

**CALIFORNIA COASTAL COMMISSION**

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

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Staff report: 5/25/99  
Hearing date: 6/8/99

## APPEAL STAFF REPORT

### SUBSTANTIAL ISSUE DETERMINATION

**Appeal number.....**A-3-MCO-98-085, Pebble Beach Driving Range Expansion

**Applicant.....**Pebble Beach Company

**Appellant.....**David Dilworth (& Responsible Consumers of the Monterey Peninsula)

**Local government.....**Monterey County

**Local decision .....**Approved with conditions, 9/1/98

**Project location.....**23.11 acre parcel between Stevenson Drive, Forest Lake Road, and Drake Road currently occupied (in part) by the existing Pebble Beach Golf Links Driving Range in Pebble Beach, Del Monte Forest area of Monterey County (APN: 008-312-002).

**Project description .....**Expansion of the existing Pebble Beach Golf Links driving range including the installation of a new tee area, a new putting green, and a new parking lot on the northern end of the range, and an improved operations shack with restroom, expanded tee area, improved putting green, and improved parking lot on the southern end of the range. Project includes grade recontouring (approximately 13,300 cubic yards of cut and 13,200 cubic yards of fill) and the removal of 287 trees (275 Monterey pine, 11 Coast live oak, and 1 acacia).

**File documents.....**Monterey County Local Coastal Program (Del Monte Forest Area Land Use Plan and LCP Implementation Plan); Monterey County Permit File 970426; Pebble Beach Lot Program Staff Reports dated 12/23/98, 1/12/99, and 3/1/99 (application numbers PC 92-110 through PC 92-139, PC 92-172, PC 92-173, and 965391 – 965396); Pebble Beach Lot Program FEIR.

**Staff recommendation ...****Substantial Issue Exists; Open & Continue De Novo Hearing**

**Summary:** Staff recommends that the Commission find that a **substantial issue exists** with respect to this project's conformance with the certified Monterey County Local Coastal Program (LCP) and take jurisdiction over the project. Staff further recommends that the Commission open and continue the de novo hearing to allow the Applicant additional time to address the project's consistency with the LCP and with the access and recreation policies of the Coastal Act.



California Coastal Commission  
June 8, 1999 Meeting in Santa Barbara

Staff: D. Carl Approved by:  
A-3-MCO-98-085 Staff Report for 6-8-99 Hearing.doc (5/25/99)

## **Appeal A-3-MCO-98-085 Staff Report**

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The Appellant raises substantial issues concerning the consistency of the County's approval of the proposed driving range expansion project with LCP policies requiring protection of the on-site native Monterey pine forest, environmentally sensitive habitat areas (ESHAs), and a connecting segment of the Del Monte Forest Trail System.

### ***Monterey Pine (see findings starting on page 9)***

Under the LCP, native Monterey pine forest in the Del Monte Forest is to be preserved as a matter of "paramount concern." The natural forest is to be retained "to the maximum feasible degree" and projects are *required* to minimize tree removal with preference for design concepts which pursue this goal. For all projects proposing tree removal, "preservation of scenic resources shall be a primary objective" and, perhaps most importantly, "where LUP objectives conflict, preference should be given to long-term protection of the forest resource."

The Monterey pine forest is the defining characteristic of the Del Monte Forest. The Forest comprises the heart of the largest remaining stand of indigenous Monterey pine, one of four native stands of Monterey pine in the world. The County's approval (conditioned to require replanting for each tree specimen removed at a 2:1 ratio) does not go far enough to protect the native Monterey pine forest at this location. Tree replanting may temporarily offset the loss of 2.2 acres of (mostly) pine forest that would be removed for the proposed project, but it will not result in the "long-term protection of the forest resource" as required by the LCP. Experts generally agree that a very large percentage, probably 85 to 90 percent, of the existing Monterey pine population in the Del Monte Forest will die from pitch canker disease in the next five to ten years. Such native populations of Monterey pine represent a global resource for breeding programs to develop disease-resistant stock. Because of the severity of the pitch canker threat, and staff's belief that there is no acceptable risk when the possibility of extinction exists, the treatment of potential pine removal at the driving range site must move beyond the usual practice of removing and replacing trees.

Accordingly, there are a series of conceptual steps necessary to determine where development is – and is not – appropriate within forested areas of the Del Monte Forest. Additionally, in addition to protecting suitable habitat areas, it is also necessary to preserve pitch canker-resistant tree stock for reforestation of the protected habitat areas. These preservation measures fall under the headings of: Sensitivity Determination, Resistant and Tolerant Tree Identification, Avoidance, Genetic Preservation, Habitat Preservation, Sanitation, and Replanting. The County's approval did not address these issues and does not require adequate measures to protect the pine forest (e.g., avoiding sensitive or disease resistant/tolerant pine, transplanting disease resistant/tolerant pine on-site, replanting with disease-resistant stock, preserving disease resistant/tolerant genetic materials, requiring appropriate tree removal sanitation measures to limit the spread of pitch canker, etc.). Tree replanting alone may well create the appearance of a forest for some time at the site, but it will not necessarily recreate and/or preserve the forest in the long-run as required by the LCP.

### ***ESHA (see findings starting on page 22)***

LCP policies require development in the Del Monte Forest to be subordinate to preserving ESHA.



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Precise locations of ESHAs must be identified, buffered (with 100 foot open space buffers), and avoided. The LCP specifically requires a biological survey for all proposed development in or near ESHAs. Resources on the ground 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. A variety of ESHAs may be present on the subject site.

Yadon's piperia, Hickman's onion, Hookers manzanita, and Gairdner's yampah were all identified on the subject parcel. Yadon's piperia, Hickman's onion, and Hookers manzanita are all California Native Plant Society (CNPS) List 1B species ("Rare, Threatened, or Endangered in California and Elsewhere"), Gairdner's yampah is a CNPS List 4 ("Watch List") species. Although List 1B species are specifically eligible for state listing, none of the above special status plants are currently state-listed. Yadon's piperia is also formally listed under the Federal Endangered Species Act as an endangered species (listed in September of 1998), and both Hickman's onion and Gairdner's yampah are Federal Species of Concern. A seasonal wetland along Stevenson Drive and a similar wet area supporting hydric vegetation along Forest Lake Road were also identified on the subject parcel. Although it is difficult to determine conclusively without associated mapping, the two wet areas are most likely delineable wetlands given that many of the plant species observed on site are strong wetland indicators. The LUP defines wetlands as ESHA in the ESHA section of the LUP; natural seasonal ponds, natural freshwater marshes, and riparian habitats are also categorically listed as ESHA in LUP Appendix A ("List of Environmentally Sensitive Habitats of Del Monte Forest Area").

The County's approval was based upon incomplete ESHA and LCP-required ESHA buffer delineations. Where ESHA mapping was completed (Yadon's piperia and Hickman's onion colonies), LCP-required ESHA buffers were not applied. The County's findings identify the presence of Hooker's manzanita on-site, but do not map precise locations of individuals. Likewise, the on-site wetlands (i.e., the seasonal wetland and the other wet area) are identified, but precise locations weren't mapped. This aspect of the approved project is inconsistent with the LCP's botanical reporting requirements which require mapping of all ESHA areas on-site. For ESHA areas that were identified, the buffer area proposed for Yadon's piperia and Hickman's onion colonies ranges from essentially zero where most of the piperia are found (near the northern portion of the expansion at the proposed new practice green) up to 100 feet or so (along the western portion of the proposed practice fairway clearing). This aspect of the approved project is inconsistent with the LCP's ESHA buffering requirements.

The County found that development might impact the seasonal wetland along Stevenson Drive and that, if it did, mitigation would be required. However, there is no wetland mapping available with which to determine if the seasonal Stevenson Drive wetland or the wet area along Forest Lake Road would be in the area proposed for development or not. Notwithstanding the lack of mapping, the LCP does not allow for development within wetlands. This aspect of the approved project is inconsistent with the LCP's ESHA avoidance and buffering requirements.



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### **Trail System (see findings starting on page 28)**

The Coastal Act and the LCP specifically protect the segment of the Del Monte Forest Trail System that crosses the subject parcel and would need to be realigned to allow for the driving range expansion; any trail realignment must be “generally equivalent to the original route.”

The existing equestrian and hiking trail segments on the project site provide critical linkages in the Del Monte Forest Trail System, providing a connection between the Pebble Beach Lodge area – including the beach at Stillwater Cove – and all trail-accessible points to the north, east, and south.

The County-approved project acknowledges the relocation of the hiking and equestrian trail as part of the cover-page project description, but there is no discussion of this portion of the project in the County’s findings nor in the CEQA documents prepared for the project. The only other reference is found in County condition 21 requiring the submittal of plans for the relocation of the trail segment. However, there is no *explicit* assurance that the trail’s continuity would be maintained. In fact, it is unclear exactly where the trail segment would be redirected.

### **Materials Needed for De Novo Review (see findings starting on page 37)**

Additional substantive information is needed from the Applicant to fully evaluate the consistency of the proposed driving range expansion with the LCP. This includes: (1) a revised botanical report for the driving range property which maps all on-site resource areas and identifies suitable expansion area outside of the 100 foot ESHA buffers; (2) a revised forest management plan which identifies sensitive forest areas, incorporates the findings of the Applicant’s pitch canker screening process, and which provides for pitch canker resistant and tolerant tree identification and avoidance, genetic materials preservation, sanitation, and replanting; and (3) revised site plans showing driving range expansion outside of the defined resource buffer areas (and consistent with the revised botanical report and revised forest management plan) and showing the precise location of the realigned trail segment, the manner of construction necessary to implement the realignment, and the way in which this realigned segment will be connected with the segment extending from the Lodge area as required by CDP A-3-MCO-97-037. And finally, the Applicant needs to determine the precise acreage of forest that would be displaced by the expansion project.

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## **1. Local Government Action**

On June 10, 1998, the proposed project was approved by the Monterey County Planning Commission by a vote of 8 to 2. Subsequently, on July 6, 1998, the Planning Commission's decision on the project was appealed to the County Board of Supervisors by the "Concerned Residents of Pebble Beach." On September 1, 1998, the Board upheld the Planning Commission decision and voted 4 to 1 to approve the proposed project. The notice of this final local action by the Board of Supervisors was received in the Commission's Central Coast District Office on September 10, 1998. See Exhibit A for the County's findings and conditions on the project. The Commission's ten-working day appeal period for this action began on September 10, 1998 and concluded at 5:00 P.M. on September 23, 1998. One valid appeal (see below) was received during the appeal period.

## **2. Appeal Procedures**

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because of its location between the sea and the first public road paralleling the sea.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located between the nearest public road and the sea and thus, this additional finding must be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.



### **3. Appellant's Contentions**

The County's approval of the proposed project was appealed within the ten-day appeal period (on September 23, 1998) by David Dilworth representing "Responsible Consumers of the Monterey Peninsula." Mr. Dilworth's appeal contentions fall into four general substantive categories (see Exhibit B for the appeal's full text:

- (1) The proposed project is inconsistent with the certified LCP due to adverse and unmitigated impacts on Environmentally Sensitive Habitat (ESH) for Monterey pine, Yadon's piperia, and Hookers manzanita. (see page 9 for Monterey pine discussion and page 22 for other environmentally sensitive habitat areas)
- (2) The proposed project is inconsistent in general with the public access and recreation policies of the certified LCP and the Coastal Act, and specifically due to adverse and unmitigated impacts on coastal trails. (see page 28)
- (3) The proposed project should not be evaluated until a LCP update has been completed because the LCP is out of date and it does not reflect new information (e.g., pitch canker disease). (see page 32 for LCP discussion; note that pitch canker ramifications specifically discussed starting on page 9)
- (4) The proposed project has not been adequately analyzed under CEQA for available alternatives (i.e., using golf balls which do not fly as far to make expansion unnecessary) and for biomass loss due to tree removal. (see page 35)

### **4. Staff Recommendation on Substantial Issue**

The staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. Staff recommends a **NO** vote on the following motion:

***Motion:** I move that the Commission determine that appeal number A-3-MCO-98-085 raises no substantial issue with respect to the grounds on which the appeal has been filed.*

A no vote would result in a finding of substantial issue and bring the project under the jurisdiction of the Commission for hearing and action. A majority of the Commissioners present is required to pass the motion.

### **5. Recommended Findings and Declarations**

The Commission finds and declares as follows:

#### **A. Project Location**

The proposed project is located in Pebble Beach within the southern portion of the Del Monte Forest area of Monterey County. Del Monte Forest contains all Monterey County coastal zone lands between



the Cities of Pacific Grove and Monterey to the north and the City of Carmel to the south. The ±23 acre site is located between Stevenson Drive, Forest Lake Road, and Drake Road and is currently occupied (in part) by the existing Pebble Beach Golf Links Driving Range. The site is bordered across Stevenson Drive to the southwest by the Pebble Beach Equestrian Center and Collins Polo Field, across Forest Lake Road to the northeast by residential development, and directly north by unimproved forested lands likewise owned by the Applicant. Robert Louis Stevenson School is located about ¼ mile to the north of the site along Forest Lake Road; Peter Hay Golf Course, 17 Mile Drive and the Pebble Beach Lodge and commercial area are all located directly to the south.

See Exhibit C for project location information.

## **B. Project Description**

The existing Pebble Beach Golf Links driving range consists primarily of a tee box area with a small golf ball shed and putting green at the southern end of the subject property. Golfers hit balls in the northerly direction into the existing cleared practice fairway. A small paved parking area on Stevenson Drive (8 to 10 cars) supports this use. Informal golf instruction also takes place intermittently on the northern end of the clearing with golfers chipping balls in a southerly direction into the practice fairway. Because the existing practice fairway is approximately 250 yards long, and because a fair number of more accomplished golfers can hit a golf ball farther than 250 yards, this dual use of the driving range facility can currently pose a hazard for users. See Exhibit D for existing conditions site plan.

The Applicant proposes to expand and improve the existing driving range to both better accommodate users at both ends of the driving range and to provide additional practice space for putting and chipping. Specifically, the project includes the installation of a new tee area, a new putting green, and a new parking lot (12 spaces) on the northern end of the range, and an improved operations shack with a restroom (not previously provided on-site), expanded tee area, new putting green, and improved parking lot (16 spaces) on the southern end of the range. In this way, the Applicant proposes to provide a true "double-ended" facility with over 300 yards of practice fairway between tee box areas. See Exhibit E for proposed site plan and elevation (proposed operations shack).

The Applicant intends to continue the general use pattern at the improved facility whereby group instruction would be provided on the northern end and day-guest driving range users would continue to use the southern tee boxes. By formalizing the driving range's dual use capabilities, the Applicant will be able to consolidate its golf instruction activities at the northern end of the range. Currently, the Applicant provides numerous lesson and instructional opportunities for individual guests and groups visiting their resorts (e.g., The Inn at Spanish Bay and The Pebble Beach Lodge). These lessons are currently accommodated at Collins Field, Peter Hay Golf Course, Spyglass Hill Driving Range, as well as the existing driving range, and have the general effect of displacing other users at these locations. By providing for a formal instruction area at the improved range and consolidating its teaching programs there, interruptions due to golf instruction activities will be reduced at the driving range and the other locations currently utilized by the Applicant for such purposes.



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To make way for the driving range improvements, the Applicant proposes to remove 287 trees (275 Monterey pine, 11 Coast live oak, and 1 acacia) and recontour a wider practice fairway through approximately 13,300 cubic yards of cut and 13,200 cubic yards of fill on the site. Approximately 100 cubic yards of excavated materials would be hauled off-site to the Spyglass Quarry approximately 1 mile away. Although 574 trees will be planted as part of the project, an additional 2.2 acres of forested area will be cleared for the proposed improvements (see page 2 of Exhibit E).

The proposed driving range expansion project was originally proposed as part of the Applicant's pending Pebble Beach Lot Program application (Monterey County application numbers PC 92-110 through PC 92-139, PC 92-172, PC 92-173, and 965391 – 965396). However, the driving range project also has been pursued on a parallel track by the Applicant on its own merits (culminating in this appeal) because the Applicant wants to have driving range improvements completed in time for the August 2000 United States Open golf tournament. Monterey County's approval of this driving range proposal was conditioned for the removal of the driving range from the overall Lot Program applications (Monterey County Condition 24 – see page 11 of Exhibit A).

Currently under review by Monterey County, the Lot Program involves the remainder of the Applicant's holdings in the forest and currently consists of 16 residential subdivisions (292 lots), 2 condominium/townhome developments (72 units total), a new golf course, and relocation of the existing equestrian center. The proposed Lot Program golf course (if approved) would be constructed directly adjacent to the driving range project on approximately 180 acres requiring the removal of approximately 107 acres (nearly 12,000 individual pine trees) of Monterey pine forest from the same general forest canopy (see page 3 of Exhibit C).

### **C. Analysis of Project Consistency with Local Coastal Program**

The proposed driving range expansion project is within the Del Monte Forest Area segment of the certified Monterey County LCP. Relevant LCP policies for the proposed project are found in the Del Monte Forest Area (DMF) Land Use Plan (LUP) and the LCP's Implementation Plan (IP) (County Zoning Code).

#### **1. Appeal Issue: Removal of Monterey Pine Forest**

The Appellant contends that the proposed project would adversely impact Monterey pine forest which is "de facto Environmentally Sensitive Habitat." See Exhibit B for the full text of the appeal.

##### **1a. Applicable LCP Forest Policies**

The LCP in the Del Monte Forest Area is strongly protective of the native Monterey pine forest found therein:

*LUP Forest Resource Policy Guidance Statement: 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*



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*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 areas wildlife and serves to moderate climatic extremes. Therefore, long-term preservation of the forest resource is a paramount concern. (emphasis added)*

*LUP Policy 31: The natural forested character of Del Monte Forest shall, to the maximum feasible degree, be retained, consistent with the uses allowed by this plan. Accordingly, all tree removal, land clearing for development and forest management activities within native forest areas covered by this plan shall conform to LUP policies regarding water and marine resources, environmentally sensitive habitat areas, and scenic visual resources. (emphasis added)*

*LUP Policy 32: Where LUP objectives conflict, preference should be given to long-term protection of the forest resource. When reviewing requests for tree removal environmental considerations shall include review of forest plant associations, native soil cover, and aesthetic values, as well as maintenance of the overall health of the stand....(emphasis added)*

*LUP Policy 33: In reviewing requests for tree removal, land clearing, and other development, preservation of scenic resources shall be a primary objective....*

*LUP Policy 34: In considering potential development projects, project designs shall be required to minimize to the extent feasible the removal of vegetative cover or damage to soil resources. Land use concepts which minimize removal will be preferred....(emphasis added)*

*IP Section 20.147.050 (Intent of Section): It is the intent of this section to maintain and preserve The Forest resource of the Del Monte area through adherence to development standards for the benefit of both residents and visitors.*

*IP Section 20.147.050(D)(1): All tree removal, land clearing for development and forest management activities within native forest areas discussed in this implementation ordinance shall conform to all development standards regarding water and marine resources, environmentally sensitive habitat areas, and scenic visual resources. **When standards conflict, preference shall be given to those which provide the greatest long-term protection to the forest resource.** (emphasis added)*

*IP Section 20.147.050(D)(3): In considering proposed development projects, project design is required to minimize the removal of vegetative cover or damage to soil resources. ... (emphasis added)*

The thrust of these protective policies is that the Monterey pine within the Del Monte Forest LUP is recognized as what may best be described as a 'special coastal resource'. In fact, the native pine forest making up the Del Monte Forest, was to be preserved as a matter of "paramount concern" (LUP Policy Guidance Statement). Although the removal of individual pine specimens is *allowed* by the plan, 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



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objectives conflict, preference should be given to long-term protection of the forest resource" (LUP Policy 32), likewise evident in IP Section 20.147.050(D)(1): "when standards conflict, preference shall be given to those which provide the greatest long-term protection to the forest resource."

As discussed below, the Appellant has suggested that the LCP's environmentally sensitive habitat area (ESHA) policies may also apply to Monterey pine resources (see ESHA discussion beginning on page 22).

#### **1b. County-Approved Project**

The existing driving range occupies a cleared, turfed area representing approximately 10 acres of a 23.11 acre property. The remainder of the site is almost exclusively composed of Monterey pine trees underlain by a grassy surface layer. The expansion of the driving range would convert approximately 2.2 acres of this pine forest into cleared turf area to make additional space available for the new driving range tees and greens. The 2.2 acre area is not one contiguous area of pine forest but rather represents the cumulative total of three primary areas where trees would be removed. Overall, the project would remove approximately 287 trees (275 Monterey pine, 11 Coast live oak, and 1 acacia) (see page 2 of Exhibit E). The County's driving range approval requires a 2:1 replacement ratio for all trees that would be removed (Monterey County Condition 11 – see page 9 of Exhibit A). The net result of the 2:1 replanting ratio would be 574 trees replanted on the subject site.

The 23.11 acre driving range parcel is immediately adjacent to a roughly 185 acre undeveloped and forested area extending to the north and west that is the proposed site of the proposed Pebble Beach Lot Program golf course (see page 3 of Exhibit C). The proposed Lot Program golf course (if approved) would require the removal of approximately 107 acres of Monterey pine forest (nearly 12,000 individual tree specimens) from the same general forest canopy as the driving range.

See Exhibit A for the County's findings and conditions.

#### **1c. Substantial Issue Determination**

The County's approval raises a substantial issue with respect to consistency with the forest protective policies of the LCP. As detailed below, Monterey pine is currently threatened by the pitch canker epidemic which has placed the native pine forest resource as extreme risk, including possible extinction. The forest protection policies of the LCP, as well as the adequacy of measures taken by the County, must be applied in light of the current state of the resource. In light of the pitch canker threat, the County's action, which relies heavily on a tree replacement policy, does not ensure the "long-term protection of the forest resource" as required by the LCP. Moreover, as suggested by the Appellant, the LCP's ESHA policies may also come into play with Monterey pine (see ESHA discussion beginning on page 22).



### **Status of the Monterey Pine Resource<sup>1</sup>**

Along the Pacific Coast, isolated groves of several different pine species (Monterey pine, Bishop pine, Santa Rosa Island pine, Torrey pine) provide some of the most interesting and scenic landscapes in the coastal zone. These isolated endemic occurrences are termed maritime closed-cone forests. The closed-cone characteristic is typical for fire-influenced forest habitats. On a very hot day (rare in these foggy locales) or in response to fire, the cones open and release their seed. Following a light ground fire, a virtual carpet of seedlings can be found beneath the old tree, after winter rains. On the Monterey Peninsula, reproduction is most vigorous in recently burned areas, and weakest in the areas that receive the greatest fire-suppression efforts (i.e., the areas that have been divided and developed with residential estates). In a well-manicured yard, pine reproduction is essentially absent.

Monterey pine is the type of maritime closed-cone forest found in the Del Monte Forest. Within its native range, Monterey pine (*Pinus radiata*) is found in just four places in the world: the main endemic stand mantling the Monterey Peninsula; a small stand near Pt. Año Nuevo at the southern edge of San Mateo County; the Cambria and Hearst Ranch stands in North San Luis Obispo County, parts of which are the least disrupted of the remaining groves; and a remote and little-known pine forest habitat on the Guadalupe and Cedros Islands located off the Pacific coast of Mexico. The Guadalupe Island grove's survival is uncertain, with fuelwood collecting, overgrazing by goats and severe soil erosion as primary threats. The U.S. groves, in contrast, are generally threatened primarily by habitat conversion (e.g., housing and resort development, golf course development, urbanization), soil erosion (road grading, recreational overuse), and invasive exotic plants (*genista* or "broom", pampas grass, acacia, eucalyptus, etc.). Commercial logging was an issue in the past, but today is largely confined to small salvage operations.

A more recent concern for the health and viability of the native Monterey pine forest comes from the threat of genetic destabilization due to hybridized pine stock which has been naively introduced into the area. By cross-pollination, future Monterey pine stocks will be genetically altered into something that is not an authentic native Monterey pine. And, because those genes which helped the indigenous pine population survive over the millennia will in part be displaced by exotic (non-indigenous) genes, there could be a loss of disease resistance, drought tolerance or other more subtle localized survival factors.

Exacerbating the list of concerns for Monterey pine is the relatively new threat represented by the pine pitch canker epidemic. According to the California Department of Forestry (CDF), pine pitch canker is a recently introduced, rapidly spreading fungal disease which infects trees primarily through insect

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<sup>1</sup> Sources for some of the information in this section include: *Pitch Canker in California*, Andrew J. Storer, Thomas R. Gordon, David L. Wood, and Paul L. Dallara (from the Pitch Canker Task Force Web Site April 1999); *Current Status of Pitch Canker Disease in California*, CDF Tree Notes #20, July 1995; *California Forestry Note #110*, CDF, November 1995; *Pitch Canker Action Plan, Appendix D to SLO County North Coast Area Plan public hearing document*, December 1996; *Pine Pitch Canker Task Force Position Paper*, California Forest Pest Council, January 23, 1997; *RFP for "Developing Programs for Handling...Infected Pine Material within the Coastal Pitch Canker Zone..."*, CDF, December 1997; *The Cambria Forest*, Taylor Coffman, Coastal Heritage Press, 1995; *Pebble Beach Lot Program Final Environmental Impact Report*, EIP Associates, June 1997.





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wounds in the bark; Monterey and Bishop pines are especially susceptible. CDF also believes that the fungal spores are unintentionally carried over long distances by conveyance of contaminated materials. In addition to transport of contaminated materials by humans, typical vectors for the pathogen include bark beetles and other insects. All three of California's native stands of Monterey pines have now become infected; the status of the island stands in Mexico is unknown.

Pitch canker was confirmed on the Monterey Peninsula at the Pebble Beach fire house in April 1992, then at the Año Nuevo stand in December 1992, followed by the Cambrian stand in November 1994. As of March 1994, 25% of the trees in the northwest section of Carmel's urban forest were infected; now, the symptoms can be seen throughout this square-mile City. CDF characterizes the threat to all native Monterey pine stands in California as "severe". On June 4, 1997 the State Board of Forestry defined a Pitch Canker Zone of Infestation which includes all of the coastal counties extending from Mendocino to the Mexico border. While one goal for the Zone is to slow disease spread, neither the State Board of Forestry nor the Department of Forestry and Fire Protection (CDF) has the authority to impose and enforce a quarantine on the movement of infected material.

CDF, the USDA-Forest Service, and Forest Genetics Institute have now expressed concern that not only other maritime pines, but also other native pines in the Coast Range, Cascade Range, and the Sierra Nevada may become diseased. The fungus was confirmed on a Bishop pine in Mendocino County in November of 1992 and has since been confirmed on Monterey pine in Ukiah (in Mendocino County) and Santa Rosa (Sonoma County). While redwoods have shown resistance in greenhouse tests, Torrey pine (from San Diego County), Ponderosa pine and even Douglas fir alarmingly demonstrated susceptibility in these tests. Certain genotypes of other more widely distributed tree species are also threatened by the pitch canker pathogen. For example the limited coastal populations of ponderosa pine, knobcone pine and Douglas-fir in Santa Cruz County are at risk due to their close proximity to infected off-site plantings of Monterey pine.

Although Monterey pine is by far the most commonly infected species, the pathogen has also been isolated from Aleppo pine, Bishop pine, Italian stone pine, Canary Island pine, Coulter pine, ponderosa pine, Digger pine, knobcone pine, shore pine, Torrey pine and Douglas-fir. The most recent new host records of the pathogen are all from planted trees in Santa Cruz County: shore pine at Sunset State Beach, Torrey pine at Seacliff State Beach, Digger pine in central Santa Cruz County, and knobcone pine and Douglas-fir in southern Santa Cruz County. Pitch canker has also been isolated from Aleppo pine Christmas trees in San Diego County, which is the first record of pitch canker in southern California on a tree species other than Monterey pine.

The Monterey pine forest is the defining characteristic of the Del Monte Forest. It has been estimated that between 11,000 acres to over 18,000 acres of Monterey pine forest once mantled the Monterey peninsula. This represents the largest of the three California native pine populations. The Pebble Beach Lot Program Final EIR (PBLP FEIR) cites Huffman and Associates as estimating that approximately 5,000 acres of this historic forest has been lost to date due to logging and conversion to agriculture and development. Unfortunately, experts generally agree that a very large percentage, probably 85 to 90



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percent, of the existing Monterey pine population in the Del Monte Forest will die from pitch canker disease in the next five to ten years. Some identify total extinction locally of the native Monterey pine forest as a possibility. As stated in the PBLP FEIR:

*Although optimism based upon present scientific understanding does not constitute a guarantee that permanently resistant planting stock will be available, it is appropriate to note that, if no resistance exists in the present natural stands of Monterey pine in the Del Monte Forest area, the best scientific prediction is that the species will become locally extinct in the immediately foreseeable future, independent of any ongoing or proposed Project. (emphasis added)*

No cure for infected trees is currently available. Many thousands of trees are already dead. It is important to limit the spread of the fungus until an effective means to deal with it is discovered and disease-resistant stock can be made available. A small percentage of Monterey pine appears immune to the disease. However, of the causative species fungus (*Fusarium subglutinans* f. ssp. *pini*), only 5 strains are currently present in California; one of these makes up 70% of the California population of the fungus and an even higher proportion of the population present in the native Monterey pine stands in central California. Individual specimens which exhibit resistance to the one overwhelmingly prevalent strain might prove vulnerable to yet other strains that may become more widespread someday. As a result, the development of a one or only a few lineages of disease resistant stock is not likely to be sufficient to ward off the pitch canker threat.

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 main 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 or tolerance, that these trees can be used to propagate new trees for urban repopulation, and that larger tracts of native pine forest can be preserved and managed so that natural regeneration can take place to repopulate pine forest habitat. As such, the native pine stands in the Del Monte Forest represent a global resource for forest management and breeding programs to develop disease-resistant stock and forest.

Indeed, until the nature of existing native pine forest immunity is understood, it is critical that the maximum genetic diversity within the native stands of Monterey pine be protected. CDF concludes:

*The restricted native ranges of Monterey pine, Torrey pine, and Bishop pine heightens concern for the effect of pitch canker on these populations. Monterey pine is the most widely planted timber species in the world, and California's native populations represent a global resource for breeding programs. Pitch canker has the potential to reduce the genetic diversity of these species and the integrity of their native stands.*

The Pebble Beach Company has been active in pursuing disease resistant stock and thus far has identified 60 individual trees which exhibit resistance to pitch canker (see Exhibit I for a description of Applicant-sponsored pitch canker research). It is not clear at this time whether or not such efforts will eventually be enough to ensure the continued survival of the species. In fact, because as yet uncombined



native pine genetic materials may lead to resistance unmanifested to date in any one individual specimen, propagation of individual trees must be complemented by the preservation of larger, manageable tracts of pine forest.

Finally, because of the various threats to the species, native Monterey pine has been listed as a federal species of concern and a California Native Plant Society's List 1B species ("Plants Rare, Threatened, or Endangered in California and elsewhere"); List 1B species are specifically eligible for state listing. As of the date of this staff report, a petition is being prepared by the California Native Plant Society to propose Monterey pine for state threatened list status.

***Analysis of LCP Policy in light of Pitch Canker***

A paramount objective in the Coastal Commission's certification of the Monterey County LCP, including the Del Monte Forest LUP, was the retention of the overall forested character of this unincorporated portion of the Monterey Peninsula. Consistent with its status as one of only four places on earth where native Monterey pine exists, Monterey County went so far as to formally designate some Monterey pine as environmentally sensitive habitat area (ESHA) for the Carmel Area and Big Sur Coast segments of its certified LCP. However, although the Monterey pine within the Del Monte Forest are all part of the same native Monterey pine forest as the Carmel and Big Sur areas, native Monterey pine as a species was not mapped or listed as ESHA in the Del Monte Forest segment of the LCP.

Instead, Del Monte Forest LUP policies emphasized the preservation of particularly sensitive forest habitats (to the extent that they were known at that time) as open space (e.g., the Huckleberry Hill preserve), and development of what were thought to be the less sensitive areas (i.e., large tracts of primarily Monterey pine habitat) subject to standards designed to maintain the continuity of the forest canopy. These standards included requirements for site-by-site individual forest management plans for each property where development was permitted and emphasized replacement plantings for any mature trees that were cut.

These LCP policies, however, were certified prior to the discovery of pitch canker disease and are therefore silent on the impacts of the pitch canker epidemic currently threatening the very existence of Monterey pine on the Monterey Peninsula. Monterey pine constituted a very quick growing, extremely abundant resource in the Del Monte Forest and the LCP policies were drafted with this information in mind. Since that time, however, the forest has declined in size and vitality through both pitch canker and ongoing development. The LCP has never been updated to reflect and address this new information (note: see also LCP update discussion starting on page 32).

In addition, great strides have been made in our scientific understanding of forest ecology and the Monterey pine forest habitat in particular since the Del Monte Forest LUP was certified by the Commission on September 24, 1984. For example, we now understand that the viability of West Coast conifer forests can be dependent upon the presence of small, co-existing but rarely seen species such as microscopic soil fungi and the non-vertebrate fauna that burrow beneath the surface. There is now a realization that the forest is in fact a complex, interdependent web of living organisms rather than just a



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collective noun for a group of trees in the landscaping sense.

At the time of Del Monte Forest LUP certification, low density residential development was thought to be a type of land use that would both preserve the forest as well as the overall forest canopy. The individual forest management plans required by the LUP were supposed to form a web of interconnected management measures through which the overall forest would be protected and, in fact, thrive. However, as the forest ecology has changed, and our understanding of the forest ecology has changed, we have gained new insight into the manner of development within the forest. In particular, development brings with it both the (anticipated) loss of individual tree specimens as well as the general loss of understory habitat and seedling trees. As a result, it may be that what was once envisioned to be houses underneath a vigorous forest canopy has instead become a degraded and fragmented forest in developed areas of the Del Monte Forest.

Notwithstanding the lack of official ESHA designation for Del Monte Forest Monterey pine, the Del Monte Forest LUP remains strongly protective of the forest resource. The thrust of these protective policies is that the Monterey pine within the Del Monte Forest LUP is recognized as what may best be described as a special coastal resource or a "sensitive native habitat" as defined in IP Section 20.147.020(FF) as follows:

*Any of the native habitats defined in this ordinance and/or are identified on maps maintained by the County of Monterey and/or any species determined by the Board of Supervisors to be unique and worthy of special attention....*

Monterey pine is defined as a native tree species of the Del Monte Forest. It may not have been formally listed or mapped as ESHA in 1984, but the native pine forest making up the Del Monte Forest was to be preserved as a matter of "paramount concern" (LUP Policy Guidance Statement). Although the removal of individual pine specimens is *allowed* by the plan, 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), likewise evident in IP Section 20.147.050(D)(1): "when standards conflict, preference shall be given to those which provide the greatest long-term protection to the forest resource."

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 may also come into play. Similar to the Coastal Act, the LCP defines ESHA in the Del Monte Forest as follows:

*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. (IP Section 20.147.020(H))*



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The 1984 Del Monte Forest LUP does not list (LUP Appendix A) or map (LUP Figure 2) Monterey pine as ESHA. Instead, the text of the LUP describes "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, LUP 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. Additionally, neither the text or appendix carry the same regulatory weight as the LUP policies which articulate the standards to be followed in implementing the LCP.

Irrespective of the LUP's text, maps and lists, LCP policies specifically require 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)). ESHA designation is typically applied to severe and declining types of habitat, or areas essential to particular species which are rare, endangered or threatened. In the case of Monterey pine, "other current resource information" includes its current threatened status in light of pitch canker as described above. As mentioned earlier, Monterey pine is currently listed as a federal species of concern and a California Native Plant Society's List 1B species ("Plants Rare, Threatened, or Endangered in California and elsewhere"); Monterey pine is currently proposed by the California Native Plant Society for state threatened list status.

Whether or not some or all Monterey pine is ESHA will need further review. Nonetheless, extinction, or merely extinction in the wild – however remote the possibility – is not acceptable. Given the severity of this threat, the dawning realization of the importance of any disease resistant or tolerant trees, the importance of larger manageable forest tracts available for natural genetic combination and regeneration, and the Commission's belief that there is no acceptable risk when the possibility of extinction exists, every involved State and local government agency needs to rise to the occasion. To be sure, the recommendations and priorities for responding to pitch canker contained in the Monterey pine Forest Conservation Strategy Report (Jones & Stokes, 1996, prepared jointly for CNPS and the California Department of Fish and Game) already appear in need of updating. Commission staff has continued to consult with the California Department of Forestry (CDF) and other members of the Pine Pitch Canker Task Force in an effort to insure that the Commission's approach to new development within the native Monterey pine forest accounts for the latest information and insights.

Therefore, the Commission finds that until the pitch canker threat is clearly resolved, that the most cautious approach is warranted and that, as such, the environmental sensitivity of Monterey pine in the Del Monte Forest must be more thoroughly analyzed in a manner befitting its importance to the species as a whole, as well as its current threatened status. Such a 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 (regardless of size), and should identify how Monterey pine are to be treated in a planning context. 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 approach 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 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).

The Monterey pine forest in the Del Monte Forest needs to be understood as a complete and dynamic habitat – understory and overstory, animals and interactions. At issue is preservation of habitat, not simply mitigation of individual tree impacts. Over the long run, it may be that when the pitch canker infestation has run its course, naturally resistant strains of Monterey pine will repopulate the forest. Alternatively, vacant ecological niches might be reoccupied through expansion of the endemic Monterey cypress forest in the seaward portions of the range, and by Coast live oak, Gowen cypress and Bishop pine at higher elevations. In any event, the open space habitat areas are worthy of preservation even under the worst-case scenarios; there will still be a forest in Del Monte Forest if we take care to preserve soils and habitat intact.

Accordingly, based upon information to date, in order to preserve the forest in the Del Monte Forest as required by the LCP, and in order absolutely minimize the risk of native pine forest extinction, the Commission finds that as a general rule the following measures be applied whenever new development will result in the removal of native Monterey pine:

- 1. Sensitivity Determination.** Determination of whether or not any forest or individual trees in question should be considered ESHA for planning and policy purposes. The sensitivity of Monterey Pine habitats 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: function as habitat for rare or endemic plant or animal species; 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; lend themselves to active management, including prescribed burning; or are part of larger contiguous groves of sensitive native Monterey pine forest. ESHA pine shall be avoided and buffered consistent with the LCP's ESHA protection policies. For Non-ESHA pine, the following points would apply.

**2. Resistant and Tolerant Tree Identification.** Examination of all potentially infected trees in order to identify and map all healthy (i.e., non-symptomatic) and/or disease tolerant trees; within infected groves, only a relatively small number of trees are expected to so qualify.

**3. Avoidance.** Special effort to preserve identified healthy and disease tolerant specimens; this might entail project design adjustments, protective fencing and/or other impact-avoidance measures, including consideration of feasible project alternatives.

**4. Genetic Preservation.** Where avoidance is not feasible, the genetic characteristics of all resistant and disease tolerant trees flagged for removal will be perpetuated by the following intentionally redundant (i.e., "fail safe") steps (all healthy and disease tolerant trees will be so treated unless through inoculum testing they are demonstrated to be susceptible to pitch canker):

**a. Seeds.** Collection of several mature (seed-bearing) cones from each healthy and disease tolerant tree which is old enough to produce cones; archiving and preservation within facility or program approved by California Department of Forestry or USDA – Forest Service for this purpose;

**b. Cuttings.** Collection and cultivation of tip cuttings, with archiving as above for seeds;

**c. Selection and Propagation of Resistant Strains.** Use of disease-resistant/tolerant seeds and cuttings to propagate disease resistant/tolerant stock (e.g., clonal hedges). Most Applicants will be able to support this element only through proportional financial contribution.

**c. Transplanting.** Following successful collection (cone-seeds and cuttings), and concurrent with clonal cultivation, and if the tree is a good transplant candidate in terms of size and configuration, it shall be relocated to a suitable protected site (on-site or otherwise); thereafter, a reasonable on-going effort shall be made to ensure that it is successfully established at its new location.

**5. Habitat Preservation.** Where the approved project will result in a long-term, significant disruption of suitable growing area for native Monterey pine (i.e., an area presently naturally occupied by, or over time, expected to be naturally occupied by Monterey pine), such disruption shall be offset by the permanent restoration (if need be) and legal protection of an equivalent area of native Monterey pine forest habitat that would otherwise be developed.

**6. Sanitation.** Going beyond the usual meaning in forestry practice, "sanitation" in this context



involves clean up and disposal of infected trees in a manner which minimizes the spread of the disease; recommended measures can be obtained from the Pine Pitch Canker Task Force, and have already been put into practice by the Pebble Beach Company, the City of Carmel, and others.

**7. Replanting.** This means replacement (with resistant/ tolerant stock as available) of any trees removed (diseased or otherwise) consistent with LUP policies for tree replacement (i.e., 1:1 replacement for Monterey pine).

Given the severity of the threat, the Commission finds that the only way in which development can be found consistent with the Del Monte Forest LCP's forest protective policies is to take every measure possible (as described above) to protect the forest. That is not to say that each step above must be so-called out in planning for a project, but rather that each must be considered in the planning process in one way or another. Because extinction is forever, it is only through the above-listed efforts that projects within the Del Monte Forest can be found consistent with LCP policies requiring minimization of tree removal and, ultimately, the long-term preservation of the forest itself. The LCP's paramount long-term goal of preserving the forest in the Del Monte Forest demands no less. See also May 19, 1999 letter from Coastal Commission Deputy Director Tami Grove to Monterey County Planning Director William Phillips on this subject (see Exhibit F).

#### ***Substantial Issues with the County's Approval***

In addition to the protective forest policies enumerated earlier, the LCP allows for the removal of the trees on the site provided that the removal is in accordance with the forest management plan for the site. At a minimum, the LCP requires like-for-like replacement of any native trees removed in excess of 12 inches in diameter; of the trees proposed for removal, 120 trees (all pine) are greater than 12 inches in diameter. The County required replanting with 574 trees.

However, while the County's approval was strictly in conformance with LCP *tree replacement policies*, it did not go far enough to protect the forest resource at the site consistent with the certified LCP given the potential ramifications of the pitch canker epidemic (as discussed above in this finding, and incorporated herein by reference). The LCP allows for the removal of trees, but the removal of sensitive forest habitat, or of any single disease resistant or tolerant Monterey pine specimen, no matter what size, needs to be considered a significant risk and disruption and must be analyzed within the context of the LUP's main policy guidance objective for the forest of preserving the forest resource. Specifically, as described above, there are a series of conceptual steps necessary to determine where development is – and is not – appropriate within forested areas of the Del Monte Forest (i.e., Sensitivity Determination, Resistant and Tolerant Tree Identification, Avoidance, Genetic Preservation, Habitat Preservation, Sanitation, and Replanting).

In terms of the sensitivity of the pine forest at this location (i.e., step 1 in the series of steps identified above), the site's forest management plan (prepared by Stephen R. Staub dated August 1997) states that the "project area does not contain any special features or specimens that make it a particularly unusual or





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unique stand or type of Monterey pine forest habitat." This assessment is applicable to some, but not all, of the project site. In particular, the portion of the subject site extending to the north of the proposed expansion is part of a large, contiguous stand of Monterey pine forest habitat which includes such sensitive understory species as Yadon's piperia and Hooker's manzanita. The portion of the subject site where forest area would be replaced by turf (i.e., immediately adjacent to the existing cleared area between Stevenson and Forest Lake Drives) is more fragmented due to the existing driving range use. However, this area likewise supports such sensitive understory species as Yadon's piperia and Hickman's onion (see also ESHA discussion starting on page 22). Moreover, without a mapping of healthy tree specimens, it is difficult to ascribe sensitivity (or lack thereof) to the forest area proposed for removal.

Notwithstanding the sensitivity of the forest at this location, the project approved by the County did not go through the remaining series of steps outlined above (i.e., identification and avoidance of pitch canker-resistant/tolerant Monterey pine, genetic salvage and cloning of resistant Monterey pine, transplanting and/or replanting resistant Monterey pine, habitat preservation, sanitary disposal of infected trees which are removed). The forest management plan gives the Applicant the *option* of transplanting on-site trees, the *option* of replanting with disease-resistant stock, the *option* of preserving the genetic materials through cone retrieval, but it does not *require* these things. The approved forest management plan is silent on systematically identifying disease resistant trees and making every effort to avoid and/or preserve these trees. The forest management plan is likewise silent on the appropriate tree removal sanitation actions required to limit the spread of pitch canker in California (both inside and out of the zone of infestation).

In addition, although at face value the 2:1 tree replacement condition adopted by Monterey County seems to be protective of the forest resource at the site, more trees do not necessarily equate with protecting the forest resource. First, there is no guarantee that every single Monterey pine so replanted will withstand pitch canker. In fact, assuming 85% or greater die off of pine in the Del Monte Forest (as is widely assumed to be the case), it is more likely that these trees will die than that they will become meaningful forest habitat. Second, even if the replanted trees prove capable of living in the face of pitch canker, there does not appear to be adequate room at the site to replant 574 trees. In fact, the forester for the project found that there was barely enough space on the subject parcel with which to replant 142 trees (as originally proposed by the FMP). As stated in the FMP, "existing forest openings on the parcel appear just sufficient to permit [142] replacement trees to mature without overcrowding." Attempting to replant approximately four times this many trees (i.e., 574 trees) would more than likely result in severe overcrowding through which some number of trees would assuredly die as a result. Third, it is not clear how this replanting would impact colonies of Yadon's piperia and Hickman's onion in the proposed replanting area. And Fourth, the replanting area between the [expanded] driving range and Forest Lake Road to the east is hemmed in by residential development on the other side of the road and may be further fragmented in the future should the proposed golf course come to fruition immediately adjacent to the driving range. In fact, the underlying land where the replanting is proposed is zoned residential and there is nothing to protect this reforestation effort from residential (or other) conversion in the long-



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term. Given the mostly residential nature of the surrounding area, it seems highly likely that attempted conversion of this area is probable at some future time. The planting of replacement trees may well create the appearance of a forest for some time at the site, but it will not necessarily recreate forest habitat.

In short, the Monterey County-approved project does not adequately protect the forest resource in light of the pitch canker epidemic. Tree replanting may temporarily offset the loss of 2.2 acres of (mostly) pine forest that would be removed, but it will not result in the “long-term protection of the forest resource” as required by the LCP. **Therefore, the Commission finds that the proposed driving range expansion project raises a substantial issue in terms of its conformance with the forest protective policies of the certified Monterey County LCP. Specifically, the project is inconsistent with LUP Policies 31, 32, 33, and 34 and Zoning Code Section 20.147.050(D).**

## **2. Appeal Issue: Impacts to Other Environmentally Sensitive Habitat Areas (ESHAs)**

The Appellant contends that the proposed driving range project fails to protect ESHA for “the ESA [Endangered Species Act] listed plants such as Yadon’s piperia and Hookers manzanita.” See Exhibit B for the full text of the appeal.

### **2a. Applicable LCP ESHA Policies**

Del Monte Forest LUP Policies 8 through 30 and Zoning Code Section 20.147.040 protect ESHA within the forest. In general, these policies require development to be subservient to preserving such habitat. More specifically, these LCP policies require the precise location of ESHAs to be identified, buffered (with 100 foot open space buffers), and avoided. See Exhibit G for the full text of these LCP policies.

### **2b. County-Approved Project**

The County determined that the Yadon’s piperia, Hickman’s onion and Hooker’s manzanita were outside of the area proposed for improvement and found that “[t]he proposed project is consistent with policies of the Del Monte Forest Land Use Plan dealing with development adjacent to sensitive plants.” The County findings were silent on the seasonal wetland along Stevenson and the wet area along Forest Lake Road. The County subsequently required a management plan, to be consistent with the project’s botanical report, which would provide for: marking of Yadon’s piperia and Hickman’s onion colonies prior to grading to assure that they remain undisturbed; eradication of non-natives; and, to the extent that the project impacts the seasonal wetland along Stevenson Drive, creation of additional offsetting wetland area (Monterey County Condition 13 – see page 9 of Exhibit A).

See Exhibit A for the County’s findings and conditions.

### **2c. Substantial Issue Determination**

The County’s approval was based upon incomplete ESHA and LCP-required ESHA buffer delineations. Where ESHA mapping was completed, LCP-required ESHA buffers were not applied. This is



inconsistent with the protection offered ESHAs by the certified LCP.

***On-site ESHA background***

According to the botanical report prepared for the proposed project (by Zander Associates dated revised May 1998), Yadon's piperia (*Piperia yadonii*), Hickman's onion (*Allium hickmannii*), Hookers manzanita (*Arctostaphylos hookeri*), and Gairdner's yampah (*Perideridia gairdneri*) have all been identified on the subject parcel. Yadon's piperia, Hickman's onion, and Hookers manzanita are all California Native Plant Society (CNPS) List 1B species ("Rare, Threatened, or Endangered in California and Elsewhere"), Gairdner's yampah is a CNPS List 4 ("Watch List") species. Although List 1B species are specifically eligible for state listing, none of the above special status plants are currently state listed. In terms of federal status, Yadon's piperia is formally listed under the Federal Endangered Species Act as an endangered species (listed in September of 1998), and both Hickman's onion and Gairdner's yampah are Federal Species of Concern.

According to the botanical report map, the scattered clusters of Hickman's onion and Yadon's piperia on the subject site are located in the area north and east of the proposed expanded practice fairway clearing, with a number of Yadon's piperia clusters immediately adjacent to the proposed practice green on the north of the property (see page 3 of Exhibit E). The botanical report identified scattered Hookers manzanita along Forest Lake Road, but did not map their location; occurrences of Gairdner's yampah, while noted, were likewise not mapped.

The botanical report also identified a seasonal wetland along Stevenson Drive and a similar wet area supporting hydric vegetation along Forest Lake Road, but neither of these areas was generally mapped or precisely delineated. The LUP defines wetlands as ESHA in the ESHA section of the LUP; natural seasonal ponds, natural freshwater marshes, and riparian habitats are also categorically listed as ESHA in LUP Appendix A ("List of Environmentally Sensitive Habitats of Del Monte Forest Area").

The botanical report concluded that the Yadon's piperia, Hickman's onion and Hooker's manzanita were outside of the area proposed for improvement and that no loss of these species would occur with the proposed expansion. The report was inconclusive as to the project's impact on the seasonal wetland along Stevenson and the wet area along Forest Lake Road. The report indicates that these areas "appear to lie outside of the work area for the improvement project," but that should "some development associated with the project affect these areas, replacement area at a 1:1 ratio should be created."

***Analysis of LCP ESHA Policy***

As described above, the LCP's ESHA policies within the Del Monte Forest, when distilled, require the precise location of ESHAs to be identified, buffered (with 100 foot open space buffers), and avoided. Be that as it may, as has most recently become apparent with the pending Lot Program application, it is clear that there is some confusion over what constitutes an ESHA in the Del Monte Forest. Although in this case the County did not describe the process for determining what constitutes ESHA on the site, as described in the Lot Program staff report (dated December 23, 1998), the County is interpreting the LCP's ESHA policies to apply only to those habitats that are listed in Appendix A of the 1984 Del



Monte Forest Area LUP; LUP Figure 2 schematically identifies the locations of these Appendix A habitats. However, this conclusion relies not on any LUP Policy, but rather a few lines of text which refer to a list created over 15 years ago as opposed to the reality of the resources present on the ground today. The effect of this ESHA interpretation is that rare and sensitive habitat areas are not being protected consistent with the protections provided for them by the certified LCP. See Exhibit F for a May 19, 1999 letter from Coastal Commission Deputy Director Tami Grove to Monterey County Planning Director William Phillips further detailing this issue.

The Monterey County LCP definition for ESHA mirrors the Coastal Act definition; Zoning Code Section 20.06.440 defines 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.)*

Zoning Code Section 20.147.020(H) further defines ESHA in the Del Monte Forest as follows:

*Environmentally sensitive habitats: 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, 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 is currently proposed 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)).

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.

Accordingly, in the driving range proposal, the LCP's ESHA policies apply to the on-site CNPS List 1B species (Yadon's piperia, Hickman's onion, and Hookers manzanita) and any on-site wetland areas (including the identified seasonal wetland along Stevenson Drive and, to the extent that it is a delineable wetland, the wet area along Forest Lake Road). Some portion of the subject Monterey pine forest may likewise qualify as ESHA for planning purposes (see also discussion beginning on page 9). As described earlier, Yadon's piperia is also a Federally Endangered Species. However, this listing came about after the County approved the driving range expansion on September 1, 1998.

#### ***Substantial Issues with the County's Approval***

The LCP requires that ESHA be identified, buffered (with 100 foot open space buffers), and avoided. In this case, there are several sensitive species on the driving range parcel where this did not occur. In fact, even though wetlands and CNPS List 1B species are present on-site (including Yadon's piperia which at the time of County approval was being considered for listing as a Federal Endangered Species – since listed), the County's approval did not describe any of the on-site resources as ESHA.

In terms of delineating ESHA areas, the project approved by the County mapped specific locations for only Yadon's piperia and Hickman's onion. The County's findings identify the presence of Hooker's manzanita on-site, but do not map precise locations of individuals. Likewise, the seasonal wetland and



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the other wet area on-site are identified, but precise locations weren't mapped. This aspect of the approved project is inconsistent with the LCP's botanical reporting requirements which require mapping of all ESHA areas on-site.

The County found that development would take place outside of the area supporting the sensitive plant species. In the case of Yadon's piperia and Hickman's onion, the botanical report mapping shows that this appears to be substantially the case. For Hooker's manzanita there is no mapping available with which to determine if Hooker's manzanita habitat would be in the area proposed for development or not. In any event, however, the LCP requires a minimum 100-foot open space buffer from ESHAs (Zoning Code Section 20.147.040(B)). It is clear from the project plans that the buffer area proposed for Yadon's piperia and Hickman's onion colonies ranges from essentially zero where most of the piperia are found (near the northern portion of the expansion at the proposed new practice green) up to 100 feet or so (along the western portion of the proposed practice fairway clearing). This aspect of the approved project is inconsistent with the LCP's ESHA buffering requirements. See page 3 of Exhibit E for the locations of Yadon's piperia and Hickman's onion colonies on the subject site.

The County found that development might impact the seasonal wetland along Stevenson Drive and that, if it did, mitigation would be required. However, there is no wetland mapping available with which to determine if the seasonal Stevenson Drive wetland or the wet area along Forest Lake Road would be in the area proposed for development or not. Although it is difficult to determine conclusively without associated mapping, the two wet areas are most likely delineable wetlands given that many of the Botanical Report-observed plant species (as shown in Attachment A of the report) are strong wetland indicators:

## Wetland Indicator Plant Species Observed on Driving Range Parcel

Species	Common Name	Wetland Status*
<i>Atriplex patula</i>	fat hen	FacW
<i>Calamagrostis nutkaensis</i>	Pacific reed grass	FacW
<i>Carex subbracteata</i>	Small bracted Fern	FacW+
<i>Conium maculatum</i>	poison hemlock	FacW
<i>Cyperus eragrostis</i>	nutsedge	FacW
<i>Danthonia californica</i>	California oatgrass	FacW
<i>Deschampsia cespitosa</i>	tufted hair grass	FacW
<i>Distichlis spicata</i>	salt grass	FacW
<i>Echinochloa crus-galli</i>	barnyard grass	FacW
<i>Holcus lanatus</i>	velvet grass	Fac
<i>Juncus effusus</i>	common rush	Obl
<i>Juncus patens</i>	spreading rush	Fac
<i>Juncus phaeocephalus</i>	brown-headed rush	FacW
<i>Perideridia gairdneri</i>	Gairdner's perideridia	FacW
<i>Plantago coronopus</i>	cut-leaved plantain	Fac
<i>Plantago major</i>	common plantain	FacW-
<i>Polypogon monspeliensis</i>	rabbit's foot grass	FacW+



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<i>Rumex crispus</i>	curly dock	FacW-
<i>Sonchus asper</i>	prickly sow thistle	Fac
<i>Spiranthes romanzoffiana</i>	hooded ladies' tresses	Obl
<i>Woodwardia fimbriata</i>	giant chain fern	FacW+

\* **Plant Indicator Categories** (after Army Corps of Engineers, Wetlands Delineation Manual (1987). Categories were originally developed and defined by the USFWS National Wetlands Inventory and subsequently modified by the National Plant List Panel. The three facultative categories are subdivided by (+) and (-) modifiers.

Indicator Category	Indicator Symbol	Definition
Obligate Wetland Plants	OBL	Plants that occur almost always (estimated probability >99 percent) in wetlands under natural conditions, but which may also occur rarely (estimated probability <1 percent) in nonwetlands. Examples: <i>Spartina foliosa</i> , <i>Juncus effusus</i>
Facultative Wetland Plants	FACW	Plants that occur usually (estimated probability >67 percent to 99 percent) in wetlands, but also occur (estimated probability 1 percent to 33 percent) in nonwetlands. Examples: <i>Distichlis spicata</i> , <i>Polypogon monspeliensis</i>
Facultative Plants	FAC	Plants with a similar likelihood (estimated probability 33 percent to 67 percent) of occurring in both wetlands and nonwetlands. Examples: <i>Juncus patens</i> , <i>Cynodon dactylon</i>
Facultative Upland Plants	FACU	Plants that occur sometimes (estimated probability 1 percent to <33 percent) in wetlands, but occur more often (estimated probability >67 percent to 99 percent) in nonwetlands. Examples: <i>Bromus mollis</i> , <i>Cirsium vulgare</i>
Obligate Upland Plants	UPL	Plants that occur rarely (estimated probability <1 percent) in wetlands, but occur almost always (estimated probability >99 percent) in nonwetlands under natural conditions. Examples: <i>Vulpia octoflora</i> , <i>Cardamine californica</i>

For purposes of classification, hydrophytic vegetation is present when a predominance (>50% of cover) of the vegetation at the site are typically adapted for life in anaerobic soil conditions (species classified as Obl, FacW, or Fac, but not Fac-).

Notwithstanding the lack of mapping, the LCP does not allow for development within wetlands. This aspect of the approved project is inconsistent with the LCP's ESHA avoidance and buffering requirements.

The Monterey County-approved project does not identify and protect the on-site ESHAs (Yadon's piperia, Hickman's onion, Hooker's manzanita, and wetlands) as required by the LCP. The project has not provided adequate ESHA mapping, and the mapping that is presented shows that LCP required ESHA buffers have not been applied. The findings and conditions imply that wetland areas may be in the area proposed for development inconsistent with the protection afforded these ESHAs categorically by the LCP. **Therefore, the Commission finds that the proposed driving range expansion project raises a substantial issue in terms of its conformance with the ESHA policies of the certified Monterey County LCP. Specifically, the project is inconsistent with LUP Policies 8, 9, 11, 12, 13, 14, 17, 27 and Zoning Code Section 20.147.040.**



**3. Appeal Issue: Impact on Coastal Access and Recreation (and the Coastal Trail)**

The Appellant contends that the proposed new configuration of the existing equestrian trail would cause adverse unmitigated trail impacts (i.e., if moved towards roads, then inspirational and educational qualities would be impacted; if moved towards houses, then horse flies would be a problem; if moved away from roads and houses, would have a larger impact on endangered and threatened plants). The Appellant also makes the claim that the project is generally inconsistent with public access and recreation policies. See Exhibit B for the full text of the appeal.

**3a. Applicable LCP and Coastal Act Access and Recreation Policies**

Because this issue involves coastal access and recreation, the standard of review is not only the certified LCP but also the access and recreation policies of the Coastal Act.

Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

*30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

*30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...*

*30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

*30214(a): The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case...*

*30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

*30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Likewise, LUP Policies 120 through 145 protect public access and recreation. LUP Policy 124 directly





refers to the trail system that is the subject of the Appellant's contention in this case:

***LUP Access Policy Guidance Statement:*** *The provision of visual and physical public access to the shoreline and the enjoyment of recreational values throughout the Del Monte Forest Area, consistent with the basic purpose of the California Coastal Act, shall be encouraged....*

***LUP Policy 124:*** *New development should be sited and designed to avoid encroachment on to designated trail routes (see Figure 15). Trail dedications consistent with LUP policies and site specific access recommendations shall be required as a condition of development approval. If, due to habitat or safety constraints, development entirely outside the trail route is not feasible, the route shall be realigned. Approved realignments shall be generally equivalent to the original route. (emphasis added)*

***IP Section 20.147.130(D)(7):*** *New development should be sited and designed to avoid encroachment on to designated trail routes (see Figure 15, "Recreational Facilities" in the Del Monte Forest Area Land Use Plan). Trail dedications consistent with implementation ordinance policies and site specific access recommendations shall be required as a condition of development approval. If, due to habitat or safety constraints, development entirely outside the trail route is not feasible, the route shall be realigned. Approved realignments shall be generally equivalent to the original route (Ref. Policy #124 Del Monte Forest Area Land Use Plan). (emphasis added)*

### **3b. County-Approved Project**

The proposed driving range expansion would reconfigure a portion of the Del Monte Forest trail system. A segment of the trail system currently cuts across the driving range parcel connecting from a trail head east of the property (across Forest Lake Road) to the existing equestrian center west of the property (across Stevenson Drive). This existing trail segment skirts the practice fairway at the northern end of the driving range (see Exhibit D). In order to expand the driving range as proposed, this trail segment would need to be redirected around the new facilities envisioned at the northern end of the parcel to ensure that the continuity of the trail system is not disturbed. County condition 21 requires the submittal of plans detailing the relocation of the trail segment (see page 11 of Exhibit A).

It should be noted that the proposed Pebble Beach Lot Program golf course, as described earlier, would be constructed in the area extending to the north and west of the driving range parcel (see page 3 of Exhibit C). The proposed golf course, as currently envisioned, would require the removal of all trails (including the subject driving range parcel trail). As currently envisioned in the Lot Program applications, these trails would then be replaced with a perimeter (around the golf course) trail in this general vicinity to provide the necessary linkages and continuity.

See Exhibit A for the County's findings and conditions.

### **3c. Substantial Issue Determination**

Visitor-serving development is a high priority under the Coastal Act. Section 30210 states that public



recreational opportunities shall be maximized. Section 30213 also expresses a clear preference for developments that provide public recreational opportunities. Coastal Act Section 30222 evinces a clear preference for public visitor-serving development that enhances coastal recreation over private residential, industrial, or general commercial development. However, it clearly subordinates such development to agriculture and coastal-dependent uses. In this policy hierarchy, although preferred as a public visitor-serving use, a golf driving range is not a priority use because it does not enhance coastal recreation. In other words, a coastal location is not required for the driving range use.

Nonetheless the proposed driving range expansion is public recreational, visitor-serving use. All other issues aside, expanding this use, therefore, is not inconsistent with providing for public recreational opportunities within the coastal zone. Moreover, it is higher priority than the residential development that would otherwise be allowed by the driving range site's residential zoning. However, the County's approval does not contain the required access findings and does not adequately protect the continuity of the Del Monte Forest Trail System as required by the LCP and the Coastal Act.

***Coastal Access and the Del Monte Forest Trail System Background***

Del Monte Forest is a popular visitor attraction with world class golfing facilities, the famously scenic 17 Mile Drive, beautiful coastal and forest vistas, and diverse sensitive habitats. A variety of public access facilities are provided along the approximately 8 miles of Del Monte Forest shoreline including public viewpoints, parking lots, restrooms, and trails (equestrian, hiking, walking, jogging, etc.). Most of the public access facilities are located in the northern portion of Del Monte Forest and were developed as a condition of the Commission's approval of the Spanish Bay resort complex in 1985 (Coastal Development Permit 3-84-226). These access improvements were made possible by the unique ownership characteristics of the forest; other than private residential parcels, all Forest lands, including all roads, are owned by the Pebble Beach Company. Nearly all of Del Monte Forest is located between the first through public road (Highways 1 and 68) and the sea. Visitor automobiles are charged an entrance fee at the five gates demarcating the beginning of the private roadway system.

Within the forest, the general Pebble Beach Lodge area (located directly south of the driving range property) is a primary visitor destination; the Lodge, Lodge area shops and services, the Pebble Beach Golf Course, and Stillwater Cove are all located in the same general vicinity. The Lodge area includes the only retail commercial enclave in the Forest. A variety of small scale shops and services are readily available to public coastal visitors and it is a popular stopping location for snacks, sundries, and for viewing the general lodge environs.

The existing equestrian and hiking trail segments on the project site provide critical linkages in the Del Monte Forest Trails system. Specifically, these trail segments provide a connection between the Pebble Beach Lodge area – including the beach at Stillwater Cove – and all trail-accessible points to the north, east, and south. These destinations include the nearby Equestrian Center, Bird Rock., Spanish Bay and Asilomar State Beach, as well as the Huckleberry Hill Natural Habitat Area. This trail system, including the portion on the site, historically made it possible to ride from Pacific Grove to Carmel without having to walk on 17 Mile Drive or other roadways. While the final linkage to Carmel Beach is not presently



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maintained or suitable for horses, the system still represents a very important lateral access component. See page 4 of Exhibit C for a copy of LUP Figure 15 which maps this trail system.

The Pebble Beach Company maintains the entire trail system, and from time to time realigns trail segments (for example, to protect sensitive locations, provide separation from houses or roadways, or to restore damaged areas). An attractive trail brochure is available, showing the most popular maintained routes. As stated in the brochure:

*The natural beauty of the Del Monte Forest is easily explored on horseback or on foot. This land of wooded hills, windswept beaches, and rocky shores is magnificent no matter what the season. There are more than 25 miles of riding and hiking trails, many of which originate from the Pebble Beach Equestrian Center, which offers guided trail rides for beginners to experts.*

Further description and guidance is provided in the LUP, which states:

*An outstanding and extensive system of trails is found in the Del Monte Forest. In some locations these parallel the shoreline. Overall, they provide good access to and through the forested interior, to the shore, and to the various residential neighborhoods. While originally constructed for horseback riding, these trails are commonly used by hikers and joggers. Access to the public has been permitted on an informal, unadvertised basis. As one of the areas best recreational opportunities, limited public access to this trail system should continue to be available.*

**Non-Substantial Issues with the County's Approval – Priority Public Recreational Uses**

The project site already features both no-cost and low-cost recreational facilities for the public, consistent with Coastal Act Section 30213. These include the equestrian and hiking trail segments described above, as well as the existing driving range. The issues of assured continuity and appropriate alignment for the trail are addressed below. The applicant proposes to maintain the (realigned) trail as a no-fee recreational facility, so no issue is raised with respect to the kind of use represented by this project component.

The other project recreational component is the driving range itself. As a publicly available, visitor serving recreational facility, the driving range use is preferred by the Coastal Act and LCP over the potential residential use associated with the underlying residential zoning for the driving range parcel. At \$5 per bucket of balls, it could be argued that the driving range is the lowest cost way of experiencing the game of golf in the golf mecca of Pebble Beach. All other issues aside, expanding this use, therefore, is consistent with providing for public recreational opportunities – particularly low cost public recreational opportunities. As such, although a golf driving range does not require a coastal setting, the public driving range represents a higher Coastal Act priority than private residential development; the LUP's Land Use Policy Guidance Statement requires that "future development must clearly be consistent with...the use priorities of the California Coastal Act." Accordingly, in this respect, the Appellant's contention that the project is inconsistent generally with the Coastal Act's public access and public recreation policies does not raise a substantial issue.



***Substantial Issues with the County's Approval – Trail Realignment***

Although the project approved by the County acknowledges the relocation of the hiking and equestrian trail as part of the cover-page project description, there is no discussion of this portion of the project in the County's findings nor in the CEQA documents prepared for the project. The only other reference is found in County condition 21 requiring the submittal of plans for the relocation of the trail segment. See Exhibit A for the County's findings and conditions. As such, it is *implicit* in the County's approval that the integrity of the trail system would not be compromised, but there is no *explicit* assurance that the trail's continuity would be maintained. In fact, it is unclear exactly where the trail segment would be redirected. The Applicant has indicated to Commission staff that two possible alignments are being considered (see page 1 of Exhibit E).

The Appellant's contention is that any realignment of the existing trail would be detrimental to continued use of the trail segment. However, staff believes that there is sufficient on-site space with which to realign the trail segment in such a way as to (1) avoid disruption of any sensitive species on the site; (2) avoid houses because there are no houses present in the area of the driving range parcel (houses are located on the eastern side of Forest Lake Road outside of the area for which trail realignment would be necessary); and maintain its 'inspirational and educational' qualities through careful redesign to continue its meandering path through the forest.

Finally, Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The project site is entirely seaward of the first public roads nearest the shoreline (State Highways 1 and 68). The County's Resolution lacks the required specific public access findings and it does not contain an equivalent discussion or determination (see Exhibit A).

The Coastal Act and the LCP specifically protect this existing public access. LCP Policy 124 and IP Section 20.147.130(D)(7) require any trail realignment to be "generally equivalent to the original route." With the project as approved by the County, there is no guarantee that the continuity, and the quality, of the Del Monte Forest trail system will be maintained "generally equivalent to the original route" (LUP Policy 124). **As such, the Commission finds that the proposed driving range expansion project raises a substantial issue in terms of its conformance with the access and recreation policies of the certified Monterey County LCP and the Coastal Act. Specifically, the project as approved by the County is inconsistent with Coastal Act Sections 30210, 30211, and 30213, LUP Policy 124, and IP Section 20.147.130(D)(7).**

**4. Appeal Issue: Applicability and Status of the Certified LCP**

The Appellant contends that the Monterey County LCP is out of date and should not be relied upon as the standard of review for this project, or others in the Del Monte Forest, until the LCP has been updated to reflect current resource information. See Exhibit B for the full text of the appeal.



The adequacy of an existing, but old, LCP is not a standard of review for appeals. However, as a separate issue, it is discussed in the following paragraphs as an informational item for the Commission.

#### **4a. LCP Status Background**

The proposed project is subject to the provisions of the Del Monte Forest LCP segment. The Del Monte Forest LCP segment is one of four segments making up the certified Monterey County LCP. The Del Monte Forest LUP was effectively certified by the Commission on September 24, 1984 while the overall implementation plan (zoning) for all Monterey County segments was effectively certified on January 12, 1988; Monterey County assumed coastal permitting authority on February 4, 1988. Commission records indicate that there have been a total of ten LUP and/or LCP amendments involving the Del Monte Forest segment since the LUP was certified in 1984.

The Appellant's contention that the Monterey County LCP is out-of-date is not a new claim on the part of this Appellant or others who have raised the specter of out-of-date LCPs statewide. In fact, many, if not most, of the LCPs statewide are in need of update. However, the status of the Del Monte Forest segment in particular has just recently been debated by the Commission.

At its August 13, 1998 meeting, the Commission reviewed a condition compliance submittal regarding the need (or lack thereof) for an update to the Del Monte Forest Segment of the Monterey County LCP. The condition compliance submittal had been generated by the Applicant in satisfaction of Special Condition 9 of CDP A-3-MCO-97-037 (Casa Palmero). The Applicant's submittal at that time described the Del Monte Forest Area's LCP history, as-built condition, future developments planned by the Applicant, and any discrepancies between LCP plans and current/future development. Based upon this report, the Applicant concluded that an update of the Del Monte Forest Area segment of the Monterey County LCP was not necessary primarily because: (1) the Applicant's pending Lot Program will effectively complete build-out within the Del Monte Forest; (2) the major objectives of the DMF LUP have been realized; and (3) the LCP's overall zoning was updated in 1995.

The Commission accepted the Applicant's report as adequate to satisfy the condition. However, lacking any comprehensive analyses to substantiate the Applicant's conclusion, the Commission observed that an update of the Del Monte Forest Area LCP segment probably is warranted. The reasons behind this assessment were threefold.

First, although the Applicant's Lot Program will undoubtedly play a significant role in defining the build-out of the Del Monte Forest, the Commission had not (and has not) formally reviewed the project. In fact, the Pebble Beach Lot Program is just now beginning its journey through County review processes. Lacking County approval of the project, and lacking formal review and approval by the Commission as necessary (i.e., LCP amendments and/or any appeals that might be filed), it is premature to speculate as to the Lot Program's ultimate disposition and overall effect on forest build-out. Furthermore, while staff recognizes the general scope of the Lot Program in relation to undeveloped lands in the forest, coastal development permits (CDPs) cannot, by themselves, change underlying LCP policies. Should a CDP expire, its impact on future build-out expires as well.



Second, absent a periodic review or other comprehensive analysis of the LCP, the Commission was not able to conclude one way or the other if the LUP's objectives have been realized, or if the 1995 zoning changes have already provided an adequate update. An evaluation of LCP implementation in the Del Monte Forest, including whether or not Coastal Act policies have been effectively realized, would require a comprehensive analysis of a variety of trends, conditions, projections, and alternatives. These include: resource trends and conditions (forest, water, access, dunes, ESHA, beaches, bluffs, uplands, watersheds, sensitive species); forest infrastructure (roads, pipelines, trails, paths); existing and planned facilities (hotels, conference centers, golf courses, public access sites, visitor destinations); LCP implementation since certification (amendments, permits, appeals, condition compliance, enforcement); resource trends as compared to policy implementation (are the LCP policies working?); future projections of LCP implementation in relation to identified resource trends; and policy alternatives for addressing identified policy/resource problems in order to ensure effective LCP implementation in the future.

Finally, even without a comprehensive evaluation, the Commission found that an update of the Del Monte Forest LCP segment is probably warranted to bring it into consistency with current realities. Since the LUP was certified by the Commission 15 years ago, the Spanish Bay project has been permitted and built; the wastewater reclamation project has re-defined water allocation provisions; a fifth Del Monte Forest access road has altered circulation patterns; the pitch canker epidemic has cut a swath through the forest resource; LUP-proposed accessways have been developed; temporary events have increased in number and popularity; traffic concerns have not abated; and so on. These changes make many LCP policies meaningless (i.e., those directly tied to the development of Spanish Bay) and/or in need of review (e.g., those covering tree protection) or extensive expansion (e.g., temporary events guidance). In many cases, the LUP's underlying baseline information (on circulation, water, sewer, infrastructure, etc.) is no longer accurate. In short, like many other LCP segments statewide, an LCP update to guide future Del Monte Forest development is warranted not only to address these significant changed circumstances, but simply as a matter of good planning as well.

To underline this assessment, when the Commission adopted its current list of LCP review priorities at the December 1998 hearing, the Monterey County LCP was moved up to the second highest priority (after San Luis Obispo County).

#### **4b. Substantial Issue Determination**

Notwithstanding the need for update as discussed above, the current LCP remains the standard of review in this case. Although staff would prefer to base development review upon an LCP which had been thoroughly reviewed (and updated as appropriate) as described above, the task before the Commission is to analyze the proposed driving range expansion for its conformance with the currently certified LCP.

In terms of this project and the Appellant's contentions, the most problematic issue that arises due to an "old" LCP is from the lack of LCP policies regarding pitch canker disease and our improved understanding of the Monterey pine forest in the Del Monte Forest. However, because the Del Monte



Forest LUP remains strongly protective of the forest resource, this staff report has based its findings on the LCP policies as interpreted in light of the current pitch canker threat. As such, the claim that the LCP is out of date and thus the project raises a substantial issue is not supportable. It is not because the LCP is out of date, but rather the pertinent reason *why* the LCP is out of date in this case (i.e., ramifications of pitch canker) that the argument for substantial issue is based. The adequacy of old LCPs is not a standard of review for appeals. **Therefore, the Commission finds that the proposed driving range expansion project raises no substantial LCP issue in terms of the need for an update of the certified Monterey County LCP.**

### **5. Appeal Issue: California Environmental Quality Act (CEQA)**

The Appellant contends that the proposed project has not been adequately analyzed under CEQA for available alternatives (i.e., using golf balls which do not fly as far to make expansion unnecessary) and for biomass loss due to tree removal. See Exhibit B for the full text of the appeal.

The adequacy of a local government CEQA review is not a standard of review for appeals. However, as a separate issue, it is discussed in the following paragraphs as an informational item for the Commission.

#### **5a. CEQA Background**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

#### **5b. County approved project**

Monterey County issued a negative declaration for the driving range expansion and improvements on January 22, 1998. Commission staff commented on the negative declaration on February 19, 1998 and identified concerns about the removal of on-site native trees; particularly how the tree removal would impact the short and long term forest canopy at the site. The negative declaration was subsequently recirculated on May 7, 1998 to address the additional issues raised by Coastal Commission staff and others. Subsequently, a negative declaration was adopted by Monterey County on September 1, 1998.

See Exhibit A for the County's findings and conditions.

#### **5c. Substantial Issue Determination**

Because the LCP contains no specific CEQA compliance measures, and because the Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA, the real question is whether these CEQA-related contentions on the part of the Appellant raise substantial issue with the



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LCP's objectives and resource protective policies. In other words, CEQA compliance (or lack thereof) is not a standard of review for appeals.

Biomass represents a valid method for quantifying environmental impacts due to the project. However, there are no provisions in the certified LCP for biomass (i.e., the mass of living organisms impacted by the project). Instead, the LCP generally describes forest resources in terms of habitat acreage and numbers of individual tree specimens. In this case, the project has been well documented in terms of these tree removal and forest impacts and whether or not the project is LCP-consistent in this regard (see discussion starting on page 9).

In terms of alternatives to the proposed project, the CEQA process (and particularly a negative declaration under CEQA) does not represent the opportunity for a free-for-all on alternatives. Instead, the idea is to determine reasonable alternatives that meet both LCP objectives and project goals. The alternative golf technology forwarded by the Appellant (that of golf balls which do not fly as far as standard golf balls) is not reasonable in light of project objectives. The fundamental purpose of a driving range is to practice golf. The use of trick golf balls may allow a golfer to practice his or her golf swing, but these trick balls will not allow a golfer to practice accuracy in driving a golf ball. It is this accuracy that is the very essence of golf. If one is to only practice their golf *swing*, there are any number of tools available for this purpose - many of which do not even require a location out-of-doors. However, a golf driving range is much more than a swing practice facility, it is a facility for chipping, driving, and gauging distance using different club and swing combinations. As such, a golf driving range *requires* the use of actual golf balls and space enough to mimic fairway conditions which the golfer will encounter during a round of golf.

In terms of alternatives in light of LCP objectives, the project brings up competing LCP objectives that must be reconciled. On the one hand, the driving range is low cost (\$5 per bucket of balls), public visitor serving recreational facility. Expanding this use is consistent with providing for public recreational opportunities within the coastal zone; particularly low cost public recreational opportunities. On the other, expanding and improving the driving range results in demonstrable forest, ESHA, and access impacts. The LCP gives preference to protection of the forest resource where LUP policies conflict (LUP Policy 32 and IP Sections 20.147.050(D)(1) and 20.147.050(D)(2)), and subordinates all categories of land use to the protection of ESHAs (LUP ESHA Policy Guidance and Zoning Code Section 20.147.040). As such, the question of LCP conformance vis-à-vis CEQA alternatives analysis is represented by the preceding substantial issue findings above (see discussion starting on page 9).

**Therefore, the Commission finds that the proposed driving range expansion project raises no substantial issue in terms of its conformance with the related CEQA analysis policies of the certified Monterey County LCP.**



California Coastal Commission



## **6. LCP Conformance Conclusion**

As discussed in the findings above (included by reference herein), the Commission finds that the proposed driving range expansion project raises a substantial issue in terms of its conformance with the certified Monterey County LCP and applicable Coastal Act access and recreation policies.

## **D. Information Needed for Coastal Development Permit Determination**

By finding a substantial issue in terms of the project's conformance with the certified LCP, the Commission takes jurisdiction over the coastal development permit for the proposed driving range expansion project. The next step is to review the project on its merits in a de novo hearing. However, before the Commission can conduct a de novo hearing on this project to fully evaluate the consistency of the proposed driving range expansion with the LCP, additional substantive information is required from the Applicant as detailed below.

### **1. Forest and ESHA Resources**

The Applicant needs to identify the sensitive forest and ESHA areas on the subject site, identify the LCP-required buffer areas, and define a developable envelope for the property. This is the first step of a multi-stepped planning exercise which identifies the constraints of the subject site and which defines appropriate development envelope(s) within which driving range expansion, as required by the LCP, will not impact these resources. Additionally, measures to preserve and protect pine pitch canker-resistant and tolerant Monterey pine specimens are necessary to ensure the long term preservation of the forest resource consistent with the LCP. Such measures can be viewed as an integrated program grouped under these headings: Resistant and Tolerant Tree Identification, Avoidance, Genetic Preservation, Habitat Area Preservation, Sanitation, and Replanting. For additional information, see findings starting on pages 9 (Monterey pine) and 22 (other ESHA), incorporated herein by reference.

Accordingly, the existing project mapping of habitat areas (heretofore shown only for Yadon's piperia and Hickman's onion) must be supplemented with delineations for Hooker's manzanita habitat, for the seasonal Stevenson Drive wetland, and, to the extent that it is a delineable wetland, the wet area along Forest Lake Road. Based upon the plant species observed on the site, these wet areas most likely are wetlands. Pursuant to LCP policies, each of these mapped ESHAs should identify a 100-foot buffer area (for example, see page 3 of Exhibit E where a 100-foot buffer has been drawn around the mapped colonies of Yadon's piperia and Hickman's onion). Likewise, any Monterey pine on the site which are determined to be especially sensitive should also be so delineated and buffered (e.g., any pine forest area which: functions as habitat for rare or endemic plant or animal species; has 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; lends itself to active management, including prescribed burning; or is part of larger contiguous groves of sensitive native Monterey pine forest). In the case of the driving range property, such sensitive forested area is most likely to be found surrounding the sensitive plant species on the east of the property as well as the undisturbed larger tracts extending toward the north and west (i.e., the



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proposed location for the proposed Lot Program golf course). In other words, the buffers around the wetland(s) and colonies of Yadon's piperia, Hickman's onion, and Hooker's manzanita are likely to be inclusive of the on-site sensitive native pine forest areas.

The next step in this process is to identify any individual pitch canker resistant or tolerant Monterey pine specimens and map these individuals as well. The Applicant has tested the Monterey pine greater than 12 inches dbh proposed for removal with the driving range expansion project in order to ascertain their susceptibility to pitch canker. This innoculum process involved injecting the pitch canker virus into the trees and then waiting to see which trees exhibit resistance. According to the Applicant, as of the date of this staff report, 3 native pine greater than 12 inches dbh proposed for removal remain disease free after the pitch canker innoculum process. The Applicant is currently going through the same innoculum process for 27 of the 155 native pine less than 12 inches dbh proposed for removal exhibiting disease resistance when visually screened. The 3 resistant specimens so far identified by the Applicant are located on the eastern fringe of the proposed southern tee area. In any event, the results of this mapping will eventually need to be overlain with the sensitive resource maps identified above. In any event, barring unforeseen sensitive resource boundaries, it may or may not be that the healthy individuals are located within the LCP-required ESHA buffer areas (see page 3 of Exhibit E).

To the extent that any such healthy/tolerant Monterey pine specimen (regardless of size) outside of the sensitive resource buffer would need to be removed, the genetic materials from each such individual specimen must be preserved to ensure long term forest protection. Specifically, any resistant/tolerant Monterey pine that cannot be feasibly avoided would be transplanted on the site to protect these sensitive specimens. As a fail safe mechanism in the event that such transplantation is unsuccessful, seeds and cuttings from each of these trees should be collected and archived and subsequently used to propagate clonal hedges within the Applicant's current nursery operation. This will support the goal of preserving genetic resistance and diversity for eventual reforestation. The Applicant has begun this collection process with the pine so far identified as disease-resistant on the subject site.

To the extent that any other native Del Monte Forest tree (Monterey pine or Coast live oak) greater than 12 inches dbh (diameter at breast height) would need to be removed to accommodate driving range expansion, one replacement tree per such tree removed would be required consistent with LCP tree replacement requirements. In any event, at least 50% of the trees that are replanted on the site should be from Applicant's stock which has exhibited disease-resistance/tolerance. Replanting sites for such resistant trees on the driving range parcel must be clearly identified. Appropriate areas include those areas in which the forest is in declining health (as identified by the innoculum testing process) and/or substantial gaps exist.

And finally, for any pine removed from the site, sanitation measures to avoid spreading pitch canker disease from the site are necessary. Fresh slash and recently cut trees are known to act as reservoirs for the pathogen and the insects associated with it, and in the opinion of some experts the movement of infected material into areas free of the pathogen greatly increases the chance of introducing it into those areas. Accordingly, such sanitation measures should include those recommended by the Pine Pitch



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Canker Task Force including, but not limited to: destruction of cut and fallen branches and trees to reduce the availability of breeding material for beetles which may transmit the fungus; cut branches, prunings, and fallen trees and branches should be chipped, debarked, or burned to kill beetles breeding under the bark; any material that is removed from the site should be tightly covered with a tarp during transit and taken to the nearest landfill or designated disposal facility for prompt burial, chipping and composting, or burning; diseased wood should not be transported out of infested counties; tools should be sterilized with Lysol or diluted bleach before and after contacting infected material. In any event, it should be noted that no fungicidal or insecticidal treatments have been shown effective in controlling pitch canker.

Accordingly, the necessary determination of conformance with LCP requirements (upon de novo review of this project) cannot be completed until the Applicant submits: a revised botanical report for the driving range property which maps all on-site sensitive resource areas and identifies suitable expansion area outside of the 100 foot ESHA buffers specified by the LCP (e.g., IP Section 20.147.040(B)(1); for wetlands specifically, a narrative justification for any landscape alteration in the 100-foot wetland setback as required by IP Section 20.147.040(C)(3)(a)); a revised forest management plan which incorporates the findings of the Applicant's innoculum screening process and which provides for pitch canker resistant and tolerant tree identification and avoidance, genetic materials preservation, sanitation, and replanting as provided for in this finding; revised site plans showing driving range expansion outside of the defined resource buffer areas and consistent with the revised botanical report and revised forest management plan. And finally, the Applicant needs to determine the precise acreage of forest habitat area that would be displaced by the expansion project after going through the planning steps above.

It is only through reviewing the results of such a multi-stepped planning exercise that the Commission will be able to further evaluate the proposed project in a de novo review for its consistency with the LCP's forest and ESHA policies.

## **2. Public Access**

There appears to be sufficient on-site space on the driving range parcel with which to realign the existing trail segment that crosses the site. However, the Applicant must identify the specific proposed alignment of this reconstructed trail segment. The key element for the Commission's review of this realignment for LCP and Coastal Act access and recreation policy conformance is confirming that the realigned trail maintains the continuity of the forest trail system consistent with protecting on-site forest and ESHA resources. It will also be important for the Applicant to show how this trail will be connected to the pedestrian access system to be developed in the Pebble Beach Lodge area. This pedestrian access system was required as a condition of the Commission's October 10, 1997 approval of the Applicant's Casa Palmero project (CDP A-3-MCO-97-037). As required by Special condition 1 of CDP A-3-MCO-97-037:

*1. Pedestrian Access. WITHIN 120 DAYS OF ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and*



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*approval a pedestrian access plan for the development of pedestrian access improvements as part of a mitigation program for the Casa Palmero development. Except as modified by this condition, such access mitigation plan provides for the pedestrian access improvements listed by the Applicant in correspondence dated September 10, 1997 (attached as Exhibit D). Such improvements shall provide for a continuous, pedestrian, off-road (sidewalk or footpath, minimum 4 feet in width) wheelchair compatible route extending from Peter Hay Golf Course through to the Stillwater Cove beach area (from the visitor parking areas along 17 Mile Drive on Peter Hay hill to the Pebble Beach Lodge, from the Pebble Beach Lodge to Casa Palmero, and from Casa Palmero to the shoreline at Stillwater Cove). The pathway system shall include all routes marked as "Pedestrian Access" on the drawing labeled "Preliminary Pedestrian Access Plan/The Lodge at Pebble Beach," dated September 1997 (reduced copy attached as Page 4 of Exhibit D). These routes include the existing path to the Pebble Beach shoreline at the Sloat Building, and alternate paths from Casa Palmero through the Tennis Center, and along Cypress Drive, to the Stillwater Cove pier.*

*The Executive Director may approve minor adjustments in these route alignments and/or deletion of duplicative parallel trail segments, as long as the continuity of the pathway system from the visitor parking areas (as described in Special Condition Two (2) below) to the shoreline at Pebble Beach and Stillwater Cove is maintained. The required improvements shall be provided in accordance with all measures in Monterey County Local Coastal Program Implementation Plan Section 20.147.130 (Public Access Development Standards). **The pathway system shall also include a connecting hiking trail segment from the Peter Hay Golf Course to the nearest portion of the Del Monte Forest equestrian and hiking trail system (Figure 15, Del Monte Forest Area Land Use Plan).** The construction standards for this particular segment of the pathway system may, but are not required to, accommodate wheelchair and equestrian users. The entire pathway system shall be open to the general public, subject to the temporary suspension provisions identified below in Special Condition Two (2). [Note: emphasis added]*

*The required pedestrian access improvements shall be installed and ready for use PRIOR TO occupancy of the Casa Palmero project; provided that the Executive Director may extend the deadline for completion of any particular trail segment up to one year for good cause (such as the need to coordinate with other construction projects or signage programs).*

As of the date of this staff report, the Executive Director has reviewed and approved only one small segment of this Lodge area pedestrian access plan (for the area adjacent to Peter Hay Golf Course along 17-Mile Drive). All other components of this pedestrian access plan still require Executive Director review and approval. In acknowledgement of this previous Commission condition, the Applicant will need to demonstrate how this trail connection will be reconciled with the proposed driving range improvements.

Accordingly, the necessary determination of conformance with LCP requirements (upon de novo review of this project) cannot be completed until the Applicant submits revised site plans indicating the precise location of the realigned trail segment, the manner of construction necessary to implement the



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realignment, and the way in which this realigned segment will be connected with the segment extending from the Lodge area as required by CDP A-3-MCO-97-037. It is only through reviewing this information that the Commission will be able to further evaluate the proposed project in a de novo review for its consistency with the access and recreation policies of the certified LCP and of the Coastal Act.



California Coastal Commission

# FINAL LOCAL ACTION NOTICE

Before the Board of Supervisors and for the  
County of Monterey, State of California

9/10/98  
REFERENCE # 3-MCO-98-131  
APPEAL PERIOD 9-10-98 → 9-23-98  
APPEALABLE = YES.

Resolution No. 98-383 -- )  
Resolution to Adopt the Negative Declaration )  
and Approve the Coastal Development Permit )  
and Design Approval for Pebble Beach )  
Company (PLN970426) to allow an )  
expansion of an existing driving range, )  
installation of a new tee area and putting )  
green; construction of an operation building, )  
restroom; parking areas and relocation of the )  
equestrian trail; grading; and tree removal )  
(286); for the Pebble Beach Golf Links, )  
located on Stevenson Drive, between Portola )  
Road and Drake Road, Del Monte Forest )  
Area, Coastal Zone )

## RECEIVED

SEP 10 1998

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

WHEREAS, this matter was heard by the Board of Supervisors (Board) of the County of Monterey on September 1, 1998, pursuant to an appeal by the "Concerned Residents of Pebble Beach."

WHEREAS, the property which is the subject for this appeal is commonly known as the Pebble Beach Golf Links Driving Range located on and easterly of Stevenson Drive, between Portola Road and Drake Road, Del Monte Forest Area, Coastal Zone, in the County of Monterey (the property).

WHEREAS, the applicant (i.e., Pebble Beach Company) filed with the County of Monterey, an application for a Coastal Development Permit and Design Approval (PLN970426) to allow an expansion of an existing driving range, installation of a new tee area and putting green; grading; tree removal (286); construction of an operation building, restroom and parking area for Pebble Beach Golf Links Driving Range.

WHEREAS, An Initial Study was prepared for the Coastal Development Permit and a Negative Declaration was filed for the project on May 7, 1998.

WHEREAS, Pebble Beach Company's application for the Coastal Development Permit and Design Approval (970426) came for consideration before the Planning Commission at a public hearing on June 10, 1998.

WHEREAS, at the conclusion of the public hearing on June 10, 1998, the Planning Commission adopted the Negative Declaration and approved the Coastal Development Permit and Design Approval on the basis of the findings, evidence and conditions contained in Planning Commission Resolution No. 98035.

WHEREAS, the appellant, "Concerned Residents of Pebble Beach," timely filed an appeal from the Planning Commission decision alleging that the findings are not supported by the evidence, and the decision was contrary to law.

WHEREAS, pursuant to the provisions of the Monterey County Zoning Ordinance (Title 20) and other applicable laws and regulations, the Board, on September 1, 1998, heard and considered the appeal at a hearing de novo.

WHEREAS, at the conclusion of the hearing, the matter was submitted to the Board for a decision. Having considered all the written and documentary information submitted, the staff reports, oral testimony, and other evidence presented before the Board of Supervisors, the Board now renders its decision to adopt findings, evidence and conditions in support of the Coastal Development Permit and Design Approval as follows:

### FINDINGS

1. FINDING: The Coastal Development Permit and Design Approval allows for the expansion of an existing golf driving range and the installation of a new tee area and practice putting greens; grading; construction of an operations building (with one restroom), parking and relocation of the equestrian trail; and tree removal (286) and replacement. The project is consistent with both the Del Monte Forest Land Use Plan and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.147 "Regulations for Development in the Del Monte Forest Land Use Plan Area."

EVIDENCE: 1) Regulations for Development in the Medium Density Residential or "MDR/B-8(CZ)" Zoning District found in Chapter 20.40 of the Monterey County Coastal Implementation Plan.

2) The application, plans and support materials submitted for the proposed development found in file No. 970426.

3) The on-site inspection of the subject parcel by staff, pursuant to Section 20.147.070 of the Monterey County Coastal Implementation Plan.

4) Design Approval Request form with plans recommended for approval by the Del Monte Forest Area Land Use Advisory Committee, In file No. 970426.

5) Staff review in the field determined that the project as proposed would not impact public access in the Del Monte Forest Area.

2. FINDING: The proposed project including all permits and approvals will not have significant adverse impacts on the environment and a Negative Declaration has been adopted by the Appropriate Authority. An initial study was prepared for the project and it was determined that the project, with the addition of mitigation measures, would not have significant impacts. A Negative Declaration was filed with the County Clerk on January 22, 1998, noticed for public review, and circulated to the State Clearinghouse. During the review period several issues were raised. Staffed received comments which included the following: 1) California Coastal Commission with concerns that the project may have an impact on the public viewshed; and 2) The Responsible Consumers of the Monterey Peninsula and the League of Women Voters with

concerns that the loss of trees may have a cumulative impact on the Monterey pine forest. On May 7, 1998, the Negative Declaration was filed and recirculated in order to address those issues raised. The project was revised and mitigation measures incorporated as project conditions to minimize those impacts. The Appropriate Authority considered public testimony and the initial study with mitigation measures. The Negative Declaration reflects the independent judgment of the County based upon consideration of testimony and information received and scientific and factual data presented. All comments received on the Negative Declaration, have been considered as well as all evidence in the record which includes studies, data, and reports considered in the initial Study; information presented or discussed during public hearings; staff reports which include the County's independent judgment regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

- 1) Zander Associates. Botanical Report Update, Pebble Beach Driving Range Renovation, dated August 1997 (revised May 1998), and addenda with comments regarding the Initial Study dated February 20, 1998.
- 2) David W. Allen Environmental Consultant. Botanical Report for the Del Monte Forest Lot Development Program dated 1991 (revised April 27, 1992) and 1995 and 1996 supplemental plant surveys by Allen, Jones and Stokes, and EIP Associates.
- 3) Staub Forestry. Forest Management Plan for Pebble Beach Driving Range Renovation dated August 1997.
- 4) Shaw Architecture Planning, Inc. Viewshed Discussion, Proposed Expansion of Pebble Beach Golf Course Range, dated March 17, 1998.
- 5) Archaeological Consulting Inc. Preliminary Cultural Resources Reconnaissance of Del Monte Forest Development Areas dated May 26, 1998 (amended January 3, 1989 and August 17, 1989); and Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Numbers 008-312-002, 008-313-002, 008-321-006, and 008-321-007, dated August 23, 1993.
- 6) Fehr and Peers and Associates. Traffic Study for Pebble Beach Golf Links Driving Range Improvements dated August 26, 1997.
- 7) EIP Associates. Pebble Beach Lot Program, Final Environmental Impact Report, dated June 1997.



The location and custodian of the documents and materials which constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted which refute the conclusions reached by these studies, data, and reports or which alter the environmental determinations based on investigation and the independent assessment or those studies, data, and reports by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency. Potential environmental effects have been studied and there is no substantial evidence in the record as a whole which supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment.

EVIDENCE: File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in File No. 970426.

3. FINDING: For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate that the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. The project as proposed would require the removal of 275 Monterey Pines and 11 Coast Live Oaks. In addition, the project may have a potential impact on the Hooker Manzanitas and Yadon's Piperia located at the northeastern edge of the project.

4. FINDING: The proposed project will not significantly increase traffic conditions in the area.

EVIDENCE: The proposed project has been reviewed by the Monterey County Department of Public Works. The Department has indicated that the project will not substantially increase traffic.

5. FINDING: The proposed project is consistent with policies of the Del Monte Forest Land Use Plan dealing with forest resources. A Forest Management Plan was prepared for the site by Stephen R Staub, dated August 3, 1997, and is on file in the Monterey County Planning & Building Inspection Department. The report states that 120 Monterey Pines, ranging from 12 to 32 inches in diameter, 155 Monterey Pines, ranging from 6 to 11 inches in diameter, and 11 Coast Live Oaks 6 to 11 inches in diameter, are proposed for removal. The Forester recommends that the Monterey Pines over 12" dbh be replaced at a ratio of 1:1 and the Coast Live Oaks be replaced at a ratio of 2:1. At

the public hearing the applicant accepted a condition which requires a 2:1 ratio for replacement of Monterey pines and Coast live oaks. No alternative sites for the expansion of driving range exist. The areas surrounding the driving range are forested and any type of expansion of the existing driving range would require tree removal.

EVIDENCE: Forest Management Plan prepared by Stephen R Staub, dated August 3, 1997, contained in File No. 970426. Conditions No. 11, 12, 13 and 14.

EVIDENCE: Testimony at the June 10, 1998 Planning Commission hearing.

6. FINDING: The proposed project is consistent with policies of the Del Monte Forest Land Use Plan dealing with development adjacent to sensitive plants. The Botanical Report prepared for the site by Zander Associates states that colonies of Hooker Manzanitas, Yadon's Piperia and Hickman's Onion are located on the properties. The Hooker Manzanitas and Hickman's Onion are listed as rare and endangered by the California Native Plant Society. The Yadon's Piperia is on the Federal rare and endangered list. The Biologist conducted a survey of the site during the growing season of the Hickman's Onion and Yadon's Piperia. The Hickman's Onion, Yadon's Piperia or Hooker Manzanita were not identified in areas proposed for the expansion.

EVIDENCE: The Botanical Report dated August 1997 prepared for the site by Zander Associates pursuant to requirements of the Del Monte Forest Land Use Plan; Condition No. 11, 13 and 14.

7. FINDING: The project as proposed is consistent with policies of the Del Monte Forest Land Use Plan dealing with development in archaeologically sensitive areas. An archaeological survey has been conducted on the site by Archaeological Consulting Inc. The report states that there are no identifiable archaeological resources located on site. A condition has been added to require that work be stopped in the event that any archaeological resources are found on site.

EVIDENCE: Archaeological report prepared by Archaeological Consulting Inc. contained in the project file. Condition No. 10 has been added to require that work be stopped in the event that any archaeological resources are found on site.

8. FINDING: The site of the proposed development is physically suitable for the type of development proposed and the conditions of approval are appropriate.

EVIDENCE: The project has been reviewed and the conditions are based on the recommendations by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, local Fire District, and Environmental Health Division. There has been no indication from those agencies that the site is not suitable for the proposed project. Watering the driving range with reclaimed waste water would not significantly intensify water use.

9. FINDING: Development of properties located in the Monterey Peninsula Water Management District ("District") depends in large part, on the availability of water pursuant to an allotment system established by the District based on a prorationing of the known water supply for each of the jurisdictions served by the California-American Water Service Company.
- EVIDENCE: The staff report, oral testimony at the hearing, and the administrative record.
10. FINDING: Based upon the District's water allotment system, the County of Monterey ("County") has established a system of priority distribution of water allocation for properties within its own jurisdiction. Current information available to the County indicates that the County's share of water under the District's allotment system, over which the County has no control, has been exhausted to the point that the County is unable to assure that property owners who do or have obtained development permits for their properties will be able to proceed with their development projects.
- EVIDENCE: The staff report, oral testimony at the hearing, and the administrative record.
11. FINDING: In view of the preceding finding, and the fact that the present application for a use permit otherwise meets all County requirements, the County approves the application subject to determination by the Monterey County Water Resources Agency, in the form of a water availability certification, that water is available for the project and the applicant's being able to obtain a water use permit from the District.
- EVIDENCE: Staff report, oral testimony at the hearing, and the administrative record.
12. FINDING: The project as proposed is consistent with policies of the Del Monte Forest Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed. The proposed project was evaluated in terms of the impact upon the public viewshed from Point Lobos. The expansion of the driving range and structures will require the removal of 286 trees. The loss of the trees will not increase visual impacts of the area from the public viewshed as defined in Section 20.147.070 of the Del Monte Forest Land Use Plan.
- EVIDENCE: The on-site investigation and site analysis by the project planner, pursuant to Chapter 20.147.070 of the Del Monte Forest Land Use Plan.
13. FINDING: Golf use for instructional purposes would be primarily located at the driving range and the golf use of Collins Field (APN 008-321-006-000) shall be eliminated except in connection with special events.
- EVIDENCE: Public testimony by Ed Brown, Vice President of Planning, Pebble Beach Company at the June 10, 1998 Planning Commission hearing.
- EVIDENCE: Condition 23.

14. FINDING: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
- EVIDENCE: This is evidenced by the above findings and supporting evidence.
15. FINDING: The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE: Section 20.140.080 G and J of the Monterey County Coastal Implementation Plan.

### DECISION

THEREFORE, It is the decision of the Board of Supervisors that said Negative Declaration be adopted and Coastal Development Permit and Design Approval be approved as shown on the attached sketches, subject to the following conditions:

1. The Coastal Development Permit and Design Approval allow for the expansion of an existing golf driving range, a new tee area and practice putting greens; grading; construction of an operation building (with one restroom), parking and relocation of the hiking and equestrian trail; and tree removal (286) is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)
2. Prior to the issuance of building or grading permits, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA) proof of water availability on the property in the form of an approved water release form. (Water Resources Agency)
3. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.

- b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)
- 4. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. (PBCSD/CDF Fire District)
- 5. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. (PBCSD/CDF Fire District)
- 6. An Erosion Control Plan shall be prepared for the proposed project. The Erosion Control Plan must provide mitigation measures that will allow the approved development to reduce the impacts of land disturbance. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection prior to the issuance of the grading permit. (Planning and Building Inspection)
- 7. A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. The Grading Permit shall include the amount of grading per day, consistent with the Monterey Bay Pollution Control District's thresholds. (Planning and Building Inspection)
- 8. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)
- 9. Hours of operation or movement of heavy construction equipment shall be limited to between 8:00 a.m. and 6:00 p.m. Monday through Saturday, with no work on Sunday or Holidays. (Planning and Building Inspection)
- 10. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)

11. The site shall be landscaped. At least three weeks prior to final clearance, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The Landscape Plan shall include the location, specie and size of trees to be replaced at a ratio of 2:1 for Monterey pines and Coast live oaks. The Landscape Plan shall include screening of the parking areas. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials. The landscape plan and tree replacement shall occur prior to final building inspection of the facility by the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection)
12. The native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials. These measures shall avoid fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of grading permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
13. Prior to issuance of a grading permit, the Applicant shall comply with the recommendations described in the Botanical Report Update (and addenda) and prepare a management plan that includes: a) areas containing existing colonies of Hickman's onion and Yadon's piperia shall be clearly marked on the ground to assure that they will remain undisturbed; b) applicant shall clearly mark the area of development along the northeasterly and easterly portions of the property. Surveys conducted in January and May of 1998 which identified areas of Yadon's piperia and Hickman's onion shall be utilized for marking purposes; c) Applicant shall be required to maintain a non-native species eradication program within the limits of the development site in accordance with the Botanical Report Update; and d) to the extent the project encroaches on the wet area bordering Stevenson Drive (as determined at the time of construction by a qualified biologist), additional wet area shall be created adjacent to the existing wet area in accordance with the recommendations of the Botanical Report Update prepared by Zander Associates dated May 1998. The plan shall be prepared by a qualified professional biologist and approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)
14. The Applicant shall submit for approval to the Director of Planning and Building Inspection a monitoring program prepared by a qualified professional Biologist. The purpose of the monitoring program is to insure that the new trees and vegetation planted on site for mitigation will be maintained in a viable condition for at least five years. The monitoring program shall require the applicant to submit to the Director of Planning and Building Inspection an annual status report prepared by a qualified biologist that addresses the condition of the plantings pursuant to the management plan. (Planning and Building Inspection)

15. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)
16. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)
17. The design of all structures, signs and fences shall be approved by the Director of Planning and Building Inspection prior to final building permit clearance. (Planning and Building Inspection)
18. The applicant shall place a note on the grading drawings that incorporates the following construction standards into the project: Exposed surfaces shall be watered as necessary during clearing, excavation, and grading, and shall be done in late morning and at end of workday. Grading activities shall be prohibited during periods of high winds greater than 30 mph. (Mitigation 6.1.b) (Planning and Building Inspection)
19. Excessively noisy equipment shall not be allowed on site. A note shall be placed on the building and grading plans outlining this requirement prior to issuance of grading permit. (Mitigation 18.2.b) (Planning and Building Inspection)
20. Prior to the issuance of a building permit the Applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan for the adopted CEQA mitigations. The Plan shall include, at a minimum, the following elements:
  - A. A listing of every mitigation measure identified in the Negative Declaration and approved by the decision-making body which certifies the subject environmental document;
  - B. An identification of the date or other appropriate time period expected for implementation of each mitigation measure;
  - C. If the date of the implementation of mitigation measure is uncertain, an estimate shall be provided;
  - D. If a mitigation measure requires continuous or frequent (e.g. daily) monitoring, the frequency and duration of required monitoring shall be specified;
  - E. If unclear on the face of each measure, the standard determining successful implementation of each measure shall be clearly identified;
  - F. Individuals of organizations responsible for monitoring and/or reporting shall be clearly identified;
  - G. The responsibilities under the plan for the applicant, County staff, and if necessary, consultants shall be identified; and
  - H. Relevant reporting procedures and forms shall be included;
  - I. Applicant agreement to pay consultant and staff to monitor long

term measures beyond the final project inspection by the Planning and Building Inspection Department. (Planning and Building Inspection)

21. The applicant shall submit plans to the Director of Planning and Building Inspection Department for the relocation of the equestrian and hiking trail. Prior to final inspection for the project, the applicant shall complete all improvements necessary for the relocation of the equestrian and hiking trail. (Planning and Building Inspection)
22. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection)
23. Upon completion of the driving range improvements and final inspection of the permits issued for the work, golf use for instructional purposes at Collins Field (APN 008-321-006-000) shall be eliminated except in connection with special events. (Planning and Building Inspection)
24. Prior to the final inspection of the grading permit for the project, Pebble Beach Company shall withdraw the driving range improvement component of the Pebble Beach Lot Program applications filed with the County of Monterey for Del Monte Subdivision 17 and the Refined Alternative 2 Golf Course Subdivision. (Planning and Building Inspection)
25. The property owner agrees as a condition of the approval of this permit to defend at his sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. Said indemnification agreement shall be recorded upon demand of County Counsel or prior to the issuance of building permits or use of the property, whichever occurs first. (Planning and Building Inspection)
26. The applicant shall record a notice which states: "A permit (Resolution No.\_\_\_\_) was approved by the Board of Supervisors for Assessor's Parcel Number 008-312-002-000 on September 1, 1998. The permit was granted subject to 26 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)



Upon motion of Supervisor Johnsen, seconded by Supervisor Pennycook, and carried by those members present, the Board of Supervisors adopts the Negative Declaration and approves the Coastal Development Permit and Design Approval, by the following vote, to wit:

AYES: Supervisors Salinas, Pennycook, Perkins and Johnsen.

NOES: Supervisor Potter.

ABSENT: None.

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board Supervisors duly made and entered in the minutes thereof at page 22 of Minute Book 69, on Sept. 1, 1998

Dated: Sept. 1, 1998

ERNEST K. MORISHITA, Clerk of the Board of Supervisors,  
County of Monterey, State of California.

By

Nancy Lukeniell  
Deputy

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, STE. 300

SANTA CRUZ, CA 95060

(408) 427-4863

HEARING IMPAIRED: (415) 904-5200

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENTRECEIVED  
OCT 05 1998CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREAPlease Review Attached Appeal Information Sheet Prior To Completing  
This Form.SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

David Dilworth and Responsible Consumer of Mt. Diablo  
P.O. Box 1495  
Carmel, CA 93921 (831) 624-6500  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed1. Name of local/port  
government: Monterey County2. Brief description of development being  
appealed: Pebble Beach Company - Driving Range Expansion  
A.P. # 008-312-002-030  
Resolution # 980353. Development's location (street address, assessor's parcel  
no., cross street, etc.): \_\_\_\_\_

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: ☒ \_\_\_\_\_

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial  
decisions by a local government cannot be appealed unless  
the development is a major energy or public works project.  
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-3-MCO-98-085DATE FILED: 9/23/98DISTRICT: CENTRAL COASTNOTE: APPEAL PERIOD OPEN FROM

9/10/98 TO 9/23/98 AT 5 PM.

THIS APPEAL WAS RECEIVED

BY FAX ON 9/23/98; THE HARD

COPY FOLLOWED ON 10/5/98.

H5: 4/88

**EXHIBIT B - APPEAL OF DAVID DILWORTH**  
(1 OF 4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator      c. ☐ Planning Commission  
b. ☒ City Council/Board of Supervisors      d. ☐ Other \_\_\_\_\_

6. Date of local government's decision: Sept 1(?) 1998

7. Local government's file number (if any): 970426

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Pebble Beach Co.  
PO Box 1767  
Pebble Beach, CA 93953

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Carl Nielsen - Concerned Residents of PB  
PO Box 1229  
Pebble Beach, CA 93953

(2) Nancy Phillips  
2928 Congress Rd  
Pebble Beach, CA 93953

(3) Ted Hunter  
PO Box 1189  
Pebble Beach, CA 93953

(4) Jamice O'Brien c/o League of Women Voters Mtn Peninsula  
PO Box 1037  
Pebble Beach, CA 93953

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

**EXHIBIT B**

(2 OF 4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Adverse impact on Trails & Environmentally Sensitive Habitats is not recognized, or mitigated. Available Alternatives are not discussed. Proposal is inconsistent with LCP and LCP is out of date. Proposal is inconsistent with Coastal Act Policies regarding Public Access and Public Recreation.  
(Notes Attached)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

David Dilworth

Signature of Appellant(s) or  
Authorized Agent

Date Sept 23-1998

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

**EXHIBIT B**

(3 of 4)

Signature of Appellant(s)

Date \_\_\_\_\_

Box 1495, Carmel, CA 93921 - 408/624-6500

Coastal Commission  
Santa Cruz

September 23, 1998

Appeal of PBC-Driving Range Expansion MC Resolution # 98035

The proposed project is between the first public road and sea. The proposed project is not consistent with the Local Coastal Program as it has adverse impacts on trails and sensitive habitat. The Local Coastal Program is significantly out of date.

1) The project fails to properly protect Environmentally Sensitive Habitat ("ESH") for Monterey pine and the ESA listed plants such as Yadon's piperia and Hookers Manzanita. Though Monterey pine (pinus Radiata) may not yet be officially designated ESH, the project admittedly encroaches on Monterey pine forest that is de facto Environmentally Sensitive Habitat. Monterey pine is threatened by pine pitch canker impacts which were not known at the time the Local Coastal Program was certified.

Further, the loss of hundreds of large trees is a large unmitigated loss of biomass. This lost biomass turns out to be exactly the right kind of biomass for the habitat - which can not be adequately replaced over time with any known substitute. This loss of biomass is a CEQA impact which was not declared or found and is subject to legal challenge. Findings and evidence made by the lead agency do not appear adequate.

2) The project adversely impacts the existing equestrian trail that is part of an optimal network for N-S coastal trail. Quality of trail as an inspirational resource is unrecognized. Moving the trail in either direction causes adverse impacts. Moving the trail towards roads - loss of inspirational resources and educational resources. Moving the trail towards houses - horse flies. Moving the trail away from the roads and houses, in the other direction, has a larger impact on listed and de facto endangered and threatend plants. Findings and evidence made by the lead agency do not appear adequate.

The project has at least one alternative which would allow no project. The use of golf balls which do not fly as far is well known. Use of such balls would make the range expansion unnecessary.

3) A letter of September 9, 1998 from the Coastal Commission to Monterey County provides a laundry list of why the Pebble Beach LCP is out of date. Many of the listed reasons directly affect this proposed project (e.g. forest resources, water, trails, golf courses).

This project, and other projects with environmental impacts like these, should wait until a proper Local Coastal Program update is completed.

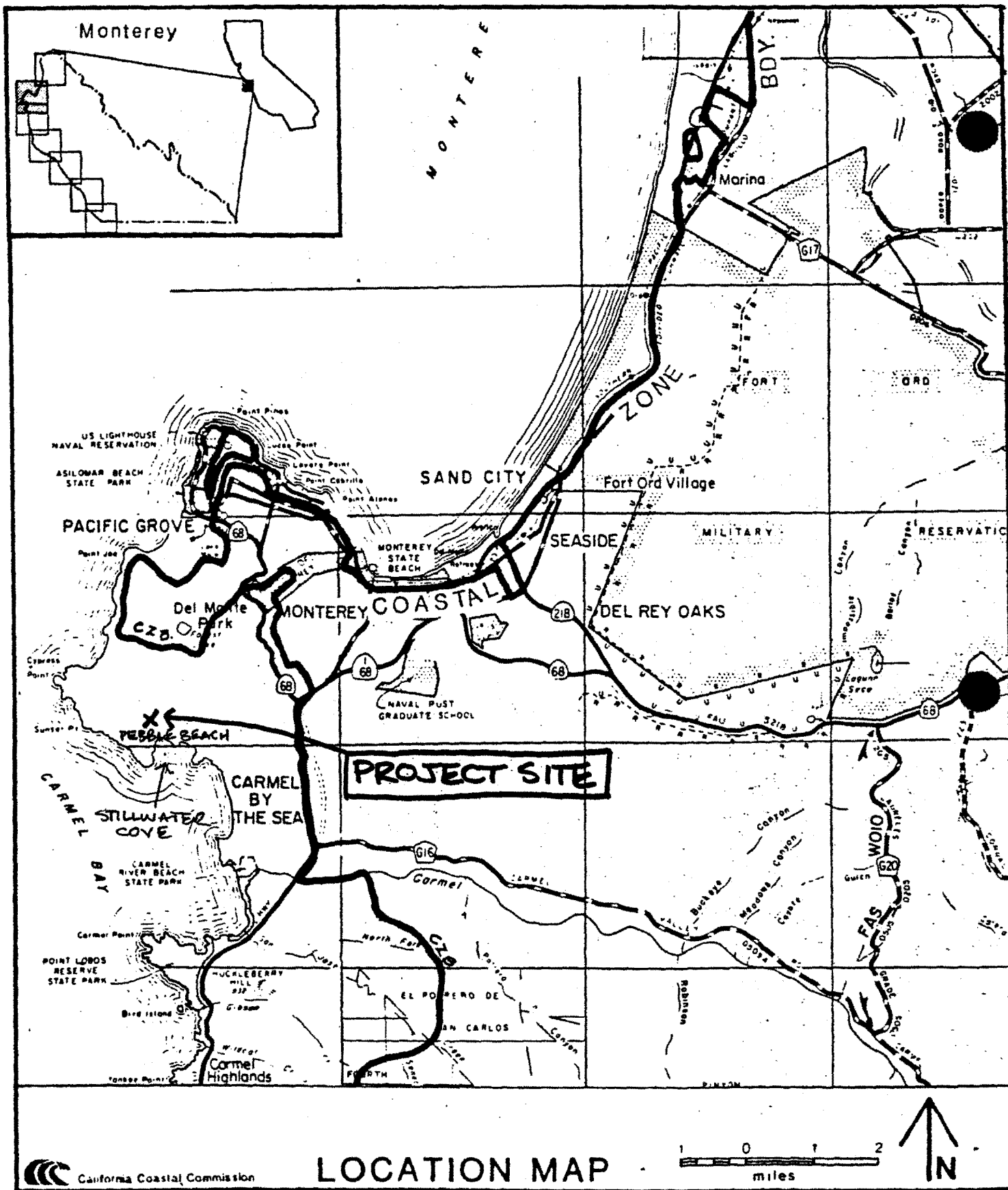
Thank you,

David Dilworth, Co-chair



**EXHIBIT B**

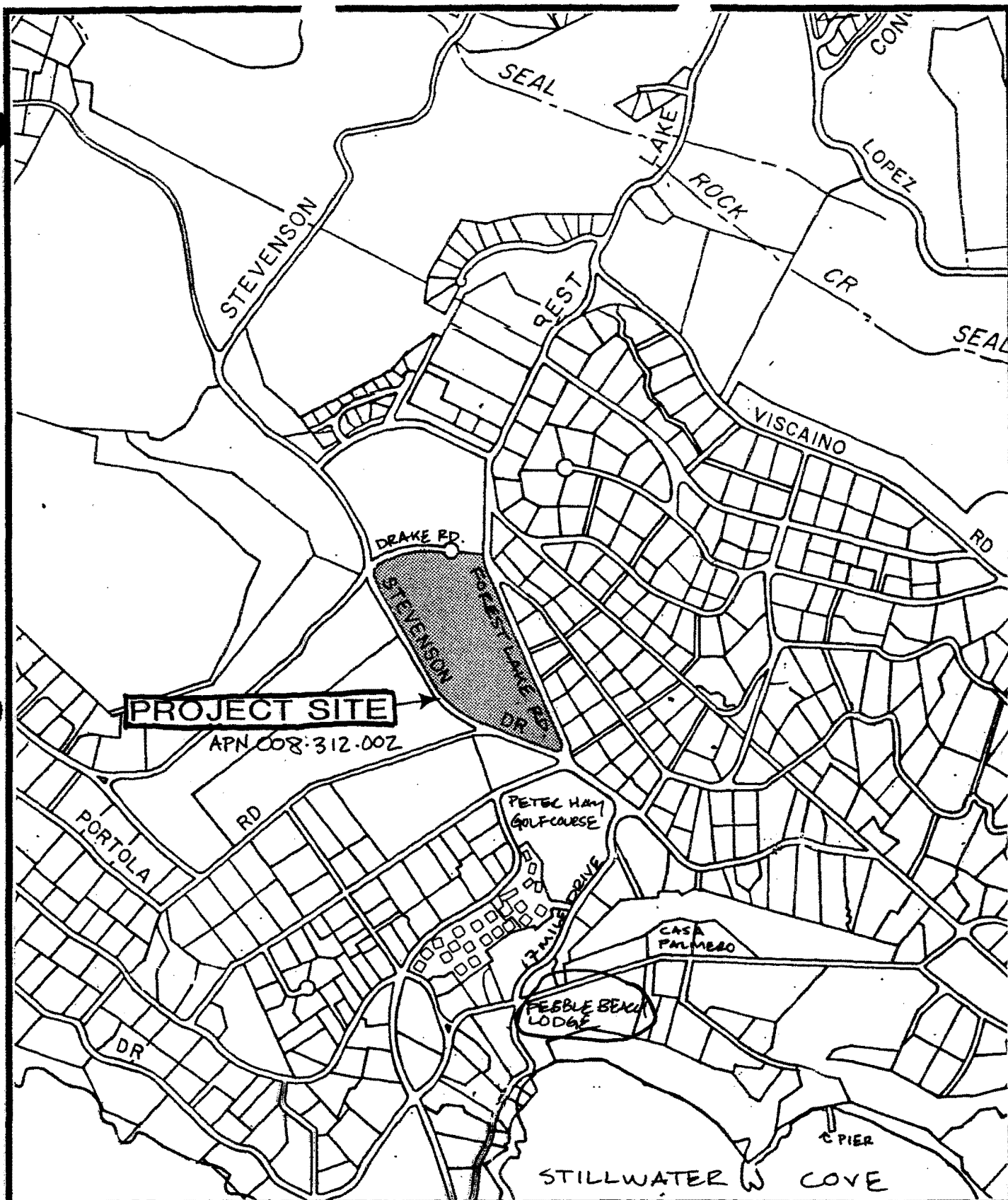
(4 of 4)



County of Monterey

Sheet 2 of 7

**EXHIBIT C - PROJECT LOCATION**  
(1 of 4)



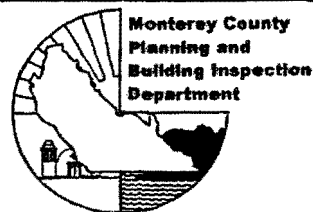
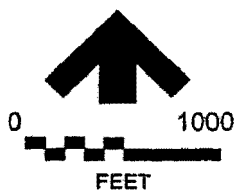
APPLICANT: PEBBLE BEACH CO.

APN: 008-371-002-000

FILE# 970426

300' LIMIT: 

2,500' LIMIT: 



**EXHIBIT C**  
(2 OF 4)

DATE: 3/25/98

## *Del Monte Forest Plan*

[illegible]

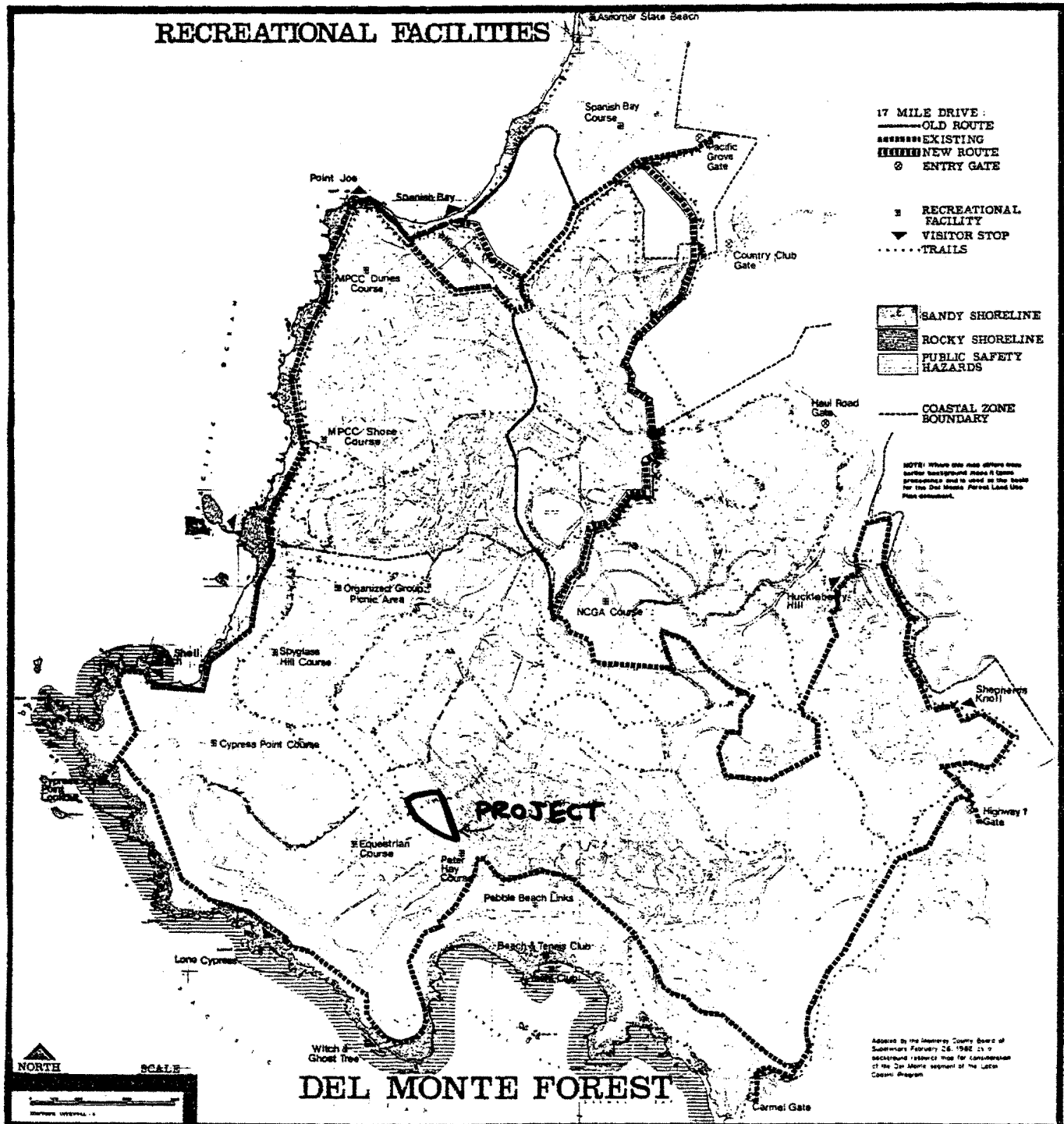
EXHIBIT C  
(3 OF 4)



# DEL MONTE FOREST AREA LUP

FIGURE 15

## RECREATIONAL FACILITIES



**EXISTING CONDITIONS**  
PEBBLE BEACH DIVING RANGE



↑  
NORTH

**EXHIBIT**  
**D**  
(1 OF 1)

TRAIL REALIGNMENT OPTIONS 1 & 2



EXHIBIT E-PROPOSED PROJECT

(1 OF 4)

PROJECT NO. 008-312-002

PROJECT NAME: PEBBLE BEACH DRIVING RANGE RENOVATION

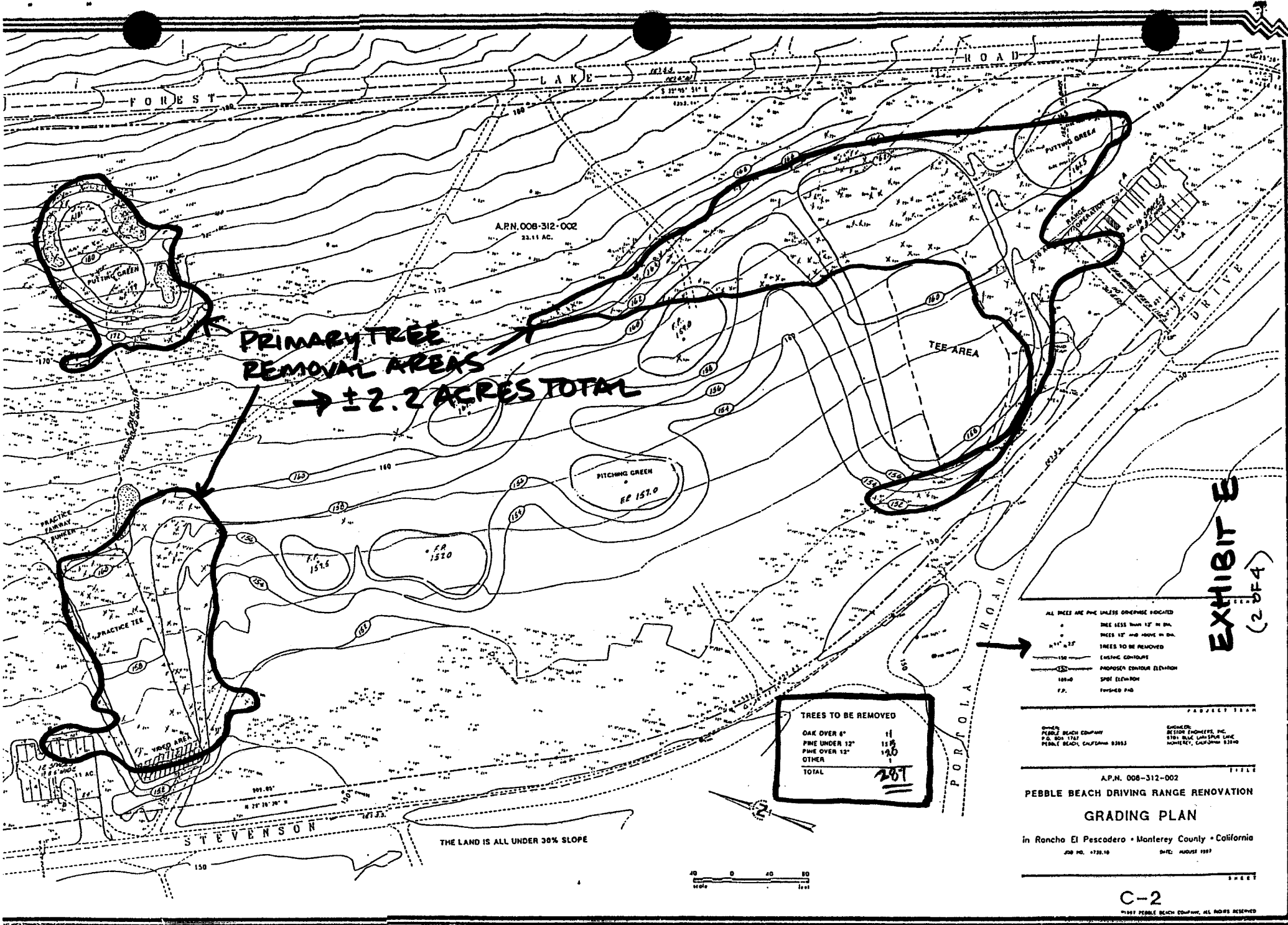
PEBBLE BEACH DRIVING RANGE RENOVATION  
GRADING PLAN

In Rancho El Pasadero • Monterey County • California  
DATE: 09/02/97

C-2

1/11/97 PEBBLE BEACH DRIVEWAY AND IMPROVEMENTS

CR



**PRIMARY TREE  
REMOVAL AREAS  
→ ± 2.2 ACRES TOTAL**

TREES TO BE REMOVED	
OAK OVER 8"	11
PINE UNDER 12"	158
PINE OVER 12"	140
OTHER	1
TOTAL	<b>287</b>

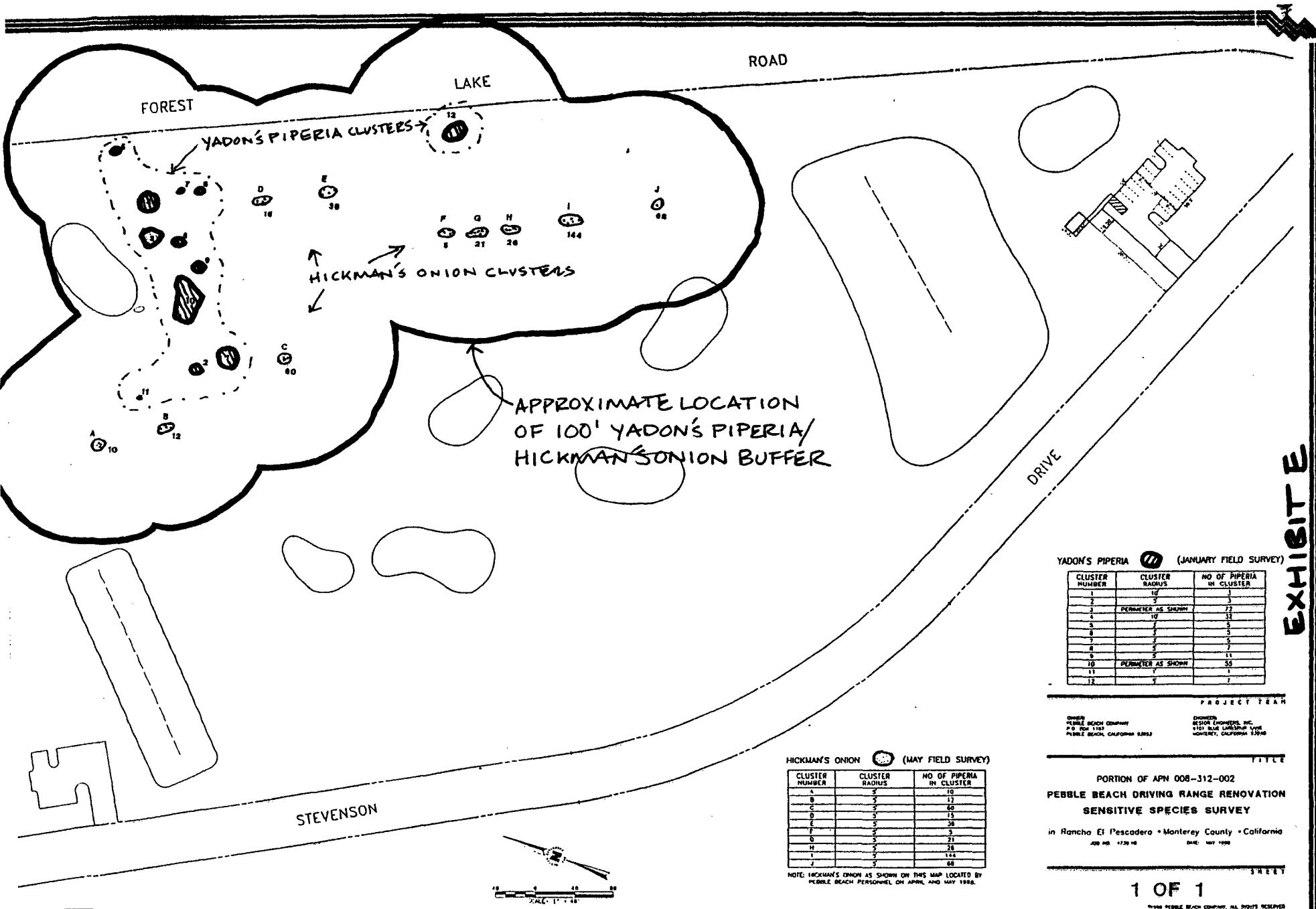
ALL TREES ARE PINE UNLESS OTHERWISE INDICATED  
• TREES LESS THAN 12" IN DIA.  
• TREES 12" AND ABOVE IN DIA.  
• TREES TO BE REMOVED  
- - - - - EXISTING CONTOURS  
- - - - - PROPOSED ELEVATION  
100.00 SPOT ELEVATION  
F.P. FURNISHED PAD

DRAWN BY: PEBBLE BEACH COMPANY  
P.O. BOX 1740  
PEBBLE BEACH, CALIFORNIA 93955  
ENGINEER: DESIGN ENGINEERS, INC.  
18101 ROAD 100-1000 LANE  
MONTEREY, CALIFORNIA 93940

A.P.N. 008-312-002  
PEBBLE BEACH DRIVING RANGE RENOVATION  
GRADING PLAN  
In Rancho El Pescadero • Monterey County • California  
JOB NO. 1730-10 DATE: AUGUST 1987

C-2  
© 1987 PEBBLE BEACH COMPANY, ALL RIGHTS RESERVED

**EXHIBIT E**  
(2 OF 4)



YADON'S PIPERIA (JANUARY FIELD SURVEY)

CLUSTER NUMBER	CLUSTER RADIUS	NO OF PIPERIA IN CLUSTER
1	5	1
2	5	1
3	PERIMETER AS SHOWN	77
4	10	11
5	5	5
6	5	5
7	5	5
8	5	5
9	5	11
10	PERIMETER AS SHOWN	55
11	5	1
12	5	1

PROJECT TEAM

OWNER  
PEBBLE BEACH COMPANY  
P.O. BOX 1103  
PEBBLE BEACH, CALIFORNIA 95561

DESIGNER  
DESIGN ENGINEERS, INC.  
9101 BLUE LARKSPUR LANE  
MONTEREY, CALIFORNIA 95030

TITLE

PORTION OF APN 008-312-002  
PEBBLE BEACH DRIVING RANGE RENOVATION  
SENSITIVE SPECIES SURVEY

in Rancho El Pescadero • Monterey County • California  
JOB NO. 1739-10 DATE: MAY 1996

SHEET

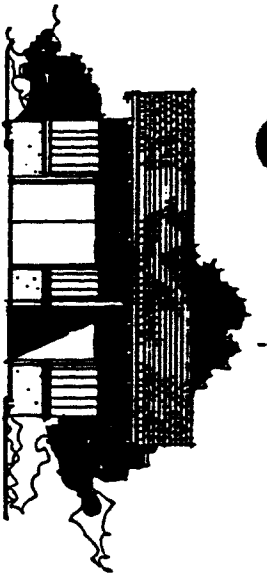
HICKMAN'S ONION (MAY FIELD SURVEY)

CLUSTER NUMBER	CLUSTER RADIUS	NO OF PIPERIA IN CLUSTER
A	5	10
B	5	17
C	5	60
D	5	15
E	5	38
F	5	3
G	5	21
H	5	28
I	5	124
J	5	68

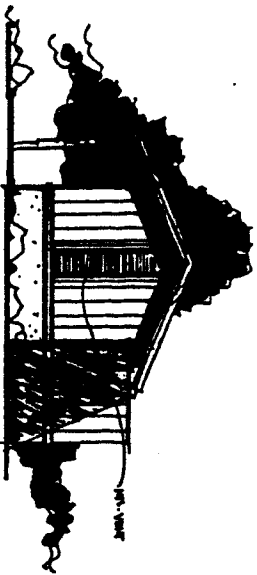
NOTE: HICKMAN'S ONION AS SHOWN ON THIS MAP LOCATED BY  
PEBBLE BEACH PERSONNEL ON APRIL AND MAY 1996.

EXHIBIT E

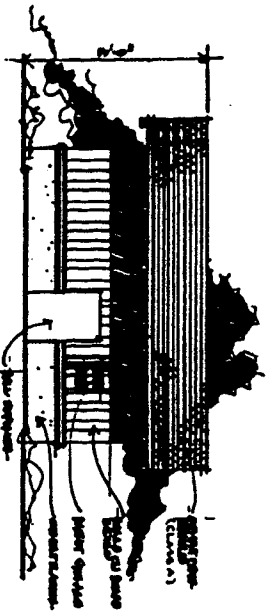
(3 OF 4)



NORTH

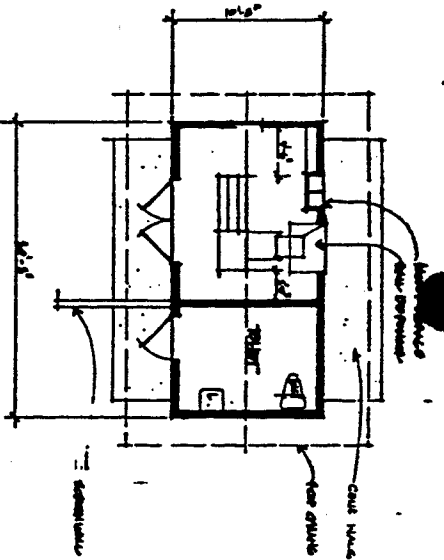


EAST  
(East side only)

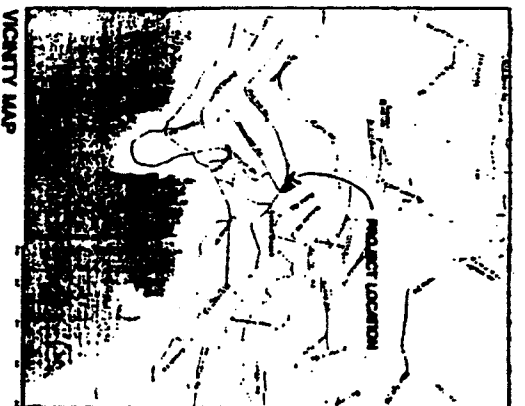


SOUTH

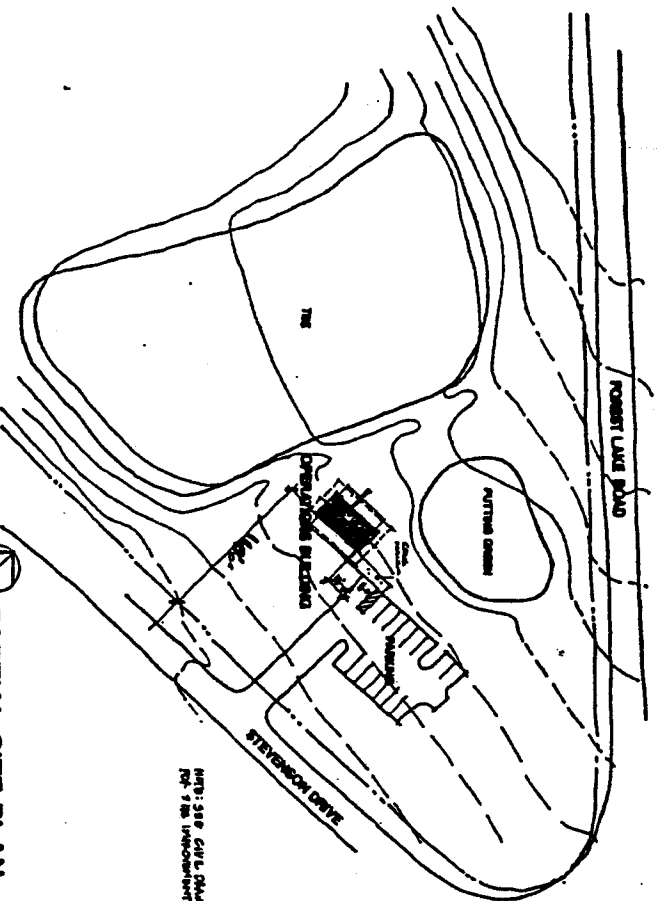
ELEVATIONS  
Scale 1/4" = 1'-0"



FLOOR PLAN  
Scale 1/4" = 1'-0"



VICINITY MAP



PARTIAL SITE PLAN  
Scale 1/4" = 1'-0"

# EXHIBIT E (4 OF 4)

LEICHERT  
THOMPSON  
ARCHITECTS

PROJECT: PINE BLUFF  
OWNER: PINE BLUFF  
DATE: 10/1/00  
SCALE: 1/4" = 1'-0"

DESIGNED BY: [Name]  
DRAWN BY: [Name]

PROJECT LOCATION: [Address]

SCALE: 1/4" = 1'-0"

DATE: 10/1/00  
BY: [Name]

## OPERATIONS SHACK ELEVATION

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060

(831) 427-4863



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

**EXHIBIT F - LETTER TO MONTEREY COUNTY**



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:

*Environmentally sensitive habitats: 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):

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*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

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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)).



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):

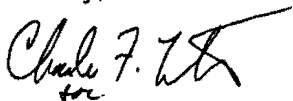
*Accessory use means a use accessory to and customarily a part of the permitted use, clearly incidental and secondary to the permitted use and which does not change the character of the permitted use.*

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,



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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(90F9)

## **LUP**

sensitive habitats along the immediate shoreline. Trampling, collecting, and off-road automobile parking have damaged or degraded certain habitats. Alterations to the surface hydrology and removal of natural vegetation are the two most serious threats to the continued viability of forest habitats. Future development near environmentally sensitive habitat areas must be carefully sited and designed to mitigate potential adverse impacts to the resource.

### Policy Guidance Statement

The environmentally sensitive habitat areas of the Del Monte Forest Area are unique, limited, and fragile resources which are important to the enrichment of residents and visitors alike. Accordingly, they shall be protected, maintained, and, where possible, enhanced and restored in accordance with the policies of this LUP and the associated policies and maintenance standards of the OSAC Plan. All categories of land uses, both public and private, shall be subordinate to the protection of these areas.

### Policies

8. 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.
9. Improvements to facilitate recreational or visitor uses, including vegetation removal, excavation, grading, or filling in designated environmentally sensitive habitat areas shall be sited, designed and managed to avoid any significant disruption of the protected resources. Areas which are especially sensitive to recreational use include riparian, habitats, wetlands, and sites of known rare and endangered species of plants and animals. Bird rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery areas identified in Figure 2 of this LUP are generally appropriate only for off-site observation. Any uses of these areas shall be mitigated consistent with OSAC maintenance standards for the affected area and shall be required to demonstrate enhancement of the affected habitat as part of the use proposal.

## **EXHIBIT G - LCP ESHA POLICIES**

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## LUP

10. 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.
11. Contiguous areas of undisturbed land in open space uses shall be maintained wherever possible to protect environmentally sensitive habitat areas and associated wildlife values. To this end, development of parcels immediately adjacent to designated environmentally sensitive habitat areas shall be planned to keep development intensity immediately adjacent to the sensitive habitats as low as possible, consistent with other planning criteria (e.g., drainage design, roadway design, and public safety). Conformance to applicable OSAC maintenance standards shall be the test of consistency with this policy.
12. Where development of any type, including subdivision of land for development purposes, is proposed in or near documented or expected locations of environmentally sensitive habitats, field surveys by qualified individuals shall be required in order to determine precise locations and to recommend mitigating measures to ensure protection of any sensitive species or habitat(s) present. Where OSAC maintenance standards have been prepared, these shall be observed in the preparation of such recommendations.
13. The protection of environmentally sensitive habitats shall be provided through deed restrictions or permanent conservation or scenic easements granted to the Del Monte Forest Foundation. Where developments are proposed within or near areas containing environmentally sensitive habitat, such restrictions or easements shall be established through the development review process. Where development has already occurred in areas supporting environmentally sensitive habitat, property owners should be encouraged to voluntarily grant conservation or scenic easements to the Del Monte Forest Foundation. Except in the case of voluntary easements, each instrument for effecting such restriction or easement shall be subject to approval by the County as to form and content; shall provide for enforcement, if need be, by the County or other appropriate enforcement agency; and shall name the County as beneficiary in event the Foundation ceases or is unable to adequately manage these easements for the intended purpose

EXHIBIT 6

## LUP

of natural habitat preservation.

14. Near environmentally sensitive habitat areas, the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate development. This policy shall not restrict the activities of the Del Monte Forest Foundation in implementing OSAC Plan maintenance standards.
15. The use of non-invasive plant species and appropriate native species shall be required in landscape materials used in projects, especially in developments adjoining environmentally sensitive habitat.

### Policies Specific to Terrestrial Plants and Habitats

16. The remnant native sand dune habitat along the shore in the Spanish Bay planning area, on Signal Hill, and adjacent to 17-Mile Drive in the Spyglass Cypress planning area, shall be preserved through scenic easement or conservation easement, and shall be conveyed to the Del Monte Forest Foundation, as provided by policy 13 above, at the time development occurs in adjacent areas. Lots of record in these dune areas may be developed provided that new adverse impacts are prevented and enhancement measures are instituted as part of the development proposal.
17. Prior to approval of development on existing legal lots of record, protection of rare, endangered, and sensitive native plant and animal habitats which potentially occur in the area shall be ensured by the following means:
  - A site survey shall be conducted by a qualified botanist (or biologist in the case of animal habitat) for the purpose of determining the presence of rare, endangered, or unique plants and developing appropriate mitigation. This survey should be conducted in April or May, as it must be designed to detect the presence of any of the habitats listed in Appendix A of this Plan.
  - Performance standards covering building locations, lot setbacks, roadway and driveway width, grading, and landscaping shall be established as a means of carrying out the recommendations of the site survey. The purpose of this is to isolate building sites from identified locations of rare or endangered plants or other environmentally sensitive habitat.

## LUP

- Scenic or conservation easements covering the environmentally sensitive habitat shall be dedicated to the Del Monte Forest Foundation as provided by policy 13 above.
- 18. Uses of the remnant native sand dune habitat shall be limited to low-intensity scientific, educational, or recreational activities dependent on the resource, except in Spanish Bay rehabilitation area, where policy 93 shall apply. Particular attention shall be given to protection of rare and endangered plants from trampling. Conformance to the appropriate OSAC maintenance standards shall be the criteria for consistency with this policy. Such uses must be consistent with restoration and enhancement of the habitat.
- 19. To prevent further degradation and to allow for restoration of degraded dune and bluff habitats, parking along 17-Mile Drive shall be restricted to designated turnouts through the use of barriers (structural and vegetational) and enforcement signs in accordance with the site specific access recommendations.
- 20. Development in the Spanish Bay planning area, including the golf course in the reclamation area, shall be designed to avoid conflict with or enhance both remaining native sand dune habitat and shoreline recreational uses. All but the first 2,000 feet of Spanish Bay Road northerly of its intersection with 17-Mile Drive near Point Joe shall be removed to protect environmentally sensitive dune habitat. Provide for emergency vehicular access to Moss Beach.
- 21. Land uses on existing legal lots of record supporting indigenous Monterey Cypress habitat shall be compatible with the objective of protecting this environmentally sensitive coastal resource. Improvements such as structures and driveways shall be carefully sited and designed to avoid potential damage or degradation of the micro-habitat of these trees. Within the perimeter of the habitat area as defined by the driplines of the outermost indigenous Monterey Cypress trees on the site, removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering shall be prohibited. On the inland side of 17-Mile Drive, driveways shall be allowed in this area where the driveway does not come within the dripline of individual Cypress trees, or where driveways are consolidated to service more than one lot. Underground residential utilities and fences shall be allowed in this area on the inland side of 17-Mile Drive. Scenic or conservation easements shall be secured prior to transmittal of coastal development permits in order to assure the protection of the Monterey Cypress habitat.

EXHIBIT G

## LUP

- 21a. The County supports the establishment of an interpretive and educational program at Crocker Grove. The program would be under careful supervision and designed for the protection of the indigenous Monterey Cypress habitat. The type and intensity of access to Crocker Grove would be carefully regulated.
- 21b. The County supports the habitat preservation on the Shumway parcel #8-491-19 in order to provide a continuous habitat corridor from the shoreline to the inland grove.
22. Land uses within or adjacent to the Gowen cypress/Bishop pine association shall be compatible with the objective of protection of the S.F.B. Morse Botanical Reserve. Residential and recreational development, such as golf courses, shall be carefully sited and restricted to a level consistent with the protection of these resources. Development proposed adjacent to the Gowen cypress habitat shall be planned in a manner to protect this rare species. Conformance to OSAC Plan maintenance standards shall be the test for consistency with this policy.
23. The boundary of the S.F.B. Morse Botanical Reserve should be expanded to the boundary recommended by the OSAC naturalists in the OSAC Plan.

### Policies Specific to Riparian Corridors and Other Terrestrial Wildlife Habitats

24. Riparian plant communities shall be protected by establishing a setback of 100 feet from the centerline of the intermittent streams where such plant communities occur, or the outer edge of riparian vegetation, whichever is greater. The setback requirement may be reduced if it can be demonstrated that a narrower corridor is sufficient to protect riparian vegetation and associated wildlife values and enhancement is proposed. No significant disruption of the riparian habitat will be permitted in instances where projects propose the modification of existing riparian corridors. Where this criterion can be met, such projects may be approved, provided that they result in long-term habitat enhancement to offset the short-term loss. The long-term enhancement shall result in new habitat greater in value (qualitatively and quantitatively) than the existing habitat displaced. Examples of such cases include restoration of previously damaged riparian environments and replacement of fill by bridges.
25. To protect wildlife habitat values of riparian areas and their adjacent buffer zones, offroad vehicle activity of any type shall be prohibited and general public access should be limited to designated areas such as cart paths or trails. Roads and trails shall be sited and designed to avoid impacts to riparian habitat.

EXHIBIT G

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(5 of 17)

## LUP

26. If not previously dedicated, all non-public lands within the Huckleberry Hill wildlife habitat area as shown on Figure 2 of this Plan shall be placed in scenic or conservation easement, as provided by Policy 13 above, at the time of residential, commercial, or new forest entrance road development adjacent to State Highway 68 or within development areas F, G, H, or I as shown on Figure 5 of this Plan. Former quarry sites and the Haul Road may be reserved for public works purposes.

### Policies Specific to Wetlands and Marine Habitats

27. A setback of 100 feet from the landward edge of wetlands and from the mean high water line of the ocean shall be provided. No landscape alterations will be allowed in this setback area unless accomplished in conjunction with restoration and enhancement and unless it is demonstrated that no significant disruption of environmentally sensitive habitat will result.
28. Previously subdivided land shall fall under the same development standards as new residential development or subdivision in areas A through X as shown on Figure 5 of this plan. Development, except as provided by Policy 74, shall be prohibited on any parcel which is entirely within an environmentally sensitive habitat area. Specific measures to preserve such parcels will be developed, as necessary, in the implementation plan.
29. Alteration of the shoreline shall not be permitted except when required to serve coastal-dependent uses, to protect existing structures, or to restore and enhance the habitat.
30. Development at Cypress Point shall be restricted to existing uses (e.g., golf course and golf clubhouse); the shoreline areas used by harbor seals must be protected during the pupping period from April through July.

### FORESTRY AND SOIL RESOURCES

Forest-crested skylines providing a scenic backdrop for the cities of Monterey, Pacific Grove, and Carmel are an integral part of the mystique of the Monterey Peninsula. It is the scenic value of the Del Monte Forest, as well as the significance of the natural habitats, that prompted the State Board of Forestry and Coastal Commission to designate the larger undeveloped areas of the Forest as Special Treatment Areas. Also considered in this designation were the sensitivity of the local ecosystem and the potential for tree removal.

Several of the trees and plants found in the Forest are rare and have survived here because of the unique soils and climate.

EXHIBIT G

IP

20.147.040 ENVIRONMENTALLY SENSITIVE HABITAT DEVELOPMENT STANDARDS.

Intent of Section: It is the intent of this section that the environmentally sensitive areas of the Del Monte Forest be protected, maintained, enhanced and restored in accordance with this implementation ordinance and the policies of the Del Monte Forest Area Land Use Plan. All categories of land uses, both public and private, shall be subordinate to the protection of these environmentally sensitive areas.

A. Biological Survey Requirements

1. No residential subdivision immediately adjoining environmentally sensitive habitat areas is allowed unless first demonstrated through applicable biological/botanical surveys that for each new residential lot, normal residential development, including driveway and utility connections, is feasible without damage to any environmentally sensitive habitat and is compatible with protection and maintenance of these resources. Development of parcels adjoining designated environmentally sensitive habitat areas shall be maintained at the minimum density designated for the site by the Del Monte Land Use Plan. Conformance to the applicable Open Space Advisory Committee maintenance standards shall be required wherever open space lands are affected (Ref. Policy #10 Del Monte Forest Area Land Use Plan).
2. A biological survey shall be required for all proposed development which can be described using one or more of the following criteria:
  - a. the development is located within an environmentally sensitive habitat, as shown on Figure 2 "Environmentally Sensitive Habitat Areas" contained in the Del Monte Forest Land Use Plan or other current available resource information or through the planner's on-site investigation;
  - b. the development is potentially located within an environmentally sensitive habitat, according to available resource information and/or on-site investigation;
  - c. the development is or may potentially be located within 100 feet of an environmentally sensitive habitat and/or has the potential to negatively impact the long-term maintenance of the habitat as determined through project review or;
  - d. there is disagreement between staff and the applicant as to whether the proposed development meets one of the above criteria.

# IP

3. The survey shall be required, submitted and be approved by the Planning Department prior to the application being determined complete. Two copies of the survey shall be submitted to the Planning Department.
4. The survey shall be prepared by a qualified biologist, as selected from the Countys' list of Consulting Biologists. Report preparation shall be at the applicants' expense.
5. See Attachment "C" of this ordinance for required format and content of the biological/botanical report.

## B. Development Standards

1. A minimum 100 foot open space buffer is required when development is proposed on lands immediately adjoining areas shown to contain environmentally sensitive habitats (Ref. Policy #17 Del Monte Forest Area Land Use Plan). Within buffer zones, the following uses may be permitted: a) uses permitted in riparian corridors; b) residential uses on existing legal lots of record, setback a minimum of 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if there is no other building site on the parcel; and, c) residential structures or impervious surfaces only if no feasible alternative exists. No new residential parcels shall be created whose only building site is in the buffer area.

Uses permitted in the buffer zone shall be required to: a) minimize removal of vegetation; b) conform to natural topography to minimize erosion potential; c) make provisions (such as catch basins) to keep run-off and sedimentation from exceeding pre-development levels; d) replant where appropriate with native and non-invasive exotic species; e) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor; and, f) require motorized machinery to be kept to less than 45 DBA at any wetland boundary."

The 100 foot buffer shall be measured from the edge of the environmentally sensitive habitat, as determined through the biological survey prepared for the project. Uses which may be located within the setback area shall not adversely impact the long-term maintenance of the environmentally sensitive habitat, as determined through the biological survey prepared for the project..

# IP

2. Where development of any type, including land subdivisions, is proposed in or near documented or expected locations of environmentally sensitive habitats, field surveys and a documenting report conducted by a qualified botanists/biologist on the County's current list of biologists and botanists shall be required in order to determine precise locations of the sensitive species/habitats and to recommend mitigating measures to ensure protection of any sensitive species or habitat(s) present. Where Open Space Advisory Committee maintenance standards have been prepared, these shall be observed in the preparation of such recommendations. The botanical survey shall be conducted in April or May, as it must be designed to detect the presence of any of the habitats listed in Appendix A "List of Environmentally Sensitive Habitats" contained in the Del Monte Forest Area Land Use Plan. Appendix B "Biological/Botanical Report Requirements" contained in this implementation ordinance contains the required format and content of the botanical/ biological report (Ref. Policy #12 Del Monte Forest Area Land Use Plan).
3. Where rare/endangered and/or threatened species are encountered on the site of a proposed development, the following mitigation measures (as determined necessary by Planning Department staff and/or contained as mitigation measures in the biological/botanical report) must be undertaken:
  - a. Performance standards covering building locations, lot setbacks, roadway and driveway width, grading, and landscaping shall be established as a means of carrying out the recommendations of the site survey. These standards are intended to isolate building sites from identified locations of rare or endangered plants or other environmentally sensitive habitats.
  - b. Scenic or conservation easements covering the environmentally sensitive habitat shall be dedicated to the Del Monte Forest Foundation as provided by Development Standard #7 of this section (Ref. Policy #17 Del Monte Forest Area Land Use Plan). The easement may also be extended to cover the buffer area required in Section 20.147.040.B.1, upon recommendation in the biological survey prepared for the project pursuant to Section 20.147.040.A as needed to protect the habitat's long-term maintenance.
4. Environmentally sensitive habitat areas designated as rehabilitation areas shall be protected against disruption of habitat values. New land uses within environmentally sensitive habitat shall be limited to



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resource-dependent uses, including education, research, fish and wildlife management activities, trails where no adverse impact will result, and (where there is no feasible alternative) pipelines, and repair or maintenance of roads, road crossing, or bridges. Land uses immediately adjoining environmentally sensitive habitat areas shall be compatible with long-term maintenance of the resource; development shall be sited and designed to prevent impacts having the potential to significantly degrade the protected habitat. As stated in Section 20.147.040.B.1, a minimum 100 foot setback shall be maintained between any proposed development and the environmentally sensitive habitat. In designated open space areas, conformance to the applicable Open Space Advisory Committee Plan maintenance standards shall determine the consistency of the proposal with development standards contained in this Ordinance (Ref. Policy #8 Del Monte Forest Area Land Use Plan).

5. Improvements to recreational or visitor uses, including vegetation removal, excavation, or grading in designated environmentally sensitive habitat areas shall be sited, designed and managed to avoid significant disruption of the protected resources, as laid out in the mitigation measures contained in the biological/botanical report prepared for the proposed development. Bird rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery areas identified in Figure 2 of the Del Monte Forest Area Land Use Plan are appropriate only for off-site observation and shall not be developed. Any proposals for development within these areas shall be determined consistent with Open Space Advisory Committee maintenance standards for the affected area and shall be required to demonstrate enhancement of the affected habitat as part of the use proposal before consideration of approval for the project (Ref. Policy #9 Del Monte Forest Area Land Use Plan).
6. Contiguous areas of undisturbed land in open space uses shall be maintained wherever possible to protect environmentally sensitive habitat areas and associated wildlife values. Development density of sensitive habitats areas shall be as low as possible, consistent with other planning criteria (e.g., drainage design, roadway design, and public safety). In subdividing property adjacent to environmentally sensitive habitats, the parcel configuration shall maintain the maximum amount of contiguous open space adjacent to the habitat. Techniques such as clustering of structures, with open space areas placed in open space easement, shall be required where resulting in the maximum amount of open space. Conformance to applicable open space advisory committee maintenance

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standards shall be the test of consistency with this development standard. (LUP Policy #11)

7. The protection of environmentally sensitive habitats shall be provided through deed restrictions or permanent conservation or scenic easements granted to the County of Monterey. Parcels proposed for development containing areas of environmental sensitive habitats shall require, as a condition of approval, that the sensitive habitat area (including an 100 foot buffer around the sensitive habitat area) be placed in an scenic or conservation easement. Except in the case of voluntary easements, each instrument for effecting such restriction or easement shall be subject to approval by the County as to form and content; shall provide for enforcement, if need be, by the County or other appropriate enforcement agency; and shall name the Del Monte Foundation as beneficiary in event the County is unable to adequately manage these easements for the intended purpose of natural habitat preservation (Ref. Policy #13 Del Monte Forest Area Land Use Plan).
8. In properties adjoining environmentally sensitive habitat areas, the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate development. This development standard shall not restrict the activities of the Del Monte Forest Foundation in implementing Open Space Advisory Committee Plan maintenance standards. Refer also to Section 20.147.030, Water and Marine Resources Development Standards (Ref. Policy #14 Del Monte Forest Area Land Use Plan).
9. Where landscaping is required for new development on parcels adjacent to or including environmentally sensitive habitats, landscaping used within the 100' buffer shall consist solely of non-invasive, native plant materials appropriate to the habitat. Landscaping for the remainder of the site shall include native species and may include non-invasive exotics. (Ref. Policy 15).

C. Specific Development Standards

1. Terrestrial Plant and Wildlife Habitats

- a. The remnant native sand dune habitat along the shore in the Spanish Bay planning area, on Signal Hill, and adjacent to 17-Mile Drive in the Spyglass Cypress planning area, shall be preserved through scenic easement or conservation easement, and shall be conveyed to the Del Monte Forest Foundation, as provided by Development Standard

DMF-15

**EXHIBIT 6**  
(110117)

IP

#6 above, at the time development occurs in adjacent areas. Lots of record in these dune areas may be developed, provided that the proposed development complies with the mitigation measures provided in the biological/botanical report prepared for the proposed development. When the prepared biological/botanical states that there are unmitigatable impacts to the resource from development, the minimum level of development shall be allowed, as agreed upon by the Planning staff with the developer. (Ref. Policy #16 Del Monte Forest Area Land Use Plan).

- b. Uses of the remnant native sand dune habitat is limited to low-intensity scientific, educational, or recreational activities dependent on the resource. In the Spanish Bay rehabilitation area Development Standard #19 shall apply to uses of the native remnant sand dune habitat. Particular attention shall be given to protection of rare and endangered plants from trampling. Conformance to the appropriate Open Space Advisory Committee maintenance standards shall be the criteria for consistency with this development standard. Such uses must be consistent with restoration and enhancement of the habitat (Ref. Policy #18 Del Monte Forest Area Land Use Plan).
- c. Development in the Spanish Bay planning area, including the golf course in the reclamation area, shall be designed to avoid conflict with the remaining native sand dune habitat and shoreline recreational uses. All but the first 2,000 feet of Spanish Bay Road northerly of its intersection with 17-Mile Drive near Point Joe shall be removed to protect environmentally sensitive dune habitat.
- d. Land uses on existing legal lots of record supporting indigenous Monterey Cypress habitat shall be compatible with the objective of protecting this environmentally sensitive coastal resource. Improvements such as structures and driveways shall be sited and designed to avoid potential damage or degradation of the micro-habitat of these trees.
- e. Removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering is prohibited within the perimeter of the Cypress habitat area as defined by the driplines of the outermost indigenous Monterey Cypress trees on a site.

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EXHIBIT G  
(12 of 17)

IP

- f. On the inland side of 17-Mile Drive, driveways are allowed only where the driveway does not come within the dripline of individual Cypress trees, or where driveways are consolidated to service more than one lot.
  - g. Underground residential utilities and fences are allowed on the inland side of 17-Mile Drive. Scenic or conservation easements shall be required as a condition of approval of all development permits in order to protect the Monterey Cypress habitat (Ref. Policy #21 Del Monte Forest Area Land Use Plan).
  - h. Land uses within or adjacent to the Gowen Cypress/Bishop Pine association shall be compatible with protection of the S.F.B. Morse Botanical Reserve. Residential and recreational development, such as golf courses, shall be carefully sited (location to be approved by Planning Department staff) and restricted to a level consistent with the protection of these resources. Development proposed adjacent to the Gowen cypress habitat shall be planned in a manner to protect this rare species. As stated in Section 20.147.040.B.1, a minimum 100 foot setback is required for development in this area. Conformance to Open Space Advisory Committee Plan maintenance standards shall be the test for consistency with this development standard (Ref. Policy #22 Del Monte Forest Area Land Use Plan) The biological survey prepared for the project shall assess the proposed development's potential impacts on the long-term maintenance of the habitat. Where needed, the survey shall provide recommended project modifications and/or other mitigation measures needed to reduce impacts to a level at which the habitat's long-term maintenance is assured. Such recommendations shall be made conditions of project approval, as needed.
  - i. Where development proposes parking along 17-Mile Drive, the parking shall be restricted to designated turnouts through use of structural and vegetational barriers and enforcement signs, in conformance with Appendix B of the Del Monte Forest Land Use Plan. (Ref. LUP Policy #19)
2. Riparian Corridors and Other Terrestrial Wildlife Habitats
- a. Riparian plant communities shall be protected by establishing a setback of 100 feet from the

DMF-17

**EXHIBIT 9**  
(130P17)

IP

centerline of the intermittent streams where such plant communities occur, or the outer edge of riparian vegetation, whichever is greater. The setback requirement may be reduced if it can be demonstrated through the biological survey prepared for the project in conformance with Section 20.147.040.A that a narrower corridor is sufficient to protect riparian vegetation and associated wildlife values. No significant disruption of the riparian habitat will be permitted in instances where projects propose the modification of existing riparian corridors (Ref. Policy #24 Del Monte Forest Area Land Use Plan). Where this criterion can be met, projects within the riparian corridor may be approved, provided that they result in long-term habitat enhancement to offset the short-term loss. The long-term enhancement shall result in new habitat greater in value. (qualitatively and quantitatively) than the existing habitat displaced. Examples of such cases include restoration of previously damaged riparian environments and replacement of ill by bridges.

Measures to ensure the habitat's long-term enhancement shall be fully assessed by and contained in the biological survey prepared for the project pursuant to Section 20.147.040.A. Such measures shall be made conditions of project approval.

- b. To protect wildlife habitat values of riparian areas and their adjacent buffer zones, off-road vehicle activity of all types is prohibited. General public access is limited to designated areas such as cart paths or trails. Roads and trails shall be sited and designed to avoid impacts to riparian habitat (Ref. Policy #25 Del Monte Forest Area Land Use Plan).
- c. At the time of residential, commercial, or new forest entrance road development adjacent to State Highway 68 or within development areas F, G, H, or I as shown on Figure 5 of the Del Monte Forest Area Land Use Plan, if not previously dedicated, all non-public lands within the Huckleberry Hill wildlife habitat area as shown on Figure 2 of the Del Monte Forest Area Land Use Plan shall be placed in scenic or conservation easement, as provided by Section 20.147.040.B.7. (Ref. Policy #26 Del Monte Forest Area Land Use Plan).

## 3. Wetlands and Marine Habitats

- a. A setback of 100 feet from the landward edge of wetlands and from the mean high water line of the ocean shall be provided. No landscape alterations is allowed in this setback area unless accomplished in conjunction with restoration and enhancement and unless it is demonstrated, through the biological/botanical report prepared for the site, that no significant disruption of environmentally sensitive habitat will result. (Ref. Policy #27 Del Monte Forest Area Land Use Plan).
- b. Previously subdivided land shall fall under the same development standards as new residential development or subdivision in areas A through X as shown on Figure 5 of the Del Monte Forest Area Land Use Plan. Development, except as provided in Section 20.147.080.B.1, is prohibited on any parcel which is entirely within an environmentally sensitive habitat area. Specific measures to preserve such parcels will be developed, as necessary, in the implementation plan (Ref. Policy #28 Del Monte Forest Area Land Use Plan).
- c. Alteration of the shoreline shall not be permitted except when required to serve coastal-dependent uses, to protect existing structures, or to restore and enhance the habitat. All development and alteration of the shoreline shall be required to submit to the Planning Department a geologic report following the criteria presented in Section 20.147.060.A.1-9. (Ref. Policy #29 Del Monte Forest Area Land Use Plan).
- d. Development at Cypress Point is restricted to existing uses (e.g., golf course and golf clubhouse); the shoreline areas used by harbor seals must be protected during the pupping period from April through July. Where development or improvements to the Cypress Point Golfcourse or Clubhouse are proposed, a biologic survey shall be required pursuant to Section 20.147.040.A. The survey shall establish the boundaries of the pupping area and provide mitigation measures to protect the area during pupping season, including setbacks, easements, or other restrictions. Such measures shall be made conditions of project approval as needed to protect the pupping area. (Ref. Policy #30 Del Monte Forest Area Land Use Plan).
- e. Development proposing new or expanded wastewater

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discharge into the Monterey Bay and coastal waters of Monterey County shall be reviewed by the Health Department prior to application submittal pursuant to Section 20.146.060. Prior to the application being determined complete, the applicant shall be required to submit, at a minimum, the following information and studies:

- 1) Three years monitoring records identifying the existing characteristics of the proposed wastewater discharge. Particular areas of concern include toxic chemicals, inorganic heavy metals, bacteria and other indicators prescribed as threats to the health and safety of coastal waters.
- 2) Provide comprehensive projections of the increase of the proposed wastewater discharges. Both quantitative and qualitative characteristics must be specifically identified. Specific figures for the indicators identified in 1) must be included in the projections.
- 3) Provide complete information on levels of treatment proposed at the treatment facility to remove those indicators mentioned in 1). This information shall also include reliability and efficiency data of the proposed treatment.
- 4) provide a comprehensive monitoring plan for testing of wastewater for indicators identified in 1).
- 5) Perform oceanographic studies to determine the most suitable location and methods for discharge into the ocean.
- 6) Perform tests of ocean waters at the proposed discharge site and surrounding waters to establish baseline or background levels of toxic chemicals, heavy metals, bacteria and other water quality indicators. These tests must be performed no more than one year prior to submittal of the proposal. Historical data may not be substituted for this requirement.
- 7) Perform toxicity studies to determine the impacts of the proposed wastewater discharges on marine life as well as on recreational uses of the coastal waters.
- 8) Identify and analyze alternative methods of

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**EXHIBIT G**  
(16 OF 17)

wastewater disposal. This shall include hydrogeologic studies of the applicant's groundwater basin to determine the water quality problems in that area and whether on-site disposal will have an adverse impact on groundwater quality.

The data and results of the requirements 1) through 8) must be submitted to the County's Chief of Environmental Health for evaluation. A wastewater discharge permit, as part of the overall Coastal Development Permit shall be issued only if the above information demonstrates that the proposed wastewater discharge will not degrade marine habitats; will not create hazardous or dangerous conditions and will not produce levels of pollutants that exceed any applicable state or federal water quality standards. (LUP amendment)

## 20.147.050 FORESTRY AND SOIL RESOURCES DEVELOPMENT STANDARDS.

Intent of the Section: It is the intent of this section to maintain and preserve the Forest resource of the Del Monte area through adherence to development standards for the benefit of both residents and visitors.

### A. Coastal Development Permit Requirement

1. A coastal development permit must be obtained for the removal of trees and other major vegetation with the following exceptions:
  - a. removal of non-native or planted trees, except where this would result in the exposure of structures in the critical viewshed area; where defined as habitat; where previously protected by coastal permit or forest management plan or scenic/conservation easement.
  - b. removal of hazardous trees which pose an immediate danger to life or structures or where a diseased tree is determined by a qualified professional forester to represent a severe and serious infection hazard to the rest of the forest;
  - c. except for Monterey Cypress in its' indigenous range, thinning of small (less than 12" in diameter) or dead trees from densely forested areas, especially as needed to reduce unsafe fuel accumulations adjacent to existing occupied buildings and;
  - d. prescribed burning, crushing, lopping or other



# Pebble Beach Company

Real Estate Division  
Post Office Box 1767  
Pebble Beach, CA 93953  
(408) 624-8900  
FAX (408) 625-8412

VIA FACSIMILE

831/427-4877

October 13, 1998

RECEIVED

OCT 15 1998

Mr. Dan Carl  
CALIFORNIA COASTAL COMMISSION  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: Pebble Beach Golf Links – Driving Range Improvements  
Appeal No. A-3-MCO-98-085

Dear Dan:

Please accept this as our request to waive the 49 day requirement for hearing date scheduling of this appeal (California Code of Regulations, Title 14 "Natural Resources", Article 8, Section 13062).

We understand this waiver of time will allow ample opportunity for a thorough review of the materials applicable to a substantial issue determination regarding the planned improvements to the existing Pebble Beach driving range. Further, we look forward to a site visit of the project area in the coming weeks.

Sincerely, -

PEBBLE BEACH COMPANY



Edward Y. Brown  
Vice President, Planning

c: C. Burrell  
M. Stilwell  
J. Bridges/Fenton & Keller

Original to follow via regular mail.

EXHIBIT H - CORRESPONDENCE  
(10F32)



RECEIVED

OCT 19 1998

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

October 15, 1998

Mr. Rusty Areias, Chair  
CALIFORNIA COASTAL COMMISSION  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

RE: Commission Appeal No. A-3-MCO-98-085  
Pebble Beach Golf Links -- Driving Range Improvements

Dear Chairman Areias and Commissioners:

The Monterey Peninsula Golf Foundation, with the cooperation of the Pebble Beach Company, conducts the annual AT&T Pebble Beach National Pro-Am Golf Tournament. As you know, this tournament raises millions of dollars annually for local charities and is one of the premier visitor attractions to the Monterey Peninsula each year.

We are aware of Pebble Beach Company's plan to expand and improve the Pebble Beach course's driving range. In that your link to Monterey County makes you aware of the current conditions of the driving range, I am sure you would agree that the improvements are not only warranted but should be commended. The improvements will provide a better learning and practicing opportunity for the community at large, including many youth programs supported by both the Monterey Peninsula Golf Foundation and Pebble Beach Company.

We thank you for your consideration of our comments and respectfully request the Commissioner's support of the Company's proposal for the improvements to the driving range.

Very truly yours,

Louis A. Russo  
Executive Director  
AT&T Pebble Beach National Pro-Am

cc: Clint Eastwood, Chair, Monterey Peninsula Golf Foundation  
Mark Stilwell, Pebble Beach Company  
✓ Charles Lester, California Coastal Commission, Central Coast Division  
Dave Potter, Chairman, Monterey County Board of Supervisors



EXHIBIT H  
(2 OF 32)

**RCMP - Responsible Consumers of the Monterey Peninsula****Box 1495, Carmel, CA 93921 - 831/624-6500**

Coastal Commission

April 23 1999

**Re: Appeal of PBC-Driving Range Expansion MC Resolution # 98035****Project Would Impact Environmentally Sensitive Habitat Areas  
Including Wetlands and Orchids**

Dear Commissioners:

This project would adversely impact **Wetlands** and Habitat for Federally listed Endangered **Orchids** (Yadon's Piperia) which conflicts with the Coastal Act.

Wetlands and listed species habitats are both Environmentally Sensitive Habitat Areas (ESHA) under the Coastal Act.

PRC 30107.5. "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.

Environmentally Sensitive Habitat areas are highly protected by the Coastal Act.

PRC 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

**WETLAND HARM**

Wetlands on Stevenson Road

"The designated seasonal **wetland** along Stevenson Drive and the drainage area from Forest Lake Drive ..." pg 4 Botanical Report Update, Zander & Assoc. Aug 1997 Attachment C to Negative Declaration.

**RECEIVED**

APR 23 1999

**EXHIBIT H**

(30532)

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

### Wetlands on Forest Lake Road

"...the project parcel does contain ... a seasonal **wetland** along Forest Lake Road." pg 12 Negative Declaration.

PRC 30121. "Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

The wetlands on this project site can be harmed by any of several activities including:

- \* Practice Tee relocation to cover a wetland.
- \* New Parking Lot to cover a wetland.
- \* Use of non-paved areas as a parking lot. (Neg Dec Bio Report pg 4)
- \* Bulldozer Earth moving (13,000 cubic yards)
- \* Herbicide & Pesticide Use
- \* Golf ball retrieval
- \* Golfer Trampling

### ORCHID HARM

An Orchid, Yadon's Piperia (*Piperia yadonii*) which is a federally listed as Endangered under the Federal Endangered Species Act, has been observed well within the parcel and immediately next to a proposed practice green. Map pg A-4 Attachment A of Negative Declaration. Its habitat is almost entirely native Monterey pine forest.

All orchids and their habitat on this project site can be substantially harmed by any of several activities including:

- \* Use of non-paved areas as a parking lot for large golf tournaments.  
(Neg Dec Biological Report pg 4)
- \* Bulldozer Earth moving (13,000 cubic yards)
- \* Herbicide & Pesticide Use
- \* Golf ball retrieval
- \* Golfer Trampling
- \* Hiker Trampling
- \* Equestrian Trampling

One question you may want to consider is - How much of a buffer area do Endangered Orchids need - to adequately fulfill the protection requirements of the Coastal Act? 100 feet, 100 meters?

**EXHIBIT H**  
(4 of 32)

Another question you may want to consider is - Do the Orchids grow in any part of the parcel proposed for development, but is it possible not all of them showed up that specific day of the survey?

PRC 30240. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

#### **HICKMAN'S ONION**

Hickman's Onion is listed by the California Native Plants Society as 1B, the only more endangered designation is 1A (Not a misprint - direct quote from the NDDDB). Hickman's Onion is found has been observed well within the parcel and immediately next to a proposed practice green. Map pg A-4 Attachment A of Negative Declaration. Its habitat is almost entirely native Monterey pine forest.

All the plants and their habitat on this project site can be substantially harmed by any of the several activities mentioned above.

There are three other impacts this project would have that we will address in another letter: Radiata (Monterey pine) loss, Biomass loss, and that the local LCP is substantially out of date.

#### **SUMMARY**

We respectfully urge this Commission invalidate the project's Coastal Development Permit for its certain adverse impacts on Environmentally Sensitive Habitat Areas including wetlands and threatened orchid habitat which are strongly protected by the Coastal Act.

Sincerely,

David Dilworth, Co-Chair 831/624-6500

**EXHIBIT H**  
(5 OF 32)



**CONCERNED RESIDENTS  
OF PEBBLE BEACH**

*A Non-Profit California Corporation*  
P.O. Box 1229, Pebble Beach, CA 93953  
(831) 626-4969

**RECEIVED**

NOV 11 1998

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Alex Anderson  
Patricia M. Anderson  
Frank Barsocchini  
J. Barton  
Robert Barton  
Marilyn Beck  
John F. Brown  
Courtney Brunn  
Cecily Butts  
Jody Bunn  
Nancy M. Burkett  
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Mrs. George Cole  
Marian Cullen  
Mark Dall  
P.K. Dall  
Mrs. C. deBretteville  
Jean Draper  
Ray Freschi  
River Gurtin  
Pat Herman  
Ted Hunter  
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Dr. Stuart Miller  
Lt. Col. Eddie Mitchell  
Mrs. Jan Mitchell  
Carl Nielsen  
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Raymond Singer  
Wilma Skinner  
Bea Tagg  
Jack Tagg  
Dr. Joe Terry  
Frances Terry  
Dean Wendt  
Harrison Williams  
Fred Wildenradt  
Phillips Wyly  
Richard Zahm

Partial List of Monterey  
County Concerned Residents

November 6, 1998  
California Coastal Commission  
Attention: Lee Otter  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Dear Lee:

Dan Carl has set up a meeting with you, Ted and me for 10 am, Thursday, November 12 to go over the issues related to the Pebble Beach Company's Pebble Beach Driving Range Expansion Program. If Charles Lester is available we certainly encourage you to have him at our meeting.

As you may know, the Concerned Residents of Pebble Beach appealed the Monterey County Planning Commission's driving range decision to the Board of Supervisors. Our appeal was on the specific issues of the appropriateness of granting a conditional use permit to allow a driving range on land zoned Medium Density Residential District (MDR) and whether this project was "piecemeal development" under the California Environmental Quality Act. Mr. Holland, Monterey County Counsel, provided absolutely no guidance to the Board of Supervisors on either of these issues; rather, the Supervisors were left on their own to make these legal determinations.

In the course of reviewing the application, negative declaration and staff report, attending the Planning Commission and Board of Supervisors meetings and a review of the final of the final decision by the Board of Supervisors, we believe some issues, in addition to those discussed in the previous paragraph, were ignored or not fully explored. They are:

No conditions were imposed on the Pebble Beach Company with respect to how the trees would be removed and disposed of. Our concern is with those trees infected with pitch canker. See the enclosed Pebble Beach Company publications. To our knowledge, this would be the first massive removal of Monterey pine trees infected with pitch canker, and, as such, represents an opportunity to employ very specific guidelines.

We do not believe that even a 1:1 replacement of pine trees is practical considering the density of the remaining undisturbed forested area. The condition to attempt a 2:1 replacement was the recommendation of the Del

**EXHIBIT H**  
(6 OF 32)

Monte Forest Property Owners. They spent absolutely no time attempting to determine if this were practicable. The Pebble Beach Company readily agreed because they wanted the DMFPO's endorsement of the project.

Policy 86 of the Del Monte Forest Land Use Plan requires that the number of possible lots within the Forest must be reduced when residential land is converted to another use. This was not done in the Board of Supervisor's resolution approving the project.

Zoning is a issue we feel strongly about. First, to approve a commercial driving range in a zone other than Open Space Recreation runs counter to the approved zoning map of the Land Use Plan. Second, we believe Title 20 zoning ordinances intended that all golf courses, including driving ranges, be zoned Open Space Recreation. It was only through last minute intervention by John Bridges, representing the Pebble Beach Company, that golf courses as a permitted "Conditional Use" in MDR and LDR districts were approved by the Coastal Commission and included in the 1995 revision of Title 20. We strongly disagree with Mr. Bridges interpretation of Policy 86 which was the basis for his intervention. The Pebble Beach Company is the only developer in the Del Monte Forest with sufficient land to build a golf course; the 1995 revision to Title 20 permits golf courses (only in DMF) in MDR and LDR zones. This provision applies only to one property only resulting, in effect, special legislative consideration to one property owner. It is our understand that zoning ordinances are to be general and apply to all property owners equally.

We believe the driving range improvement project is an integral part of the Pebble Beach Company's lot development and golf course proposal. The Draft EIR and the Final EIR each clearly incorporate the driving range in the proposed developments. Only now, when they felt they needed to enlarge the driving range for business reasons did they take the position that it was not part of the lot/golf course proposal. All the documents show otherwise and we believe this is precisely what CEQA is trying to prevent.

If this zoning interpretation is allowed to stand, it will, in our opinion, undercut the credibility our Land Use Plan. The Pebble Beach Company has proposed that their Refined Alternative 2 golf course, including a 41,000 square foot commercial building be approved as a conditionally permitted use in MDR and LDR zones despite that fact the both the Land Use Plan and Title 20 have well defined zoning criteria that should result in the golf course being zoned Open Space Recreation and the related commercial building(s) zoned Visitor Serving Commercial. All golf courses in the Del Monte Forest are presently zoned Open Space Recreation. All golf related commercial operations at Pebble Beach, Spanish Bay and Poppy Hills are zoned Visitor Serving Commercial.

We believe these are all important issues and look forward to our meeting with you on November 12.

Sincerely,

  
Ted R. Hunter

  
Carl E. Nielsen

Enclosures

**EXHIBIT H**  
(70532)

## ZONING

We feel strongly that the Del Monte Forest Land Use Plan and the Title 20 Zoning Ordinances (before the condition use additions in the 1995 Title 20 revisions) clearly intended golf courses and the related commercial activities to be zoned "Open Space Recreation" and "Visitor Serving Commercial". To permit golf courses and their related commercial activities as "Conditional Uses" in MDR and LDR destroys some very important criteria, i.e., like uses should be zoned the same, zoning ordinances should be applied with consistency, and zoning ordinances should not be tailored so as to apply to a single land owner. In addition, all of the applicable building standards (height limits, setbacks, etc.) are included in "Open Space Recreation" and "Visitor Serving Commercial". MDR and LDR zones contain not applicable building standards for golf courses. What standards should apply? If the "Open Space Recreation" and "Visitor Serving Commercial" standards are used, the property should be re-zoned.

### Attachment:

Paper on the revision of Title 20 Zoning incorporating golf courses as a condition use in Low and Medium Density Residential Districts.



Concerned Residents of  
Pebble Beach  
P.O. Box 1229  
Pebble Beach, CA 93953

April 22, 1998

**PAPER ON THE REVISION OF TITLE 20 ZONING  
INCORPORATING GOLF COURSES AS A CONDITION USE  
IN LOW AND MEDIUM DENSITY RESIDENTIAL DISTRICTS**

**TABLE OF CONTENTS**

<b>Summary</b>	<b>Title 20 Implementation Ordinance Changes in Violation of the Del Monte Forest Land Use Plan Policies</b>
<b>Attachment A</b>	<b>Relevant Del Monte Forest Land Use Plan Policies and Land Use Designations</b>
<b>Attachment B</b>	<b>How Golf Courses Got Included as "Conditional Use" in Title 20 for Medium Density and Low Density Residential Districts.</b>
<b>Attachment C</b>	<b>Adopted Del Monte Forest Land Use Plan Zoning Map (Not included in fax transmission)</b>
<b>Attachment D</b>	<b>Letter dated April 11, 1995, Fenton &amp; Keller to California Coastal Commission, signed by John S. Bridges</b>

TITLE20E.WPS10/16/98

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(9 of 32)

# **TITLE 20 IMPLEMENTATION ORDINANCE CHANGES IN VIOLATION OF THE DEL MONTE FOREST LAND USE PLAN POLICIES**

## **SUMMARY**

It is our opinion that the Coastal Commission and the Monterey County Board of Supervisors inappropriately acceded to the position of the Pebble Beach Company and modified the Low Density Residential (LDR) District and the Medium Density Residential (MDR) District Title 20 zoning to permit golf courses as a "Conditional Use" (in Del Monte Forest Only) on April 13, 1995 and July 11, 1995, respectively.

## **LAND USE PLAN CONFLICTS**

We believe these changes are in conflict with the 1984 Del Monte Forest Land Use Plan (LUP) for the following reasons:

1. All seven existing 18-hole golf courses as well as the 9-hole Peter Hay Course are zoned "Open Space Recreation" as defined in the LUP. (See Attachment C, Zoning Map)
2. All Commercial facilities (pro shop, restaurant, etc.) on the Pebble Beach Links, Spanish Bay and Poppy Hills golf courses are zoned "Visitor-Service Commercial" or "General Commercial. Peter Hay and Spyglass Hill Golf Links have no "Visitor-Service Commercial" zoning. Monterey Peninsula County Club and Cypress Point Golf Club are private facilities. (See Attachment C. Zoning Map)
3. Land use designations for "Open Space Recreation" and "Visitor-Service Commercial" explicitly identify golf courses.(see Attachment A, Page 1)

## **COASTAL COMMISSION ACTIONS**

1. The Coastal Commission staff's original recommendations of March 30, 1995, on Title 20 revisions specifically deleted "Country Club" and "Golf Course" from the list of "Low Density Residential" conditional uses as recommended by the Board of Supervisors as inconsistent with the Del Monte Forest LUP.
2. On April 11, 1995, two days before the scheduled April 13, 1995 Coastal Commission hearing a Pebble Beach Company legal representative convinced the Monterey County Planning Department staff and later the Coastal Commission staff that Policy 86 of the LUP permits golf course as a "conditional use" in both Low Density Residential and Medium Density Residential Districts (See attached letter dated April 11, 199, Fenton & Keller signed by John S. Bridges).

Policy 86 deals with how the number of lots in the LUP would be reduced if a golf course were approved in a residential district.

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( 10 OF 32 )

At the April 13th Coastal Commission hearing the Coastal Commission staff presented an oral recommendation that would allow golf course (in Del Monte Forest only) in the MDR and LDR Districts as a "conditional use". The Coastal Commission approved this amendment.

Using Policy 86 as rationale for adding "golf courses" under "Conditional Uses" in the Title 20 Ordinance is a "novel interpretation"; however, we believe it is an incorrect interpretation because other LUP policies and land use designations specifically deal with golf courses and related commercial activities.

3. The public, except for the Pebble Beach Company, relied on the original March 30, 1995 Coastal Commission Staff recommendations. The Coastal Commission staff presented the amendment orally at the April 13th thereby precluding any meaningful protest at the public hearing because this amendment was never communicated to interested members of the public.

#### **COASTAL COMMISSION ACTION AND MONTEREY COUNTY BOARD OF SUPERVISORS APPROVAL**

On April 13, 1995 the Coastal Commission approved amending the Title 20 Ordinance to allow golf course(in Del Monte Forest only) as a "Conditional Use". On July 11, 1995, in a County Board of Supervisors hearing, the Supervisors approved the Coastal Commission's recommended Title 20 Ordinance revisions as a "Consent Calendar" item, which precluded public participation.

TITLE20B.WPS10/16/98

**EXHIBIT H**  
( 11 OF 32 )

**RELEVANT DEL MONTE FOREST LAND USE PLAN  
POLICIES AND LAND USE DESIGNATIONS**

**POLICIES**

**Policies Specific to Orderly Development Balances with Resource Conservation**

**Policy 86 (Land Use Plan, Page 38)**

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 (*Low Density and Medium Density Residential Districts. Added for clarity*), 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 the area.

**Policy 91 (Land Use Plan, Page 39)**

Low intensity public visitor serving facilities such as a restaurant, golf-related shops shall be permitted on the NCGA (*Poppy Hill*) site.

**LAND USE DESIGNATIONS**

**Chapter Three: Land Use and Development Element**

**Land Use Designations (Land Use Plan, Pages 41-43)**

**Commercial (Land Use Plan, Page 42)**

"Three classes of commercial uses are indicated in the Del Monte Forest: 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. 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) & 3) Not applicable

**Open Space (Pages 42 -43)**

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

- 1) Recreational - This category permits golf courses, 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) & 3) Not Applicable

**Chapter Six: Implementation and Administration**

**Adopt New Zoning (Land Use Plan, Page 107)**

In general, rezoning of the Del Monte Forest Area subject to County jurisdiction is necessary to reflect the land use designations, holding capacities and policies of this LUP. Zoning Ordinance revisions will conform with the Land Use Plan map and policies. Zoning for the Forest must be flexible enough to permit the range and intensity of uses provided for in this LUP.

TITLE20D.WPS10/16/98

## **Attachment B**

### **HOW GOLF COURSES GOT INCLUDED AS CONDITION USE IN TITLE 20 FOR MEDIUM DENSITY AND LOW DENSITY RESIDENTIAL DISTRICTS**

This is a summary of all the information gathered on the inclusion of "Golf Course (Only in Del Monte Forest)" in the Medium Density Residential (MDR) and Low Density Residential (LDR) Title 20 zoning ordinances as conditional uses.

#### **Monterey County Planning Department Activities:**

It appears the Planning Department undertook a project to revise both Title 20 (Coastal Zone) and Title 21 (Non-Coastal Zone) and to make them as common as possible. Title 20 was approved by the Board of Supervisors in 1994. In the attempt to make Title 20 and Title 21 as common as possible, Golf Course and Country Club were added as conditional uses to Low Density Residential (LDR) zones. The file for this case (C94141) does not contain a copy of the document sent to the Planning Commission and there are no comments in the file about the rationale for all the revisions. There is correspondence from the Del Monte Forest Property Owners relative to floor area ratio proposals for MDR and LDR. These proposals were incorporated in the proposal to the Planning Commission.

#### **Monterey County Planning Commission**

The proposed Title 20 ordinance went to the Monterey County Planning Commission on September 28, 1994 and was approved as submitted by the staff. The tape of the hearing was obtained. In the hearing the planning staff represented the changes as minor and that the intent was to make Title 20 and Title 21 as consistent as possible in content and format. In this proposal MDR did not contain a provision for golf courses as a conditional use; only LDR contained the golf courses as a conditional use. (See Attachment A, Page 2 for LUP re: "Adopt New Zoning")

#### **Monterey County Board of Supervisors**

On November 22, 1994 the Board of Supervisors held a hearing on the proposed Title 20 as approved by the Planning Commission. The proposed Title 20 was approved by the Board of Supervisors with little or no change as nearly as we can determine. No golf courses in MDR; country clubs and golf courses in LDR. (See Attachment A, Page 2 for LUP re: "Adopt New Zoning")

### Coastal Commission Staff Action

The Title 20 revisions approved by the Board of Supervisors was sent on to the Coastal Commission staff. On December 29, 1994, the Coastal Commission Lead Planner requested data on the changes between the existing Title 20 and the proposed Title 20. Todd Bessire, Associate Planner, Monterey County responded by saying in a January 17, 1995 letter:

"Please understand that it is not our intention to make substantive changes to the existing ordinance, but rather make the document more understandable to the general public by reformatting the existing ordinance while retaining the substantive provisions of the existing ordinance."

We disagree with Mr. Bessire's position that he did not consider the addition of country clubs and golf courses to the list of permitted conditional uses in Low Density Residential District as a substantive change.

The Coastal Commission Lead Planner, in a review of the Revised Title 20 Ordinance approved by the Board of Supervisors, recommended deletion of country clubs and golf courses from the LDR conditional uses. The staff finding was:

"... where the proposed added use is not found in nor associated with a category of use found in the Land Use Plans, or is explicitly prohibited by the Land Use Plan, it can not be approved. In those cases, modifications are suggested to delete the use or tailor it to the permitted Land Use Plan uses. Examples include a variety of public uses, rifle ranges, no-soil dependent greenhouses, kennels, residential care facilities, airports, and cottage industries in agricultural districts; hotels and motels in industrial districts; golf courses in low density residential districts; mining in visitor-serving districts."

On March 30, 1995 the Coast Commission staff submitted its staff recommendations to the Coastal Commissioners. The Commission hearing was scheduled for April 13, 1995. On April 11, 1995, John Bridges, legal representative for the Pebble Beach Company, faxed a letter to the Coastal Commission Lead Planner pointing out that the deletion of golf course as a conditional use in LDR was inconsistent with the adopted land use plan. The Coastal Commission Lead Planner accepted the interpretation of Policy 86. The Monterey County planner had already accepted John Bridges interpretation. The proposed amendment adding golf courses to both MDR and LDR as recommended by John Bridges was presented orally to the Coastal Commissioners at the April 13, 1995 hearing.

**EXHIBIT H**  
(15 OF 32)

John Bridges arguments follows:

"Del Monte Forest Area LUP Policy 86 provides:

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 the area.

"Therefore, in the Del Monte Forest, at least, golf courses are ( *Emphasis added. Note the change from "may" to "are"* ) permissible in residential districts."

"I would propose that instead of deleting the County proposed reference to golf courses as a conditional use under section 20.14.050, that the section instead be revised to read as follows:

D. Golf course (in DMF only)".

"To be consistent with the Del Monte Forest area LUP, a similar reference to golf courses (in DMF only) would also be appropriate to add to section 20.12.050 (conditional uses allowed in the MDR District)".

"I understand Mr. Marlatt will express his concurrence with these proposed corrections at the hearing on Thursday".

We believe John Bridges' interpretation of Policy 86, while "novel", is inconsistent with the LUP's relevant policies and land use designations governing golf courses (see Attachment A).

Title 20, with John Bridges recommended changes, was approved by the Coastal Commission on April 13, 1995.

#### **Monterey County Board of Supervisors**

On July 11, 1995 the Board of Supervisors approved Title 20 as amended by the Coastal Commission as a "Consent Calendar" agenda item. The ordinance became effective on August 11, 1995

**EXHIBIT H**  
(16 OF 32)



### **Inconsistency in Coastal Commissioners and Supervisors Actions**

At that time Poppy Hills and Spanish Bay golf courses were approved for construction the Supervisors and Coastal Commissioners required zoning changes to "Open Space Recreation " and "Visitor Service Commercial" to allow golf courses under the Title 20 Ordinance. Policy 86 was also in existence at the time of these approvals. Zone changes were also the requirement in the original December 1992 Pebble Beach Company application for a golf course in Subdivision 16 (known as the proposed Forest Course in the Pescadero Canyon area).

In 1995, after the Board of Supervisors and the Coastal Commission approved the Revised Title 20 Ordinance, the Pebble Beach Company submitted an amended application to the Monterey County Planning Department for a revised lot development program and a "Refined Alternate 2 Golf Course". Under the Revised Title 20 Ordinance the "Refined Alternate 2 Golf Course" will come under the MDR/LDR "Conditional Use" category thus avoiding the requirement to change the existing MDR/LDR zoning to "Open Space Recreation" and "Visitor-Service Commercial". We believe strongly that this is wrong and inconsistent with the actual provisions and intent of the LUP.

In our opinion Policy 86 is not intended to justify another golf course but to indicate how the number of lots described in the Land Use Plan would be reduced if a golf course were permitted. Further, it was inappropriate for Policy 86 to be used as justification to change MDR/LDR to permit a golf course as a conditional use since other sections of the LUP clearly intend golf courses to bear "Open Space Recreation" and "Visitor-Service Commercial" zoning designations.

TITLE20A.WPS10/16/98

## DEL MONTE FOREST LAND USE PLAN - GOLF COURSE ZONING



EXHIBIT H  
(18 OF 32)

LEWIS L. FENTON  
CHARLES R. KELLER  
GERALD V. BARNHORN III  
NOLAN M. KENNEDY  
RONALD F. SCHOLL  
THOMAS H. JAMISON  
SUSAN M. DAUPHINE  
LARRY E. HAYES  
NANCY P. TOSTEVIN  
MARK H. JOHNSON  
MARK A. CAMERON  
JOHN S. BRIDGES

FENTON & KELLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY

POST OFFICE BOX 791

MONTEREY, CALIFORNIA 93942-0791

FACSIMILE (408) 373-7219

TELEPHONE (408) 373-1241

OF COUNSEL

CHARLES H. PAGE

Th 6a

FRANCIS R. O'AVER  
DENNIS G. MCCARTHY  
DANIEL P. ARCHER  
JACQUELINE F. McMANUS  
DONALD J. LEACH  
DAVID C. SWEIGERT  
LORIE A. KRUIS  
LONNIE TRUAX  
CRAIG R. VENABLE

April 11, 1995

SALINAS  
CONFERENCE OFFICE

132 W. GABRIEL STREET  
SALINAS, CALIFORNIA 93902  
FACSIMILE (408) 734-0621  
TELEPHONE (408) 737-3937

VIA FACSIMILE

California Coastal Commission  
Attn: Rick Hyman, Coastal Planner  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Re: Monterey County Local Coastal Program Major Amendment  
No. 1-95, Part 2

Dear Mr. Hyman:

This letter is to confirm my earlier conversations with you and Mr. Marlatt, of the Monterey County Planning Department, regarding staff suggested modifications to the County's submittal.

Item No. 7 on page 21 of your staff report and the related explanation at paragraph 2 on page 22 of your staff report, regarding the permissibility of golf courses in LDR Districts, is incorrect insofar as it pertains to the Del Monte Forest. Del Monte Forest Area LUP Policy 86 provides:

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.

Therefore, in Del Monte Forest, at least, golf courses are permissible in residential districts.

V:\WPDATA\WBSE4109.LRG

EXHIBIT H  
(19 OF 32)

California Coastal Commission  
April 11, 1995  
Page 2

I would propose that instead of deleting the County proposed reference to golf courses as a conditional use under section 20.14.050, that the section instead be revised to read as follows:

D. Golf courses (in DMF only).

To be consistent with the Del Monte Forest Area LUP, a similar reference to golf courses (in DMF only) would also be appropriate to add to section 20.12.050 (conditional uses allowed in the MDR District).

I understand Mr. Marlatt will express his concurrence with these proposed corrections at the hearing on Thursday.

Because we did not receive a copy of the detailed modifications proposed (i.e., staff report attachment 1 - with strikeouts and underlines) until just this morning, we have not had ample opportunity to thoroughly consider all of the other modifications proposed. We therefore would like to reserve the right to comment on other specific modifications at any future hearing on this item, whether before the Coastal Commission (e.g., in the event of a continuance of the item or during subsequent action by the Commission) or before the County (e.g., when the County reviews the Coastal Commission suggested modifications to its submittal).

Thank you for your assistance and cooperation.

Very truly yours,

FENTON & KELLER  
A Professional Corporation

  
John S. Bridges

JSB:lg

cc: (via fax):

Eric Marlatt, Monterey County Planning  
& Building Inspection Department

VAWPDATA44BSE4109.LRG

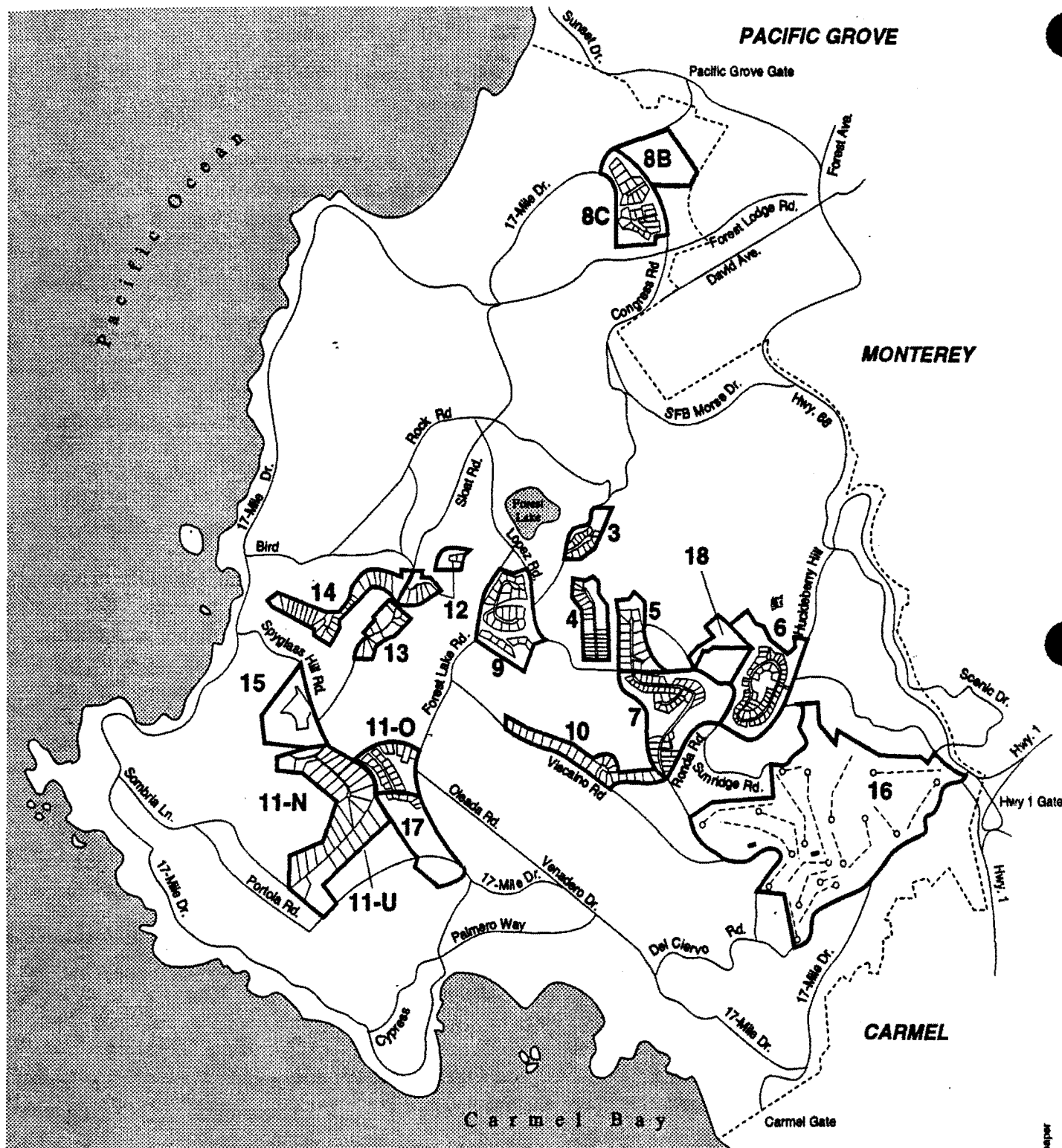
EXHIBIT H  
(20 OF 32)

## ISSUE OF "PIECEMEAL DEVELOPMENT"

The Draft EIR, the Revised Draft EIR and the Final EIR all treat the expansion and improvement of the golf driving range as an integral part of the Lot Program and the Refined Alternative 2 Program. To illustrate this copies of pages from the RDEIR and the FEIR are attached. They are:

1. Lot Program:
  - a. Overall development plan showing the driving range project in Area V
  - b. Detail plan for the driving range
  - c. Text supporting the subdivision and driving range expansion plan.
2. Refined Alternative 2 Proposal / Subdivision Application
  - a. Overall development plan showing driving range as integral part of golf course plan.
  - b. Detail plan for Refined Alternative 2 Golf Course, including driving range expansion
  - c. Text supporting the driving range plan
  - d. Application face sheet
  - e. Assessor Parcel Numbers included in Development
4. Condition No.24 from the Board of Supervisor's Approval of the driving range program.

All these documents, taken in their totality, clearly shows the Pebble Beach Company's intent for the last five years was to treat the driving range as an integral element of their development plans as described in the various EIR documents.



recycled paper

SOURCE: PEBBLE BEACH COMPANY, 1992

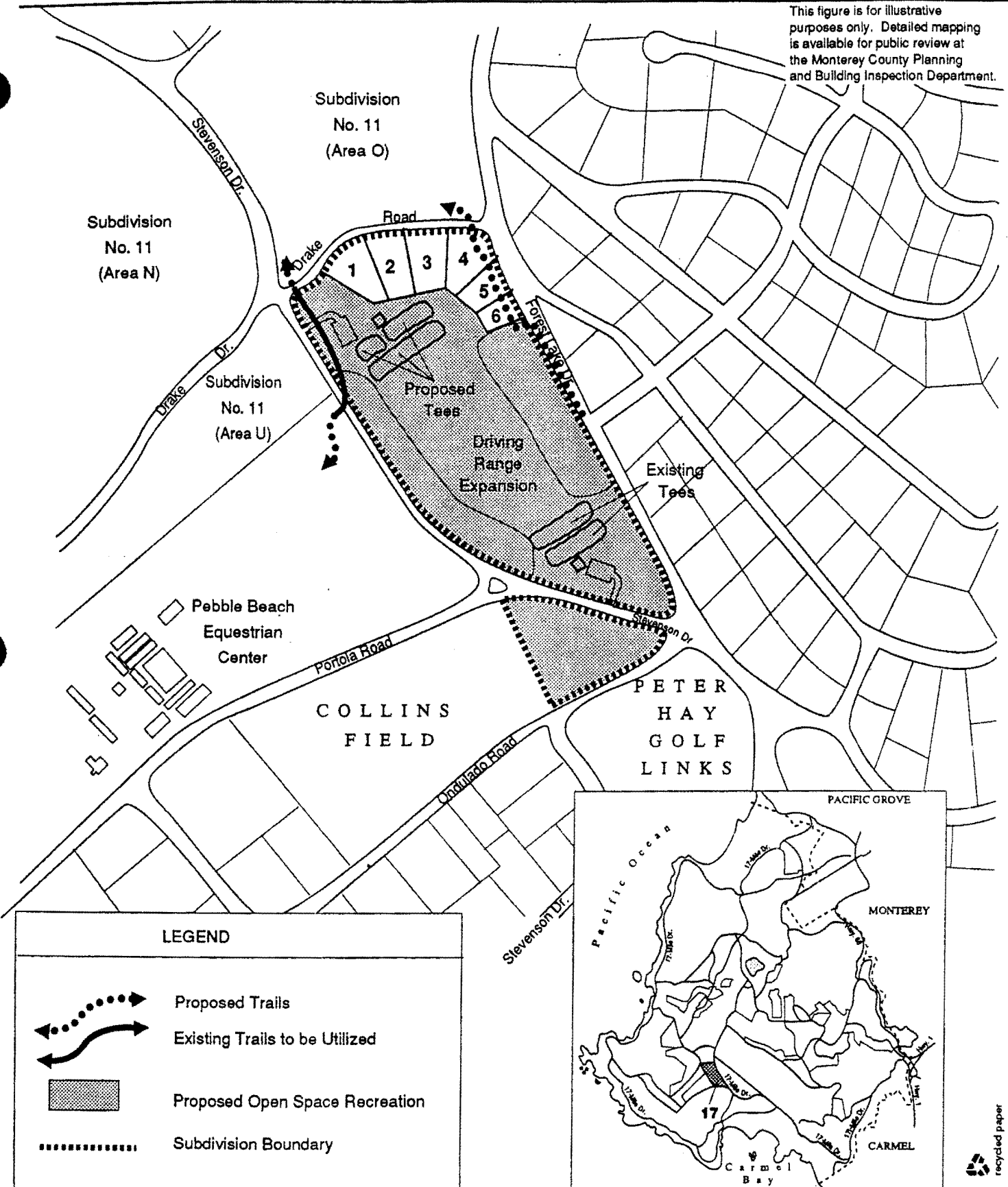
# **EXHIBIT H** (22 OF 32)

**Figure 3-2**

**Pebble Beach Lot Program EIR  
PROJECT VICINITY**



This figure is for illustrative purposes only. Detailed mapping is available for public review at the Monterey County Planning and Building Inspection Department.



# LEGEND



- Proposed Trails
- Existing Trails to be Utilized
- Proposed Open Space Recreation
- Subdivision Boundary

SOURCE: PEBBLE BEACH COMPANY 1992



FEET 0 300



EXHIBIT H  
(23 OF 32)

Figure 3-17

Pebble Beach Lot Program EIR  
**SUBDIVISION #17**

*Off-Site Drainage System Improvements*

- Replace existing culvert with 24-inch culvert;
- Install detention basins in Midwood Road right of way;

*Off-Site Sewer System Improvements*

- 1,800 linear feet of 8-inch sewer main in Spruance Road/Midwood Lane.

Figure 3-16 shows proposed Subdivision No. 16. Overall infrastructure and roadway improvements are discussed in Sections 4.3, Infrastructure and 4.7, Traffic and Circulation, respectively.

DMF Subdivision No. 17 (Driving Range) -- Pebble Beach "V"

Subdivision No. 17, also known as Pebble Beach "V," is 25.44 acres in size and bounded by Forest Lake Road to the northeast, Ondulado Road to the southeast, Stevenson Drive to the southwest, and Drake Road to the northwest. Stevenson Drive bisects the site at the southern portion. Proposed Subdivision No. 11 would be to the northwest, existing residences are located across Forest Lake Road, the Pebble Beach Equestrian Center and Collins Field are to the southwest, and the Peter Hay Golf Course is to the southeast. Portions of the site are currently being used as a driving range. The terrain is gentle, sloping from the northeast to the southwest. The vegetation consists of an overstory of Monterey pine and an understory of primarily herbaceous plants. A wetland area has been identified along the southwest boundary. Trails cross the site in a general east-west direction.

This subdivision proposes division of the site into eight lots. Six lots would be for development of future single-family houses and two lots would be used to expand the existing on-site driving range (Lot 7) and provide associated facilities (Lot 8). Lots 7 and 8 would be rezoned for Open Space Recreational uses. The average lot size of the six residential lots would be 0.56 acres, at a density of 1.8 dus/ac. The existing driving range is single-ended, and the proposed project would create a double-ended driving range. A new trail is proposed to be located in the northwestern corner of the site. Open space acreage for both Forest and Recreational uses would total 21.70. The residential lot area would total 3.34. The extension of the driving range and six lots would not require the construction of any new roadways. The DMF LUP may allow development of a maximum of 52 lots with a density of 2 dus/ac if all plan policies can be met.

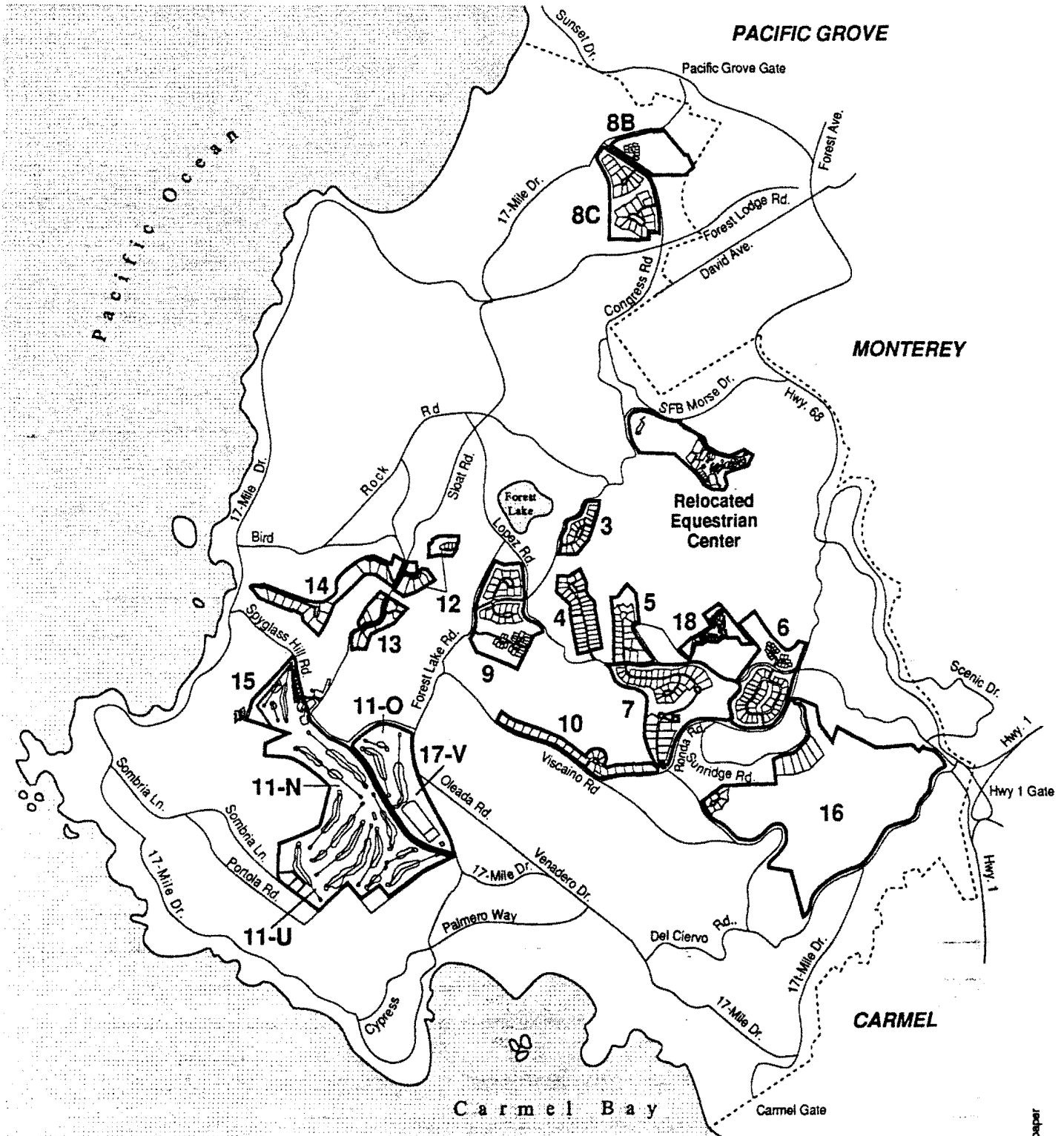
Improvements to infrastructure associated with Subdivision No. 17 include the following:

*Off-Site Drainage System Improvements*

- Replace existing three culverts (2 in Stevenson Drive and 1 in Portola Road) with 24-inch culverts.

**EXHIBIT H**  
(24 OF 32)





This figure is for illustrative purposes only. Detailed mapping is available for public review at the Monterey County Planning and Building Inspection Department. For more detail of the golf course and equestrian center refer to Figures 12-20 and 12-27.

SOURCE: PEBBLE BEACH COMPANY,  
EIP ASSOCIATES, NOVEMBER 1996.



FEET  
0 4000



**EXHIBIT H**  
(25 OF 32)

**Figure 12-9**  
Refined Alternative 2  
OVERALL SITE PLAN



**Area M**  
NOTE: For full detail of biological resources in Area M, see Figure 12-24.

SPYGLASS  
HILL GOLF  
COURSE

**Area N**

CYPRESS POINT  
GOLF LINKS

SUBDI-  
VISION  
#11

**Area U**

SPYGLASS  
HILL GOLF  
COURSE

SUBDI-  
VISION  
#18

LDK

**Area O**

**Area V**

DRIVING RANGE  
PROJECT LOCATIO

Pebble Beach Equestrian Center/  
Collins Field/Collins Residence

#### LEGEND

Golf Course Boundary	Yaden's piperia	Allium hickmani
Subdivision Boundary	Low Density Hooker's manzanita	Wetland Area
Monterey pine Forest	Pacific Grove clover ( <i>Trifolium polyodon</i> )	Chorizanthe pungens
Wetland Mitigation Areas	Detention Basin	Layia carcosa
Dune Habitat	Dune Substrate Area	Lupinus tidestromii

Note: The Vesting Tentative Maps prepared for each subdivision display the locations of biological resources. Figures provided in the EIR show approximate locations and are for illustrative purposes.

SOURCE: PEBBLE BEACH COMPANY,  
EIP ASSOCIATES, NOVEMBER 1996.

**EXHIBIT H**

(26 OF 32)

Figure 12-20

Refined Alternative 2

**REFINED ALTERNATIVE 2 GOLF COURSE/  
AREAS M, N, O, U, V AND COLLINS FIELD AND RESIDENCE**

**eip**

FEET 0 100 200



Driving Range Operations Building Design

## ITEM 3

The design for the driving range operations building would use simple shapes and soft roof forms and be consistent throughout the facility. The exterior materials are to be predominantly wood with a natural finish. The roof would be fire retardant with a class "A" fire rating, and use earth tone colors. Skylights and solar collectors, if present, would be located so as not to be visible from neighboring residences or from the road. 18 parking spaces would be provided. Native and drought tolerant species would be used for landscape areas. The design, maintenance and care of all trees, shrubs and landscaping would be done in accordance with the Forest Management Plan and the Biotic Report for the area.

Golf Maintenance Building Design

The golf maintenance building for the Refined Alternative 2 golf course would be similar in function, design, materials, and colors to the Forest Course golf maintenance building. The golf maintenance building would be located within the core of the new golf course near the intersection of Drake Road and Stevenson in a forested site. Drake Road would be removed as part of the Refined Alternative 2 golf course improvements. Access would be via the old Drake Road alignment (at the intersection of Drake Road and Stevenson) to minimize tree removal. The location of the maintenance building would encroach into a small seasonal wetland. Mitigation for this impact is discussed below under the Vegetation and Wildlife section of this Master Response. Just to the south of the golf maintenance building would be the proposed snack shop building.

The golf maintenance building program would consist of a 12,000 square foot utility building and a 63,500 square foot paved service yard area. The building would house employee spaces, shop areas, vehicle and equipment bays, and storage of golf course maintenance materials and chemicals. A concrete pad would have a trash, rinse apron, and fuel island. An eight foot high wood perimeter fence would completely surround the facility to screen the yard and the building. The site is forested with Monterey pines, approximately 230 feet from Stevenson Drive. Additional Monterey pines would be planted so as to reinforce the screening effect. The building would not be visible from any residence in the area. The design of the improvements would be similar in design and materials to the Forest Course golf maintenance building planned for the Pebble Beach Project. The building would be designed to be subordinate to and blend into the environment. The building would use simple shapes and soft roof forms and would be consistent throughout the facility. The exterior material would be painted wood ply siding with wood battens. The low pitched roof would be metal, as would the service doors. An eight foot wood perimeter fence would be used to screen the service yard and soften the building elevations. Skylights would be located so as not to be visible from neighboring residences or from the road. No additional parking is required under the zoning ordinance. However, based on Pebble Beach Company's experience, spaces for 25 cars would be provided in the maintenance building yard space. Room for additional parking would be available within the yard space if necessary. Native and drought tolerant species would be used for landscape areas. The design, maintenance and care of all trees, shrubs and landscaping would be done in accordance with the Forest Management Plan and the Biotic Report for the area.

EXHIBIT H  
(27 OF 32)  
12-121



## DEVELOPMENT PROJECT APPLICATION

This application is for:

- |   |   |
|---|---|
| <p><input checked="" type="checkbox"/> Combined Development Permit</p> <p><input type="checkbox"/> Rezoning</p> <p><input type="checkbox"/> Administrative Permit (Coastal/Non-Coastal)</p> <p><input checked="" type="checkbox"/> Use Permit (Major/Minor) (<u>Golf Course and Associated Uses</u>)</p> <p><input checked="" type="checkbox"/> Variance</p> <p><input checked="" type="checkbox"/> Design Approval</p> <p><input checked="" type="checkbox"/> General Development Plan</p> <p><input checked="" type="checkbox"/> Coastal Development Permit</p> <p><input type="checkbox"/> Modification of Conditions</p> <p><input type="checkbox"/> Local Coastal Plan Amendment (L.U.P. or C.L.P.)</p> <p><input type="checkbox"/> General Plan Amendment</p> <p><input checked="" type="checkbox"/> Other <u>30% slope exception</u></p> | <p><input type="checkbox"/> Tentative Parcel Map (Minor Subdivision)</p> <p><input type="checkbox"/> Tentative Map (Standard Subdivision)</p> <p><input checked="" type="checkbox"/> Vesting Tentative Map</p> <p><input type="checkbox"/> Preliminary Map</p> <p><input type="checkbox"/> Preliminary Project Review Map</p> <p><input type="checkbox"/> Lot Line Adjustment (Major/Minor)</p> <p><input type="checkbox"/> Revised Tentative Map</p> <p><input type="checkbox"/> Revised Tentative Parcel Map</p> <p><input type="checkbox"/> Amended Final Map</p> <p><input type="checkbox"/> Amended Parcel Map</p> <p><input type="checkbox"/> Subdivision Extension Request</p> |
|---|---|

1. Owner(s) Name: Pebble Beach Company  
Address: Box 1767 City: Pebble Beach State: CA  
Telephone: 625 8450 Zip Code: 93953
2. Applicant's Name: same  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Zip Code: \_\_\_\_\_
3. Applicant's interest in property (Owner, Buyer, Representative, etc.): owner
4. Property address and nearest cross street: 1160 Spyglass Hill Rd (Stevenson Drive)
5. Assessor's Parcel Number(s): see attached list 000-241-08, etc. (total 12 lots)
6. Current Zoning: MDR/B-8, LDR/B-8, LDR, OR, RC (CZ) all (CZ)
7. Property area (acres or square feet): 184 acres (approx)
8. Describe the proposed project: Golf course and related facilities (see attached)

9. REZONING OR AMENDMENT ONLY: The applicant wishes to amend Section \_\_\_\_\_ of the Monterey County Code, from a \_\_\_\_\_ Zoning District to a \_\_\_\_\_ Zoning District or some other classification.

10. GENERAL PLAN AMENDMENT OR COASTAL PLAN AMENDMENT ONLY: Describe the proposed amendment:

11. SUBDIVISION INFORMATION ONLY: Number of Lots: 4  
Purpose of Subdivision: Sale ☐ Lease ☐ Financing ☐ Other: golf course development

## EXHIBITH

12. LOT LINE ADJUSTMENT INFORMATION ONLY: What is the purpose of the adjustment: (28 OF 32)

APNS

008-241-08

008-242-07

008-272-10, 11

008-311-11

008-312-02: Driving Range

008-313-02, 03

008-321-06, 07, 08, 09

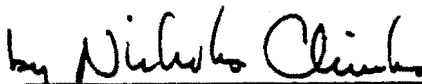
EXHIBIT H

(29 OF 32)

24. Prior to the issuance of the grading permit for the project, Pebble Beach Company shall withdraw the driving range improvement component of the Pebble Beach Lot Program applications filed with the County of Monterey for Del Monte Subdivision 17 and the Refined Alternative 2 Golf Course Subdivision. (Planning and Building Inspection)
25. The property owner agrees as a condition of the approval of this permit to defend at his sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. Said indemnification agreement shall be recorded upon demand of County Counsel or prior to the issuance of building permits or use of the property, whichever occurs first. (Planning and Building Inspection)
26. The applicant shall record a notice which states: "A permit (Resolution No. 98035) was approved by the Planning Commission for Assessor's Parcel Number 008-312-002-000 on June 10, 1998. The permit was granted subject to 26 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)

PASSED AND ADOPTED this 10th day of June, 1998 by the following vote:

AYES: Calcagno, Crane-Franks, Diaz-Infante, Errea, Hawkins, Hernandez, Pitt-Derdivanis, Reaves  
NOES: Lacy, Hennessy  
ABSENT: None



William L. Phillips, SECRETARY

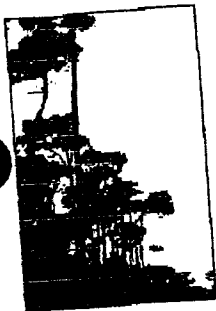
Copy of this decision mailed to applicant on

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

**EXHIBIT H**

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION,

(30 of 32)



**CONCERNED RESIDENTS  
OF PEBBLE BEACH**  
*A Non-Profit California Corporation*  
P.O. Box 1229, Pebble Beach, CA 93953  
(831) 626-4969

**RECEIVED**

NOV 09 1998

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Alex Anderson  
Patricia M. Anderson  
Frank Bursocchini  
J. Barton  
Robert Barton  
Marilyn Beck  
John F. Brown  
Courtney Brunn  
Cecily Butts  
Jody Bunn  
Nancy M. Burken  
Dr. Diana Case  
Mrs. George Cole  
Marian Cullen  
Mark Dall  
P.K. Dall  
Mrs. C. deBretteville  
Jean Draper  
Ray Freschi  
River Gurtin  
Pat Herman  
Ted Hunter  
Margery Hunter  
Barbara Hoffmann  
Elizabeth Ingles  
Richard Jordan  
Denita Jordan  
Mrs. S. H. Kalmbach  
Gisele Kapuscinski  
Deborah L. Kimcs  
Dominique List  
Eleanor Luginan  
Peter Marble  
Peggy Mauz  
Dr. H. Medwin  
Dr. Stuart Miller  
Lt. Col. Eddie Mitchell  
Mrs. Jan Mitchell  
Carl Nielsen  
Janice O'Brien  
Jane Sammis Ord  
Mary Kay Oroscu  
Donald Oroscu  
Dr. Bruce Palmer  
Barry Piper  
Ronald Read  
John M. Robinson  
John J. Rotar  
Marlene Rotar  
Daniel A. Sammet  
Diane Sammet  
Alan F. Shugart  
Raymond Singer  
Wilma Skinner  
Beu Tagg  
Jack Tagg  
Dr. Joe Terry  
Frances Terry  
Dean Wendt  
Harrison Williams  
Fred Wildenradt  
Phillips Wyly  
Richard Zahn

Partial List of Monterey  
County Concerned Residents

**FACSIMILE TRANSMISSION**

November 8, 1998

California Coastal Commission  
Attention: Lee Otter  
Dan Carl ✓  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Please add this to the package of information attached to our November 6th letter.  
I inadvertently left out the article on cutting and handling of Monterey Pine trees  
with pitch canker. Please refer to items 5, 6 and 7.

Carl Nielsen

**EXHIBIT H**  
(31 OF 32)

## PITCH CANKER UPDATE

By Paul Dubsky

Manager of Forestry and Open Space  
Pebble Beach Company

**T**he Pebble Beach Company Forestry Department and the state-wide California Pitch Canker Task Force are asking Del Monte Forest residents to do their part in slowing the spread of the pitch canker fungus within the Forest. Paul Dubsky, Pebble Beach Company's Manager of Forestry and Open Space and a member of the Task Force, has prepared the following article in order to provide information to Del Monte Forest residents about Pitch Canker.

Pitch Canker is a fungal disease that infects many species of pine trees. First discovered in California in 1986, its range is spreading and now includes 15 coastal and adjacent inland counties from Mendocino to San Diego. Currently, there is no known cure for this disease. Pitch canker is now common on many areas of the Monterey Peninsula, including certain areas within the Del Monte Forest.

The disease causes resinous or pitchy cankers on all woody parts of the tree. One of the first symptoms is the dieback of branch tips in the upper crown. If you have been told or suspect that your trees have pitch canker, what should you do?

The Pitch Canker Task Force, a statewide group working on the disease, recommends the following actions:

1) Have a qualified professional verify the presence of pitch canker. Ask what training or qualifications the person has that enables him to recognize pitch canker. Not all tree care workers may be qualified, and other diseases or insects can be responsible for your tree's poor or sickly appearance. Monterey pine is the tree species most likely to contract the disease.

2) If you live in an area where pitch canker is uncommon and your tree is only lightly infected, pruning infected branch tips may help reduce the spread of the disease to other trees, but there is no guarantee of this. If you choose to prune infected branches, do so at a lateral branch which is at least one whorl below (i.e. closest to the trunk of the tree) yellow or red needles and below any infestation of insects within the bark. Diseased and insect-infested branches need to be promptly destroyed or

disposed of. Studies have shown that pruning will not stop or reduce future infections in a tree that already has the disease.

3) In areas where pitch canker is common, pruning infected branch tips is not a practical means of reducing disease spread. Because Monterey pines vary in their susceptibility to pitch canker, it is best to wait and see how the disease affects your tree before taking action. Some trees will exhibit few or no symptoms of the disease, while others may become moderately to heavily infected. Highly susceptible trees experience rapid dieback and mortality. For trees that survive the disease, pruning may be needed to reduce hazard or for aesthetic reasons. Insist that tree care workers not use climbing spurs or other equipment that injures the bark since this can create wounds that attract bark beetles and pitch moths and may lead to new infections.

4) A tree does not necessarily need to be removed just because it has pitch canker. However, trees with large dead limbs, a dead top, and trunk cankers are likely to die from the disease. Such trees may present a hazard because dead material can break and fall from the tree and eventually the entire tree could fall. Get expert advice. Hazardous situations need attention. Such trees may also contribute to the buildup of destructive beetles which can attack other trees. The timely removal and disposal of dying trees may help prevent this.

5) Tools and machinery which are used to prune, cut, or chip diseased trees should be cleaned and sterilized before use on

uninfected trees or in uninfested areas. Lysol or a 10% solution of bleach (1 part household bleach in 9 parts water) are effective sterilants.

6) Disposal of diseased material should be done so as not to spread the disease to uninfested areas. Limbs and small pieces of wood may be chipped and the mulch deposited on site or they may be burned. Any material that is removed from the site should be tightly covered with a tarp during transit and taken to the nearest landfill or designated disposal facility for prompt burial, chipping and composting, or burning.

7) Monterey pine logs may be split for firewood for local use, but the wood should be seasoned beneath a tightly sealed, clear plastic tarp to prevent the buildup of destructive insects. Do not stack pine firewood next to living pine trees or transport it to uninfested areas. California Department of Forestry and Fire Protection "Tree Note #3, Controlling Bark Beetles in Wood Residue and Firewood," provides specific guidelines for firewood tarping. This publication and others are available free of charge from the Pebble Beach Company Forestry Department.

Further information on pitch canker disease may be obtained by contacting your local Agricultural Commissioner's Office at (408) 647-7629, California Department of Forestry and Fire Protection forester at (916) 224-2445, University of California Cooperative Extension office at (408) 759-7350, or the Pebble Beach Company Forestry Department at (408) 625-8414. □

## UC BERKELEY AND PEBBLE BEACH COMPANY COMBINE FOR PITCH CANKER STUDY

**I**n an attempt to identify pitch canker resistant Monterey Pine, members of Pebble Beach Company's Resource Management Division are working with scientists from the University of California, Berkeley in a study involving 2,500 test trees.

Native seed stock were collected from four locations within Del Monte Forest and grown under nursery conditions over the past three years.

These trees are currently being inoculated with the pathogen under Phase I of the study. Trees exhibiting immunity to the disease will be used in future cloning studies in search of a pitch canker resistant tree suitable for propagation.

For a more in-depth look at current research, please look for Part 2 of our series on pitch canker in the next issue of SCOREBOARD. □

5



## STATUS of PITCH CANKEER RESEARCH and DISEASE MANAGEMENT

Sponsored by Pebble Beach Company  
(May 1999)

**RECEIVED**

MAY 25 1999

Prepared by:

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

PEBBLE BEACH COMPANY - RESOURCE MANAGEMENT STAFF

PAUL DUBSKY, MANAGER - FORESTRY & OPEN SPACE

TED HORTON, VICE PRESIDENT, RESOURCE MANAGEMENT

Pitch canker, Fusarium circinatum, is a fungal disease that infects many species of pine trees. First discovered in 1986 in California at New Brighton Beach, Santa Cruz County, its range is spreading and now includes eighteen coastal and adjacent inland counties from Mendocino to San Diego. The pathogen is now commonly found on Monterey pines in a number of local urban and natural forest locations throughout the Monterey Peninsula, including areas within Carmel, Pacific Grove, Monterey, and Pebble Beach. Some areas of the Del Monte Forest within Pebble Beach show increased levels of infestations of the disease, particularly the 17 Mile Drive near Spanish Bay; Lopez Road near the Pebble Beach Community Services District/Fire Station; and in the residential areas along Stevenson Drive. Many other areas of the Del Monte Forest within Pebble Beach now show indications that the disease is spreading throughout the developed areas and into the larger native Monterey pine stands.

The disease is transmitted by a number of species of bark beetles and other insects. It can also be spread by airborne spores, seeds, contaminated tree care tools and machinery, and by moving logs, wood chips and green waste from contaminated areas to uninfected areas. Pitch canker causes resinous or pitchy cankers on all woody parts of the tree. One of the first symptoms is the dieback of branch tips, known as flagging, in the upper crown of the tree. The disease infects branches from the tip down, turning them a brown/orange color, and creates an excessive pitch stream of resin that runs down the trunk. There is no cure for pitch canker, and eradication is not a viable option. A large number of infected trees are expected to die, especially after bark beetles further weaken and eventually kill trees already stressed by pitch canker.

**EXHIBIT I - APPLICANT-SPONSORED  
(1 OF 5) PITCH CANKEER RESEARCH**

Pebble Beach Company has taken a proactive position in dealing with pitch canker by (1) CONCENTRATING ON SLOWING THE SPREAD OF THE DISEASE; (2) ACTIVELY FUNDING and SUPPORTING SCIENTIFIC RESEARCH; (3) PRACTICING GOOD ARBORIST TECHNIQUES; AND (4) ENCOURAGING WISE-USE FORESTRY MANAGEMENT WITHIN THE DEL MONTE FOREST.

Highlights of the Pebble Beach Company's program on dealing with the fungus include:

**Pitch Canker Task Force:** Pebble Beach Company Resource Management is represented by Paul Dubsky, Manager of Forestry and Open Space, current member of the statewide Pitch Canker Task Force, and Ted Horton, Vice President, Resource Management, at Task Force meetings and seminars. The Task Force meets bi-monthly and is charged with identifying management, research and educational priorities to limit the spread of pitch canker in California.

Pebble Beach Company forestry personnel are following the recommendations and guidelines developed by the Pitch Canker Task Force to slow the spread of the disease by practicing proper arborist techniques when dealing with infested trees. We are also composting Monterey pine green waste to kill the pathogen, and developing an extensive public outreach effort to educate residents and arborists working in the Del Monte Forest in dealing with the disease. This outreach effort includes providing assistance to the Del Monte Forest Foundation to develop a video on pitch canker for public dissemination. The video has been widely distributed and very well received by both the scientific and lay communities (COPIES AVAILABLE UPON REQUEST).

Pebble Beach Company was instrumental in supporting two Pitch Canker Task Force Golf Tournaments over the past two years. The events were designed to raise public awareness and to raise money for continued research. Pebble Beach Company donated use of the Del Monte Golf Course, and over \$25,000 was raised from sponsorships for disease research.

**Scientific Research:** TO DATE, PEBBLE BEACH COMPANY HAS EXPENDED OVER \$1,000,000 ON PITCH CANKER RESEARCH, including funding both basic and applied research with the University of California, Berkeley and Davis and with Silvagen, Inc. of Vancouver, B.C., Canada. Since 1995, \$420,000 has been committed to pitch

canker research with U.C. Berkeley and Davis and with Silvagen, Inc.

The following studies will be continued with U.C. Berkeley and Davis in 1999:

1. **Resistance of Monterey Pines to Pitch Canker Disease**, includes both studies in regenerating stands at Pebble Beach and in nursery stock. Scientists are looking for trees, which exhibit immunity to the disease. To date, we have looked at thousands of trees, and have identified a small number of resistant trees: these trees will be used in future cloning studies to isolate a pitch canker disease resistant tree suitable for propagation in the nursery. THE PEBBLE BEACH COMPANY NURSERY EXPECTS TO HAVE DISEASE RESISTANT TREES AVAILABLE FOR PLANTING in landscaping and golf course locations in the very near future. Work is also underway to develop a broader range of resistant trees for planting in the natural forest areas.
2. **Establish and Maintain Permanent Study Plots to Assess the Impacts of Pitch Canker on Native Monterey Pine Forests**. Forty seven (47) permanent study plots have been established within the Del Monte Forest to monitor the spread of pitch canker disease in both urban and native forest environments. Results of the study indicate that 81% of the plots contain infected trees and 25% of total trees surveyed showed pitch canker symptoms. Researchers will continue to survey the trees and will enter the information in GIS format to facilitate the spatial analysis of the data.
3. **The Survival of Pitch Canker Fungus and its Insect Vectors in Monterey Pine Branches and Chippings**, to determine how long insects emerging from infected tips carry the pathogen and how long it can be isolated from the tips. Preliminary results indicate that the pathogen can be isolated from the tips over several months, although its abundance gradually decreases. Long term viability of the fungus is being studied.

A second phase of the study includes survival of the fungus in chipped branches and the insects emerging from them. It has been shown that the fungus survives in chips as long as in unchipped tips, but only a few beetles emerge from the chips - this may be due to increased desiccation rates in the chips.

The following new studies with U.C. Berkeley and Davis are being implemented 1999:

1. **Impacts of Fire on Regeneration of Monterey Pine and Tree Resistance to the Pitch Canker Pathogen.** Objectives: (1) To compare regeneration of Monterey pine in plots which have been burned, plots which have undergone other vegetation management, and control plots; and (2) to investigate the use of soil contamination with the pitch canker fungus as a management tool for selecting resistant Monterey pine seedlings.
2. **Establishment of Permanent Plots in Regenerating Monterey Pine on Huckleberry Hill.** Objective: To determine the level of pitch canker disease in a stand of Monterey pine regenerated by fire.

The following new study with Silvagen, Inc. of Vancouver, B.C., Canada is being implemented in 1999.

1. **Somatic Embryogenesis of Pitch Canker Resistant Monterey Pines.** Utilizing embryogenesis technology as a propagation technique in lieu of conventional propagation systems (i.e., cuttings), scientists at Silvagen, Inc. are developing genetically resistant families of Monterey pines. This eighteen (18) month project will use juvenile disease resistant tissue gathered from Pebble Beach trees in developing clonal lines. Five to ten open-pollinated families of pitch canker resistant Monterey pines will be used for establishing embryonic cultures, cryopreservation of germ plasm, somatic embryo and plantlet production (somatic seedlings), and the delivery of full size somatic seedlings for outplanting in the forest by the year 2000. This technique shows great promise for the conservation of Monterey pines by enhancing the gene pool of native populations through development of a diverse array of resistant clones.

### Forestry Management

Pebble Beach Resource Management staff is represented on the Open Space Advisory Committee (OSAC) which makes recommendations to the Del Monte Forest Foundation. In this context, we are currently assisting the Foundation in studying vegetation management options within the Del Monte Forest, including closely monitored prescribed burning and other vegetation management options. From a pitch canker standpoint, fire and other vegetation management techniques can be very beneficial by encouraging tree regeneration with the expectation that many seedlings will be produced and some of these young trees will show natural resistance to the pathogen. These management techniques appear to have great potential to conserve the Monterey pine forest ecosystem. Removing dead and dying trees, and chipping, burning, or manipulating the remaining vegetation in selected areas in native stands, will provide enhanced areas for future forests to thrive. A closely monitored prescribed burn has been approved for the Indian Village area during the 1999 prescribed burning season.

**BY CONTINUING TO ENCOURAGE AND FUND RESEARCH, PROMOTING PUBLIC OUTREACH AND AWARENESS, AND PRACTICING ENLIGHTENED FOREST MANAGEMENT, ALL HIGH PRIORITIES WITH PEBBLE BEACH COMPANY, WE HOPE TO INSURE A HEALTHY AND SUSTAINABLE MONTEREY PINE FOREST FOR THE FUTURE.**

11

