C" alignment; to require a rigorous mitigation program which clearly results in a substantial net enhancement of Del Monte Forest's environmentally sensitive habitats, including retirement of the Haul Road, in event that "Alternative C" is selected; and to require submittal of final grading/site plans for either route. In this manner, the requirements of LUP Policy 100, as well as Coastal Act Section 30240, will be met with respect to the protection of the Huckleberry Hill Natural Habitat Area.

Similar mitigations are in order with respect to the Sawmill Gulch sand borrow site. An approximately 6 acre area of the excavation site is mantled by the same type of dense Monterey pine forest habitat which characterizes the surrounding portion of the Huckleberry Hill Natural Habitat Area. Because the proposed borrow site comprises a use adjacent to an environmentally sensitive habitat, the Coastal Act requires the permit to be conditioned so that the continuance of the adjacent environmentally sensitive habitat can be assured. A most important step in this regard would be to excavate no more area than is absolutely necessary to meet the sand requirements for rehabilitation work at Spanish Bay.

To date, the only alternate sand/fill source which has been determined to be feasible is the excavation work now underway for expansion of the Defense Language Institute on the Presidio of Monterey. This source can provide an estimated 50,000 cubic yards, or about 10% of the off-site fill demand. Beyond this, the permit is conditioned to require a rigorous analysis of potential measures to reduce sand/fill demand from the Sawmill Gulch site. While it is likely that the analysis will show that excavation will be needed in the Sawmill Gulch area, the required analysis will help to ascertain that no natural forestland will be excavated unless satisfactory proof is provided that no other fill source is feasible.

MONTEREY PINE FOREST: IMPACTS, MITIGATION (CONT.)

The approximately 9 acres of native Monterey pine forest to be cleared for the golf course represents a substantial long-term impact. Additional loss of trees is likely to result from "windthrow", as the cleared area behind the first rank of trees is roughly perpendicular to the site's strong prevailing winds. The LUP as certified acknowledges such an alignment for the golf course, but requires the specific golf course design "to maximize the retention of the Monterey pine forest."

A parallel issue is raised by the conversion of pine forest to golf course and the removal of forestland at the Sawmill Gulch sand pit site. Monterey pine is defined as a commercial species by the State Board of Forestry. The area to be converted is of sufficient size to have been considered as commercial timberland in 1977 when this portion of Del Monte Forest was designated as a forestry Special Treatment Area pursuant to Coastal Act Section 30417. However, no commercial timber harvest has occurred in recent years, and the LUP does not designate any portion of Del Monte Forest for commercial timber harvest. Further analysis of the issue of timberland conversion will require assistance from the State Board of Forestry/California Department of Forestry staff. Accordingly, the permit is conditioned to require Coastal Act Section 30243 conformance, either through a reduction in acres cleared or by a determination by the Dept. of Forestry that the affected areas do not constitute "commercial timberlands" in units of economic size.

A variety of specific measures (in addition to those mentioned above) are incorporated in the conditions of this permit for the purpose of mitigating the project's substantial impacts on the native Monterey pine forest habitat. These measures include a requirement to preserve specified environmentally sensitive forest habitats elsewhere within or immediately adjacent to Del Monte Forest, with option to rehabilitate upper Sawmill Gulch quarry site as part of the Huckleberry Hill Natural Habitat Area; requirement to rehabilitate either Sawmill Gulch quarry site if excavated; recognition of Forest management measures contained in the July 24, 1984, agreement between Monterey County and the Pebble Beach Company, including the $4,000 per residence donation to the O.S.A.C. operating fund for the purpose of implementing the Forest Maintenance Standards contained in Chapter 7 of the certified LUP; application of a similar $4,000 per condominium unit standard to Component II of this project (which was not included in the County agreement), which would be applied to preservation of specified environmentally sensitive forest habitats; redesign or relocation of tennis courts; and a Forest Management Plan (FMP), as required by the LUP, for each forested parcel within the project area.

MONTEREY PINE FOREST: IMPACTS, MITIGATION (CONT.)

Besides the general guidelines for Forest Management Plans contained in the LUP, a satisfactory FMP for the project area, or portion thereof, will include the following: specific measures to insure the continued viability of the forest, particularly with respect to tree replacement with indigenous gene stock; measures to prevent damage of retained trees by construction activity; identification of, surveillance for, and eradication of incompatible non-native plant species and tree diseases; retention of nest trees for cavity-dwelling bird species; and the legal and financial arrangements through which the permanent maintenance of retained and replacement natural forest habitat areas will be assured, regardless of ownership.

In summary, the preservation of the majority of the native Monterey pine forest in the project area will be assured; and substantial, meaningful mitigation will be provided to offset all losses of such habitat, as required by the conditions attached to this permit. Therefore, with respect to the area's natural forest habitats, this project is found consistent with the applicable Coastal Act policies identified in Finding No. 3 above, particularly with respect to Section 30240 regarding environmentally sensitive habitats.

WETLAND, RIPARIAN HABITATS: IMPACTS, MITIGATIONS

6. Wetland and Riparian Habitats: Applicant's proposal to rehabilitate and enhance the previously-damaged riparian habitats at Spanish Bay will carry out the LUP's policy concepts for this part of the Del Monte Forest. However, submittal of detailed riparian habitat restoration plans will be necessary, as will detailed site stabilization/reclamation plans for the Sawmill Gulch sand pit (per County Use Permit conditions).

A detailed riparian habitat restoration plan for the Spanish Bay area would be part of the Wetland Rehabilitation and Management Plan required by the conditions of this permit. Such a Plan, to be found satisfactory, will include the following: identification of the extent and location of all wetland areas; depth of open water areas; methods of sealing where located on sandy substrate; species, locations, densities and propagation methods for all plantings; incompatible non-native plant species likely to be found in the area, and procedures for continuous surveillance and eradication of such species; and the legal and financial arrangements through which the permanent maintenance of the wetland areas will be assured, regardless of ownership.

Such Plan will also demonstrate that the amount of rehabilitated riparian habitat is equal or exceeds that which now exists on the site (per LUP policies 24 and 93). Reclamation Plans for the Sawmill Gulch quarry sites, if reopened, will be provided as well. To be found satisfactory, such Reclamation Plans shall emphasize stockpiling and replacement of all topsoil from existing natural forest habitat areas, with natural succession being the primary method of habitat restoration in those locations which have not been previously disturbed. To assist this process, the Reclamation Plan shall specify procedures for stabilizing the replaced topsoil; identification of, surveillance for, and eradication of incompatible non-native plant species; erosion control and revegetation on all exposed quarry surfaces; and the legal and financial arrangement maintenance of the rehabilitated forest habitat and erosion control measures will be assured, regardless of ownership.

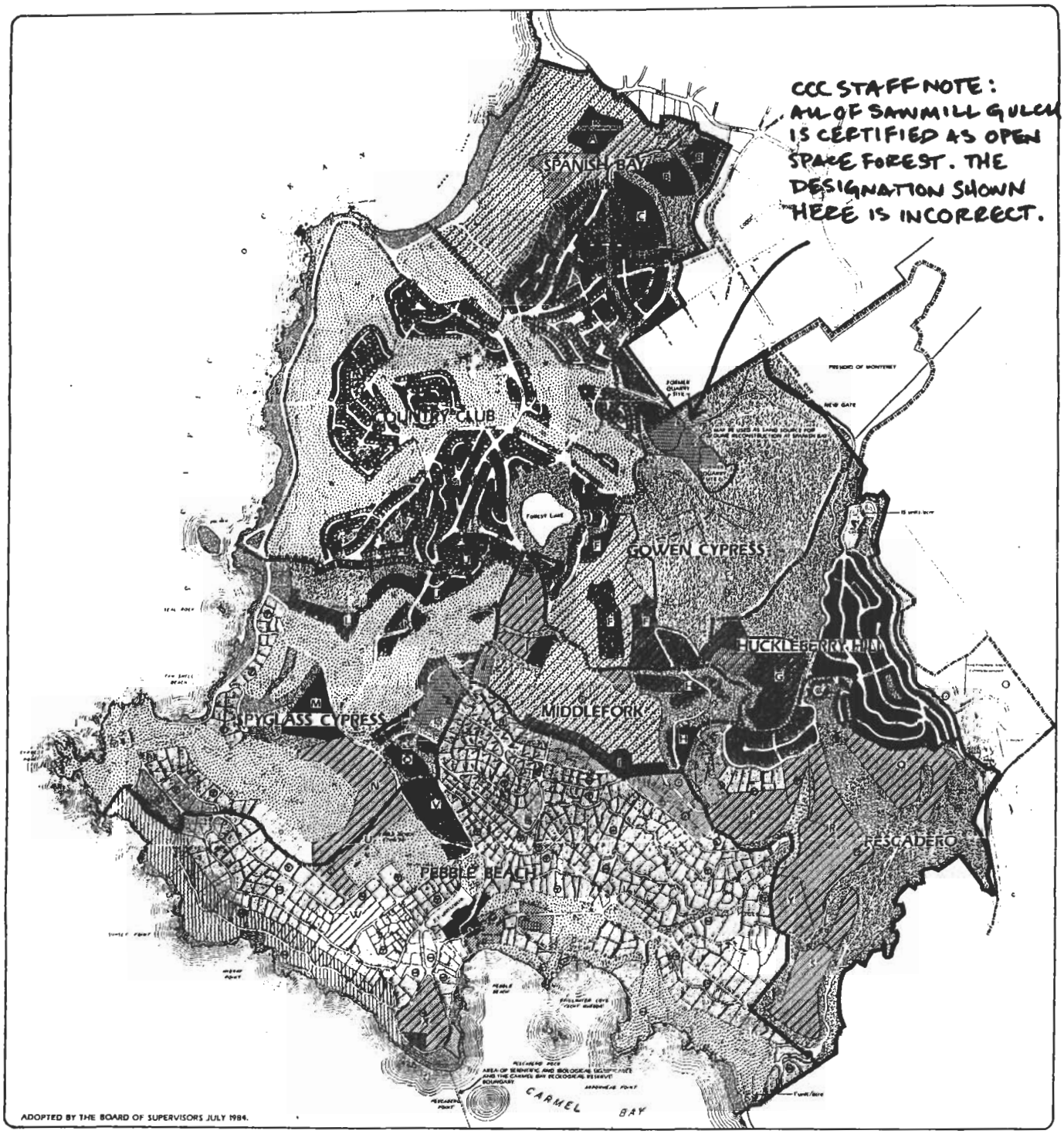


FIGURE 5
LAND USE PLAN (1984)

DEL MONTE FOREST AREA GENERAL PLAN
LOCAL COASTAL PROGRAM

Monterey County Planning Department

Residential
- 1 Unit / 2 Acres
- 1 Unit / 1.5 Acres
- 1 Unit / Acre
- 2 Units / Acre
- 4 Units / Acre
- Density as Indicated
- Density to Preclude Further Subdivision

Commercial
- Visitor Service
- General
- Institutional

Open Space
- Recreational
- Forest
- Shoreline

- Resource Constraint Areas
- Area of Special Concern

Boundaries
- Del Monte Forest
- Planning Area
- Coastal Zone
- Huckleberry Hill Natural Habitat Area
- Presidio of Monterey

6. At least 25% of the approximately 165-acre golf course area shall be designated as dune habitat restoration area (including existing remnant natural dune habitat areas which may be protected within the golf course perimeter); reestablishment of native dune flora shall proceed as soon as native sand is placed in accordance with criteria no. 1 and no. 5 above, and applicable OSAC standards.

7. Barriers, boardwalks, signing, informational materials and other measures identified by the site specific access recommendations in Appendix B shall be provided in order to protect existing and restored environmentally sensitive dune habitats.

8. Accommodations for spectators shall be designed, located, and managed to avoid trampling of restored habitat areas, otherwise events which would attract spectators shall be precluded.

94. In those rehabilitation areas designated for residential use, native plants typical of surrounding areas should be incorporated into landscape plans.

95. Limited neighborhood commercial uses may be permitted in the existing quarry site in the Huckleberry Hill planning area, and the total acreage devoted to such use shall be limited to no more than 10 acres. In addition, a corporation yard, storage facilities and potable or sub-potable water storage may be permitted at the quarry site. As part of this neighborhood commercial development, Monterey pine should be utilized in landscaping to stabilize fill embankments and to screen quarry walls, thus helping the area to blend in with the surrounding environment as best as possible.

LAND USE DESIGNATIONS

The basic categories of land use designated in the Del Monte Forest are: 1) residential, 2) commercial, and 3) open space.

These use categories are fully described in the following discussion. Figure 3 shows the planning area framework within which these uses are subsequently discussed. Figures 4 and 4A show environmental considerations which were primary considerations affecting the location of new development. Figure 4A presents a detailed legend for Figures 6, 7, 8, 9, 10, 11, 12 and 13. Figure 5 shows the Del Monte Forest Area Land Use Plan - 1984. Figure 5A presents a detailed legend for Figures 6A, 7A, 8A, 9A, 10A, 11A, 12A and 13A.

Residential Land Use

New residential land uses planned for the Del Monte Forest Area range in average density from one to four dwelling units per gross acre. For convenience of designation, they are described in terms of low density (maximum of 1 du/acre), and medium density (maximum of 4 du/acre). Most of the existing and new residential development areas within the Forest fall within the low or medium categories.

Caretakers units, servants quarters, and other separate houses, but not senior citizen units, are considered units of residential development for the purpose of calculating density. The County shall not approve such units in excess of the density allocated by this plan for each planning area.

Commercial

Three classes of commercial uses are indicated. They include: 1) Visitor-Service Commercial, 2) General Commercial, and 3) Institutional. They are described as follows:

1) Visitor-Service Commercial - This category allows for uses providing basic support services and visitor needs associated with coastal recreation and travel. Major hotel or inn accommodations and support commercial facilities are principal uses. Residential uses consistent with LUP Land Use Maps and intensities may be permitted as secondary uses under this category at the density specified. The three areas in this category are the existing lodge and environs at Pebble Beach, the proposed Spanish Bay resort and the visitor-serving facilities at the proposed NCGA Golf Course.

2) General Commercial - This category provides for commercial-use areas to support community needs; it includes the professional/administrative offices near the community hospital, and the rock quarry at Sunridge and Lopez Roads, where reclamation for reuse is planned. Future uses will be required to be compatible with the general retailing and community service character of this designation, as well as community services and storage facilities.

3) Institutional - This designation is applied to a variety of uses, including the community hospital, Robert Louis Stevenson School, firehouses, and a utility substation.

Open Space

All areas considered critical to maintenance of the natural systems of the Forest are encompassed in this category, including environmentally sensitive habitat areas, the sites of

endangered species, riparian areas, wetland areas, and sensitive coastal strand areas. In addition to the open space designation and policies within the body of this LUP, a separate, more detailed plan has been prepared for these areas by the Del Monte Forest Open Space Advisory Committee. This OSAC Plan is adopted as a part of this plan. This Open Space Management Plan, to be administered by the Del Monte Forest Foundation, is generally consistent in terms of both map designations and policies with this LUP and provides more detailed maintenance standards and funding mechanisms for management of open space. However, where there may be conflicts between the Open Space Management Plan and this land use plan, the land use plan policies will take precedence.

Three classes of open space are indicated. They include: 1) Recreational, 2) Forest, and 3) Shoreline. They are described as follows:

1) Recreational - This category permits golf course, the Beach and Tennis Club, and the equestrian center, as well as necessary support and maintenance facilities such as the pro shops, cart shops, parking areas, stables, and barns.

2) Forest - This category includes the S.F.B. Morse Botanical Reserve, riparian corridors, rare plants and specimen trees, and geological hazard areas. Permitted developments are trails, low-intensity recreational facilities, tree cutting, and public works only if consistent with all other plan policies.

3) Shoreline - This category includes sandy beaches, rocky shorelines and tidepools, remnant sand dunes. Permitted are associated support areas for public access including parking turnouts, trails, vista points, and related facilities, consistent with all other plan policies.

Other developments listed in the OSAC Plan are also permitted in all the above classes subject to the limitations described above.

Area of Special Concern

The Area of Special Concern category is intended to be used in conjunction with the underlying land use designation. Its purpose is to facilitate a comprehensive planned approach for a specifically designated property where there is unique natural and scenic resources and archaeological resources. Particular attention is to be given towards siting and planning development to assure compatibility with existing resources and adjacent land uses. The property designated Area of Special Concern is shown on the Land Use Map.

APPENDIX A

LIST OF ENVIRONMENTALLY SENSITIVE HABITATS OF DEL MONTE FOREST AREA

The environmentally sensitive habitats of the Del Monte Forest Area include the following:

A. **Categorical listing:**

1. Natural freshwater marshes.

2. Natural seasonal ponds.

3. Riparian habitat.

4. Remnant coastal dunes where the natural landform is stabilized by Monterey pine forest or other native vegetation.

5. Huckleberry Hill wildlife habitat area, as shown on Figure 2 of this LUP.

6. Intertidal areas on the rocky portion of the shoreline.

7. Pescadero Rocks, Bird Rock, and other offshore rocks and islets.

8. Any other sea bird or heron rookery or marine mammal haul-out area not included above.

9. Kelp beds.

10. Pescadero Pinnacles and other nearshore reefs, i.e., rocky bottom areas down to the ten fathom depth contour.

11. Carmel Bay State Ecological Reserve.

12. Carmel Bay Area of Special Biological Significance.

B. **Species listing (animals):**

1. Southern sea otter (Enhydra lutris nereis), nursery and (if any) haul-out areas.

2. Southern bald eagle (Haliaeetus leucocephalus leucocephalus), nesting (if any), feeding, and resting areas.

3. California brown pelican (Pelecanus occidentalis californicus), inshore feeding and resting areas, especially near Bird Rock.

4. California least tern (Sterna albirfrons browni), shoreline feeding and resting areas.

5. American peregrine falcon (Falco peregrinus), nesting areas if any.

6. Smith's blue butterfly (Shijimiaeoides enoptes smithi), dune areas on Pt. Lobos buckwheat.

C. **Species listing (plants):**

1. Monterey cypress (Cupressus macrocarpa) forest community (indigenous natural range only).

2. Gowen cypress (Cupressus goveniana) forest community.

3. The disjunct Bishop pine (Pinus muricata) forest, mixed and pure stands.

4. Hickman's cinquefoil (Potentilla hickmanii) habitat, known from Seal Rock Creek area.

5. Coastal Dunes milk vetch (Astragalus tener var. titi) habitat, dune areas.

6. Menzies wallflower (Erysimum menziesii) habitat, dune areas.

7. Tidestrom's lupine (Lupinus tidestromii) habitat, dune areas.

8. Eastwood's goldenfleece (Ericameria fasciculata) habitat, sandy areas including portions of the Gowen Cypress area.

9. Monterey clover (Trifolium trichocalyx) habitat, Gowen cypress area.

10. Pacific Grove clover (Trifolium polyodon) habitat, Indian Village area.

11. Monterey ceonothus (Ceonothus rigidus), significant occurrences only.

12. Sandmat manzanita (Arctostaphylos pumila), significant occurrences only.

13. The endemic Shaggy-barked manzanita (Arctostaphylos tomentosa var. hebeclada), significant occurrences only.

14. Seaside painted cup (Castilleja latifolia ssp. latifolia) habitat, dune and shoreline areas.

15. Beargrass (Xerophyllum tenax), disjunct occurrences on Huckleberry Hill.

16. Coast rhododendron (Rhododendron californicum), disjunct occurrence (may be extirpated).

17. Hutchinson's larkspur (Delphilium hutchinsoniae) habitat (may be extirpated).

18. Pt. Lobos buckwheat (Erigonom parvifolium ssp. lucidum), shoreline areas within Smith's blue butterfly habitat.

Cupressus goveniana

OPEN SPACE MANAGEMENT OBJECTIVES AND CLASSIFICATION

Objectives. The primary objective in managing Del Monte Forest open space will be to ensure continued existence of the fundamental character of the Forest and its natural plant communities in concert with uses allowed by the Del Monte Forest Area LCP Land Use Plan. This will primarily involve providing appropriate levels of maintenance of open space properties:

- to protect native flora and fauna on open space properties from direct adverse human impact such as excessive trampling, damage by vehicles, horses, vandalism, etc.,
- to protect native plant communities on open space properties from invading exotic vegetation by removing such exotics and deterring their re-establishment,
- to perpetuate a natural ecological balance where it now exists on open space properties, and restore the balance where it has been significantly altered, and
- to provide implementation mechanisms, with respect to open space areas, consistent with the resource management and access policies of the LCP Land Use Plan.

Within the urbanized Del Monte Forest, basic management objectives must also take into consideration human safety, particularly where hazardous conditions occur near areas of concentrated human activity, or where nearby residential property is threatened.

These basic open space management objectives have been established keeping in mind that natural, self-perpetuating communities are an important basis of the Forest's value in terms of both aesthetic attraction and scientific interest. Human access and activities within open space must therefore be subordinate to and compatible with this concept.

Open Space Classification. For the purposes of developing specific management policies, open space areas within the Del Monte Forest have been

categorized. Categorization was considered necessary to account for fundamental differences in character between different open space parcels and the intensity of use to which these areas are now, or can be expected to be subjected as the LCP Land Use Plan is implemented. The following categories encompass all open space presently existing within the Forest, regardless of ownership.

I. Intensively Used Area. a) Seaward of 17-Mile Drive; b) Inland of 17-mile Drive. Consisting of heavily utilized visitor access and recreational space, including both the intertidal and natural coastal land on the seaward side of 17-Mile Drive as well as intensively utilized recreational areas such as Indian Village and scenic roadway turnouts inland of 17-Mile Drive.

II. Protected Natural Resources. a) SFB Morse Reserve; b) Crocker Cypress Grove; c) Other. Consisting of rare, endangered, or unique plants and their associated communities that have been designated as natural areas of special botanical interest, including aesthetically prominent groves of Cypress trees within Cypress Point Golf Links, including several representative examples of typical Monterey pine forest communities. The LCP Land Use Plan describes these areas as either environmentally sensitive habitat (ESH) or as environmental consideration areas.

III. Developed Area. a) Privately Held; b) Held in Common. Consisting of existing or developed subdivisions, commercial uses, and single-family lots, including scenic easements associated therewith.

IV. Open Forest. a) Land Adjoining that Planned for Development; b) Permanent Forest Space. Consisting generally of even-aged Monterey pine forest with understory ranging from open oak woodland to dense brush.

V. Road Rights-of-Way. Consisting of rights-of-way of Forest roadways managed for scenic values consistent with LCP policies and maintaining public safety.

VI. Golf Course. Consisting of the golf course rough areas designated Recreation by the LCP Land Use Plan adjoining relatively natural forest cover or developed subdivisions managed for the enhanced wildlife value they possess. Management to be accomplished by golf course operators pursuant to guidelines compatible with overall golf course maintenance.

VII. Other. a) Equestrian Center (Collins Field Industrial Horse Trail); b) RLS School; c) Cal-Am Forest Lake. Consisting of all other open space uses with existing buildings or improvements which by virtue of the nature of their use do not require specific open space management criteria.

VIII. Riparian and Wetland. Undeveloped land along streamcourses and in wetland areas which requires special management consideration. These areas are described as environmentally sensitive habitat and are designated in the LCP Land Use Plan (Figure 2 - ESHA).

IX. Scenic Buffer or Easement. Land set aside to screen development or to provide access between lots calling for special management consideration.

X. Sensitive Habitat. Land requiring special management considerations to retain natural interrelationships of native vegetation.

XI. Rare and Endangered Species.[1] Land in the immediate vicinity of known locations of endangered or rare plant species.

Categories I through IV include areas which will ultimately come under the management responsibility of the Del Monte Forest Foundation. Category I represents areas in which the most intensive maintenance efforts will be required; Category IV represents areas in which the least intensive efforts will be required. Categories V through VII represent special-purpose areas that will continue to be maintained by existing owners subject to criteria developed by OSAC in this Plan. All seven categories will be subject to more stringent management criteria if they possess riparian, scenic buffer, sensitive habitat, or rare or endangered species values. These more stringent classifications are shown as categories VIII through XI.

Figure 3 shows the distribution of open space management categories I through VII within the Forest.[2] Figure 4 shows the areas where management

[1]For purposes of this Plan, the most current edition of the California Native Plant Society List is considered the criterion for rare or endangered status (a more restrictive criterion than that required by the LCP.)

[2]Except for Areas III and IVa, which represent open space within areas already developed or to be developed pursuant to the provisions of the LCP Land Use Plan. These areas are in addition to the areas shown in Figure 3 and will be specifically designated in maintenance standards prepared at the time individual project applications are considered in the County development permit review process.

Figure 2

OPEN SPACE

AS SPECIFIED IN THE LCP/ LAND USE PLAN

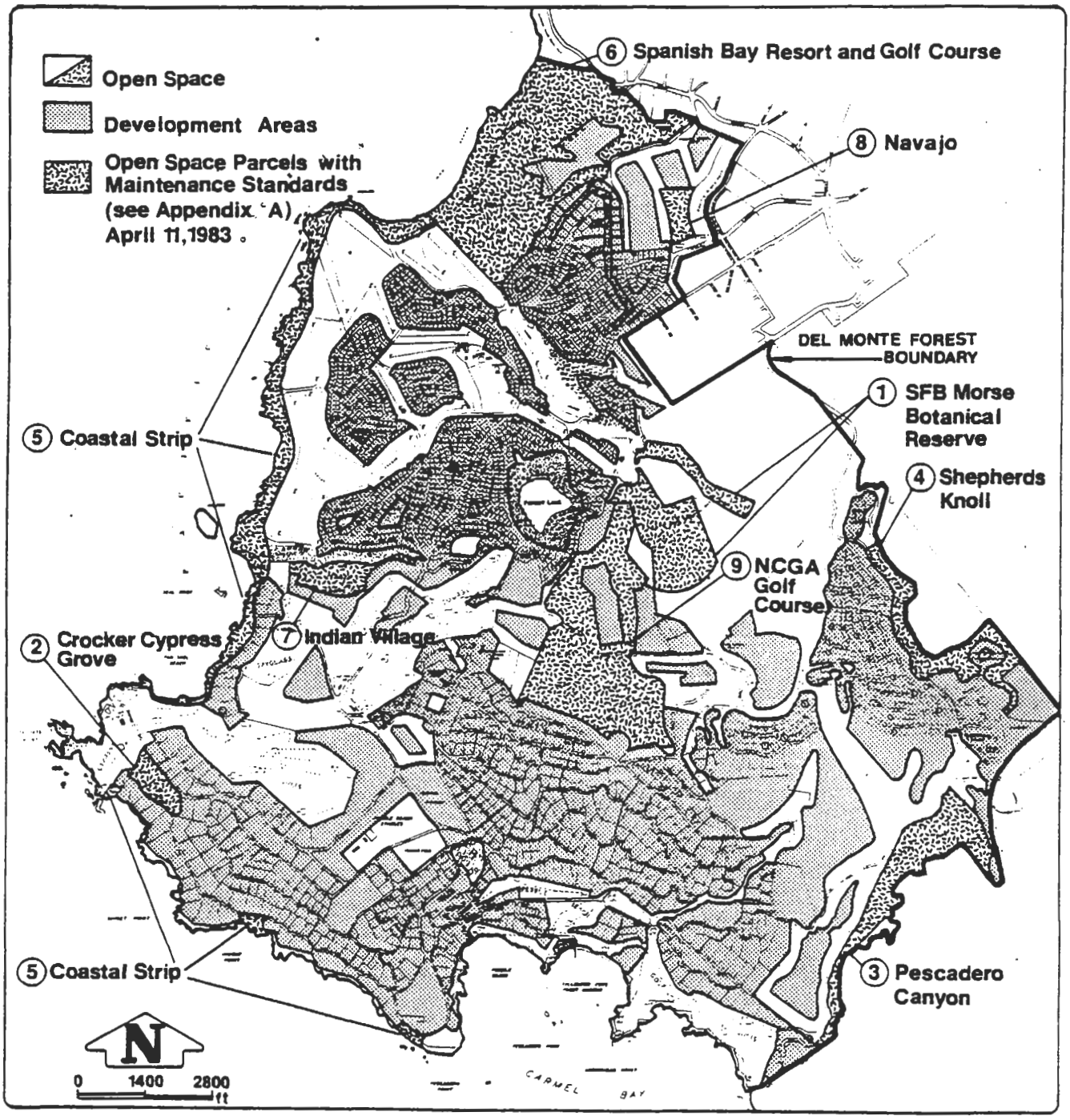
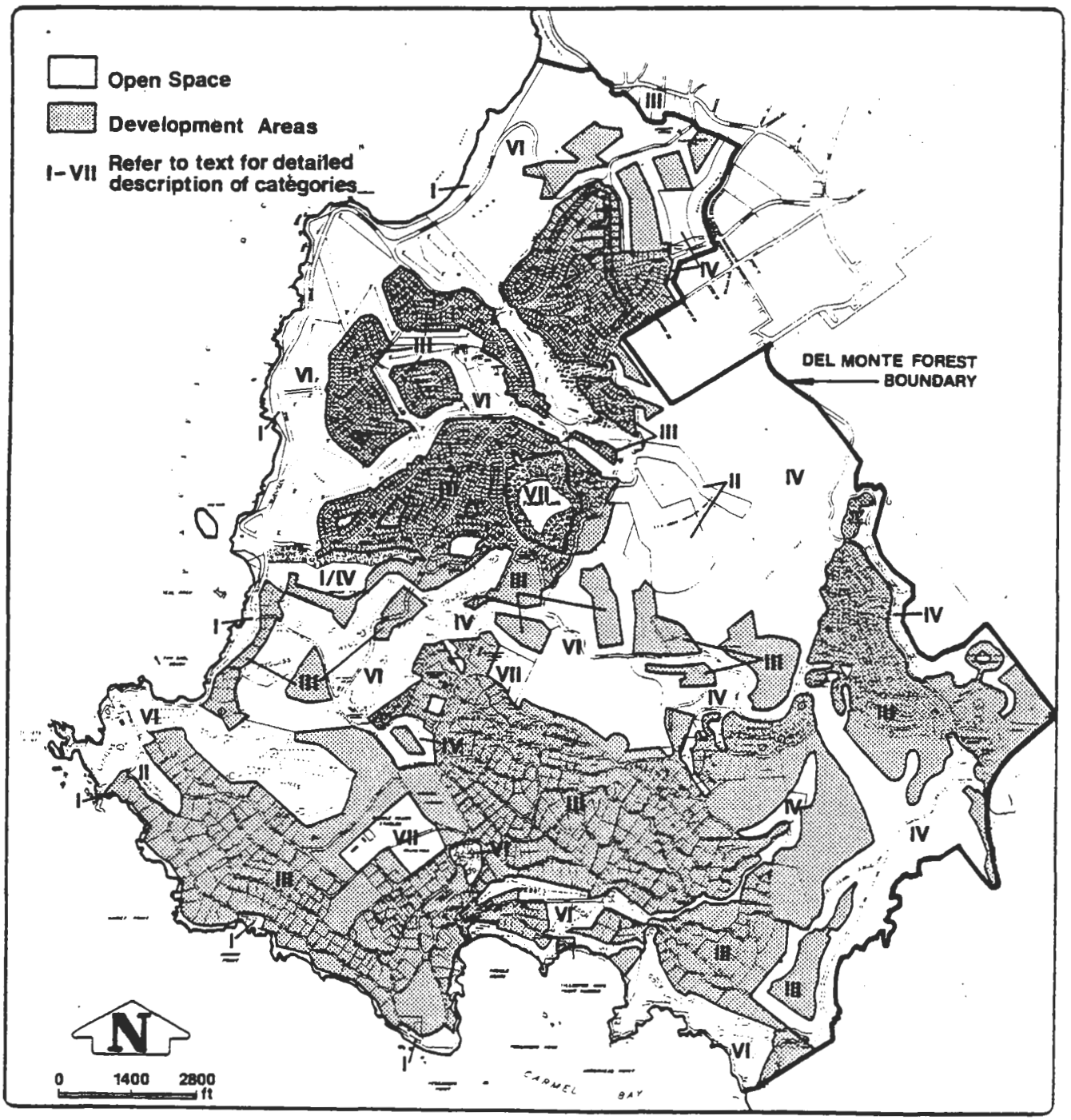


Exhibit 6
LUP Open Space Mgmt Objectives & Classifications
Monterey Co. LCP Amendment No. 1-05
4

Figure 3

OPEN SPACE MANAGEMENT CLASSIFICATION

CATEGORIES I - VII



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LUP Open Space Mgmt Objectives & Classifications
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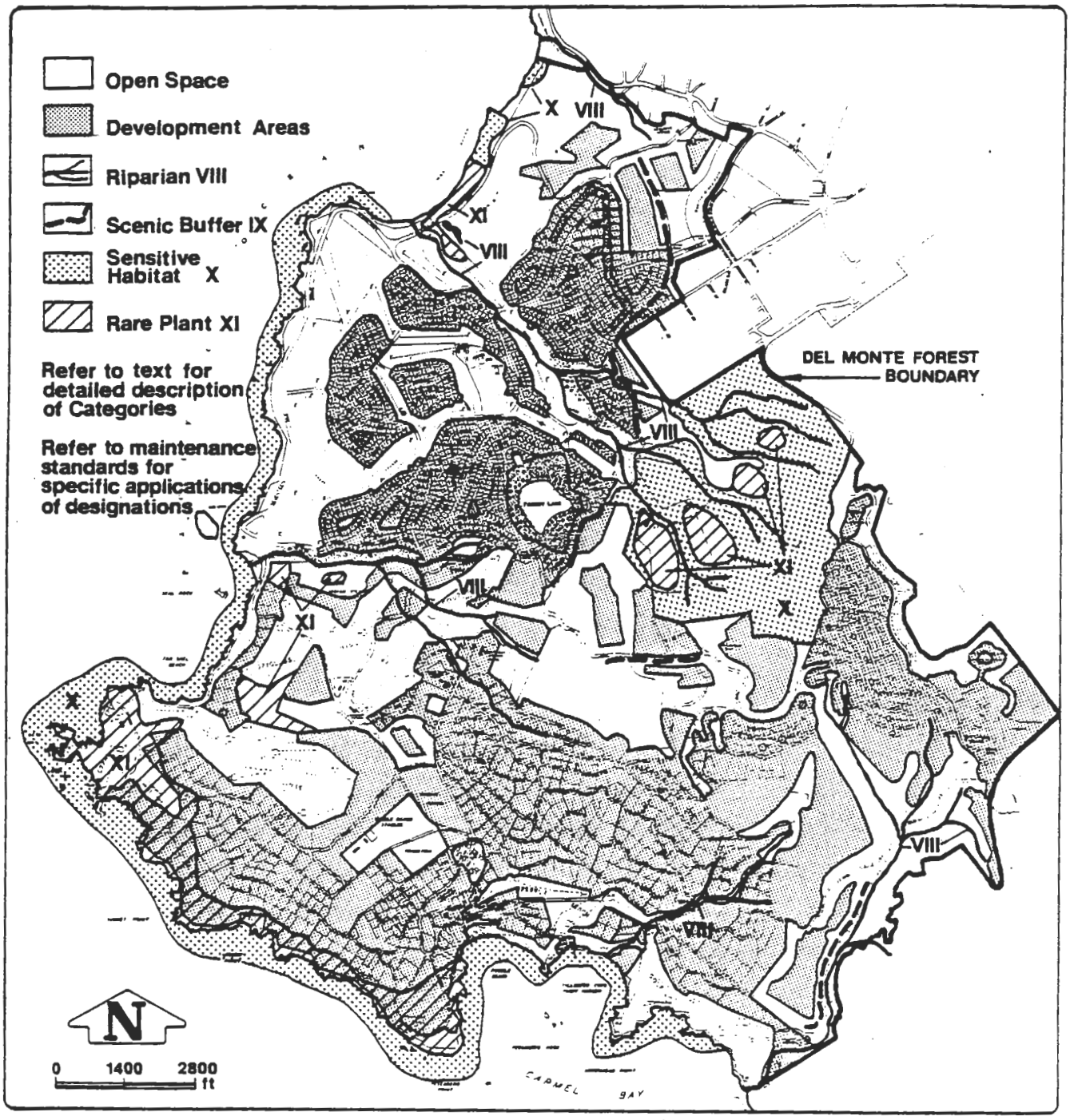
5

Figure 4

OPEN SPACE MANAGEMENT CLASSIFICATION

CATEGORIES VIII - XI

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