

**CALIFORNIA COASTAL COMMISSION**

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**STAFF REPORT: APPEAL****SUBSTANTIAL ISSUE DETERMINATION/DE NOVO FINDINGS**

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

**Local Decision:** .....Resolution 02-252 (PC96036) Approved with conditions June 4, 2002 by the Monterey County Board of Supervisors (See Exhibit E).

**Appeal Number** .....A-3-MCO-02-077

**Applicant**.....Dorothy Gorman-Mullins

**Appellants:**.....Commissioners Sara Wan and John Woolley.

**Project location**.....274 Paradise Road (East side of Paradise Rd. near Lake View Drive) (APN 129-096-029) in Prunedale, North County Planning Area (Monterey County) (See Exhibits A & B).

**Project description** .....Allow minor land division of a 17.03-acre parcel into six parcels; grading; increase water withdrawal from existing well; removal of 28<sup>1</sup> Coast Live oaks, and rezone the parcel from "LDR-B-7(CZ)" to "LDR-B-6(CZ)." The project will also involve grading for new access road, and expansion of existing water system to serve new lots (new pipeline, etc.).

**File documents**.....County coastal permit file PC96036; Monterey County Board of Supervisors Resolution # 02-252; Monterey County Local Coastal Program, including *North County Land Use Plan* and *Monterey County Coastal Implementation Plan*.

**Staff recommendation** ...Project raises a Substantial Issue; Denial of *de novo* permit application.

**Summary of Staff Recommendation:**

The Monterey County Board of Supervisors adopted a mitigated negative declaration and mitigation monitoring plan, and approved a standard subdivision tentative map to allow subdivision of a 17.03-acre parcel into 6 parcels (see Exhibit C); a coastal development permit for grading and water system

<sup>1</sup> Since Coastal Commission appeal of the County's approval, the applicant has submitted new information on December 2, 2003 from the biological consultant (dated April 25, 2002) indicating that a total of 61 trees will actually be removed, based on a revised Tentative subdivision map that was apparently created in attempts to minimize impacts to ESHA from the building and septic drainage envelopes. See Exhibit I)



**California Coastal Commission**  
**March 18, 2004 Meeting in Monterey**

Staff: SAM/MJN/CKC Approved by: [Signature] 2/26/04

facilities; waiver of policy prohibiting development on slopes greater than 25 percent, removal of 28 coast live oaks<sup>2</sup>, and reclassification from a "LDR-B-7(CZ)" to "LDR-B-6(CZ)" zoning classification. The 17.03-acre parcel contains an existing single-family dwelling, with barn and outbuildings, which would be retained on one of the 6 parcels. New water system facilities would increase water withdrawal from the existing well to support future development of five additional single-family residences.

The project is located on the east side of Paradise Road near Lakeview Drive in the North County planning area of Monterey County (Regional location map and project vicinity maps are shown in Exhibits A and B, respectively). The site contains a number of plant communities, including coast live oak forest/woodland, central coast scrub, and central maritime chaparral, which is considered to be environmentally sensitive habitat. Additionally large portions of the existing parcel area located on slopes greater than 25%.

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal has been filed, and that the coastal development permit be **denied** due to the project's inconsistencies with the LCP. The project presents both a significant procedural issue - because the project was approved prior to Coastal Commission approval of the amendment required to remove the B-7 zoning overlay to allow for subdivision in the first place - and significant substantive issues relevant to LCP policies that require protection of environmentally sensitive habitat areas, water supply and water quality.

#### Procedural Issue

Subdivision of this parcel is inconsistent with the current certified LDR-B-7(CZ) zoning that prohibits new subdivisions in areas with environmental and public facility constraints, such as lack of water, drainage, and sewage disposal. This parcel is subject to the "B-7" overlay because it is located in an area where groundwater is severely overdrafted,<sup>3</sup> where erosion hazards are moderate to high due to steep slopes and erosive soils, and in a rural area where public wastewater discharge facilities are not available.

Prior to the County approval of this CDP, the site was zoned LDR-B-7. The LDR-B-7 zoning classification does not allow subdivision. After the County action on the CDP, the newly subdivided site was zoned LDR-B-6. The LDR-B-6 zoning classification prohibits further subdivisions under any circumstance. Since neither of these zoning designations allow subdivision, it must be assumed that the rezoning process undertaken through approval of the CDP actually had to occur in two steps: rezoning from LDR-B-7 to some zoning designation that would allow for subdivision (eg., LDR or RDR), then rezoning from LDR or RDR to LDR-B-6. Rezoning property in a jurisdiction such as Monterey County, that has a certified LCP, generally must be approved by the Coastal Commission through the LCP

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<sup>2</sup> Ibid.

<sup>3</sup> The project site is located in the Highlands South sub-area of the North County Hydrogeological Study Area, where, according to the *North Monterey County Hydrogeologic Study*, prepared for Monterey County Water Resources Agency by Fugro West, Inc, 1995, groundwater overdraft has been documented to be 630 acre feet per year (i.e., groundwater pumping exceeds what was then established as sustainable yield by 630 acre feet per year).



amendment process before the rezoning can be effective. In Monterey County, however, the **addition** of a zoning overlay, initiated for the purpose of preserving or enhancing coastal resources, does not require approval by the Coastal Commission, but the **removal of the B-7 zoning overlay requires an amendment to the LCP**, and as such, requires submittal of an LCP amendment for review and approval by the California Coastal Commission. Furthermore, to be considered for reclassification from LDR-B-7 to a zoning district that allows subdivision, applicants must demonstrate **through the LCP amendment review process** that they have met minimum requirements with respect to, among other things, water supply, drainage, and parcel size and design. No LCP amendment to remove the "B-7" overlay on this site has been submitted to the Coastal Commission, nor has any thorough analysis of the substantive issues listed above been completed. Thus the project is inconsistent with the County's LCP and the Coastal Act that requires LCP amendments for changes to the certified LCP.

#### Substantive Issues

Even if the LCP had been amended to allow removal of the "B-7" overlay prior to the approval of the subdivision application, other substantive inconsistencies with LCP policies arise, including questions concerning the adequacy of water supply to support new development, and potential adverse impacts to environmentally sensitive habitat areas (ESHA).

#### ESHA

Currently, over 50% of the parcel is occupied by central maritime chaparral (maritime chaparral), a plant community classified as ESHA by the LCP. Although the subdivision does not create lots that would consist entirely of ESHA, one of the lots (Lot 6) is predominately comprised of ESHA and areas outside of ESHA contain steep slopes; thus the subdivision as approved by the County would result in a parcel that has no buildable site according to the LCP. Additionally, each subdivided lot contains ESHA, and as proposed, building envelopes on 4 of the 5 new lots would be located partially to entirely within ESHA. Two of the proposed new septic drain fields would also be located partly or entirely within ESHA. The LCP requires protection of ESHA by, among other means, prohibiting non-resource dependent development in ESHA, limiting the amount of vegetation and land that can be disturbed, and requiring deed restrictions or permanent conservation easements over ESHA. The LCP also requires that development adjacent to ESHA be compatible with the long-term maintenance of the resource and protect the maximum amount of maritime chaparral. Finally, the LCP only allows new subdivisions where significant impacts to ESHA will not occur.

The project is inconsistent with ESHA protection policies because the project: 1) creates a lot with no buildable location outside of ESHA or slopes over 25%; 2) allows non-resource dependent residential development in ESHA; 3) allows for substantial removal of oak woodland and maritime chaparral habitat; and 4) because it does not protect all ESHA on site with a conservation easement or deed restriction. The project is also inconsistent with policies relevant to development adjacent to ESHA because the project would result in increased fragmentation of the habitat which is not compatible with long-term maintenance of the resource; the building envelopes and septic drainfields have not been designed or sited in a manner that protects the maximum amount of maritime chaparral; and residential



development within these areas, along with the associated day-to-day activities that would be likely to occur could result in significant impacts to ESHA.

### Protection of Groundwater Supplies

The project is located within an area of the North County planning area that has been documented to have a serious groundwater overdraft problem, which contributes to saltwater intrusion and lowering of the water table. In areas of limited water supply, the LCP gives certain land uses, such as coastal-dependent uses, recreation and agriculture, priority for water over other uses, including residential development. As a residential subdivision, the project does not fit any of these priority uses.

The project includes improvements to the existing well, which currently serves one single-family residence, to provide a water supply system for five additional single-family dwellings. The LCP requires a hydrologic report for any development that involves intensification of water use. This project, however, was approved without benefit of a site-specific hydrology report, inconsistent with LCP requirements. A hydrology report was finally completed nearly one year after County approval of the project. At present, the existing single-family dwelling uses approximately between 0.43 to 0.75 acre-feet per year (AF/y).<sup>4</sup> The County's approved subdivision of the parcel, into six lots, will result in an increased groundwater demand of approximately 2.15 to 3.75 AF/y, in order to serve five additional single-family residences. While this may not seem to be a large increase in water use, the direct and cumulative affect of these additional water withdrawals will only exacerbate the serious overdraft problems that already exist. Since the source of water is based on an already overdrafted aquifer, it is doubtful that the project can ensure a long-term water supply. Furthermore, since approval of the project may reduce the long-term availability of water supplies for local coastal priority agricultural and recreational uses, the project is inconsistent with LCP policies designed to protect water supplies for priority uses.

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<sup>4</sup> This figure is based on the County's own figures for determining estimated water use for single-family residences.



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## I. Local Government Action

The Monterey County Board of Supervisors approved a Combined Development Permit, Resolution 02-252 (PC96036), for the project on June 4, 2002. Due to an initially incomplete notice of the County's action, the Final Local Action Notice (FLAN) for this project was received in the Central Coast District office on August 27, 2002 (Exhibit E). The County's action consists of a Coastal Development Permit for a standard subdivision tentative map to allow subdivision of a 17.03 acre parcel into six parcels; Coastal Development Permit for grading and water system facilities (to increase water withdrawal from an existing well) and removal of 28 coast live oaks.<sup>5</sup> The project will also involve grading for new access road, and expansion of existing water system to serve new lots (new pipeline, etc.). The County's approval also rezoned the property through removal of the B-7 overlay to allow for subdivision of the parcel, and then applied a B-6 overlay to preclude any future subdivisions of the new lots.

County approval of the project also included adoption of a Mitigated Negative Declaration and Mitigation Monitoring Plan, and a waiver to allow development on slopes greater than 25%. The project was subject to 78 special conditions of approval. All permit findings and conditions are included in Exhibit E.

## II. Summary of Appellants' Contentions

The appellants have appealed the final action taken by the Monterey County Board of Supervisors (Resolution 02-252), asserting that approval of the project is inconsistent with policies, regulations and ordinances of the Monterey County Local Coastal Plan. The appellants contend that the project is procedurally inconsistent with the LCP because an amendment is required to change the zoning of this parcel in order to allow for the subdivision, and no such LCP amendment was obtained from the Coastal Commission. The appellants also contend that the project has not adequately addressed the issues of the region's limited water supply and the presence of environmentally sensitive maritime chaparral located on the site. Maritime chaparral is considered environmentally sensitive habitat by the LCP. The complete text of the appellants' contentions can be found in Exhibit F.

*(Note: The applicant recently submitted a Slope Map, produced on top of a revised Tentative Map of the Tanglewood Estates (shown as revised May 31, 2002, and received in the Central Coast District office December 3, 2003 – see Exhibit J). The Slope Map and revised Tentative Map shows the proposed building and septic system envelopes for the entire subdivision along with areas which have slopes over 25%. In addition to showing slopes over 25%, the only apparent difference between this map and that*

<sup>5</sup> Since Coastal Commission appeal of the County's approval, the applicant has submitted new information on December 2, 2003 from the biological consultant (dated April 25, 2002) indicating that a total of 61 trees will actually be removed, based on a revised Tentative subdivision map that was apparently created in attempts to minimize impacts to ESHA from the building and septic drainage envelopes.



*approved by the County's final action is that the size and location of the building envelopes on Lot 3 and Lot 4 are somewhat smaller. With slopes over 25% shown on the revised Tentative Map, it is also apparent that the building and septic system envelopes within Lots 3 through 6 have plenty of space outside the 25% slope area. While Lot 2 is more constrained by steep slopes, neither the building nor the septic system envelopes have been changed from that approved by the County (as shown on the Tentative Map dated May 11, 1996 – see Exhibit C). As analysis in the ESHA section describes, building envelopes on lots 2, 3, and 6 are still located in a way that could adversely impact environmentally sensitive maritime chaparral habitat areas; additionally, Lot 6 is also predominantly comprised of ESHA and areas outside of ESHA contain steep slopes, thus Lot 6 appears to have no buildable site that would be consistent with LCP policies).*

### **III. Standard of Review for Appeals**

The grounds for appeal to the California Coastal Commission under Section 30603 of the California Coastal Act are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program and the public access policies of the Coastal Act if the project is located between the first public road and the sea. 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. This project is appealable because Section 30603(a)(4) allows for appeals of any development approved by a coastal county that is not designated as the principle permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500). Subdivisions are listed as conditional uses in the LDR zone district and are not permitted at all in the “LDR-B-7” district.

### **IV. 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 appeals were filed pursuant to Coastal Act Section 30603.

**MOTION:** Staff recommends a “NO” vote on the following motion:

**“I move that the Commission determine that Appeal No A-3-MCO-02-077 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.**

#### **STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of





No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

**RESOLUTION:**

The Commission hereby finds that Appeal No. A-3-MCO-02-077 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## **V. Staff Recommendation on De Novo Permit**

The staff recommends that the Commission, after public hearing deny the coastal development permit.

**MOTION:** Staff recommends a "NO" vote on the following motion:

"I move that the Commission approve Coastal Development Permit No. A-3-MCO-02-077 for the development as proposed by the applicant."

**STAFF RECOMMENDATION OF DENIAL:**

Staff recommends a NO vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION:**

The Commission hereby **denies** a permit for the proposed development as conditioned below, on the grounds that the development does not conform to the policies of the Monterey County certified Local Coastal Program. Approval of the permit will not comply with the California Environmental Quality Act (CEQA) because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

## **VI. Recommended Findings and Declarations**

The Commission finds and declares as follows:

### **A. Project Description and Location**

The project approved by the County, and subject to this appeal, consists of a subdivision of a 17.03-acre lot into 6 parcels (of 3.66, 1.18, 2.11, 3.13, 1.78 and 6.93 acres, respectively). The project also includes





a coastal development permit for grading and water system facilities; waiver of policy prohibiting development on slopes greater than 25 percent, removal of 28 coast live oaks, and reclassification from a "LDR-B-7(CZ)" to "LDR-B-6(CZ)" zoning classification.

The subject parcel currently contains an existing 1,072 square foot single-family dwelling, with barn and outbuildings, which would be retained on one of the 6 lots. The five other lots would be located behind the existing residence on the eastern portion of the property and would be sold for future residential development. New water system facilities would increase water withdrawal from an existing well to support future development of five additional single-family residences.

The project is located in North Monterey County roughly 2 miles east of Elkhorn Slough, and on the eastern side of Paradise Road near Lake View Drive (Regional location map and project vicinity maps are shown in Exhibits A and B, respectively; aerial photo of site is shown in Exhibit G). Surrounding parcels are mostly in residential use, and primarily zoned Low Density Residential (minimum parcel size of 1 acre) and Rural Density Residential (minimum parcel size of 5 acres). The land use designation for the parcel is LDR/2.5-10 acres /unit, and the zoning designation is LDR-B-7.

The B-7 overlay prohibits any subdivision of the parcel unless first reclassified. The County's LCP provides that the B-7 overlay may be removed through an LCP amendment certified by the Coastal Commission, if findings can be made that limitations with regards to adequate water supply, drainage, sewage disposal, parcel size and design, and traffic circulation have been removed. However, County approval of this project rezoned the property outside of the normal LCP amendment process required by CIP Section 20.94.030.D.6 and Coastal Act Section 30514.

The project is located within the Highland South sub-basin of the North County Hydrological Study Area (see Exhibit H), which, in 1995, was determined to have a groundwater overdraft of over 630 acre feet per year (due to historical pumping of 5,020 af/yr from this aquifer with a sustainable yield of only 4,390 af/yr)<sup>6</sup>. A 2002 report updated the current overdraft to be 1,705 af/yr<sup>7</sup>. Groundwater overdraft in this area has resulted in saltwater intrusion up to 3 miles inland (see Exhibit L), and has led the County to place moratoriums in the past to prevent new withdrawals from these overdrafted aquifers. Based on the County's estimated water use for a single family dwelling of .43 to .75 acre-feet per year (af/yr), this project would intensify water use to approximately 2.95 af/yr, thus increasing demand from a current estimated average of 527 gallons per day to an estimated average of 2,634 gallons per day.<sup>8</sup>

The parcel also contains a number of plant communities, including coast live oak forest/woodland, central coast scrub, and central maritime chaparral, which is considered to be environmentally sensitive habitat under the LCP. As approved by the County, building envelopes on the subdivided lots would

<sup>6</sup> Fugro West, Inc., 1995. *North Monterey County Hydrogeologic Study, Vol. 1: Water Resources*; Table 11. Prepared for Monterey County Water Resources Agency, October 1995.

<sup>7</sup> Monterey County Water Resources Agency and EDAW, Inc., 2002. *North Monterey County Comprehensive Water Resources Management Plan*; January 2002. Table 1. "Summary of Overdraft Problem."

<sup>8</sup> Average gallons per day are based on averaging the County's estimated water use for a single-family residence of .43 - .75 AF/y, which averages to .59 AF/y, which converts to 527 gallons per day. The proposed projects estimated water use is based on the County's figures and averages to 2.95 AF/y, which converts to 2,634 gallons per day. (Formula: to convert acre-feet to gallons, multiply by 325,851, to convert to gallons per day, divide this figure by 365).



impact maritime chaparral habitat (see Exhibit K) and future development, including roadway access, would require removal of a significant number of Coast live oak trees. While the County's Final Local Action Notice for the project (Resolution # 02-252) indicates 28 coast live oak trees will be removed, subsequent information received regarding the biological impacts of the project indicate that 61 trees will actually be removed (correspondence from Ed Mercurio, biological consultant, to applicant dated April 25, 2002, submitted by applicant's representative, December 1, 2003; see Exhibit I). The County's LCP requires that oak tree removal be prohibited on slopes greater than 25%, and that development on slopes less than 25% be sited and designed to minimize disruption of vegetation and habitat loss.

Finally, the project is also located within Subwatershed No. 29, of the Elkhorn Slough Watershed. Historically, soil erosion within the Elkhorn Slough watershed has led to reduced water quality and adverse impacts to habitat. Soils in the area have moderate to high erosion hazard, and large portions of the existing parcel are located on slopes greater than 25%. While most of the building envelopes and septic systems are located outside of these steep areas, portions of the building envelopes are located within slopes greater than 25%. The subdivision and future development of five new homes, and access roads to reach these homes have the potential to increase the erosion potential.

## **B. Analysis of Appeal Issues**

### **1. Subdivision is Inconsistent with Current Zoning.**

#### **A. Appellant's Contentions**

The appellants contend in part that: "Because the County cannot remove the "B-7" overlay from this lot without an LCP amendment, the proposed subdivision is inconsistent with the current zoning", and that the project on appeal is inconsistent with the Certified LCP for the following reasons (See Exhibit F for complete text of appellants' contentions):

- The B-7 overlay does not allow any land division.
- Allowable density of any proposed subdivision must be based on an evaluation of site conditions and cumulative impacts.
- Removal of the "B-7" overlay, rezoning to LDR without the overlay requires an LCP amendment from the Coastal Commission.

#### **B. Local Coastal Program Provisions**

The appellants cite the following North County Land Use Plan (LUP) and Coastal Implementation Plan (CIP) policies:

- *CIP Section 20.42.030.G.1 (Relevant Portion of B-7 Overlay Restriction) The lots as shown on the recorded Final Map or Parcel Map may not be further subdivided unless the lots are first reclassified from the "B-7" district. Lot line adjustments may be allowed..*



- *CIP Section 20.144.140.B.3.d.1* Densities of residential subdivisions shall be based upon an evaluation of the site conditions and the development's cumulative impacts. As such, the maximum allowable density based on the evaluation shall be determined pursuant to Section 20.140.070. Factors to be considered include: geologic/flood/fire hazards, slope, vegetation, environmentally sensitive habitats, water quality and availability, erosion, septic tank suitability, adjacent land use compatibility, public services availability, and coastal access and visual resource opportunities and constraints. (Ref. Policy 4.3.6.D.1)

The following policies are also relevant:

- *CIP Section 20.42.030.G.3* Reclassification from "B-7" zoning to allow further subdivision may be considered when the applicant demonstrates to the satisfaction of the Board of Supervisors that he has met minimum requirements in respect to water supply, drainage, sewage disposal, parcel size and design, and traffic circulation for the total area included in the "B-7" district, created as a result of the subdivision of which the lot is a part. Upon application for a land division, the applicant shall provide appropriate copies illustrating the aforementioned information. [emphasis added]
- *CIP 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. [emphasis added]
- *CIP Part 6, Appendix 13 Local Coastal Amendment Procedures: V*; The sum of the chosen zoning map densities represents a buildout level which corresponds to the maximum permitted density for North County. Thus, as part of any amendment request to the Coastal Commission to increase the density in North Monterey County, the County shall indicate at what percentage toward buildout North County is, and how the amendment will add to potential development compared to the remaining permitted number of units

### C. Local Government Action

Finding number 1 of the County's action (Resolution 02-252, Exhibit E) approving the project, addresses zoning and density suitability, with the conclusionary statement (Exhibit E, Page 2) that:

*The parcel is zoned "LDR/B-7(CZ)"... and as conditioned, conforms to the plans, policies, requirements and standards of the North County Land Use Plan and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.144 – "Regulations for Development in the North County Land Use Plan Area" and the development standards contained within Chapter 20.14 ("LDR" District) and 20.42 ("B" Districts) in the Monterey County Zoning Ordinance (Title 20).*

Evidence listed in support of this finding states that there is no indication from the Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental



Health Department and the North County Fire Protection District that the site is not suitable for the proposed development. Additional evidence goes on to state that

*...the site is physically suitable for the proposed density of the development,...the proposed project will result in a gross density of 2.83 acres per unit... [and that]...the applicant has demonstrated adequate water supply, drainage, sewage disposal, parcel size and design, and traffic circulation.*

The project was conditioned, among other things, to provide the Water Resources Agency with a water balance analysis describing the pre-development and post-development water use on the property (Condition 17), to submit a drainage report (Condition 35), and to obtain an amended water system permit from the Division of Environmental Health (Condition 51). However, there was no explanation or analysis in the findings as to why the proposed water use, density or the rezoning was consistent with the applicable policies and ordinances.

## **D. Substantial Issue Analysis and Conclusion**

### **1) History of the Property**

The Gorman property (APN 129-096-029) was originally a 25.53-acre parcel. In 1980 (prior to completion and certification of the County's LCP<sup>9</sup>), the property owner, and current applicant, received approval from Monterey County for a four-lot subdivision of the parcel. The applicant then approached the Coastal Commission for a CDP to allow the four-lot subdivision. The Coastal Commission, which was generally not approving land divisions in the Moro Cojo watershed, denied approval of the four-lot subdivision, due to concerns about cumulative impacts prior to completion of the LCP, and cumulative impacts of groundwater overdraft.

However, the Coastal Commission did approve a land division for two parcels (8.5 acres and 17.03 acres, respectively), since each already contained an existing house. The Coastal Commission permit (P-80-272) authorizing the two-lot subdivision, conditioned the permit to require a deed restriction to prevent further division of the parcels, unless otherwise allowed in the yet to be completed LCP. (The deed restriction was subsequently recorded on December 15, 1980<sup>10</sup>). After the Coastal Commission approved the two-lot subdivision in 1980, the B-7 overlay was placed on the zoning designation for each of the new parcels as part of the LCP, which was certified in 1987.

In 1992, after transfer of permit authority to Monterey County, the County considered an application to subdivide the 8.5-acre lot into three lots. Because of the B-7 overlay requirements, the applicant, pursuant to the LCP, approached the Board of Supervisors for an LCP amendment. After review of the impacts on water supply, sewage disposal and traffic impacts, the Board was satisfied that the criteria of CIP Section 20.42.030.G.3 demonstrating that minimum requirements with regard to these resources had

<sup>9</sup> Monterey County's LCP was not certified until December 1987, with coastal permit authority transferring to the County in February 1988.

<sup>10</sup> Deed Restriction #G 47839, recorded December 15, 1980



been met, and approved the three-lot subdivision.<sup>11</sup> As one of the conditions of approval, the applicant was assessed a water-impact fee to help fund a study concerning the question of continuing groundwater overdraft<sup>12</sup>. The County then submitted the amendment to the Coastal Commission for certification as Item #2 of Monterey County LCP Amendment No. 1-92.

After review of Part 2 of LCP Amendment No. 1-92, Commission staff recommended denial of this portion of the amendment, noting that Policy 2.3.2.3 of the North County LUP required that

*New development shall be phased so that the existing water supplies are not committed beyond their safe long-term yields. Development levels that generate water demand exceeding safe yield of local aquifers shall only be allowed once additional water supplies are secured.*

The staff recommendation for denial also stated at that time that:

*...evidence in the record of a continuing groundwater overdraft is compelling to find against approving additional density. Under current Land Use Plan policies and overdraft conditions, it is problematic whether all potentially allowable development will ever occur. Thus allowing even more density is premature. Approval of this proposal would set a precedent for similarly zoned land resulting in increased adverse cumulative impacts.*

However, prior to the Amendment going to hearing before the Coastal Commission in October 1992, at the request of Monterey County, the hearing on the amendment was postponed and continued to allow the County to conduct additional analysis to show conformance with the certified LUP. Monterey County LCP Amendment No. 1-92 #2 was never brought back to the Commission but was subsequently refiled as part of a new LCP amendment submitted in 1993 (LCP Amendment No. 1-93 #5) for removal of the "B-7" overlay to allow a three-lot subdivision of the 8.5-acre parcel. Amendment 1-93 #5 was subsequently approved by the Coastal Commission on June 9, 1993. Approval was based on the additional analysis of density and cumulative impacts to the water supply done by the County and, as a result, the three-lot subdivision of the approximately 8.5-acre parcel was approved.

The LCP Amendment 1-93 #5 staff report also noted that during this same time period (early-mid 1993) the County had prepared revised language regarding the 50% buildout figure, that was intended as an LCP amendment to update the North County Area LUP.<sup>13</sup> The revised LUP policies would have applied the resource and infrastructure constraint policies on a sub-basin/sub-watershed basis rather than to the entire planning area segment, on an interim basis until the North County Hydrologic Studies were

<sup>11</sup> Monterey County local permit #PC-7785, adopted by Board of Supervisors May 12, 1992 (Resolution No. 92-224)

<sup>12</sup> Interestingly, the current project as approved by the County also includes a condition of approval requiring the applicant to pay a fee for the same "area-wide hydrological study to address groundwater overdraft and water resources in the project area" (See Exhibit E, Condition 12, Page 14). The study, *North Monterey County Comprehensive Water Resources Management Plan*, prepared by Fugro West, Inc. was completed in 1995.

<sup>13</sup> CIP Section 20.144.140.B.3.a establishes a 50% buildout figure in an effort to limit groundwater use to the safe yield level. The current 50% figure (1,351 new lots or units) represents development at a level of 50% of the build-out remaining at the time of LUP certification. Note: the original 50% buildout figure was 2,043 new lots or units at time of LUP certification in June 1982 but had been revised to 1,351 new lots or units, when the CIP was certified in July 1987.



completed and a groundwater management plan had been developed.<sup>14</sup> However, this LCP amendment was never completed or submitted to the Coastal Commission for certification.

## 2) The Subdivision is Inconsistent with Current Zoning

Subdivision of this parcel is inconsistent with the current LDR-B-7(CZ) zoning that prohibits new subdivisions in areas with environmental and public facility constraints, such as lack of water, drainage, and sewage disposal. This parcel is subject to the "B-7" overlay because it is located in an area where groundwater is severely overdrafted,<sup>15</sup> where erosion hazards are moderate to high due to steep slopes and erosive soils, and is located in a rural area where public wastewater discharge facilities are not available.

The LDR-B-7 zoning classification, pursuant to CIP Section 20.42.030.G1, does not allow subdivision unless lots are first reclassified from the LDR-B-7 district. The LDR-B-6 zoning classification, pursuant to CIP Section 20.42.0030.F.1, prohibits further subdivisions under any circumstance. Since neither of these zoning designations allow subdivision, it must be assumed that the rezoning process actually had to occur in two steps: rezoning from LDR-B-7 to some zoning designation that would allow for subdivision (eg., LDR or RDR), then rezoning from LDR or RDR to LDR-B-6. However, while the **addition** of a zoning overlay, initiated for the purpose of preserving or enhancing coastal resources, does not require approval by the Coastal Commission, pursuant to CIP Section 20.94.042, **removal of the B-7 zoning overlay constitutes an amendment to the LCP**, and as such, requires submittal of an LCP amendment for review and approval by the California Coastal Commission, pursuant to CIP Section 20.94.030.D.6 and Coastal Act Section 30514. The County had been aware of this requirement, as evidenced by the submittal of LCP Amendments No. 1-92 #2 and No. 1-93 #5 to the Commission in the past.

Furthermore, to be considered for reclassification from LDR-B-7 to a zoning district that allows subdivision, applicants must demonstrate through the LCP amendment review process that they have met minimum requirements with respect to, among other things, water supply, drainage, and parcel size and design. No LCP amendment to remove the "B-7" overlay on this 17.03 acre site has been submitted to the Coastal Commission, nor has any thorough analysis of the substantive issues listed above been completed. Thus the project is inconsistent with the County's LCP.

Additionally, the allowable density of the subdivision must be considered and must be based on an evaluation of the site conditions and cumulative impacts as required by CIP Section 20.144.140.B.3.d.1. This Section of the CIP requires densities of residential subdivisions to be based on "an evaluation of the site conditions and the development's cumulative impacts." The Section lists factors to be considered, including water availability and quality, vegetation and environmentally sensitive habitats, and slope and erosion among others. This project is inconsistent with CIP Section 20.144.140.B.3.d.1 because the

<sup>14</sup> California Coastal Commission approved staff findings from Monterey County LCP Amendment No. 1-93 #5.

<sup>15</sup> The project site is located in the Highlands South sub-area of the North County Hydrogeological Study Area, where groundwater overdraft has been documented to be 630 acre feet per year (i.e., historical groundwater pumping of 5,020 af/yr exceeds what was then established as sustainable yield of 4,390 af/yr by 630 af/yr). See Exhibit P, Table 11.





County has not yet developed a groundwater management plan to deal with the issues involved in continued groundwater overdraft that is still occurring in this portion of the North County Planning area, thus any additional withdrawals would be premature.

Therefore, the Commission finds that rezoning to allow subdivision of the project site into 6 lots, with potential additional future development on the five new lots, is inconsistent with the Monterey County LCP, specifically with regards to zoning ordinances 20.42.030.G.1 and 20.42.030.G.3. The Commission finds that a substantial issue is raised with respect to allowing development inconsistent with current zoning requirements.

### 3) Removal of the B-7 Overlay Requires an LCP Amendment

The LCP provides for limited revisions to the "B" overlays, including the addition of such an overlay without certification by the Coastal Commission. CIP Section 20.94.042 allows **addition** of a "B" overlay specifically for the **purpose of preserving or enhancing coastal resources** without certification by the Coastal Commission. This section was designed to make it easier for the County to protect coastal resources through the imposition of more restrictive zoning in order to prevent the premature or inappropriate subdivision of certain lots. Because the intent of the zoning change, as specified in this Section, is **"preserving or enhancing"** coastal resources, certification of the change by the Coastal Commission is not required in such an instance.

However, this project required **removal** of an existing "B-7" overlay in order to subdivide the parcel. Once the "B-7" overlay was removed, subdivision of the parcel could occur. The County then applied a different "B-6" overlay onto the newly created parcels to prevent further subdivision. While this process may have been used to temporarily lift the "B" overlay to facilitate the subdivision, it entirely circumvents CIP Section 20.94.042, which requires that the applicant first demonstrate that adequate water supply, drainage, sewage disposal requirements are met. Although the placement of the "B-6" overlay on the newly subdivided lots may be seen as an action that is protective of the resources (open land and environmentally sensitive habitat in this instance), it does not in fact protect resources as the property could likely not be further divided in any event.

The project is thus inconsistent with County Zoning Ordinance Section 20.94.042 because it impermissibly removes the "B-7" overlay to allow for subdivision without first obtaining the required LCP amendment. Therefore, the County's action raises a substantial issue with respect to the County Zoning Ordinances, CIP Chapter 20.94.042, based on the following: 1) the project is not consistent with current zoning; 2) changing the zoning requires an LCP amendment, as demonstrated by the history of an LCP amendment being obtained prior to approval of subdivision of the adjoining parcel with identical zoning.

Furthermore, the Coastal Commission analysis that allowed for the approval of the 1992 subdivision of the applicant's adjoining 8.5-acre parcel can not be offered in this case because the proposed LCP amendment intended to modify water policies, upon which the earlier approval was based, was never





ultimately submitted or certified by the Coastal Commission. Thus the earlier approval relied on a prospective LCP amendment that never materialized.

Since that time, however, The North County Hydrology Study was completed in 1995, and in the subsequent years our understanding of the dire groundwater situation in the region has increased. It appears that the overdraft has become even more severe than it was at the time the original regional study was completed. As a step to solving the groundwater overdraft problem, a Comprehensive Water Resources Management Plan is being developed, that includes various means to reduce groundwater withdrawals, including increased water conservation measures, increased groundwater recharge, and increased importation of water (i.e., outside sources of water that can be piped in to provide supplemental water to agricultural users).

## 2. Water Supply

### A. Appellants' Contentions

The appellants contend that if for some reason a subdivision were potentially appropriate for this parcel, the project on appeal would be inconsistent with the County's certified LCP for the following substantive reasons:

- This project lacks proof of an adequate long-term water supply.
- This project involves non-priority development in an area of limited water.

### B. Local Coastal Program Provisions

The appellants specifically reference the following Land Use Plan (LUP) and Coastal Implementation Plan (CIP) policies regarding water supply (See Exhibit F for complete text of appellants' contentions):

- **Policy 4.3.5 General Policies 4.** *Where there is limited land, water, or public facilities to support development, coastal-dependent agriculture, recreation, commercial and industrial uses shall have priority over residential and other non-coastal-dependent uses.* [emphasis added]
- **CIP Section 20.144.140.B.3.a Build-Out.** *In the North County Land Use Plan area, a total of 2,043 new lots or units may be created after certification of the LUP in June, 1982. This figure represents development at a level of 50% of the build-out remaining at the time of LUP certification. It was calculated by subtracting the number of existing units from the potential build-out (i.e. 7,835 units – 3,750 units = 4,085 units; 4,085 units X 50% = 2,043 units), at the time of LUP certification as provided in LUP Policy 4.3.3. The 50% build-out is permitted as the first phase of new development which limits groundwater use to the safe yield level. Additional development beyond this first phase shall require a Local Coastal Program amendment, pursuant to Appendix 13 of this ordinance, and shall only be permitted after safe yields of*



groundwater use have been established and water supplies are determined to be available, according to definitive water studies. [emphasis added]

Between the time of LUP certification (June, 1982) and Coastal Implementation Plan preparation (July, 1987), a total of 168 lots were approved and a total of 119 final building permits were issued. As well, there were a total of 405 vacant residential parcels as of July, 1987. (These figures were calculated through use of County Planning Department and Assessor computer records.) Subtracting these figures from the 2,043 new lots or units provides the remaining build-out that **may** be permitted after County assumption of coastal development permitting authority, exclusive of one single family dwelling on a vacant lot of record. That remaining build-out figure is 1,351 new lots or units. This figure shall include senior citizen units, caretaker units, multiple family dwellings, employee housing, and lots created through subdivision approved after County assumption of permitting authority, but shall exclude development of a single-family dwelling on a vacant lot of record. (Ref. Policy 2.5.3.A.2 & 4.3.3) [emphasis added]

- **CIP Section 20.144.070.D.1** A hydrologic report shall be required for any development which involves intensification of water use... Uses where the water will be used for agricultural operations shall not be exempted from the hydrologic report. ...D.5. The hydrologic report shall contain, at a minimum, the following elements...D.5.d. assessment of existing and proposed water usage, including water usage for landscaped and other vegetated areas; ...D.5.h. assessment of the individual and cumulative impacts of the proposed development on the quantity and quality of the groundwater table and local aquifer...;D.5.i. Assessment of the proposed development's individual and cumulative impact on the aquifer's safe long-term yield level, saltwater intrusion and long-term maintenance of local coastal-priority agricultural water supplies...

Other relevant policies include:

- **2.5.1 Key Policy** The water quality of the North County groundwater aquifers shall be protected and new developments shall be controlled to a level that can be served by identifiable, available, and long-term water supplies. The estuaries and wetlands of North County shall be protected from excessive sedimentation resulting from land use and development practices in the watershed area. [emphasis added]
- **Policy 2.5.2.3** New development shall be phased so that the existing water supplies are not committed beyond their safe long-term yields. Development levels that generate water demand exceeding safe yield of local aquifers shall only be allowed once additional water supplies area secured.
- **Policy 2.5.3.A.2** The County's long-term policy shall be to limit groundwater use to the safe-yield level. The first phase of new development shall be limited to a level not exceeding 50% of the remaining build out as specified in the LUP. **This maximum may be further reduced by the County if such reductions appear necessary based on new information or if required in order to protect agricultural water supplies.** [emphasis added]



### C. Local Government Action

The County's action (Resolution 02-252, Exhibit E), among other things, allows for the subdivision of a 17.03-acre parcel into 6 parcels ranging from 1.18 to 6.93 acres in size, the location of proposed building envelopes, and improvements to a water system to serve future residential development on five new lots.

Finding #8 (Exhibit E, Page 8) includes a conclusionary statement that the project is consistent with Section 20.144.070 of the Coastal Implementation Plan (which provides development standards to protect the water quality of North County surface water resources and groundwater aquifers, control new development to a level that can be served by identifiable, available and long-term water supplies and protect North county streams, estuaries and wetlands from excessive sedimentation resulting from land use and development practices in the watershed areas). Evidence provided for this finding only states that the parcel is located within Subwatershed No. 29, a Watershed Restoration Area, and that the project has been conditioned to control site drainage and erosion resulting from future construction of single family dwellings on each lot. [While Subwatershed No. 29 is a sub-basin of the Elkhorn Slough watershed (as shown on Exhibit O) it is actually not shown in the North County LUP Table 1 as exceeding the critical erosion threshold, so is not actually considered to be a watershed restoration area. However, as soils on the site are considered to have moderate to high erosion potential, conditioning the project to control site drainage and erosion is appropriate if any development were to occur here.]

Finding #6 (Exhibit E, Page 8) addresses the issue of density, by a conclusionary statement that the project is consistent with CIP Section 20.144.140.B.3.a (which requires phasing development to a maximum of 50% of total buildout in order to limit groundwater use to the safe yield level). The only evidence for this finding states that the project represents lots 825-829 out of a 50% build-out maximum of 1,351 new lots or units allowed to be approved in the North County land use planning area since July 1987. There is no discussion regarding the adequacy of water supplies or the discretion of the County to approve fewer or no lots relative to the 50% buildout as implied by LUP Policy 2.5.3.A.2, above.

Additionally, Finding #9 (Exhibit E, Page 9) reiterates the fact that North Monterey County aquifers have a serious overdraft and saltwater intrusion problem. Evidence to support this finding states that Chapter 18.51 establishes a Water Impact Fee for development in the North County area to assist in financing a study of the safe yield of the North County aquifers, and the project has been conditioned to pay "the appropriate financial contribution" to implement the area-wide study. However, the County action does not recognize that the North County Hydrologic Study was conducted and completed in 1995, and that a Comprehensive Water Management Plan is currently being prepared. Furthermore, there is no analysis or explanation of how the payment of a fee mitigates the physical impacts on coastal resources of increasing the overdraft of the aquifer.

In addition to findings and evidence, the project was conditioned, among other things, to provide the Water Resources Agency a "water balance analysis describing the pre-development and post-development water use on the property," to submit a drainage report and to obtain an amended water system permit from the Division of Environmental Health. The submission of a water balance analysis, required to describe pre-development and post-development water use on the property, likewise does not mitigate the increased water use but will simply describe how much additional water will be used.



## **D. Substantial Issue Analysis and Conclusion**

### **1) Status of Water in North Monterey County**

The overdraft of and saltwater intrusion into aquifers in the North County planning area is of great concern. Groundwater is the main source of all agricultural irrigation and potable water used in North Monterey County. Most of the groundwater used in the North County is for agricultural irrigation, with 6,150 acres of prime farmland.<sup>16</sup> Groundwater overdraft occurs when more water is removed from the aquifer than is recharged, through infiltration of rainfall and surface water runoff. This results in a general lowering of the groundwater table, which can effect reduce the amount of base flow that discharges to rivers and creeks, thereby reducing flow velocities with in turn can increase sediment deposition and reduce the physical extent and quality of riparian and aquatic habitats. Additionally, the water quality of the aquifer itself can be reduced due to saltwater intrusion, which occurs as saltwater infiltrates the aquifer forming a wedge of briney water between sea level and the top of the groundwater table. Briney water cannot be used for irrigation because the accumulation of salts in the root zone is toxic to plants. Thus saltwater intrusion can result in the need to abandon wells once they become briney, and drilling of deeper wells that can extend into deeper aquifers. Thus overdrafting of groundwater can put the long-term water supply for all people that rely on these overdrafted aquifers at risk.

Prior to the certification of the North County Planning Area Land Use Plan, in June of 1982, groundwater overdraft in the area was well documented. In 1977, the State Department of Water Resources indicated that a general groundwater overdraft of about 15,500 acre-feet annually existed in the entire North County area. The primary aquifer unit underlying the project site and vicinity is the Aromas Sand aquifer, the major aquifer in the coastal zone. (The Highlands South area is a sub-basin of this hydrologic unit). In 1980 the U.S. Geological Survey confirmed the overdraft of the Aromas Sand Aquifer and estimated an overdraft in the study area of about 1,500 to 8,000 acre-feet.

It was evident at the time the North County LUP was being written that continued overdraft in the North County area would lead to increasing saltwater intrusion of the aquifers and lower water tables as well, potentially leading to water shortages. At that time, it was understood that managing the demand for water within the limits of a long-term water supply would be a major challenge for the area, and that additional information was needed to determine the long-term safe yield of the North County aquifers.

Overdraft was clearly recognized as a problem in the LUP when it was completed in 1982. The LUP describes as evident the increasing saltwater intrusion and lowering of water tables resulting from the continued overdraft in the North County area, and both the LUP and Title 20.144 "Regulations for Development in the North County Planning Area" contain policies designed to protect water supply and water quality in this planning area, with specific policies to control density of development in order to maintain a sustainable groundwater supply. Provisions were included to reduce buildout if that seemed necessary once safe yields could be determined by further study. The County, in an effort to determine

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<sup>16</sup> Prime farmland acreage value as of 2000, based on Farmland Mapping and Monitoring Program data from State of California Department of Conservation, Divisions of Land Resource Protection.



the water supply and quality issues of the area, contracted for the *North Monterey County Hydrogeologic Study, Volume I: Water Resources*, which was completed in October 1995, and *Volume II: Critical Issues Report and Interim Management Plan*, which was completed in May of 1996<sup>17</sup>. An extensive portion of the North County planning area, including the proposed project is contained in the study area (See Exhibit H). The Volume I: *Water Resources* report defined the water supply and water quality issues, while the Volume II: *Critical Issues Report and Interim Management Plan*, identified the key issues as well as potential interim solutions that could be implemented to start addressing the problems.

Subsequent to the recommendations in Volume II of the Hydrogeologic Study, the County drafted a Water Action Plan for the Hydrogeologic Study Area in 1997 to address the groundwater overdraft and related land disturbance problems in the area (See Exhibit H). The Action Plan included measures to amend Title 16, the Grading and Erosion Control Ordinances; Title 19, the Subdivision Ordinance; Title 20, the Zoning Ordinance, and Title 15 (Public Services), as well as adoption of a Fallow Land Banking Program to remove certain existing agricultural lands from production.

In January 2002, the Monterey County Water Resources Agency (MCWRA) released the *North Monterey County Comprehensive Water Resources Management Plan* (CWRMP) to address water supply and quality issues in North Monterey County. The CWRMP recommends following the Pajaro Valley Water Management Agency's Basin Management Plan (BMP) to address water supply and water quality issues in the Pajaro, Springfield Terrace and Highlands North regions, and provides several alternatives for the Highlands South and Granite Ridge areas. The CWRMP reported current overdraft in the entire watershed of 16,742 acre-feet per year (AF/y) in 2002<sup>18</sup> and 1,705 acre-feet per year in the Highlands South sub-basin (see Exhibit P, Table 1), in which the subject parcel is located (up from 630 af/yr overdraft calculated in the 1995 *North Monterey County Hydrogeologic Study*; see Exhibit P, Table 11). With calculations of overdraft having increased substantially from 1977 to 2002, and future overdraft predicted to increase to 36,526 af/yr for the entire study area, and 4,411 af/yr for the Highlands South sub-basin based on modeling of potential future buildout, allowable buildout could be further restricted to less than 50% based on LUP policy 2.5.3.A.2, which allows the County to limit groundwater use to the safe yield level, and to further reduce buildout "...if such reductions appear necessary based on new information or if required to protect agricultural water supplies."

Because the current demand within the North County Hydrogeologic Study Area (31,152 AF/y in 2002) is already more than twice the safe-yield figure (14,410 AF/y) for the entire study area, and current demand within the Highlands south sub-basin (6,095 af/yr in 2002) is nearly 140% of the sustainable yield (of 4,390 af/yr) for the sub-basin,<sup>19</sup> any added demand is undesirable since it could further lower

<sup>17</sup> Fugro West, Inc., 1995. *North Monterey County Hydrogeologic Study, Volume I: Water Resources*, prepared for Monterey County Water Resources Agency, October 1995. And: *North Monterey County Hydrogeologic Study, Volume II: Critical Issues Report and Interim Management Plan*, prepared for Monterey County Water Resources Agency and North County Inter-Agency Committee, Final Report dated May, 1996.

<sup>18</sup> 2002 (Demand of 31,152 AF/y minus Sustained Yield of 14,410 AF/y = Overdraft of 16,742 AF/y). *North Monterey County Comprehensive Water Resources Management Plan*; January 2002.

<sup>19</sup> *North Monterey County Comprehensive Water Resources Management Plan*; Table 1, January 2002. Table 1 notes indicate that the previously defined Highlands South current demand estimate of 6,497 af/yr was reduced by 402 af/yr to 6,095 af/yr (because 201 acres



the water table, and put at risk the long-term water supply upon which hundreds of people currently rely. The North County Hydrogeologic Study notes that while water supply accessibility in the Highlands sub basins (both North and South) is generally good, with good well yields and high storage, overdraft of the aquifer is being supported by storage depletion, and current demand and future development will continue to mine the resource. Ultimately, continued groundwater overdraft could eventually lower the groundwater table to a level from which it might not recover. In addition, nitrate contamination of groundwater in North County including potential future nitrate loading (from failed septic systems) is a critical concern affecting the North County water supply.<sup>20</sup> The CWRMP states that nitrate loading from rural wastewater sources is a function of the density of development. The CWRMP further states that the Highlands South aquifer is an unconfined aquifer, meaning that contaminants at the land surface may migrate to the water table, where they can travel to shallower residential wells.

Implementation of the LCP over recent decades has reflected increasing awareness of the serious nature of water supply and water quality issues in North Monterey County. Permits issued by the County from 1988 to the present have reflected a progressive shift toward stricter water supply control. In an attempt to reduce groundwater overdraft resulting from new development, the County finally imposed an 18-month urgency ordinance (Ordinance No. 4083) prohibiting new subdivisions and conversion of non-irrigated land to irrigated land in North County effective on August 9, 2000. This ordinance received a 6-month extension (Ordinance No. 4134) on January 22, 2002. However, since temporary ordinances are limited to 2 years, the ordinance expired on August 9, 2002.

## 2) Substantial Issue Analysis

It is well documented that the cumulative impacts of development have caused an overdraft of the region's aquifers, threatening future water supplies through saltwater intrusion and a lowering of the water table elevation. Given the fact that groundwater overdraft is already more than twice the safe yield, the sustainability of long-term water supplies for new development is highly unlikely. LUP Key Policy 2.5.1 requires new developments be limited to a level that can be served by identifiable, available, and long-term water supplies. The subdivision ordinance 19.03.015.M also requires that "the applicant shall also provide proof of an assured, long-term water supply in terms of sustained yield and adequate quality for all lots which are proposed to be created through subdivision." Resolution 02-252 does recognize that North County area aquifers have "a serious overdraft," "seawater intrusion problems" and "nitrate pollution problems throughout the area," but contains no evidence or analysis of any potential long-term water supply for this project. To mitigate for this project's potential impacts to the area's already seriously overdrafted aquifers, the Countys action requires the applicant to pay a fee to finance a study (which was already completed in 1996) and "management plans relating to the safe yield of the North Monterey County aquifers," which are somewhat ongoing. However, this mitigation is completely inadequate because the collection of a fee does not address the impact of this project, which will add

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overlap with the Castroville Seawater Intrusion Project (CSIP) area, and therefore, lower the baseline demand by an assumed 2 acre feet per acre).

<sup>20</sup> *North Monterey County Comprehensive Water Resources Management Plan*; Ch. 2, Introduction, pg. 2-11(source Fugro West, Inc. 1995); January 2002





increased water demand from 5 new dwelling units on a water supply already documented as being in serious overdraft. There is no evidence in the Resolution 02-252 that this proposed development can be served by any "identifiable, available, and long term water supplies." Additionally, CIP Section 20.144.070.D.1 requires a hydrology report for any development that involves intensification of water use. However, no hydrology report was provided or evaluated as part of the County's review. Therefore the County's approval of the subdivision is inconsistent with LUP Key Policy 2.5.1 and CIP section 20.144.070.D.1 and so raises a substantial issue with regards to identifying an adequate, long-term water supply.

In response to the Commission's appeal of the project, the applicant submitted a hydrogeologic analysis conducted for the project by Geoconsultants, Inc, dated April 28, 2003.

The hydrogeologic analysis prepared in response to the Commission's appeal also refers to sea-level elevations shown in the North Monterey County Hydrogeologic Study (Fugro West, 1995) and claims that "groundwater levels in the immediate area of the site have apparently remained at the same level over slightly less than 20-year interval," and therefore concludes that "pumping of wells around the site has had little or no local impact on water levels and ground-water availability." However, Figure 14 of the North Monterey County Hydrogeologic Study show that sea-level contours have indeed changed over time in the vicinity of the site, and have moved up to a mile inland (See Exhibit N). Additionally, information on water levels provided in the North Monterey County Hydrogeologic Study state that:

*Water levels in the Highlands sub-areas have consistently declined over the last 20 years. Of note are the development and growth of several pumping troughs in the area. Figure 12 [see Exhibit M] shows a significant pumping trough in the Prunedale area, which has developed (or for which data is now available) since 1979 with water levels exceeding 40 feet below mean sea level (MSL) in some places. Also apparent is the presence of a pronounced pumping trough in the Las Lomas area with water levels approaching -25 feet MSL. The trough at Las Lomas is the northern portion of a larger north-south trending pumping trough lying approximately 2-4 miles inland and parallel to the coast. The trough has deepened and moved landward since December 1979... Between the axis of the pumping troughs and the coast, groundwater movement is landward, allowing seawater to move into the aquifers through offshore exposures and to migrate inland.... The water level data for the Highlands sub-areas, taken collectively, suggest a regional dewatering of these sub-areas with water levels retreating toward the buried bedrock ridge [of the Granite Ridge sub-basin north and east of Prunedale].*

The increased water demand estimate was based on the assumption that water usage for any area outside the building envelopes will be negligible due to use restrictions in the habitat conservation areas.<sup>21</sup> However, based on the County's own figures for determining estimated water use, this project can be expected to result in 5 new homes each using from 0.43 to 0.75 acre-feet of water per year per residence,

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<sup>21</sup> *Hydrogeologic Analysis for Tanglewood Estates, Geoconsultants, Inc.; April 2003*





which equates to an increase of from 2.15 to 3.75 AF/y (or an average of approximately 3 AF/y) for the five new homes.<sup>22</sup>

The hydrologic report basically suggests that the five new houses will essentially not use any water at all. The reasoning behind this assertion is that 1) given a conservative estimate of increased water demand would be 0.5 AF/y per residence for a total of 2.5 AF/y for the increased domestic water demand from development on the five new lots, 2) 50% or 1.25 af/yr of water use would be produced from septic return flow, and 3) increased impervious surfaces would increase storm water runoff, which would result in an additional 1.27 AF/y of water available for recharge for a total of 2.52 af/yr.

The hydrological report suggests that rather than the County's estimate of from 0.43 to 0.75 af/yr (for an average of approximately 3 af/yr), a more conservative estimate of water use would be 0.5 AF/y per residence for a total increased demand of 2.5 AF/y from development on the five new lots. The increased water demand estimate was based on the assumption that water usage for any area outside the building envelopes will be negligible due to use restrictions in the habitat conservation areas.<sup>23</sup>

The hydrogeologic analysis indicates that return flow from the septic waste disposal of the five proposed lots could be used to mitigate for up to 50% of the water demand from the project, or approximately 1.25 af/yr. However, the hydrogeologic analysis fails to consider that the water quality of such return flow would include high biological loads that would require geologic time to be filtered and transported through the substrate before actually recharging the aquifer, thus the rate of high quality water recharge would not be equivalent to the rate of consumption.

The hydrogeologic analysis also erroneously suggests that the project would result in "an increase in the amount of storm runoff from the site generated from impervious surfaces of the residential development, providing a "net" increase in recharge." While it is correct that the rate of storm runoff will increase due to increased impermeable surfaces (represented by increased runoff coefficient), the project will not increase the annual precipitation, nor infiltration rates, thus without some kind of stormwater detention basin, much of this increased runoff, will indeed runoff the property and not actually infiltrate into the ground to recharge the aquifer. Thus the increase in impermeable surfaces will actually reduce the amount of recharge that currently occurs at the site. The hydrologic analysis does however recommend water conservation measures, the use of native plants into landscaping plans, and project improvements that would direct and capture as much runoff as possible into a storm-water retention/recharge facility to be located along the southern edge of lots 2, 3 and 4, along the proposed access road. However, even if storm-water retention improvements were constructed, infiltration rates would remain the same, so recharge would not actually increase as suggested. Since the hydrogeologic report was conducted and submitted after the County acted on this project, none of it's recommendations are part of the project approved by the County.

<sup>22</sup> Figures based on those used by Monterey County to estimate water use of single-family homes. The low end of the range represents single-family homes with no potential for a second unit (such as a granny unit) and the high end of the range represents single-family homes with the potential for a second unit on the lot.

<sup>23</sup> *Hydrogeologic Analysis for Tanglewood Estates*, Geoconsultants, Inc.; April 2003



A study completed for North Monterey County in 1995<sup>24</sup> concluded that within the Highlands South hydrogeologic subarea, where this project is located, a sustainable yield of 4,390 AF/y is recommended to prevent overdraft conditions. The report notes historical pumping at 5,020 AF/y a difference of 630 AF/y above the recommended sustainable yield. The report states that a 13% reduction in withdrawal would be needed to prevent overdraft conditions. More recently, the 2002 CWRMP maintains the sustained yield figure for Highlands South at 4,390 AF/y, and indicates current water demand for this subarea at 6,497 AF/y with an overdraft of 2,107 AF/y<sup>25</sup> (with a consequent 32% reduction in withdrawal needed to prevent overdraft conditions). Thus any additional subdivision and future development will only serve to increase water demand, which will serve to further drive the groundwater surface down and move saltwater intrusion landward, risking the long-term sustainability of current water supplies for existing residents and Coastal Act priority uses.

On a cumulative basis, the proposed project will contribute to further overdraft of the Highlands south groundwater aquifer. Significant numbers of new dwellings have been approved in North Monterey County on vacant parcels since LCP certification. Approval of this subdivision would result in an increase in the number of lots on which future development of single-family dwellings could occur. As noted in Finding 6, the project represents lots 825 to 829 out of the maximum 50% buildout number of 1,351 new lots. When the earlier three-lot subdivision was approved in 1993, the County determined at that time that they had approved approximately 263 units, but even at that time it was acknowledged that groundwater overdraft was considered a serious problem. Since that time, an additional 562 units had been approved between 1993 and 2002, while severe groundwater overdraft has remained an issue throughout much of the North County Land Use Planning area. There are also numerous existing vacant legal lots of record upon which residential development is already allowed, and for which a water supply other than groundwater withdrawal does not exist. While the total maximum buildout number may well have to be reduced to protect groundwater supplies from further declines, LCP policies give priority to existing lots of record, and not new subdivisions.

At the time of LCP certification it was thought that the maximum 50% build-out limits of Policy 2.5.3.A.2 would result in sustainable levels of development and that a new water supply would be forthcoming. However, these have not occurred, and so the increased water demand from new residential development coupled with noted changes in agricultural production have exacerbated the situation. Given what is now known about the severity of the water problem, all intensifications must be of concern.

The Commission therefore finds that the project is inconsistent with CIP Section 20.144.070.D.1, because the hydrology report completed for this project fails to convince the Commission that an adequate, long-term water supply will be available to the new lots. The Commission also finds that

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<sup>24</sup> *North County Hydrogeologic Study, Volume I: Water Resources*, Fugro West, Inc., October 1995. Prepared for Monterey County Water Resources Agency.

<sup>25</sup> *North County Comprehensive Water Resources Management Plan*; Appendix A, Table A-12 Current Overdraft (AF/y); pg. A-10, January 2002



subdivision of the property is inconsistent with LCP policies requiring identification of a long-term water supply to serve the development.

Finally, the project is also inconsistent with LUP Policy 4.3.5.4, which sets priorities for the types of development allowed in areas with limited land, water or public facilities. This policy gives priority for development in areas with limited water to "coastal-dependent agriculture, recreation, commercial and industrial uses," and states these uses "shall have priority over residential and other non-coastal-dependent uses," thus delegating residential subdivisions to the lowest development priority for the North County planning area. The fact remains that there does not appear to be any water for anything new including "priority" uses. If any water was available, it would not be allocated to new residences but rather a priority use. Given the existing water shortage in this area of the County, the low priority for this type of development, and that the project as proposed and conditioned is inconsistent with these policies, and Commission finds that a substantial issue exists with respect to viable, long-term water supply.

### **3. Environmentally Sensitive Habitat Resources**

#### **A. Appellants' Contentions**

The appellants also contend in part that the project on appeal is inconsistent with the Certified LCP ESHA policies for the following reasons:

- Residential development is not a resource-dependent use.
- Development adjacent to ESHA is not compatible with long-term maintenance of the resource.
- Subdivisions resulting in significant impacts to ESHA are prohibited.
- Clustering of development is required to prevent habitat impacts.
- New residential development must be sited to protect maritime chaparral.

(See Exhibit F for complete text of appellants' contentions).

#### **B. Local Coastal Program Provisions**

The appellants cite the following LCP policies regulating land use in ESHA:

- *Policy 2.3.2.1 With the exception of resource dependent uses, all development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be prohibited in the following environmentally sensitive habitat areas: riparian corridors, wetlands, dunes, sites of known rare and endangered species of plants and animals, rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery areas identified as environmentally sensitive. Resource dependent uses, including nature education and research hunting, fishing and aquaculture, where allowed by the plan, shall be allowed within*



*environmentally sensitive habitats only if such uses will not cause significant disruption of habitat values.*

- **Policy 2.3.2.2** *Land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent habitat impacts, upon habitat values and where they do not establish a precedent for continued land development which, on a cumulative basis, could degrade the resource.*
- **Policy 2.3.2.3** *New development adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New subdivisions shall be approved only where significant impacts to environmentally sensitive habitats from development of proposed parcels will not occur.*
- **Policy 2.3.2.4** *To protect environmentally sensitive habitats and the high wildlife values associated with large areas of undisturbed habitat, the County shall maintain significant and, where possible, contiguous areas of undisturbed land for low intensity recreation, education, or resource conservation use. To this end, parcels of land totally within sensitive habitat areas shall not be further subdivided. On parcels adjacent to sensitive habitats, or containing sensitive habitats as part of their acreage, development shall be clustered to prevent habitat impacts.*
- **Policy 2.3.3.A.2** *maritime chaparral is an uncommon, highly localized and variable plant community that has been reduced in North County by residential and agricultural development. Further conversion of maritime chaparral habitat to agricultural uses is highly discouraged. Where new residential development is proposed in chaparral areas, it shall be sited and designed to protect the maximum amount of maritime chaparral. All chaparral on land exceeding 25 percent slope should be left undisturbed to prevent potential erosion impacts as well as to protect the habitat itself.*
- **Policy 2.3.3.A.4** *Oak woodland on land exceeding 25% slope should be left in its native state to protect this plant community and animal habitat from the impacts of development and erosion. Development within oak woodland on 25% slope or less shall be sited to minimize disruption of vegetation and habitat loss.*

The LCP also contains the following relevant policies:

- **Key Policy 2.3.1** *The environmentally sensitive habitats of North County are unique, limited, and fragile resources of statewide significance, important to the enrichment of present and future generations of county residents and visitors; accordingly, they shall be protected, maintained, and, where possible, enhanced and restored*
- **Policy 2.3.2.6** *The County shall ensure the protection of environmentally sensitive habitats through deed restrictions or dedications of permanent conservation easements. Where land divisions or development are proposed in areas containing environmentally sensitive habitats, such restrictions or easements shall be established through the development review process.*



*Where development has already occurred in areas supporting sensitive habitat, property owners should be encouraged to voluntarily establish conservation easements or deed restrictions.*

- *Policy 2.3.2.8 Where development is permitted in or adjacent to environmentally sensitive habitat areas (consistent with all other resource protection policies), the County, through the development review process, shall restrict the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) to the minimum amount necessary for structural improvements.*
- *CIP Section 20.144.140.B.3.d.1 Densities of residential subdivisions shall be based upon an evaluation of the site conditions and the development's cumulative impacts. As such, the maximum allowable density based on the evaluation shall be determined pursuant to Section 20.140.070. Factors to be considered include: geologic/flood/fire hazards, slope, vegetation, environmentally sensitive habitats, water quality and availability, erosion, septic tank suitability, adjacent land use compatibility, public services availability, and coastal access and visual resource opportunities and constraints. (Ref. Policy 4.3.6.D.1)*

### **C. Local Government Action**

Finding #3 (Exhibit E, Page 5) states that the project will have a potential for changes to habitat resources upon which wildlife depends, and that the project as mitigated, will cause an impact to plant life resources and loss of potential habitat, and thus conditioned the project applicant to pay the Environmental Document Fee, pursuant to Department of Fish and Game regulations. However, Finding #4 (See Exhibit E, Pages 6-7) states that the project is consistent with LUP policies designed to protect ESHA. Evidence for this finding states that biological reports prepared the project in May of 1996 and May 2001 by the biological consultant indicate that the site contains environmentally sensitive maritime chaparral habitat, but that as redesigned and mitigated, the project complies with all applicable LCP policies. The finding also notes that four plant species of special concern and two wildlife species of special concern, typically associated with the maritime chaparral habitat, exist on the site. The finding further states that all protected habitat shall be restricted as a scenic or conservation easement; that the project has been redesigned to reduce grading and vegetation removal and to cluster the building sites on the parcel; no invasive plants shall be planted on any lot and that the redesigned map minimizes potential impacts to maritime chaparral (See Exhibit D original map and Exhibit C revised map).

The County conditioned their approval to require submittal of a final map showing building envelope locations for the new lots that would assure that except for approved structures and appurtenant uses (roads, driveways and septic systems) development shall not be located within the maritime chaparral habitat and on slopes greater than 25% (condition 9), and that a scenic or conservation easement shall be granted to Monterey County for all environmentally sensitive habitat and slopes greater than 25% on the property "...outside existing roads, approved building envelopes, septic envelopes, utilities, water facilities, infrastructure, roads and future driveways leading to parcels 2 thru 6" (condition 10) The County's approval was also conditioned to protect retained trees located close to the construction site (condition 15), use protective fencing around construction areas and prohibit grading within a 3-foot setback of the sensitive maritime chaparral (condition 60). Condition 64 requires that care be taken to



remove as few oak trees as possible, to avoid impacts to landmark oak trees, and to replace all oaks greater than 6" dbh on a 2:1 basis. Ongoing condition 52 prohibits "...grading, structures, roads (except for driveways or as approved in accordance with this permit or in the recorded subdivision map), animal grazing, vegetation removal (except in accordance with a County approved restoration plan), or other activities" outside of the building envelopes.

#### **D. Substantial Issue Analysis and Conclusion**

The biological survey report prepared for the Gorman subdivision (by Ed Mercurio, Biological Consultant, May 1996), describes the 17.03 acre property as consisting of a 2.6 acre strip having a small frontage along Paradise Road with several existing structures, which would remain under present ownership, and a 14.43 acre portion that would be subdivided into five parcels, each containing one 2,200 to 2,300 square foot single-family dwelling. In general, the parcel is irregularly shaped with its long axis running basically east-west. Most of the parcel is situated on south facing slopes, with the northeastern portion of the property extending up to the ridgeline and back down the north facing slope of the ridge (see Exhibit C and Exhibit J).

As described by the biological survey and as shown on the vegetation map of the property (see Exhibit K), most of the parcel to be subdivided is a largely undisturbed mosaic of natural plant habitats that include central maritime chaparral, coast live oak forest, coast live oak woodland, and central coast scrub. According to the biological survey, Coast live oak forest is found on north facing slopes, where it forms a dense, continuous closed canopy forest. On south facing slopes, the coast live oak forest is often more patchy and composed of smaller oaks. Most of the Gorman property is located on a south-facing slope, and large oaks occur near the top of the ridge just below the zone of continuous maritime chaparral. The largest oaks on the Gorman parcel are found in the Coast live oak woodland plant community, which is located on the more level areas around the bottom of the drainage near the southern boundary of the parcel. Oaks in this plant community are more distantly spaced and interspersed among grassland. Scattered patches of central coastal scrub occupy sites on gently sloping areas between grasslands and more densely wooded communities. Small amounts of grassland occur on relatively level areas that have recently been disturbed, such as recently graded areas, roadsides, driveways and pastures, most of which are located on the 2.6-acre portion of the parcel. Portions of the site also include eucalyptus, Monterey pine and black locust trees.

Of special concern is the fact that more than half the Gorman property is covered by central maritime chaparral, which is the dominant plant community on the site on the southerly facing slopes above the 250-foot contour (which occur across all of the proposed new lots). Isolated patches are also mapped below the 250-foot contour (within lots 2,3 and 4) and on northerly facing slopes (of proposed lot 6). (See Vegetation Map for the site, in Exhibit K.)

According to the biological report:

*Maritime chaparral...is a unique chaparral community containing plants grown close to the coast on well drained, sandy soils within the cool summer fog zone. Locally is it called central*





*maritime chaparral and is found primarily in the Prunedale Hills area. There are only a few other isolated tracts of it in existence. These are also mainly located in Monterey County with one small tract in Santa Cruz County. A few other isolated tracts of somewhat similar maritime chaparral are located in San Luis Obispo and Santa Barbara Counties. Wherever they are found, they are uncommon and highly localized plant communities containing high proportions of endemic plants.*

Central maritime chaparral type is frequently dominated by brittleleaf manzanita (*Arctostaphylos tomentosa*) plus one or more of four endemic manzanita taxa including: Pajaro manzanita (*Arctostaphylos pajaroensis*), Hooker's manzanita (*Arctostaphylos hookeri* ssp. *hookeri*), sandmat manzanita (*Arctostaphylos pumila*) and Monterey manzanita (*Arctostaphylos montereyensis*).<sup>26</sup> At some locations, stand dominance is shared with chamise (*Adenostoma fasciculatum*). Other species that comprise this plant community include: black sage (*Salvia mellifera*), poison oak (*Toxicodendron diversilobum*), and coyote brush (*Baccharis pilularis*).

The biological report for the project site also indicates that four plant species of special concern have been found on the property, including Pajaro manzanita (*Arctostaphylos pajaroensis*), Monterey manzanita (*Arctostaphylos hookeri* ssp. *hookeri*), Monterey ceanothus (*Ceanothus cuneatus* ssp. *rigidus*) and small-leaved lomatium (*Lomatium parvifolium*). Both Pajaro manzanita and Monterey manzanita are on the list 1B of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants. List 1B species are rare, endangered or threatened in California, with most plants on the list endemic to California. Pajaro manzanita is endemic to the Prunedale Hills and is not found naturally growing anywhere else. Monterey manzanita is classified as endangered in a portion of its range, and is found only in the Monterey Bay area, mainly within Monterey County and a small amount in Santa Cruz County. Monterey ceanothus and small-leaved lomatium are on the list 4 of the CNPS Inventory of Rare and Endangered Vascular plants. List 4 includes plants that are uncommon, but less rare than those of list 1B. Monterey ceanothus is endangered in a portion of its range, which is found mainly in the Monterey Bay area of Monterey and Santa Cruz Counties, and south into San Luis Obispo County. Small-leaved lomatium is classified as endangered in a portion of its range which is found coastal areas of Monterey and San Luis Obispo Counties with a few rare occurrences in Santa Cruz County.

Additionally, while no state or federally listed rare or endangered animal species were found or are known to occur on the project site, several animal species of special concern might occur on the site, including the California tiger salamander (*Ambystoma tigrinum californiense*), the ornate shrew (*Sorex ornatus*), the Monterey dusky-footed woodrat (*Neotoma fuscipes riparia*), the pallid bat (*antrozous pallidus*), and the badger (*Taxidea taxus*). Nests of the Monterey dusky-footed woodrat were observed on the property, and it is also thought that badgers are present based on observations of characteristic excavations of gopher and ground squirrel burrows.

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<sup>26</sup> Griffin, J. R., *Maritime chaparral and endemic shrubs of the Monterey Bay Region*, Madroño, 1978, pp 65-112.





The North County LUP Policy 2.3 specifically includes maritime chaparral as ESHA, and Key Policy 2.3.1 states that environmentally sensitive habitats are unique, limited and fragile resources of statewide significance, which, accordingly, shall be protected, maintained, and where possible enhanced and restored. LUP Policy 2.3.2.1 only allows development in ESHA for resource dependent uses (such as nature education, research, hunting, fishing and aquaculture) that do not cause significant disruption to habitat values. LUP Policy 2.3.3.A.2 describes maritime chaparral as an uncommon plant community in North County that has been reduced by residential and agricultural development, discourages any further conversion of maritime chaparral habitat to agricultural use, and requires that new residential development in chaparral areas be sited and designed to protect the maximum amount of maritime chaparral. It also requires that all chaparral on land exceeding 25% slope be left undisturbed to prevent potential erosion impacts and to protect the habitat itself. LUP Policy 2.3.2.2 also indicates that land uses adjacent to environmentally sensitive habitat areas must be compatible with the long-term maintenance of the resources, and LUP Policy 2.3.2.3 states that new subdivisions shall be approved only where significant impacts to environmentally sensitive habitats from development of proposed parcels will not occur.

The LUP Policy 2.3.3.A.4 requires that oak woodland on land exceeding 25% slope be left in its native state to protect the plant and animal habitats and prevent erosion. It also requires that development within oak woodland on slopes of 25% or less be sited to minimize disruption of vegetation and habitat loss. Regulations for Development in the North County Planning Area also include regulations specific to the removal of oaks and landmark trees. Section 20.144.050.C.1 prohibits the removal of landmark trees (eucalyptus or Monterey pine trees 36" diameter at breast height or greater, or any other type of tree which is 24" or more in diameter at breast height, or a tree which is visually significant, exemplary of its species, or significant as part of a wildlife habitat). Section 20.144.050.C.5 requires, among other things, that oak trees greater than 6" in diameter or more, when measured 2 feet above ground shall be replaced in kind at a one-to-one ratio; and Section 20.144.050.C.6 requires that development within oak woodland habitat minimize the amount of oak tree removal and states, among other things, that subdivision proposals shall be modified for structure, size, location, siting, design, bulk, grading, lot size, and proposed lot boundaries where such modification will result in reduced oak tree removal.

The original Tentative map submitted for the subdivision (dated May 13, 1996; see Exhibit D) showed the lots configured in such a way that lots 5, and 6 would be located north of lots 2,3 and 4, with two new roads to serve the new parcels. As drawn on the May 1996 map, most of lots 4,5, and 6, and the building and septic envelopes for lots 5 and 6 would be located within environmentally sensitive maritime chaparral habitat. A revised map (dated revised May 9, 2001; see Exhibit C), incorporated in the County's approval, and referenced in the supplemental biological report dated May 15, 2001, incorporated by reference into the County's approval, shows that the lots have been configured so that all lots were located sequentially from east to west. However, when compared to the original biological map (dated May 1996), included with the May 15, 2001 report, the revised tentative map still results in building and septic envelopes located within environmentally sensitive maritime chaparral habitat; which is inconsistent with LUP Policy 2.3.2.3. In fact, when compared to the original biological map, the configuration of Lot 6, as shown on the May 2001 revised subdivision map, results in a parcel where



the only areas outside of environmentally sensitive maritime chaparral habitat are areas of oak woodland with slopes over 25%. Thus the May 2001 revised subdivision map would create a parcel with no buildable site that would be consistent with LCP policies 2.3.2.1, 2.3.2.3, and 2.3.3.A.4. Residential development is not considered a resource dependent use, and therefore is not an allowable use within environmentally sensitive habitat. Additionally, the proposed scenic easement shown on the May 9, 2001 tentative subdivision map does not cover all habitat and slopes greater than 25%, as required by North County LUP Policy 2.3.2.6. Furthermore, the biologists supplemental report (letter report dated May 15, 2001), incorporated by reference into the County's action, indicated that a total of 68 coast live oaks would be removed (which differs from the 28 coast live oaks identified in the County's description of the project), and that the project would require removal of four Pajaro manzanita plants, which the May 1996 biological report describes as plant species of special concern. Such actions are inconsistent with LUP Policy 2.3.3.A.4, 2.3.2.8 and Regulations Section 20.144.140.B.3.d.1 that require that projects minimize disruption and habitat loss of indigenous vegetation, ESHA and oak woodlands. Additionally, the layout of the lots (in a linear arrangement, divided along the long axis of the parcel) does not appear to cluster the proposed development sites, as required to avoid impacts to ESHA, which could be accomplished by reducing the number of lots, the size of the building envelopes, or by moving building sites further along the southwestern portion of the parcel.

Finally, the County's action approving the project conditioned upon a future revised subdivision map does not assure that full protection of ESHA is possible with the proposed subdivision, and is thus inconsistent with the LCP's ESHA protection policies. And without identifying where the scenic easement will be located, the County's action does not ensure protection of all sensitive habitat areas and maritime chaparral on slopes greater than 25%. The County's approval of the project therefore raises a substantial issue with regard to ensuring protection of environmentally sensitive habitat.

The project is also inconsistent with policies for development adjacent to ESHA because the County's approval does not establish specific setbacks that would ensure that development of additional single-family dwellings would be compatible with and provide for the long-term protection and maintenance of the resource. While the County's action does take efforts to protect adjacent ESHA, by requiring use of drought tolerant plants and water efficient irrigation systems (Condition 19), preservation of natural plant communities (Condition 65), and fuel reduction plans developed in accordance with a wildlife biologist to best maintain or improve habitat values (Condition 66) within building envelopes, the permit is conditioned only to require a three-foot setback from protective fencing for grading activities that would occur within the building envelopes (Condition 60), which themselves are quite large, and in some cases extend into areas of maritime chaparral.

The original biology report prepared for the project describes the majority of the portion of the lot to be subdivided as being in a "largely undisturbed state with natural habitat in abundance." Subdivision of this habitat and subsequent development will fragment these habitats, and reduce the habitat value that large contiguous, undisturbed habitats provide. The County's approval of the project therefore raises a substantial issue with regard to ensuring the long-term maintenance of environmentally sensitive habitat adjacent to proposed development.



Finally, proposed mitigation measures are inadequate because, while they have attempted to site and size building and septic envelopes to minimize impact to maritime chaparral, they do not succeed at avoiding maritime chaparral habitat (especially within lots 3, 4 and 6). And while the mitigation measures provide for tree replacement of oaks proposed to be removed, alternatives to the proposed siting, and size of building and septic envelopes to minimize removal of oak trees have not been incorporated as required by LUP policies 2.3.3.A.4 and 2.3.2.8. Therefore the project raises a substantial issue because mitigation measures fail to adequately protect ESHA and oak woodland as required by the County's LCP.

In conclusion, since the project approved by the County for subdivision for the Gorman property currently shows building and septic envelopes for potential future development within ESHA, would thus allow non-resource dependent development within ESHA, would not ensure that development adjacent to environmentally sensitive maritime chaparral would adequately protect the long-term maintenance of ESHA, and would require removal of up to 61 Coast live oak trees, inconsistent with LCP policies requiring that development minimize disruption of vegetation and habitat loss within oak woodlands, the Commission finds that the project raises a substantial issue because it is inconsistent with LCP policies requiring protection of ESHA and oak woodland.

## **4. High Erosion Hazard Areas**

### **A. Appellants' Contentions**

The appellants contend in part that the project on appeal is inconsistent with the Certified LCP policies designed to reduce hazards for the following reasons:

- Determination regarding critical erosion shall be made prior to considering an application complete.
- Subdivisions must submit a soils analysis sufficient to determine what areas of the property are Critical or Non-Critical Erosion Areas.
- The project cannot be determined to be in compliance with Policy 2.5.3.5.a.

### **B. Local Coastal Program Provisions**

The appellants cite the following Land Use Plan and Coastal Implementation Plan policies:

- *CIP Section 20.144.070.A.1 For all proposed development, a determination shall be made by the project planner as to which portions of the parcel are in Critical and Non-Critical Erosion Areas. The determination shall be made prior to the application being determined complete...*
- *CIP Section 20.144.070.A.3 If a project involves substantial development, such as a subdivision, or where the soil types or development location in relation to the soil types, cannot be accurately determined by the planner, the applicant shall be required to provide a*



*soils analysis. The analysis shall be required and submitted prior to the application being determined complete. The analysis shall consist of a soils map prepared by a soils engineer which delineates the following information: contours, areas over 25% in slope, soil types, and soils with K-Factors exceeding 0.4. This information shall be used as the basis for the planner's determination of Critical and Non-Critical Erosion Areas.*

- *Policy 2.5.3.C.5.a Maximum permissible densities for the various areas of the plan are shown on the land use plan map and in Section 4.3.1 of the text and range from .10 acres per residence in the High Density Residential areas to 5 acres per residence in the Rural Residential areas. These densities are maximum that may be approved under ideal conditions where all resource considerations of the plan can be fully met. In order to minimize erosion and consequent sedimentation of Elkhorn and Moro Cojo Sloughs, reductions in maximum permissible densities shall be made as follows:*

*a. In areas designated for Rural and Low Density Residential development:*

*-Densities shall be reduced as necessary in order to site all development in Non-Critical Erosion Areas and to maintain cumulative development within the LDT for the subwatershed.*

*-Existing parcels containing no land suitable for development within the Non-Critical Erosion classification shall be limited to a single residence or to the existing development on the parcel or if there is none, a single residence. Division of the parcel shall not be permitted that creates an additional vacant parcel(s) intended for development.*

Other relevant policies include:

*2.8.2.3. New land divisions which create commitment to new or intensified development shall be approved only where it can be demonstrated that development of each proposed parcel and construction of the proposed access roads will neither create nor significantly contribute to erosion, geologic instability, flooding, or fire hazard, nor require construction of protective devices which would substantially alter natural landforms.*

### **C. Local Government Action**

The County, in Finding #8, finds the project consistent with CIP Section 20.144.070 (Exhibit E, Page 8), which includes the water resources development standards. The evidence for this finding states that the parcel is located in Subwatershed No. 29, a Watershed Restoration Area, and further states that the project has been conditioned to control site drainage and erosion. This condition of approval is intended to control erosion resulting from construction of the subsequent single-family dwellings.

Finding #11(Exhibit E, Page 9) states that the request to develop on slopes greater than 25% is consistent with CIP Section 20.144.070.E.2.a because "no other alternative exists which would allow development to occur on slopes of less than 25%." Evidence for this finding points to a slope analysis map prepared by Goetz Land Surveyors showing all access points to the property from Paradise Rd. on slopes greater than 25%.



### **D. Substantial Issue Analysis and Conclusion**

The Initial Study and Soils report describe the project area as having steep slopes covered with highly erodible soils, composed primarily of Aromas sands and colluvium. The combination of this soil type and the steep slopes creates a high erosion hazard potential in many areas of the North County planning area, particularly when vegetation is removed or disturbed. Coupled with the parcel's hazardous soil conditions, is the project's proximity to Elkhorn Slough, which, located roughly 2 miles from the project location, is one of the largest and most productive wetlands systems on the central coast. Because of the documented water shortage, and the threat of sedimentation to surface water quality, the LCP contains policies to direct development to Non-Critical Erosion Areas.

According to correspondence from the applicant's geotechnical consultant, dated November 20, 2003 (see Exhibit I), a slope map and information regarding possible critical erosion potential was not included in the geotechnical report submitted for the project. As such, it would not be possible for the County to make a determination that the project was consistent with LCP policies 20.144.070.A.1 or 20.144.070.A.3 regarding critical and non-critical erosion areas. Therefore, the County's approval raises a significant issue with regard to minimizing erosion and allowable maximum density requirements in critical erosion areas.

### **C. Substantial Issue Analysis- Conclusion**

In conclusion, the appeal raises a substantial issue in terms of compliance with the LCP, procedurally with respect to the current zoning and re-zoning without an LCP amendment, and substantively, with respect to water availability and environmentally sensitive habitat. The development approved by Monterey County, Board of Supervisors Resolution #02-252, does not conform to LCP policies designed to limit development to those areas able to support it, and policies to protect water availability and quality and protect environmentally sensitive resources as required by the Monterey County Certified Local Coastal Program.

### **D. De Novo Coastal Permit Findings**

The applicant proposes to remove a protective "B-7" overlay from a 17.03-acre property to allow for the subdivision of the parcel into 6 parcels, grading an access road, water facilities (5 individual wells), development on slopes greater than 25%, and removal of 61 coast live oaks. After the subdivision and related development has taken place, the protective "B-7" overlay will be replaced with a more restrictive "B-6" overlay, which prohibits further subdivision of the property. As discussed in the Substantial Issue findings above, **directly incorporated into these *de novo* findings by reference**, this project is inconsistent with the Monterey County LCP and cannot be approved.

First, as the referenced findings show, the proposed project is inconsistent with the current zoning classification. The property is currently zoned Low Density Residential (LDR)-B-7(CZ) and the "B-7" overlay prohibits subdivisions. Properties able to demonstrate that they have met minimum



requirements with respect to water supply, drainage, sewage disposal, parcel size and design, and traffic circulation for the parcel may be reclassified to the basic zoning district, in this case Low Density Residential, that does permit subdivision. Setting aside the issue of meeting the minimum requirements with respect to the above limiting factors, Section 20.94.042 limits zoning changes that the County can undertake without certification by the California Coastal Commission. The County's action of removing the "B-7" overlay from this property to facilitate a subdivision and subsequently placing a different "B" overlay on the property is clearly inconsistent with this Section, which limits such unilateral reclassifications to adding any "B" overlay zoning designation for the explicit purpose of preserving or enhancing coastal resources. As the removal of the "B-7" overlay is necessary to subdivide the property, and subdivisions in general are not considered to result in the preservation or enhancement of coastal resources, and the County findings offer no support to this requirement, this project is inconsistent with the LCP and should be denied.

Additionally, even if the requisite LCP amendment was certified to allow rezoning of this parcel, the allowable density of the subdivision must be in compliance with CIP Section 20.144.140.B.3.d.1, which requires density to be based on an evaluation of site conditions and cumulative impacts. As identified in the above findings, the approval of a 6-lot subdivision is inconsistent with this requirement because the density exceeds available water supply, it will have adverse impacts on ESHA, and because it will likely contribute to degradation of water quality through development in Critical Erosion Areas.

Second, the above findings show that the project is located in an area of severe groundwater overdraft, saltwater intrusion, and pollution from nitrates. The hydrology report prepared for the project as required by CIP Section 20.144.070.D.1, to prove that the project has an adequate, sustainable long-term water supply assumes that the addition of 5 single-family residences will not use any additional water. Additionally, the project consists of a low priority land use for development in an area with a limited water supply, conflicting with Policy 4.3.5.4. Given that the project is a low priority for development and located in an area with an inadequate water supply, that the region has proven groundwater overdraft and potential shortages, and that the hydrology report completed for this project does not adequately address cumulative intensification of an already overdraft groundwater supply, the new residences are not ensured to have an adequate long-term water supply, this project is inconsistent with the LCP and must be denied.

Third, the above findings also show that the project area contains a substantial amount of maritime chaparral, considered to be ESHA by the LCP. The applicant proposes a non-resource dependent (residential) development in ESHA, and has not avoided and minimized damage to the chaparral areas. Nor does the project provide for the maximum amount of protection of maritime chaparral on site through the use of conservation easements. Therefore, this development is inconsistent with LCP policies 2.3.2.1, 2.3.2.2, 2.3.2.3, 2.3.2.4 and 2.3.3.A.2 which respectively require development in ESHA to be resource dependent; land adjacent to ESHA to be compatible with its long term maintenance and to not establish a precedent for continued land development; subdivisions to be allowed only where they do not impact ESHA; require development to be clustered to prevent habitat impacts, and to site and design development to protect the maximum amount of maritime chaparral on site. Thus, because of the





project's inconsistencies with LCP policies designed to protect ESHA, the project must be denied as proposed and conditioned.

Additionally, the project is inconsistent with three other LCP policies designed to protect ESHA that were not cited by the appellants. Key Policy 2.3.1 requires protection, maintenance and enhancement and restoration of environmentally sensitive habitat areas. The proposed project does not protect all ESHA on site, and includes removal of maritime chaparral for development envelopes. In fact, the project has been conditioned (Exhibit E, Condition #9, Page 14) to "assure that except for approved structures and appurtenant uses (roads, driveways and septic systems)" development is not located within the maritime chaparral habitat, directly establishing that approved development on site will remove ESHA. Similarly, Policy 2.3.2.8 requires permitted development that is consistent with all other resource protection policies to minimize vegetation removal and land disturbance to the minimum amount necessary for structural improvements. This project is inconsistent because even if it were consistent with all other resource protection policies, the project has not been designed and sited to minimize the removal of indigenous vegetation, such as maritime chaparral and coast live oaks. Furthermore, the project is inconsistent with Policy 2.3.2.6 because it does not include the protection of ESHA through a deed restriction or conservation easement. Therefore, because this project does not protect ESHA, it is not consistent with all other resource protection policies nor minimize vegetation removal, and it does not include a conservation easement over all ESHA on site, it is also inconsistent with LCP ESHA protection policies and thus must be denied as presented.

With regards to high erosion hazard areas, following appeal of the project, the applicant submitted a soils report to the Commission in a letter report dated November 20, 2003, indicating that the previous soils reports submitted for the project did not include a slope map or information regarding possible critical erosion potential, as required by CIP Section 20.144.070.A.1 (which required a determination of Critical Erosion Areas be made prior to the application being deemed complete).

Thus the geotechnical consultant submitted a map showing slopes of 25% or greater, with proposed building and septic envelopes superimposed on a revised tentative map dated revised May 31, 2002, and a soil map. This revised tentative map, which includes slopes over 25%, shows building and septic envelopes sized and located somewhat different from that included in the County's approval (dated May 9, 2001). It also shows that the new proposed access road crosses 25% slopes across lot 1 before extending along the southern parcel boundary to access lots 2 through 5, and would that any access road to Lot 6 would also have to cross slopes greater than 25%.

Additional information provided with this geotechnical update letter indicate that the two general soil classifications for the site include the Arnold Santa Ynez Complex, which has a moderate to high erosion hazard, and Arnold Loamy Sands, which have a high erosion hazard. However, both of the soil types have a K value of  $K=0.15$ , which is below the critical K value of 0.4, indicating that the project site is located in a non-critical erosion area. The report then determined that building sites could be located on terrain having a cross slope of less than 25% and that most lots provided adequate space to have building sites located outside areas with slopes greater than 25%. The geotechnical consultant specifically noted that the while Lot 2 was more constrained, the building area available in Lot 2 could





provide a smaller building having a width ranging from 25 to 50 feet placed on the portion of the parcel with slopes less than 25%. Thus the geotechnical report indicated that there is the possibility to modify the size and location of buildings within proposed building envelopes to avoid slopes greater than 25%.

Since this information now allows a determination that the project is not located in a critical erosion area, for the purposes of a *de novo* hearing, consistency with LUP Policy 2.5.3.C.3.a, is irrelevant. However, the slope map indicates that the proposed access road would have to cross slopes greater than 25% in at least two locations. Several roads already exist on the subject property that, if modified and extended could be used to access the potential new lots in order to minimize the need to construct a new access road across slopes greater than 25%. Thus, while the project is consistent with development in non-critical erosion areas, the project could be modified to minimize grading in areas with slopes greater than 25%, as required by LUP policy 2.8.2.3. Therefore, as currently proposed, the project is inconsistent with LCP policies designed to minimize erosion potential from new land divisions and subsequent development.

#### **Alternatives**

Because of the groundwater overdraft problems that exist in the North County planning area, and specifically in the project area, there are basically no feasible alternatives for redesigning or resiting of the subdivision, other than the status quo, because since there is not enough water available for even a greatly reduced buildout of existing lots, there is no water available for even one more new lot. Therefore, while one might be able to site and design the lots and building and septic envelopes to avoid impacts to environmentally sensitive habitat on site, until groundwater overdraft in the area has been resolved, any further subdivision and future development of the site would be inconsistent with protecting the long-term sustainability of groundwater resources and water supplies to existing residents and Coastal Act priority uses.

#### **Conclusion**

This analysis has revealed numerous fundamental inconsistencies with Monterey County LCP. The project as presented does not conform to the current zoning of the property, as it requires an LCP amendment that was not properly obtained. It is also inconsistent with LCP policies designed to protect water supply in the region, or those requiring the protection and maintenance of Environmentally Sensitive Habitat areas and the protection of water quality through a reduction in erosion. Therefore, because the proposed subdivision project is not consistent with the parcel's current zoning, it allows non-resource dependent development in ESHA, will increase water demand and has no proven long-term water source, it is inconsistent with LCP policies designed to protect the resources found at the project site, and must be denied.

## **E. California Environmental Quality Act (CEQA)**

### **A. Applicable Authorities**

The following policies relate to CEQA findings:



**CEQA Guidelines (14 CCR) § 15042. Authority to Disapprove Projects.** [Relevant Portion.] *A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.*

**Public Resources Code (CEQA) § 21080(b)(5). Division Application and Nonapplication.** ...*(b) This division does not apply to any of the following activities: ... (5) Projects which a public agency rejects or disapproves.*

**CEQA Guidelines (14 CCR) § 15270(a). Projects Which are Disapproved.** *(a) CEQA does not apply to projects which a public agency rejects or disapproves.*

## **B. Analysis**

Section 13096 of Title 14 of the California Code of Regulations (14 CCR) requires that a specific finding be made in conjunction with coastal development permit applications about the consistency of the application with any applicable requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All above Coastal Act findings are incorporated herein in their entirety by reference. As detailed in the findings above, the proposed project would have significant adverse effects on the environment as that term is understood in a CEQA context.

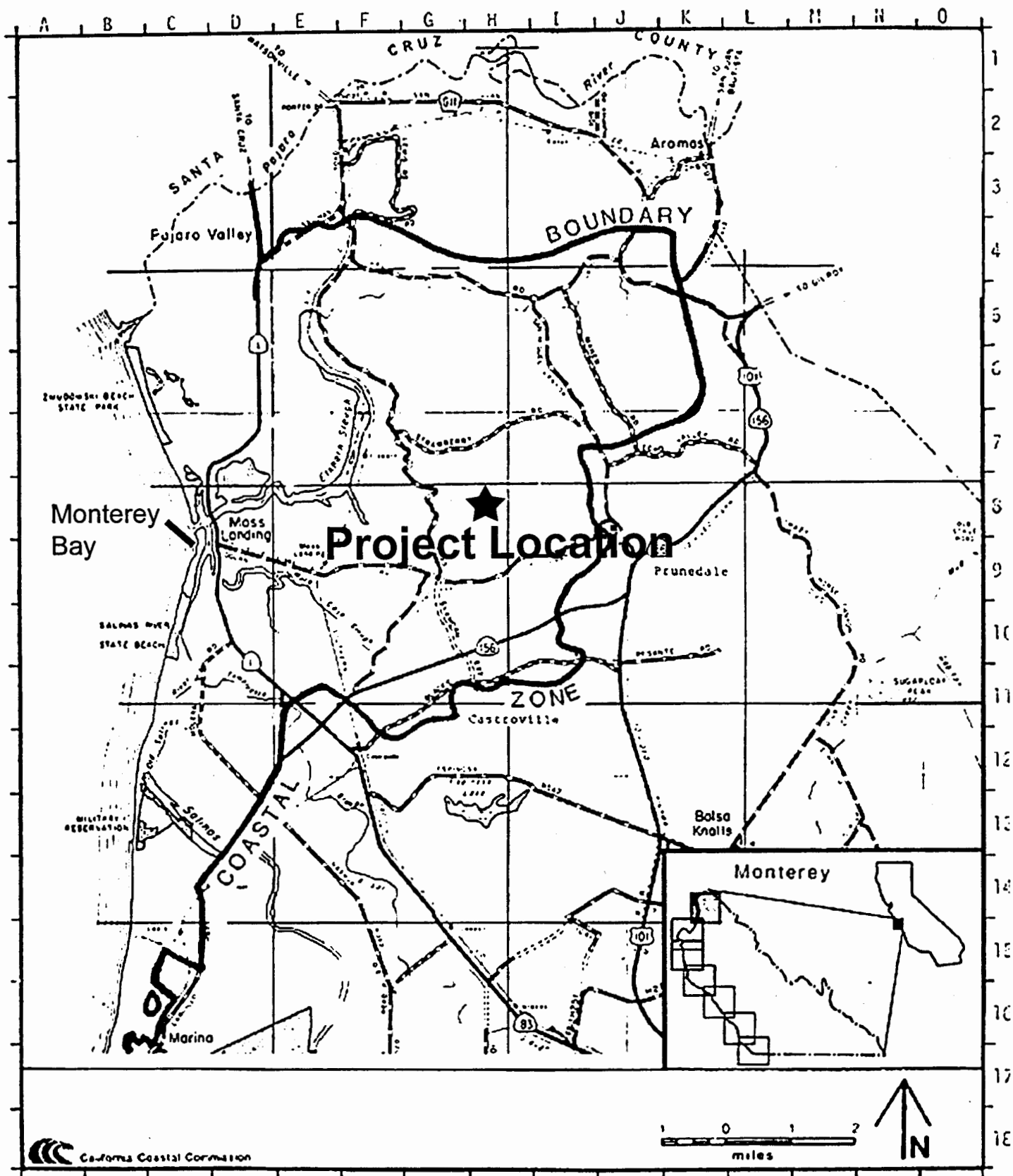
Pursuant to CEQA Guidelines (14 CCR) section 15042 “a public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.”

Section 21080(b)(5) of the CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Accordingly, the Commission’s denial of this project represents an action to which the CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, do not apply.

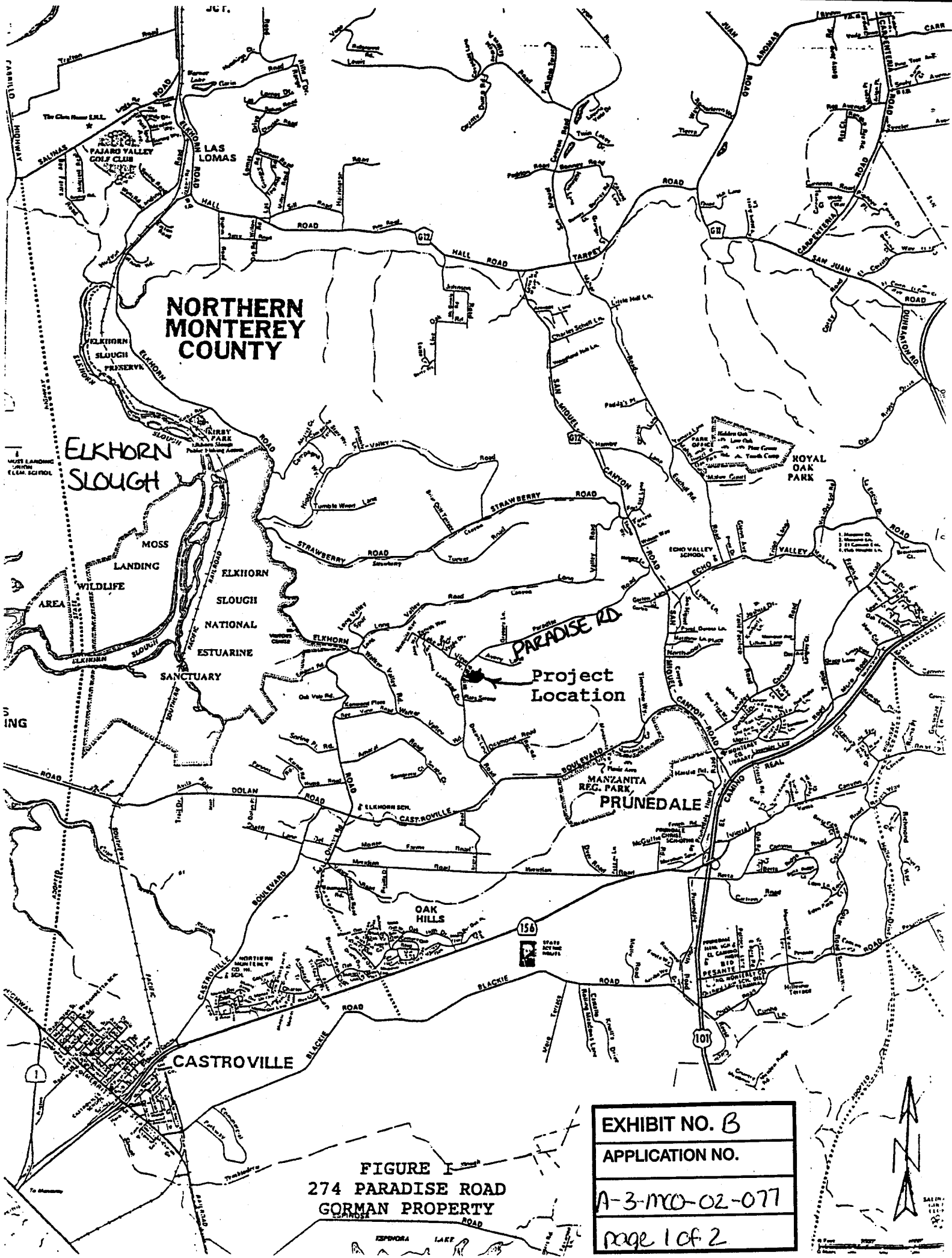
The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal resources that would occur if the project were approved as proposed.





★ Star denotes project location.

Exhibit A  
Regional Location Map  
Gorman/Tanglewood  
Subdivision  
A-3-MCO-02-077



**NORTHERN  
MONTEREY  
COUNTY**

**ELKHORN  
SLOUGH**

**PARADISE RD**

**Project  
Location**

**CASTROVILLE**

**PRUNEDALE**

**FIGURE 1  
274 PARADISE ROAD  
GORMAN PROPERTY**

**EXHIBIT NO. B**

**APPLICATION NO.**

**A-3-mco-02-077**

**page 1 of 2**



EXHIBIT 4



APPLICANT: TANGLEWOOD SUBD./GORMAN

APN: 129-096-029-000

FILE#PC96036

300' LIMIT:   
2,500' LIMIT: 

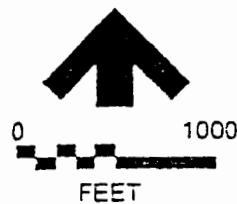
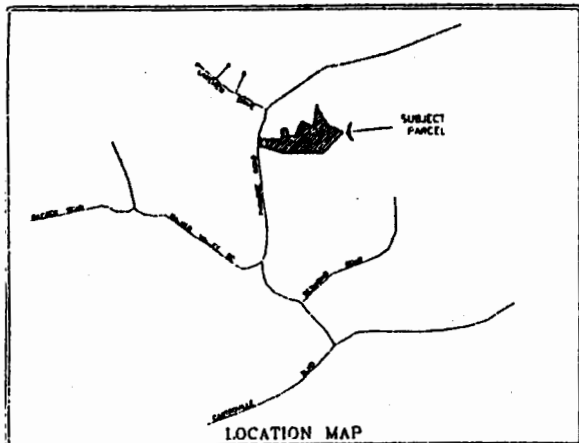


EXHIBIT NO. B

APPLICATION NO.

A-3-MKO-02-077

page 2 of 2

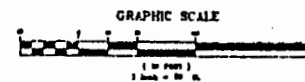


SOILS REPORT  
SOILS SURVEYS, INC.  
103 CHURCH STREET  
SALINAS, CA 93901  
737-2172

BIOLOGY REPORT  
ED MERCURIO  
817 WILSON STREET  
SALINAS, CA 93901  
424-1487

ARCHAEOLOGICAL REPORT  
ARCHAEOLOGICAL CONSULTING, INC.  
P.O. BOX 1377  
SALINAS, CA 93912  
422-4912

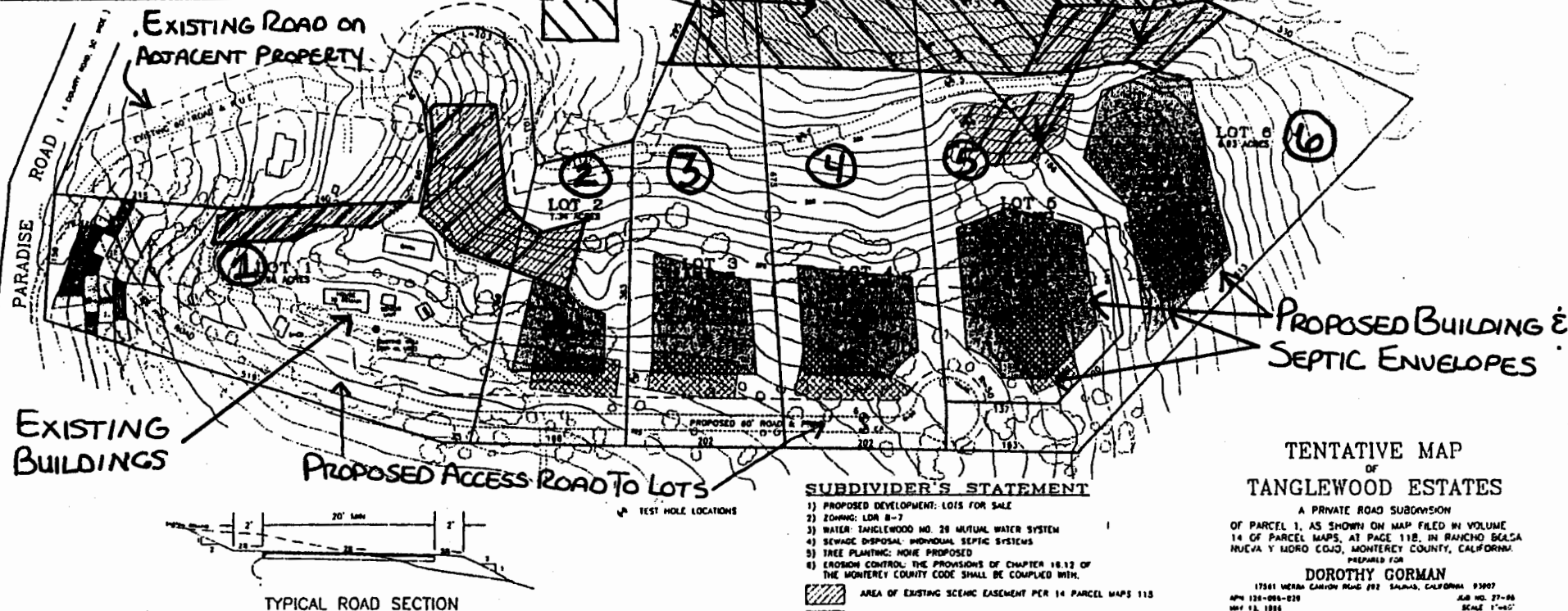
GEOLOGY REPORT  
ROGERS & JOHNSON & ASSOCIATES  
1729 SCARBOROUGH AVENUE  
SANTA CRUZ, CA 95062  
425-1288



EXISTING SCENIC  
EASEMENTS



PROPOSED  
SCENIC  
EASEMENT



#### SUBDIVIDER'S STATEMENT

- 1) PROPOSED DEVELOPMENT: LOTS FOR SALE
- 2) ZONING: LDR B-7
- 3) WATER: TANGLEWOOD NO. 28 MUTUAL WATER SYSTEM
- 4) SEWAGE DISPOSAL: INDIVIDUAL SEPTIC SYSTEMS
- 5) TREE PLANTING: NONE PROPOSED
- 6) EROSION CONTROL: THE PROVISIONS OF CHAPTER 18.12 OF THE MONTEREY COUNTY CODE SHALL BE COMPLIED WITH.

- AREA OF EXISTING SCENIC EASEMENT PER 14 PARCEL MAPS 113
- AREA OF PROPOSED NEW SCENIC EASEMENT
- PROPOSED SEPTIC DRAINFIELD AREA

#### TENTATIVE MAP OF TANGLEWOOD ESTATES

A PRIVATE ROAD SUBDIVISION  
OF PARCEL 1, AS SHOWN ON MAP FILED IN VOLUME  
14 OF PARCEL MAPS, AT PAGE 118, IN RANCHO BOLSA  
NUEVA Y MUÑO COJO, MONTEREY COUNTY, CALIFORNIA.

PREPARED FOR  
**DOROTHY GORMAN**

17861 WESLEY CANYON ROAD #22 SALINAS, CALIFORNIA 93907  
APN 128-008-028 JLB VOL. 27-88  
MAY 13, 1988 SCALE 1"=40'  
RECEIVED MAY 6, 2001

**GLS** COAST LAND SURVEYORS  
611 ARROYO STREET, 4TH FLOOR  
SALINAS, CALIFORNIA 93901

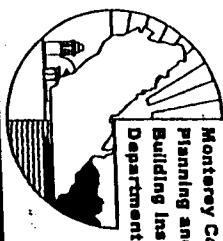
A-3-MCO-02-077  
Gorman Subdivision Appeal  
Proposed Subdivision Map

Exhibit C  
pg. 1 of 1

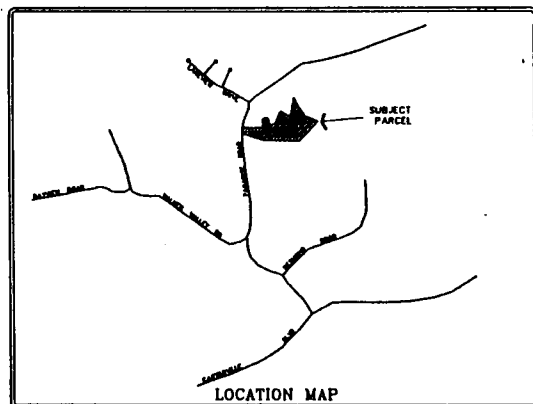


# TANGLEWOOD ESTATES (PC 96036) SITE PLAN

## EXHIBIT 2



Monterey County  
Planning and  
Building Inspection  
Department

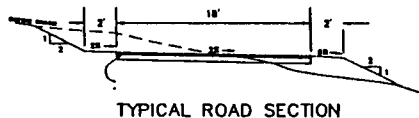
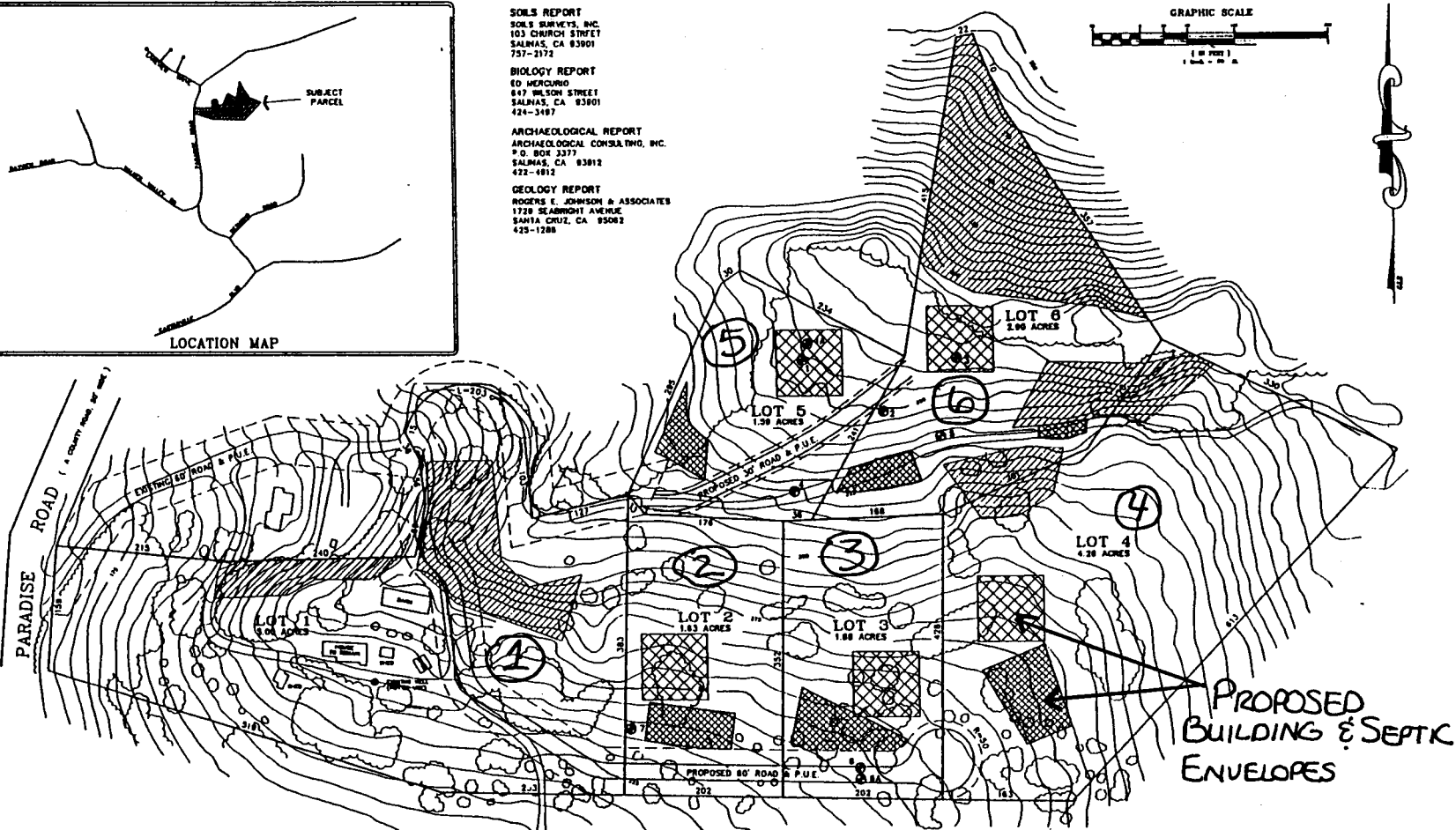


**SOILS REPORT**  
SOILS SURVEYS, INC.  
103 CHURCH STREET  
SALINAS, CA 93901  
757-2172

**BIOLOGY REPORT**  
ED MERCURIO  
617 WILSON STREET  
SALINAS, CA 93901  
424-3497

**ARCHAEOLOGICAL REPORT**  
ARCHAEOLOGICAL CONSULTING, INC.  
P.O. BOX 3377  
SALINAS, CA 93912  
422-4812

**GEOLOGY REPORT**  
ROGERS E. JOHNSON & ASSOCIATES  
1728 SEABRIGHT AVENUE  
SANTA CRUZ, CA 95062  
429-1288



### SUBDIVIDER'S STATEMENT

- 1) PROPOSED DEVELOPMENT: LOTS FOR SALE
- 2) ZONING: LDR R-7
- 3) WATER: TANGLEWOOD NO. 28 MUTUAL WATER SYSTEM
- 4) SEWAGE DISPOSAL: INDIVIDUAL SEPTIC SYSTEMS
- 5) TREE PLANTING: NONE PROPOSED
- 6) EROSION CONTROL: THE PROVISIONS OF CHAPTER 18.12 OF THE MONTEREY COUNTY CODE SHALL BE COMPLIED WITH.

- AREA OF EXISTING SCENIC EASEMENT PER 14 PARCEL MAPS 118
- PROPOSED BUILDING SITE
- PROPOSED SEPTIC DRAINFIELD

### TENTATIVE MAP OF TANGLEWOOD ESTATES

A PRIVATE ROAD SUBDIVISION  
OF PARCEL 1, AS SHOWN ON MAP FILED IN VOLUME  
14 OF PARCEL MAPS, AT PAGE 118, IN RANCHO BOLSA  
NUEVA Y MUÑOZ CO., MONTEREY COUNTY, CALIFORNIA

PREPARED FOR  
DOROTHY GORMAN

17561 VICTORIA CANYON ROAD #203 SALINAS, CALIFORNIA 93907  
APR 120-004-020 JOB NO. 27-06  
MAY 12, 1999 SCALE: 1"=60'

GLS CRETE LAND SURVEYORS  
NO. 40000 0002 001-010  
SALINAS, CALIFORNIA 93901

Exhibit **D**  
pg. 1 of 1

A-3-MCO-02-077  
Gorman Subdivision Appeal  
ORIGINAL SUBDIVISION MAP

# MONTEREY COUNTY



## PLANNING AND BUILDING INSPECTION DEPARTMENT

☐ 240 CHURCH STREET, SALINAS, CALIFORNIA 93901 PLANNING: (831) 755-5025 BUILDING: (831) 755-5027 FAX: (831) 755-5487  
MAILING ADDRESS: P.O. BOX 1208, SALINAS, CALIFORNIA 93902

☒ COASTAL OFFICE, 2620 1st Avenue, MARINA, CALIFORNIA 93933 PLANNING: (831) 883-7500 BUILDING: (831) 883-7501 FAX: (831) 384-3261

**FINAL LOCAL  
ACTION NOTICE RECEIVED**

August 23, 2002

Via Certified Mail

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

REFERENCE # 3-MCO-02-436  
APPEAL PERIOD 8/28-9/11/02

AUG 27 2002  
CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Attn: Rick Hyman

**Subject: Final Local Action Notice, Tanglewood Subdivision (PC96036, Gorman)**

Dear Mr. Hyman:

Please find enclosed the final Board of Supervisors resolution for the Tanglewood Subdivision (PC96036). The project was approved by action of the Board of Supervisors on June 4, 2002. The approved project consisted of a Combined Development Permit (Gorman/PC96036) consisting of a Coastal Development Permit for a standard subdivision tentative map to allow division of a 17.03-acre parcel into six parcels; Coastal Development permit for grading and water system facilities, and removal of 28 coast live oaks; Waiver of policy prohibiting development on slopes greater than 25 percent; Rezone from "LDR-B-7(CZ)" to "LDR-B-6(CZ)." The property is located on the east side of Paradise Rd near Lake View Dr, (Assessor's Parcel Number 129-096-029-000), North County Land Use Plan.

Should you have any questions, please feel free to call me at (831) 883-7518.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Novo".

Mike Novo  
Planning and Building Services Manager

A-3-MCO-02-077  
Gorman Subdivision Appeal

MONTEREY COUNTY  
FINAL RESOLUTION

Exhibit E  
pg. 1 of 24

RECEIVED

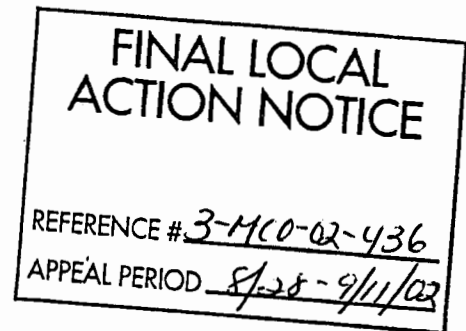
AUG 27 2002

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

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Resolution No. 02-252

Adopt a Mitigated Negative Declaration and Mitigation )  
Monitoring Plan and approve a Combined Development )  
Permit (Gorman/PC96036) consisting of a Standard )  
Subdivision Tentative Map to allow division of a 17.03-acre )  
parcel into six parcels; Coastal Development Permit for )  
grading and water system facilities; Waiver of policy )  
prohibiting development on slopes greater than 25 percent; )  
Removal of 28 coast live oaks; and Rezone from "LDR-B- )  
7(CZ)" to "LDR-B-6(CZ)." The property is located on the )  
east side of Paradise Road near Lake View Drive, )  
(Assessor's Parcel Number 129-096-029) in the North )  
County Land Use Plan area (Coastal Zone) )  
)



In the matter of the application of PC 96036 (Gorman/Tanglewood)

WHEREAS: The Monterey County Board of Supervisors pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit for Dorothy Gorman on Paradise Road (Assessor's Parcel Number 129-096-029), North County Land Use Plan area, Coastal Zone

WHEREAS: Said proposal includes:

- 1 Adoption of a Mitigated Negative Declaration and Mitigation Monitoring Plan, and
- 2 Approval of a Standard Subdivision Tentative Map to allow division of a 17.03-acre parcel into six parcels; Coastal Development Permit for grading and water system facilities; Waiver of policy prohibiting development on slopes greater than 25 percent; Removal of 28 coast live oaks, and
- 3 Reclassification from a "LDR-B-7(CZ)" to "LDR-B-6(CZ)" zoning classification.

NOW, THEREFORE, the Board of Supervisors finds as follows:

1. FINDING: The project consists of a Combined Development Permit (Gorman/PC96036) for a standard subdivision tentative map to allow division of a 17.03-acre parcel into six parcels; a mitigated negative declaration; Coastal Development Permit for grading and water system facilities; Waiver of policy prohibiting development on slopes greater than 25 percent; and Rezone from "LDR-B-7(CZ)" to "LDR-B-6(CZ)". The property is located on the east side of Paradise Road near Lake View Drive,

A-3-MCO-02-077  
Gorman Subdivision Appeal

Exhibit E  
pg. 2 of 24

(Assessor's Parcel Number 129-096-029) in the North County Land Use Plan area.

The property is designated LDR/2.5-10 acres/unit in the North County Land Use Plan. The parcel is zoned "LDR/B-7(CZ)". The project, as described in the application and attachments, and as conditioned, conforms to the plans, policies, requirements and standards of the North County Land Use Plan and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.144 - "Regulations for Development in the North County Land Use Plan Area," and the development standards contained within Chapter 20.14 ("LDR" District) and 20.42 ("B" Districts) in the Monterey County Zoning Ordinance (Title 20). The applicant has demonstrated the requirements of Section 20.42.030.G.3 to allow reclassification from "B-7" to "B-6" combined zoning district, and that reclassification to a "B-6" zoning classification will preserve and enhance coastal resources by precluding further subdivision of the property and by permanently protecting, through scenic and conservation easement, the habitat values on the site.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformance with:

- 1) The County General Plan, Local Coastal Program, and certified North County Land Use Plan;
- 2) Title 20 zoning regulations for the "LDR" District (Chapter 20.14);
- 3) Title 20 zoning regulations for the "B-7" District; (Section 20.42);
- 4) The certified North County Coastal Implementation Plan (Part 2) (Chapter 20.144), with approval of the waiver to allow development in areas with slopes exceeding 25 percent and approval of the rezoning, the project will be consistent with the plans and regulations

**EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The proposed development and revised map of May 9, 2001, has been reviewed by the Monterey County Planning and Building Inspection Department, the Water Resources Agency, the Public Works Department, the Environmental Health Department, the Parks and Recreation Department, and the North County Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. Where appropriate, each agency has recommended conditions for project approval.

**EVIDENCE:** The site for the subdivision, as proposed in the tentative map, is physically suitable for the proposed density of development, as permitted in the North County Land Use Plan which designates this parcel as "Low Density Residential, 2.5-10 Acres per Unit." The proposed project will result in a gross density of 2.83 acres per unit.

EVIDENCE: Recommendation for approval of (4-2-1-1) by the North County Land Use Advisory Committee, August 20, 20001;

EVIDENCE: The on-site inspection by the planning staff on September 24 and 25, 2000, to verify that the proposed project complies with the North County Local Coastal Program.

EVIDENCE: Necessary public facilities are available to the project site. Utilities, such as phone, gas, electricity, and cable are accessible via Paradise Road via the existing utility right-of-way, and can be provided to the project site.

EVIDENCE: Staff report and administrative record contained in Project File No. PC96036.

EVIDENCE: The applicant has demonstrated adequate water supply, drainage, sewage disposal, parcel size and design, and traffic circulation. Reference above and finding and evidence numbers 2, 4, 6, 8, 9, 10, 12, and 15.

2. FINDING: The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File #PC96036) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter "the Program") has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit "D" and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 240 Church Street, Room 116, Salinas is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was

filed with the County Clerk on June 29, 1999. The following evidence has been received and considered: All comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis 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) A geotechnical and percolation investigation report prepared by Soil Surveys, dated May 10, 1996, including updates/supplemental reports.
- 2) A cultural resources analysis report prepared by Archaeological Consulting, dated May 11, 1996.
- 3) A biological survey report prepared by Ed Mercurio, dated May 1996, and updates/supplemental reports including May 15, 2001, letter report.
- 4) Letter of response by Ed Mercurio, dated April 9, 2000, to California Department of Fish and Game letter (dated July 21, 1999) on contents of the Initial Study (SCH#99071016).
- 5) A geologic investigation report prepared by Rodgers Johnson and Associates, dated May 9, 1996.

EVIDENCE: The Program for Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

EVIDENCE: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

3. FINDING: For purposes of the Fish and Game Code, the project will have a potential for changes to habitat resources upon which the wildlife depends.



EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate the project may result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. The project as mitigated, will cause an impact to plant life resources and loss of potential habitat.

EVIDENCE: *Monterey County Coastal Implementation Plan (Part 2) - Regulations for Development in the North County Land Use Plan Area*. Policies include: 20.144.040.B.1, 20.144.040.B.2, and 20.144.040.B.8.

EVIDENCE: The applicant shall pay the Environmental Document Fee, pursuant to Fish and Game Code Section 735.5.

EVIDENCE: Initial Study and Negative Declaration contained in Project File No. PC96036.

4. FINDING: The project, as revised, and conditioned with mitigation measures, is consistent with North County Land Use Plan Environmentally Sensitive Habitat (ESH) resource protection policies including, without limitation, the following::

2.3.2.2 - Land uses adjacent to locations of environmentally sensitive habitat shall be compatible with the long-term maintenance of the resources. New land uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent habitat impacts upon habitat values and where they do not establish a precedent for continued land development which, on a cumulative basis, could degrade the resources.

2.3.2.3 - New development adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New subdivisions shall be approved only where significant impacts to environmentally sensitive habitats from development of proposed parcels will not occur.

2.3.2.4 - On parcels adjacent to sensitive habitats, or containing sensitive habitats as part of their acreage, development shall be clustered to prevent habitat impacts.

2.3.2.6 - The County shall ensure the protection of ESH through deed restrictions or dedications of permanent conservation easements;

2.3.2.8 - Where development is permitted in or adjacent to environmentally sensitive habitat areas (consistent with all other resource protection policies), the County, through the development review process, shall restrict the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) to the minimum amount necessary for structural improvements.

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2.3.3.A.2 - Where new residential development is proposed in chaparral areas, the development shall be sited and designed to protect the maximum amount of maritime chaparral. All chaparral on land exceeding 25 percent slope should be left undisturbed to prevent potential erosion impacts as well as to protect the habitat itself.

EVIDENCE: The biological survey report prepared in May 1996, letter dated July 21, 1999 and supplemental report of May 15, 2001 prepared by Mr. Edward Mercurio, Biological Consultant. The survey and report documented that a number of plant communities exist on the site, including the environmentally sensitive habitat maritime chaparral. Four plant Species of Special Concern also exist on the site and are typically associated with this environmentally sensitive habitat. They include Pajaro manzanita (list 1B of California Native Plant Society's Inventory of Rare and Endangered Vascular Plant (CNPS), Monterey manzanita (list 1B of CNPS), Monterey ceanothus (list 4 of CNPS), and small-leaved lomatium (list 2 of the CNPS. In addition, two wildlife Species of Special Concern also exist on the site and are typically associated with this environmentally sensitive habitat. They include the Monterey dusky-footed woodrat and the California badger. The following plant communities also were identified on the property: coast live oak forest, coast live oak woodland, central coastal scrub, and non-native grassland. Eucalyptus were also planted years ago as a source of firewood and are highly invasive and exceedingly prone to fire. The biological expert concluded the project, as redesigned and mitigated, complies with all applicable LCP policies.

EVIDENCE: All protected habitat shall be restricted as scenic or conservation easement area to protect maritime chaparral.

EVIDENCE: To protect the maximum amount of maritime chaparral the project has been redesigned to reduce grading and vegetation removal and cluster the building sites on the property. The project has also been conditioned to require the removal of invasive vegetation, including Eucalyptus trees and pampas grass, in accordance with a habitat management and restoration plan prepared by a qualified biologist.

EVIDENCE: Revegetation in existing and recommended scenic easement areas shall use native plants of local origin only.

EVIDENCE: No invasive plant species shall be planted on any lot or within the scenic easements.

EVIDENCE: Section 21.144.040.C.1.b of the Coastal Implementation Plan provides mechanisms for development within or adjacent to chaparral habitat when such development has minimized impacts to the habitat. The redesigned map minimized potential impacts to the chaparral habitat.

EVIDENCE: Initial Study, Negative Declaration and Mitigation Monitoring Program contained in Project File No. PC96036.

5. FINDING: The proposed project is consistent with the visual resource policies of the local coastal program and will have no significant impact on the public viewshed. The proposed project was evaluated in terms of the impact upon the public viewshed:
- a) The project does not involve ridgeline development; and
  - b) The project is not located in the public viewshed as defined in Section 20.144.030 of the North County Coastal Implementation Plan.
- EVIDENCE: On-site inspection by the project planner on September 24 and 25, 2000, pursuant to Section 20.144.030.A.1 of the North County Coastal Implementation Plan and visual inspection of project site from Paradise Road and Castroville Boulevard.
- EVIDENCE: Subdivision does not create potential ridgeline development parcels nor is it located in the public viewshed.
6. FINDING: The proposed project is consistent with Section 20.144.140.B.3.a, of the Monterey County Coastal Implementation Plan. This Section establishes a 50 percent build-out figure, which is permitted as the first phase of new development in the North County Land Use Planning Area in an effort to limit groundwater use to the safe yield level.
- EVIDENCE: This project represents lots 825 through 829 out of a maximum of 1,351 new lots or units (excluding one existing single-family dwelling on the lot of record) allowed to be approved since July 1987, in the North County Land Use Planning Area.
7. FINDING: The recommended conditions regarding Inclusionary Housing, recreation requirements, and underground utilities have been applied to ensure that the health, safety, and welfare is preserved and protected.
- EVIDENCE: Section 19.12.010 of the Monterey County Coastal Subdivision Ordinance (Recreation Ordinance).
- EVIDENCE: Section 20.144.030.B.9 (underground utilities) of the Monterey County Coastal Implementation Plan and Section 19.10.095 of the Monterey County Coastal Subdivision Ordinance.
8. FINDING: The project is consistent with Section 20.144.070 of the Coastal Implementation Plan dealing with Water Resources.
- EVIDENCE: The parcel is located in North County Land Use Plan Subwatershed No. 29 which is a Watershed Restoration Area. The project has been conditioned to control site drainage and erosion as a result of future construction of a single family dwelling on each lot. As conditioned, project related impacts to water resources are less than significant and cumulative impacts are less than cumulatively considerable.
- EVIDENCE: Coastal Implementation Plan, Part 6, Appendix 2A. and Section 20.144.070 of the Coastal Implementation Plan.

EVIDENCE: Application materials, technical reports, and site plans contained in project file PC96036 including the Initial Study, mitigated Negative Declaration, and mitigation monitoring program.

9. FINDING: There presently exists in the North Monterey County area a serious overdraft in the aquifers, together with seawater intrusion problems in the North County Coastal Zone and nitrate pollution problems throughout the area. The North County Land Use Plan, Coastal Implementation Plan, and North County Area Plan recognize the existence of these problems and direct that studies be made to determine the safe-yield of the North Monterey County aquifers and that procedures thereafter be adopted to manage development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

EVIDENCE: Ordinance #4005 of the County of Monterey adds Chapter 18.51 to the Monterey County Code to establish a Water Impact Fee for development in the North Monterey County Area to assist in financing a study and management plans relating to the safe yield of the North Monterey County aquifers.

10. FINDING: The proposed six-lot subdivision will not adversely impact traffic conditions in North County.

EVIDENCE: The Public Works Department reviewed the project and did not indicate that adverse traffic impacts will result from the development.

EVIDENCE: The Public Works Department has conditioned the project to pay the proportionate share of the cost of improving impacted intersections in the area.

EVIDENCE: Application materials and technical reports contained in Project File No. PC96036.

11. FINDING: The request for the proposed development to be located in excess of 25% percent slope is consistent with Section 20.144.070.E.2.a of the North County Coastal Land Use Plan since no other alternative exists which would allow development to occur on slopes of less than 25% percent and the proposed road design is preferable as it better conforms to other resource protection standards of the Local Coastal Plan.

EVIDENCE: Slope analysis map prepared by Goetz Land Surveyors which shows all access points to the property from Paradise Road on slopes over 25% percent.

EVIDENCE: The area of the road over 25% slope is approximately 80 feet which is a minimal amount compared to the originally proposed map. Grading is reduced by the access road alignment.

EVIDENCE: A geotechnical and percolation investigation report prepared by Soil Surveys, dated May 10, 1996.

EVIDENCE: Staff report and administrative record contained in Project File No. PC96036.

12. FINDING: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental or injurious to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, property and improvements in the neighborhood, or to the general welfare of the County.
- EVIDENCE: The project, as described in the application and accompanying materials, was reviewed by the Planning and Building Inspection Department, North County Fire Protection District, Environmental Health Division, Public Works Department, Parks Department, Water Resources Agency, and the North County Land Use Advisory Committee. These departments, agencies and/or committees have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood, or the county in general. In addition, the mitigated negative declaration prepared for the proposed project identifies mitigations to reduce all potential impacts to a less than significant level.
13. FINDING: The subject property is in compliance with all rules and regulations pertaining to use of the property, that no violations exist on the property and that all zoning abatement costs, if any, have been paid.
- EVIDENCE: Staff verification of the Monterey County Planning Building Inspection Department's records indicate that no violations exist on the subject property.
14. FINDING: That in approving the final map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.
- EVIDENCE: The applicant will be required to comply with the Inclusionary Housing Ordinance as a condition of approval.
15. FINDING: That none of the findings found in Section 19.03.025.G of the Coastal Subdivision Ordinance can be made.
- EVIDENCE: Section 19.03.025.G requires that the subdivision be denied if any one of the findings are made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the applicable Land Use Plan. No specific plan has been prepared for this area. The site has been determined to be physically suitable for the type and density of development. The design and improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Mitigated Negative Declaration adopted for this project. The design and improvements will not conflict with easements for access through or use

of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.

EVIDENCE: The property provides for adequate building sites as evidenced by the application materials submitted for the site. Parcels 2 - 6 will have recorded building and septic envelopes which provide for adequate septic disposal and protects native vegetation.

EVIDENCE: The application, plans, and support materials, including;

1. A geotechnical and percolation investigation report prepared by Soil Surveys, dated May 10, 1996, and updates/supplemental reports.
2. A cultural resources analysis report prepared by Archaeological Consulting, dated May 11, 1996.
3. A biological survey report prepared by Ed Mercurio, dated May 1996, and updates/supplemental reports including May 15, 2001, letter report.
4. Letter of response by Ed Mercurio, dated April 9, 2000, to California Department of Fish and Game letter (dated July 21, 1999) on contents of the Initial Study (SCH#99071016).
5. A geologic investigation report prepared by Rodgers Johnson and Associates, dated May 9, 1996 submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development. The report(s) concluded the proposed development is suitable for the site, subject to recommendations for construction.

EVIDENCE:

1. The on-site inspection of the parcel by the project planner.
2. Maps, application plans, and initial study contained in the project file.
3. Project is in seismic hazard zone IV (moderately high) found in the resource maps of the North County Land Use Plan. A geologic investigation report was prepared for the property by Rodgers Johnson and Associates, dated May 9, 1996.
4. Project is in a high fire hazard zone as found in the resource maps of the North County Land Use Plan. The Tentative map has been reviewed and appropriate conditions of approval have been required by the North County Fire Protection District.

16. FINDING: The project is appealable to the California Coastal Commission.

EVIDENCE: Section 20.86.080 of the Monterey County Coastal Implementation Plan part 1) and Section 19.01.050 of the Monterey County Coastal Zone Subdivision Ordinance (Title 19).



**NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors does hereby approve the Gorman Combined Development Permit (PC 96036) subject to the following conditions:**

1. The subject Combined Development Permit (Gorman/PC96036) consists of a standard subdivision tentative map to allow division of a 17.03-acre parcel into six parcels; a mitigated negative declaration; Coastal Development permit for grading and water system facilities; Waiver of policy prohibiting development on slopes greater than 25 percent; Rezone from "LDR-B-7 (CZ)" to "LDR-B-6 (CZ)". The property is located on the east side of Paradise Road near Lake View Drive, (Assessor's Parcel Number 129-096-029) in the North County Land Use Plan area.

The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's 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 such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. Proof of recordation of this indemnification agreement shall be furnished to the Director of Planning and Building Inspection prior to recordation of the Final Map or issuance of grading permits. **(Planning and Building Inspection Department)**

**Prior to issuance of grading permits and/or recordation of the Final Map:**

3. The applicant shall have a habitat management and restoration plan prepared by a qualified biologist. Said plan shall include a Forest Management Plan component and be reviewed and approved by the Director of Planning and Building Inspection prior to issuance of grading and/or building permits. All maritime chaparral habitat and tree removal on the parcel must be in accordance with said plan. Said plan shall address native landscaping, use of chemical herbicides, fencing, domestic livestock and pets, off-road vehicle use, removal of species of special concern, fire protection clearance, tree replacement in accordance with Title 20.144.050.C.5, eradication of invasive species, revegetation, and monitoring. **(Planning and Building Inspection)(mitigation measures 8d, 8e and 8f)**
4. A notice shall be recorded with the Monterey County Recorder which states: "A Habitat Management and Restoration Plan has been prepared for this parcel by \_\_\_\_\_, dated \_\_\_\_\_ and is on record in the Monterey County Planning and Building Inspection Department File No. PC96036 (Library File # \_\_\_\_\_). All development must be in accordance with the Habitat Management and Restoration Plan, as approved by the Director of Planning and Building Inspection." **(Planning and Building Inspection)**
5. A notice shall be recorded with the Monterey County Recorder which states: "A Biological Survey Report has been prepared for this parcel by Ed Mercurio, Biological Consultant, dated May 1996 and May 15, 2001, and is on record in the Monterey County Planning and Building Inspection Department File No. PC96036 (Library File # 26-07-162). All development must be in accordance with the biological report, as approved by the Director of Planning and Building Inspection." **(Planning and Building Inspection)**
6. A notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical and Percolation Report has been prepared for this parcel by Soil Surveys, Inc., dated May 10, 1996 and is on record in the Monterey County Planning and Building Inspection Department File No. PC96036 (Library File # 24-07-147). All development must be in accordance with the geotechnical report, as approved by the Director of Planning and Building Inspection." **(Planning and Building Inspection)**
7. A notice shall be recorded with the Monterey County Recorder which states: "A Geologic Investigation Report has been prepared for this parcel by Rogers Johnson and Associates, dated May 9, 1996 and is on record in the Monterey County Planning and Building Inspection Department File No. PC96036 (Library File # 14-03-232). All development must be in accordance with the geologic report, as approved by the Director of Planning and Building Inspection." **(Planning and Building Inspection)(mitigation measure 5a)**
8. A notice shall be recorded with the Monterey County Recorder which states: "An Archaeological Survey Report has been prepared for this parcel by Archaeological Consulting, dated May 11, 1996 and is on record in the Monterey County Planning and Building Inspection Department File No. PC96036 (Library File # 14-03-232). All development must be in accordance with the archaeological report, as approved by the Director of Planning and Building Inspection." **(Planning and Building Inspection)(mitigation measure 5a)**

Building Inspection Department File No. PC96036 (Library File # 04-09-138). All development must be in accordance with the Archeological report, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to or concurrent with the recordation of the Final Map. **(Planning and Building Inspection)**

9. The applicant shall submit a final map that shows building envelope locations for five new single-family buildings, whereby said building and septic envelopes are located subject to the revised tentative map of May 9, 2001. This will assure that except for approved structures and appurtenant uses (roads, driveways and septic systems) development shall not be located within the maritime chaparral habitat and on slopes greater than 25 percent. **(Planning and Building Inspection) (mitigation measures 8a and 8b)**
10. To conform with the requirements of the North County Land Use Plan pertaining to environmentally sensitive habitat and slopes greater than 25 percent, a scenic or conservation easement shall be granted to the County of Monterey on all such areas of the property outside existing roads, approved building envelopes, septic envelopes, utilities, water facilities, infrastructure, roads, and future driveways leading to parcels 2 thru 6. The easement shall be submitted to, approved by the Director of Planning and Building Inspection Department, and processed to the County Board of Supervisors for final approval. **(Planning and Building Inspection) (mitigation measure 8b)**
11. The applicant shall record a notice which states: "A permit (Resolution \_\_\_\_\_) was approved by the Board of Supervisors for Assessor's Parcel Number 129-096-029-000 on \_\_\_\_\_, 2002. The permit was granted subject to 78 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)**
12. The applicant shall pay the appropriate financial contribution in accordance with Ordinance 3496/4005, adopted by the Board of Supervisors to implement an area-wide hydrological study to address groundwater overdraft and water resources in the project area. The fees shall be paid prior to the filing of the final map. **(Planning and Building Inspection) (mitigation measure 22a)**
13. Applicant shall comply with Monterey County Inclusionary Housing Ordinance in effect at the time application was deemed complete by the Planning & Building Inspection Department by the payment of appropriate in lieu fees prior to recordation of Final Map or issuance of Building Permit. **(Housing)**
14. 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 within five days of project approval, prior to 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 use, or the issuance of building 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)**

15. Retained trees which are located close to the construction site shall be protected from inadvertent damage by construction equipment through wrapping of trunks with protective materials, bridging, or tunneling under major roots where exposed in foundation or utility trenches, and other measures appropriate to protect the well-being of the retained trees. Said protection shall be demonstrated prior to issuance of grading and/or building permits subject to the approval of the Director of Planning and Building Inspection. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection Department)**
16. 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. **(Planning and Building Inspection Department)**
17. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water shall require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Planning and Building Inspection)(mitigation measure 7e)**
18. A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the (parcel or final) map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**
19. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map, which incorporates the following;

Drainage control from improved surfaces such as walkways, patios, roofs and driveways shall be collected in impermeable gutters or pipes and carried to the natural drainages. At no time shall any concentrated discharge be allowed to spill directly onto the ground adjacent to the proposed developments. Any water landing on paved areas should not be allowed to flow towards future structures so that water does not pond against foundations. **(Planning and Building Inspection)(mitigation measure 5c)**

Natural drainage shall be routed around proposed development and in a way that it does not

impact downslope development, in accordance with plans by a registered civil engineer or architect. **(Planning and Building Inspection)(mitigation measure 7a)**

Certification by a registered civil engineer that any stormwater retention facility proposed to be constructed is built according to the approved plan. Such certification shall be provide to the County Water Resources Agency prior to final inspection but in no case later than October 15<sup>th</sup> of the year of occupancy of any new home on the property. **(Planning and Building Inspection)(mitigation measure 7b)**

All future property owners shall submit engineered plans for the surface drainage and sub-surface drainage improvements for review and approval of the Director of Environmental Health. In addition, the applicant shall comply with all required local, state and federal permits. **(Planning and Building Inspection)(mitigation measure 7c)**

The front yards of all homes shall be landscaped at the time of construction of future dwellings. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems. **(Planning and Building Inspection)(mitigation measure 7d)**

No land clearing or grading shall occur on the subject parcel between October 15 and April 15, unless written authorization is provided by the Director of Planning and Building Inspection. Any such authorization shall be limited to the provisions of Title 20.144.070.E.5 of the North County Coastal Implementation Plan.**(Planning and Building Inspection)**

20. The approved development shall incorporate the recommendations of the Geotechnical Soils-Foundation prepared by Soil Surveys and the Geological Report prepared by Rogers Johnson and Associates, and any subsequent updates required, which reflect the final subdivision, as reviewed by the Building Inspection division of the Monterey County Planning and Building Inspection Department. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)**
21. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)**
22. Prior to grading and construction, the location and size of the water tank (or tanks) shall be reviewed and approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

23. 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 (165 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. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)(mitigation measure 21a)**
24. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. **(North County Fire Prevention District)**
25. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. **(North County Fire Prevention District)**
26. The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall not be less than 100 feet. **(North County Fire Prevention District)**
27. The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
1. Parcels designated in the Area or Implementation Plan for 0 to .99 acres: 800 feet.
  2. Parcels designated in the Area or Implementation Plan for 1 to 4.99 acres: 1320 feet.
  3. Parcels designated in the Area or Implementation Plan for 5 to 19.99 acres: 2640.
  4. Parcels designated in the Area or Implementation Plan zoned for 20 acres or larger: 5280 feet. **(North County Fire Prevention District)**
28. Size of letters, numbers and symbols for street and road signs shall be a minimum 4 inch letter height, 1/2 inch stroke, and shall be a color that clearly contrasts with the background color of the sign. All numerals shall be Arabic. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(North County Fire Prevention District)**
29. Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. **(North County Fire Prevention District)**



30. Height of street and road signs shall be uniform county wide, and meet the visibility and legibility standards of this chapter. **(North County Fire Prevention District)**
31. Newly constructed or approved public and private roads and streets shall be identified in accordance with provisions of Monterey County Ordinance No. 1241. All signs shall be mounted and oriented in a uniform manner. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. **(North County Fire Prevention District)**
32. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. **(North County Fire Prevention District)**
33. Road, street and private signs required by this article shall be installed prior to final acceptance of road improvements by the County of Monterey. **(North County Fire Prevention District)**
34. The Subdivider shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company and Pacific Bell. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements. **(Public Works)**
35. That a drainage report be submitted for all areas contributing to natural drainage channels originating in or running through the subdivision subject to the approval of the Water Resources Agency and Public Works Department. **(Public Works)**
36. That all natural drainage channels be designated on the final map by easements labeled "Natural Drainage Easements." **(Public Works)**
37. Where cut or fills at property line exceed five feet, driveways shall be rough graded in when streets are rough graded, and positive drainage and erosion control provided. **(Public Works)**
38. All roads within this subdivision will be private roads. **(Public Works)**
39. All proposed road names must be approved by County Communications. **(Public Works)**
40. That a grading permit be obtained from the Building Department, if required. **(Public Works) (mitigation measure 5d)**
41. That all graded areas of the street right of way be planted and maintained as required by the County Surveyor to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person, consistent

with the Native Plant requirements of the North County Coastal Implementation Plan, shall be submitted to the satisfaction of the County Surveyor and the Planning and Building Inspection Department and include the following:

- a) That the cut and fill slopes be stabilized.
  - b) Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item a.
  - c) Type and amount of maintenance required to satisfy item "a".
- (Public Works, Planning and Building Inspection Department)**

- 42. Soils engineering report will be required before recording final map. **(Public Works)**
- 43. That cut slopes not exceed 2 to 1 except as specifically approved in concurrence with the erosion control report, and as shown on the erosion control plan. Slope rounding shall be a minimum of 10' by 10' to include replacement of topsoil. **(Public Works)(mitigation measure 5b)**
- 44. If required, install and maintain a stop sign at the main subdivision entrance at Paradise Road. **(Public Works)**
- 45. That a Homeowners' or other Association be formed for road and drainage maintenance. **(Public Works)**
- 46. That the interior roads be constructed in accordance to the typical sections shown on the tentative map. This shall include improving the sight distance at Paradise Road at the main entrance. **(Public Works)**
- 47. Dedicate to County 30 feet from centerline of Paradise Road. **(Public Works)**
- 48. Pay a traffic impact fee in the amount of \$3,573.17 per unit at the time of filing of the Final Map. This fee shall be adjusted annually (March 1) in accordance with the ENR Construction Cost Index until paid. **(Public Works) (Public Works) (mitigation measure 22b)**
- 49. All new utilities shall be placed underground for subdivision improvements and for future construction of single family dwellings. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Public Works)**
- 50. Comply with the recreation requirements contained in Section 19.12.010 of the Subdivision Ordinance (Title 19, Monterey County Code) **(Parks Department)**
- 51. Obtain an amended water system permit from the Division of Environmental Health. **(Environmental Health)**

52. Design the water system improvements to meet the standards as found in Title 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the improvements. **(Environmental Health)**
53. Design the water improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation (bonding) or filing of the final map. **(Environmental Health)**
54. The developer shall install or bond the water system improvements to and within the subdivision and any appurtenances needed prior to filing the final map. The water improvements shall only be installed or bonded after the engineered designs have been approved by both the Fire Department and the Division of Environmental Health **(Environmental Health)**
55. The owner shall destroy the existing well on Lot 1 if abandoned according to the standards found in State of California Bulletin 74-90 and Chapter 15.08 of the Monterey County Code. Prior to destruction, a permit for the destruction of the well shall be obtained by a licensed well contractor from the Division of Environmental Health. The well shall not be considered abandoned if satisfactory evidence is provided that the well(s) are functional, are used on a regular basis, and does not act as a conduit for contamination of groundwater. **(Environmental Health)**
56. Prior to recordation of Final Map, submit a draft final map indicating the proposed well lot(s), water distribution, and access easements for the water system to the Director of Environmental Health for review and approval prior to filing the final map. **(Environmental Health)**
57. Prior to recordation of Final Map, submit a draft Final Map that includes a well lot easement for a future alternative/reserve well site for the water system. The design and location of the lot shall be subject to the review and approval of the Director of Environmental Health. Once approved, the alternative well lot shall appear as part of the Final Map. **(Environmental Health)**
58. Prior to recordation of Final Map, submit plans for surface and sub-surface drainage improvements for review and approval to the Director of Environmental Health to determine any potential septic system impacts. All improvements shall comply with the regulations found in Chapter 15.20 Monterey County Code and Prohibitions of the Basin Plan, RWQCB. **(Environmental Health)**
59. Submit a draft final map indicating proposed septic envelopes for all parcels to the Division of Environmental Health for review and approval prior to filing the final map. Once approved, the septic envelopes shall appear as part of the filing map. **(Environmental Health)**
60. Prior to obtaining grading permits for subdivision improvements and/or individual residences, fencing shall be installed and maintained during construction in areas adjacent to construction or building sites **A-3-MCO-02-077** extent and boundaries of the area of

scenic or conservation easement to remain under the supervision of a qualified professional biologist under the auspices of the Monterey County Planning and Building Inspection Department. Four-foot fencing shall be fastened to "t"-post stakes placed at appropriate intervals. Signage shall be installed to clearly designate sensitive habitat boundaries. The sign shall state: *Area beyond fence is maritime chaparral wildlife habitat located in Monterey County scenic easement(or conservation easement, whichever applies) - DO NOT DISTURB.* No grading shall occur within a three-foot setback of the sensitive habitat area. Said fencing shall be reviewed and approved by the consulting biologist and the County Planning and Building Inspection Department. **(Planning and Building Inspection)**

61. The subdivider shall prepare landscaping plans that mitigates all driveway cuts. The subdivider shall submit the plans to the Director of Planning and Building Inspection for approval. The subdivider shall install or bond the landscaping in the same manner as the subdivision improvements, at the time of recordation of the final map. **(Planning and Building Inspection)**
62. Prior to recordation of the Final Map, the applicant shall record a deed restriction stating that the owner of the property at the time contribution is called for by the County agrees to make a one-time financial contribution to the County at a rate of \$500 per acre of land disturbance caused by the project. Amount of land disturbance shall be as calculated according to the Land Disturbance Target Evaluation required as per Section 20.144.070 B. The required contribution shall be paid upon the County's request at such time that the Board of Supervisors implements a Watershed Restoration Program for the affected sub watershed. **(Planning and Building Inspection Department)**
63. Prior to obtaining grading permits, prepare a stormwater pollution prevention plan (SWPP) in compliance with the NPDES general construction activity stormwater discharge permit and submit it to the Regional Water Quality Control Board (RWQCB) for review and approval. Evidence of RWQCB approval of the SWPPP shall be provided to the Director of Planning and Building Inspection prior to the filing of the Final Map. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)**
64. Care will be taken to remove as few oak trees as possible and to avoid impacts to landmark oak trees (24-inches or greater in diameter at breast height). Care will be taken during construction to prevent damage to roots of trees or compaction of soil under their driplines. Oaks removed that are six inches or more in diameter when measured two feet above the ground will be replaced on a 2:1 basis. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)(mitigation measure 8c).**
65. Landscaping plans within development envelopes shall emphasize preservation of the natural character of the communities present. Individual trees and larger shrubs originally present on the land will be integrated into landscape plans wherever possible. Care will be taken to preserve their health by avoiding the following within the plant's driplines: filling

or paving, compaction of soils or watering above that amount provided by natural rainfall. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)**

66. If fuel reduction should become necessary, it should be developed with the aid of a plant and wildlife biologist so as to best maintain or improve habitat value. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)**
67. The applicant shall enter into a Mitigation Monitoring Agreement with the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
68. Drainage improvements shall be constructed in accordance with plans by a registered civil engineer addressing on-site and off-site impacts, and the design of stormwater detention/sediment facilities. **(Water Resources Agency)**
69. Prior to the submission of the final tentative map to the office of the County Surveyor for checking, Detention and Retention ponds shall be approved by the County Water Resources Agency **(Water Resources Agency)**
70. Prior to conveyance of any lots in the subdivision, developer shall have the sole responsibility for the care, maintenance, and repair of road and drainage improvements installed as a condition of approval of the subdivision. Upon each conveyance of each lot in the subdivision, developer shall be jointly obligated with the succeeding owners to perform such obligation pro rated on the basis of the remaining number of lots still owned by the developer. Developer's obligation shall cease upon the conveyance of the last lot in the subdivision. An agreement to this effect, running with the land, shall be recorded between developer and the County of Monterey prior to recordation of the tentative or Final Map. **(Water Resources Agency)**

**Ongoing Conditions:**

51. 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 record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)**
52. No grading, structures, roads (except for driveways or as approved in accordance with this permit or in the recorded subdivision map), animal grazing, vegetation removal (except in accordance with a County approved restoration plan), or other activities may take place outside of the building envelopes for the Gorman subdivision. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)**
53. The Subdivider shall pay for all maintenance and operation of private roads, fire hydrants, and storm drainage from time of installation until acceptance of the improvements for the

subdivision by the Board of Supervisors as completed in accordance with the agreement, and until a homeowners' association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. **(Public Works)**

54. No horses, animals or other livestock, or domestic animals such as cats and dogs be allowed in the scenic or conservation easement area. **(Planning and Building Inspection)**

55. The applicant shall comply with Ordinance No. 3932 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.*

The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Water Resources Agency; Planning and Building Inspection)**

56. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (*Suggested Native Species Landscaping List - North County Coastal Zone*) from the Planning and Building Inspection Department. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)**.
57. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)**
58. Future single family residences on the new lots will be subject to review and appropriate permit approval by the Monterey County Planning and Building Inspection Department. The applicant shall record a notice to run with the land on all parcels created through this subdivision and place a note on the final map or a separate sheet to be recorded with the final map indicating this restriction. **(Planning and Building Inspection)**

PASSED AND ADOPTED on this 4th day of June, 2002, upon motion of Supervisor Pennycook, seconded by Supervisor Johnsen, by the following vote, to-wit:

AYES: SUPERVISORS ARMENTA, PENNYCOOK, CALCAGNO, JOHNSEN and POTTER

NOES: NONE


ABSENT: NONE

I, Sally R. Reed, 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 of Supervisors duly made and entered in the minutes thereof at page X of Minute Book 71, on June 4, 2002.

Dated: 6/10/02

Sally R. Reed, Clerk of the Board of Supervisors, County of Monterey,  
State of California.

By

  
Barbara S. Grant Deputy



**CALIFORNIA COASTAL COMMISSION**

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

**COMMISSION NOTIFICATION OF APPEAL**

**DATE:** September 12, 2002

**TO:** Mike Novo, Supervising Planner  
County of Monterey, Planning Department  
2620 First Avenue  
Marina, CA 93933

**FROM:** Diane Landry, Acting District Manager

**RE:** Commission Appeal No. A-3-MCO-02-077

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Section 30602 or 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

**Local Permit #:** PC96036

**Applicant(s):** Dorothy Gorman

**Description:** Allow minor land division of a 17.03 acre parcel into six parcels; grading and water system facilities; allow development on slopes greater than 25%; and removal of 28 Coast Live oaks

**Location:** Paradise Road (east side of Paradise Rd. near Lake View Drive), North Monterey County (Monterey County) (APN(s) 129-096-029)

**Local Decision:** Approved w/ Conditions

**Appellant(s):** California Coastal Commission, Attn: Commissioner Sara J. Wan;  
Commissioner John Woolley

**Date Appeal Filed:** 9/11/2002

The Commission appeal number assigned to this appeal is A-3-MCO-02-077. The Commission hearing date has been tentatively set for October 8-11, 2002 in Eureka. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Monterey's consideration of this coastal development permit must be delivered to the Central Coast Area office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Stephanie Matraw at the Central Coast Area office.

APPEAL

A-3-MCO-02-077

Gorman Subdivision Appeal  
CALIFORNIA COASTAL COMMISSION

Exhibit F  
pg. 1 of 3

**Attachment A**  
**Reasons For Appeal of Dorothy Gorman/Tanglewood Estates**  
**Subdivision Permit PC96036**

The Monterey County Board of Supervisors approval of a coastal development permit application for the subdivision of a 17.03-acre parcel into six parcels is inconsistent with the Monterey County LCP for the following reasons:

**1. The approved subdivision is inconsistent with the zoning.** The parcel is currently zoned "LDR-B-7 (CZ)". The "B-7" overlay limits density on the affected parcel to its existing density, which is one single-family home per 17.03 acres. CIP Section 20.42.030.G.1 describes the "B-7" overlay:

"The lots as shown on the recorded Final Map or Parcel Map may not be further subdivided unless the lots are first reclassified from the "B-7" district."

Because the County cannot remove the "B-7" overlay from this lot without an LCP amendment, the proposed subdivision is inconsistent with the current zoning.

Even if such an LCP amendment was applied for and certified by the Coastal Commission, the allowable density of the subdivision must be based on an evaluation of site conditions and cumulative impacts as required by CIP Section 20.144.140.B.3.d.1. As identified in the following reasons for appeal, the approval of a 6-lot subdivision is inconsistent with this requirement because the density exceeds available water supply and it will have adverse impacts on ESHA.

**2. There is inadequate water to accommodate the subdivision.** The project is located within the North County Hydrological Study Area, known to have a shortage of groundwater, and was approved without the hydrology report required by CIP 20.144.070.D.1. LUP General Policy 4.3.5.4 states that where there is limited water, uses such as "coastal dependent agriculture, recreation, commercial and industrial uses shall have priority over residential and other non-coastal-dependent uses." Thus, subdivisions are the lowest development priority for the North County planning area. The subdivision is inconsistent with these LCP policies because of the lack of groundwater and the absence of a hydrological analysis.

**3. The development is inconsistent with LCP ESHA protection requirements.** The project site, including each of the proposed lots, contains maritime chaparral, which is considered environmentally sensitive habitat area (ESHA). The North County Land Use Plan (LUP) Policy 2.3.2.1 states that all development within environmentally sensitive habitat areas shall be limited to resource dependent uses, such as nature education. LUP Policy 2.3.2.2 states that development adjacent to ESHA "shall be compatible with the long-term maintenance of the resource", and that new land uses must incorporate site planning and design features to prevent habitat impacts and "not establish a precedent for continued land development which, on a cumulative basis, could degrade the resource."

In addition, LUP Policy 2.3.2.3 specifically prohibits new subdivisions that could result in significant impacts to ESHA, while 2.3.2.4 requires clustering of development to prevent habitat impacts. LUP Policy 2.3.3.A.2 defines known threats to maritime chaparral as residential and

agricultural development, and requires new residential development to be sited to protect the maximum amount of chaparral. This policy goes on to recommend that all chaparral on slopes in excess of 25% be left undisturbed to prevent both erosion and impacts to the habitat.

The approved subdivision is inconsistent with these LCP policies because it will result in non-resource dependent development within ESHA; it will result in the loss and fragmentation of ESHA and thereby jeopardize its long-term viability; it is not clustered to avoid impacts to ESHA and it does not protect all areas of the site through a deed restriction or conservation easement.

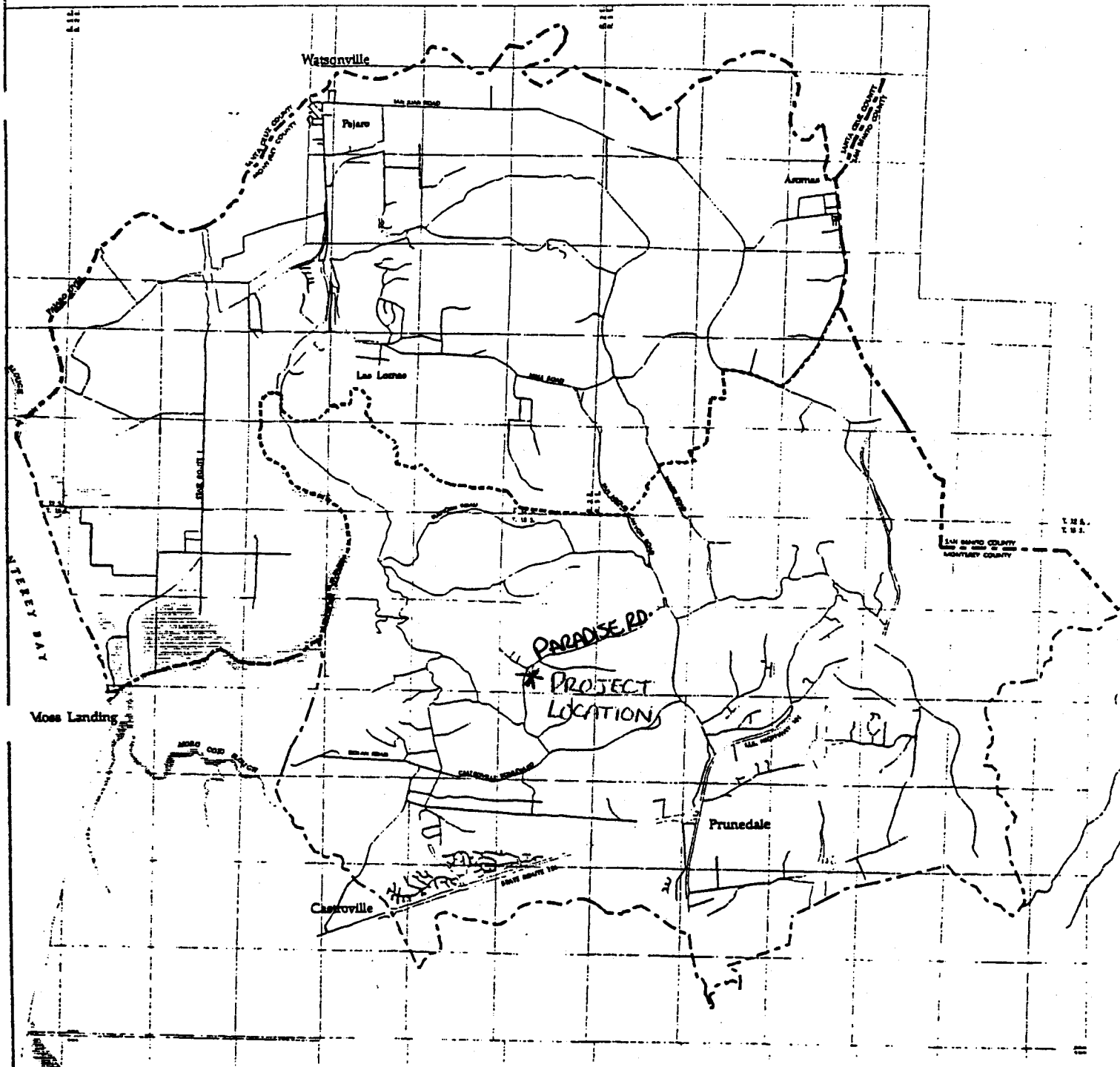
**4. The development is inconsistent with LCP erosion policies regarding density for new development.** Because of the documented water shortage in the North County area, the LCP contains policies to direct development to Non-Critical Erosion Areas. CIP Section 20.144.070.A.1 states that a determination shall be made regarding which areas of parcels proposed for development are in Critical and Non-Critical Erosion Areas, and that such determination shall be made prior to the application being determined to be complete. Section 20.144.070.A.3 requires applicants for substantial development (i.e. subdivisions) to submit a soils analysis sufficient to determine which areas of the parcel are Critical or Non-Critical Erosion Areas. This determination is important to determine compliance with LUP Policy 2.5.3.C.5.a, which states in part:

*"In areas designated for Rural and Low Density Residential development:*

- *Densities shall be reduced as necessary in order to site all development in Non-Critical Erosion Areas and to maintain cumulative development within the LDT for the subwatershed.*
- *Existing parcels containing no land suitable for development within the Non-Critical Erosion classification shall be limited to a single residence or to the existing development on the parcel or if there is none, a single residence. Division of the parcel shall not be permitted that creates an additional vacant parcel(s) intended for development."*

The approved subdivision appears to be inconsistent with these LCP policies because the amount of Non-Critical Erosion Area of the parcel has not been determined, nor does the soils report contain adequate information to determine this, and if the parcel contains Critical Erosion Areas, the proposed parcels may lie in those areas and thus be inconsistent with the LCP.





## STUDY AREA BOUNDARIES

North Monterey County Hydrogeologic Study

Figure 1



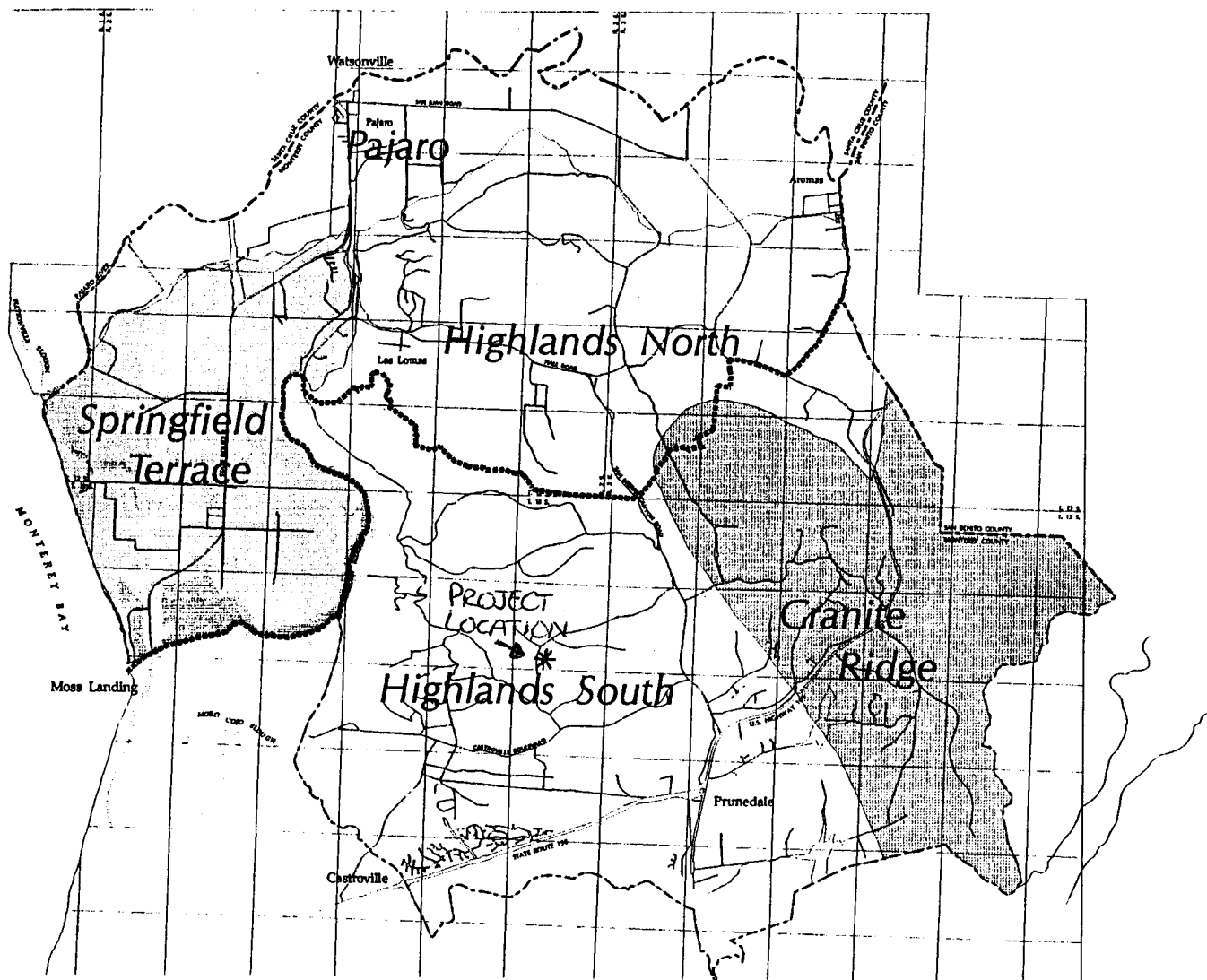
- ☐ Study Area
- ☒ Study Area Boundary
- ☒ County Line
- ☒ PWWMA Boundaries
- ☐ Township and Range Grid



EXHIBIT NO. H 1 of 2

APPLICATION NO.  
A-3-MCO-02-077  
North Monterey County  
Hydrogeologic Study  
Area Boundaries

California Coastal Commission



**Figure 10**

**NORTH COUNTY  
STUDY AREA  
REVISED SUBAREAS**

- Pajaro
- Springfield Terrace
- Granite Ridge
- Highlands North
- Highlands South
- PVWMA Boundaries
- Study Area Boundary
- County Line
- Township and Range Grid



Sources: MCWRA, Fugro  
North Monterey County Hydrogeologic Study



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ED MERCURIO  
BIOLOGICAL CONSULTING  
647 WILSON ST. SALINAS, CA 93901  
(831) 424-3497

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Ms. Gorman-Mullins

April 25, 2002

***RE: Coastal Commission questions regarding potential biological impacts resulting from subdivision and construction of homes, septic systems, utilities, roads and driveways as shown on the Tentative Map of Tanglewood Estates APN 129-096-029.***

Dear Ms. Gorman-Mullins:

You asked me to participate in the repositioning of the developments on the Tanglewood Subdivision in response to the habitat issues raised in the February 13, 2002 letter from Coastal Planner Stephanie Matraw. On May 26, 2002, I resurveyed the areas of the property including the proposed road and driveway alignments, homesites and leach fields as shown on the newest revision of the tentative map of the property.

The tentative map can be revised as shown on the attached map to: 1) totally avoid any removal of plants characteristic of the central maritime chaparral plant community that are classified as rare, endangered or threatened, 2) maximally avoid impacts to all plants of the central maritime chaparral plant community and 3) maximally avoid impacts to and removal of coast live oaks.

None of the developments repositioned are in central maritime chaparral habitat, although some are close to one or more individual central maritime chaparral plants. Let me explain. In my vegetation mapping, I go into more detail than most biological consultants do. Instead of only showing the boundaries of large, continuous areas of habitats, I also show small, isolated plants or groupings of plants that are members of sensitive habitats wherever they occur. I do this to insure that impacts to these plants are maximally avoided in the development process. This also gives individuals in agencies concerned with the preservation of natural values the most specific detail possible short of me giving them a personal tour of the project site.

Virtually all of the natural habitat and especially the central maritime chaparral outside of the building envelopes, roads, driveways and leach fields will be preserved through dedications to scenic easements and deed restrictions. Scenic easement has been expanded to include additional areas of predominantly central maritime chaparral including the northern portions of lots 4, 5 and 6. The road alignment avoids passing through scenic and slope easements.

Although previous designs for this project were mitigated to produce less than significant impact, this revision goes even further, maximizing avoidance of impacts to beyond what CEQA requires. No plants characteristic of the central maritime chaparral plant community classified as rare, endangered or threatened (Pajaro manzanita, etc.) will be removed and impacts to the central maritime chaparral plant community are at a level of insignificance.

A-3-MCO-02-077

Exhibit **I**  
Pg 1 of 5



All significant plant species (rare, endangered, threatened, etc.) native to the local area and all coast live oaks greater than 6 inches in diameter two feet above the ground were searched for and listed for the road and driveway segments, homesites and leach fields. The significant species known to be present in the Prunedale Quadrangle area are shown in Table 1.

**Numbers of coast live oaks and significant plant species that will require removal or trimming for the road segments, homesites and leach fields:**

All driveways can be routed to avoid any removal or substantial trimming of coast live oaks and significant plant species.

Road through lot 1 to lot 2

23 coast live oaks will be removed.

1 coast live oak will require significant trimming.

3 Pajaro manzanitas will require trimming.

Homesite on lot 2

4 coast live oaks will be removed.

Leach field on lot 2

No removal or trimming

Road on lot 2 to lot 3

2 coast live oaks will be removed.

Homesite on lot 3

No removal or trimming.

Leach field on lot 3

1 coast live oak will be removed.

Road on lot 3 to lot 4

4 coast live oaks will be removed.

Homesite on lot 4

2 coast live oaks will be removed.

Leach field on lot 4

4 coast live oaks will be removed.

Road on lot 4 to lot 5

(to road end)  
5 coast live oaks will be removed

Homesite on lot 5

5 coast live oaks will be removed.

Leach field on lot 5

6 coast live oaks will be removed.

Homesite on lot 6

2 coast live oaks will be removed.

Leach field on lot 6

3 coast live oaks will be removed.

Grand Totals:

61 coast live oaks will be removed.

1 coast live oak (at least) will require significant trimming.

3 Pajaro manzanitas will require trimming.

Mitigations for these impacts will be followed as stated in the mitigations section of the original biological report for the property submitted in May 1996. As mitigated, all impacts are reduced to a less than significant level. Each removed plant belonging to a species having rare, endangered or threatened status will be replaced with three of local origin of at least one gallon size (Mitigation 2).

Each removed coast live oak greater than 6 inches in diameter two feet above the ground will be replaced by one of local origin of at least one gallon size (Mitigation 9). Other mitigation measures stated in the original report will protect natural values from impacts during construction and after completion of the development.

Monitoring for the project will also be followed as stated in the original report incorporated herein by reference which states: A qualified biologist inspect the property once during construction, within three months after the completion of the development and again two years later. A report on each inspection will be submitted to the Monterey County Planning and Building Inspection Department.

This project is consistent with the North County Land Use Plan, including Policies 2.3.2.2, 2.3.2.3, 2.3.2.8 and 2.3.3.A.2. Virtually all potential impacts to the central maritime chaparral plant community, which covers over 50 percent of the property, have been avoided. Dedication of areas of scenic easement and deed restrictions will be used to protect the central maritime chaparral plant community and all other natural values from impacts following completion of the development. Coastal Implementation Plan (CIP) Section 20.144.040.B3 prohibits subdivisions within 100 feet of environmentally sensitive habitat areas if they will adversely impact the long-term maintenance of the habitat on both a project and cumulative level. Dedication of areas of sensitive habitats and surrounding buffer zones near developments as scenic easement is the best long-term protection for these resources that I know of. I have observed over the years that scenic easement status affords even more secure long-term protection than does conservation easement status. Deed restrictions will add to the protection of the central maritime chaparral on the parcels.

Please call me if you have any questions.



Ed Mercurio  
Biological Consultant

Table 1.

STATE, FEDERAL AND CALIFORNIA NATIVE PLANT SOCIETY STATUS FOR MAJOR  
SIGNIFICANT PLANT SPECIES PRESENT IN THE PRUNEDALE QUADRANGLE AREA

SCIENTIFIC NAME	COMMON NAME	STATUS			PREFERRED HABITAT
		Fed.	State	CNPS	
<i>Arctostaphylos hookeri</i> <i>ssp. hookeri</i>	Monterey Manzanita			1B	Central Maritime Chaparral
<i>Arctostaphylos</i> <i>pajaroensis</i>	Pajaro Manzanita	SC		1B	Central Maritime Chaparral
<i>Ceanothus cuneatus</i> var. <i>rigidus</i>	Monterey Ceanothus	SC		4	Central Maritime Chaparral
<i>Ericameria fasciculata</i>	Eastwood's Goldenbush	SC		1B	Central Maritime Chaparral
<i>Holocarpha macradenia</i>	Santa Cruz Tarplant	PT	E	1B	Grasslands
<i>Hemizonia parryi</i> ssp. <i>congdonii</i>	Congdon's Tarplant	SC		1B	Grasslands
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey Spineflower	T		1B	Dunes and sandy soils
<i>Chorizanthe robusta</i> var. <i>robusta</i>	Robust Spineflower	E		1B	Dunes and sandy soils
<i>Fritillaria liliacea</i>	Fragrant Fritillary	SC		1B	Grasslands
<i>Horkelia cuneata</i> ssp. <i>sericea</i>	Kellogg's Horkelia	SC		1B	Sandy soils and rocky areas
<i>Perideridia gairdneri</i> ssp. <i>gairdneri</i>	Gairdner's Yampah	SC		4	Grasslands
<i>Lomatium parvifolium</i>	Small-leaved Lomatium			4	Central Maritime Chaparral
<i>Piperia yadonii</i>	Yadon's rein orchid	E		1B	Central Maritime Chaparral

Species Code Designations:

E = endangered

PE = Proposed Endangered

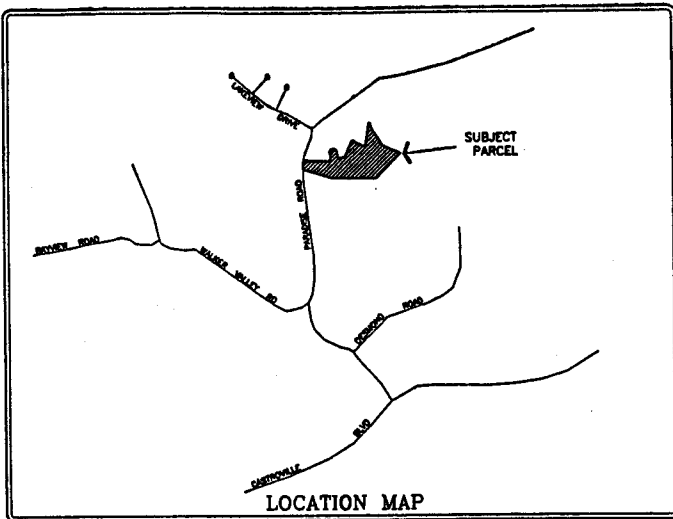
T = Threatened

PT = Proposed Threatened

SC = Species of Special Concern

CNPS List 1B = Plants rare, threatened or endangered in California and elsewhere.

CNPS List 4 = Plants of limited distribution, a watch list.

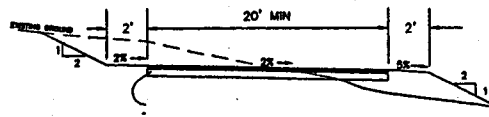
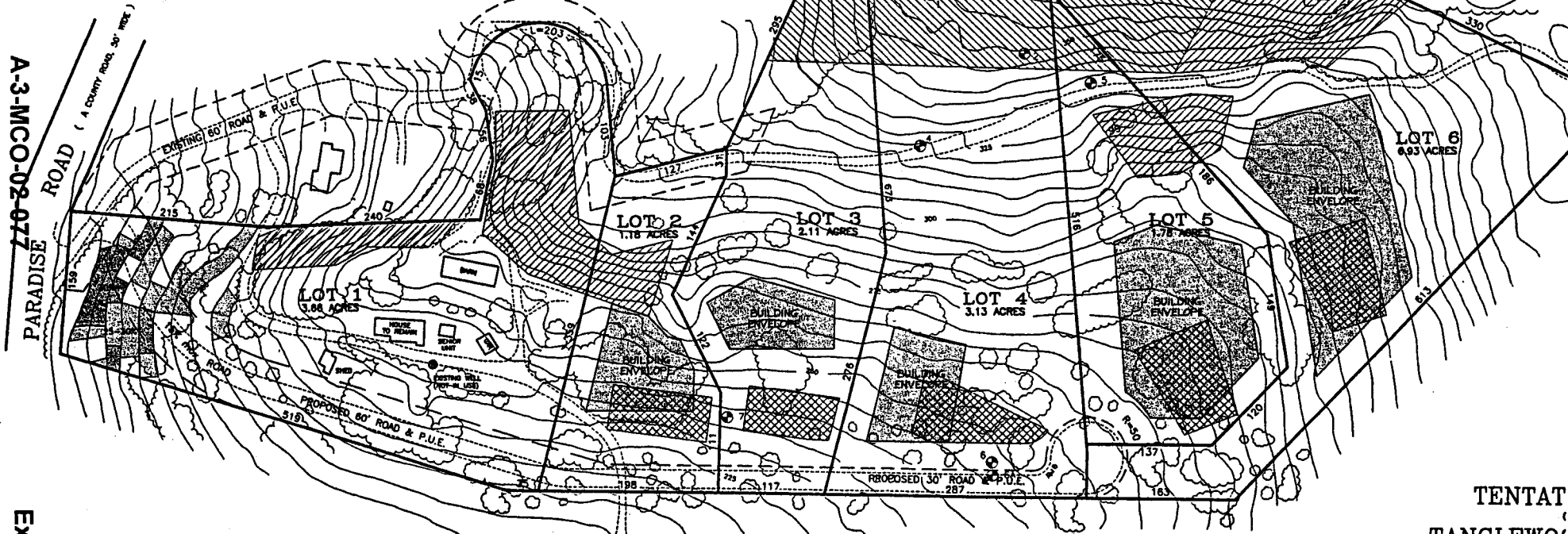
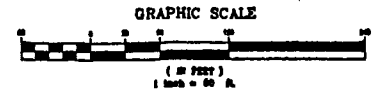


**SOILS REPORT**  
 SOILS SURVEYS, INC.  
 103 CHURCH STREET  
 SALINAS, CA 93901  
 757-2172

**BIOLOGY REPORT**  
 ED MERCURIO  
 847 WILSON STREET  
 SALINAS, CA 93901  
 424-3487

**ARCHAEOLOGICAL REPORT**  
 ARCHAEOLOGICAL CONSULTING, INC.  
 P.O. BOX 3377  
 SALINAS, CA 93912  
 422-4912

**GEOLOGY REPORT**  
 ROGERS E. JOHNSON & ASSOCIATES  
 1729 SEABRIGHT AVENUE  
 SANTA CRUZ, CA 95062  
 425-1288



TYPICAL ROAD SECTION

⊙ TEST HOLE LOCATIONS

**SUBDIVIDER'S STATEMENT**

- 1) PROPOSED DEVELOPMENT: LOTS FOR SALE
- 2) ZONING: LDR B-7
- 3) WATER: TANGLEWOOD NO. 29 MUTUAL WATER SYSTEM
- 4) SEWAGE DISPOSAL: INDIVIDUAL SEPTIC SYSTEMS
- 5) TREE PLANTING: NONE PROPOSED
- 6) EROSION CONTROL: THE PROVISIONS OF CHAPTER 16.12 OF THE MONTEREY COUNTY CODE SHALL BE COMPLIED WITH.

- AREA OF EXISTING SCENIC EASEMENT PER 14 PARCEL MAPS 118
- AREA OF PROPOSED NEW SCENIC EASEMENT
- PROPOSED SEPTIC DRAINFIELD AREA

**TENTATIVE  
 TANGLEWOOD**

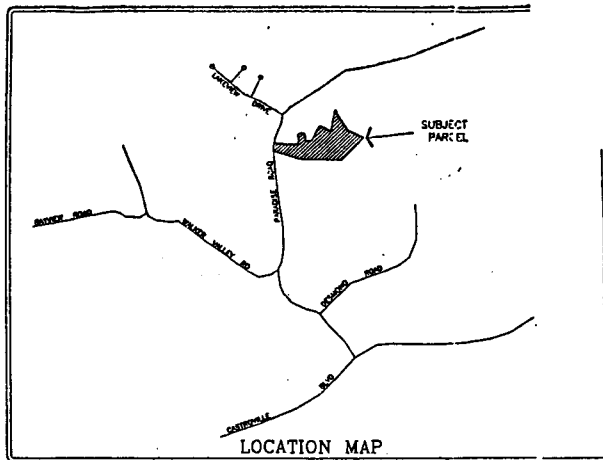
A PRIVATE ROAD  
 OF PARCEL 1, AS SHOWN  
 14 OF PARCEL MAPS, AT  
 NUEVA Y MORO COJO, MOJAVE  
 PREP.

**DOROTHY**

17561 VIERA CANYON ROAD  
 APN 129-024-029  
 MAY 13, 1999  
 REVISED MAY 31, 2002

*revised* →

**GLE**

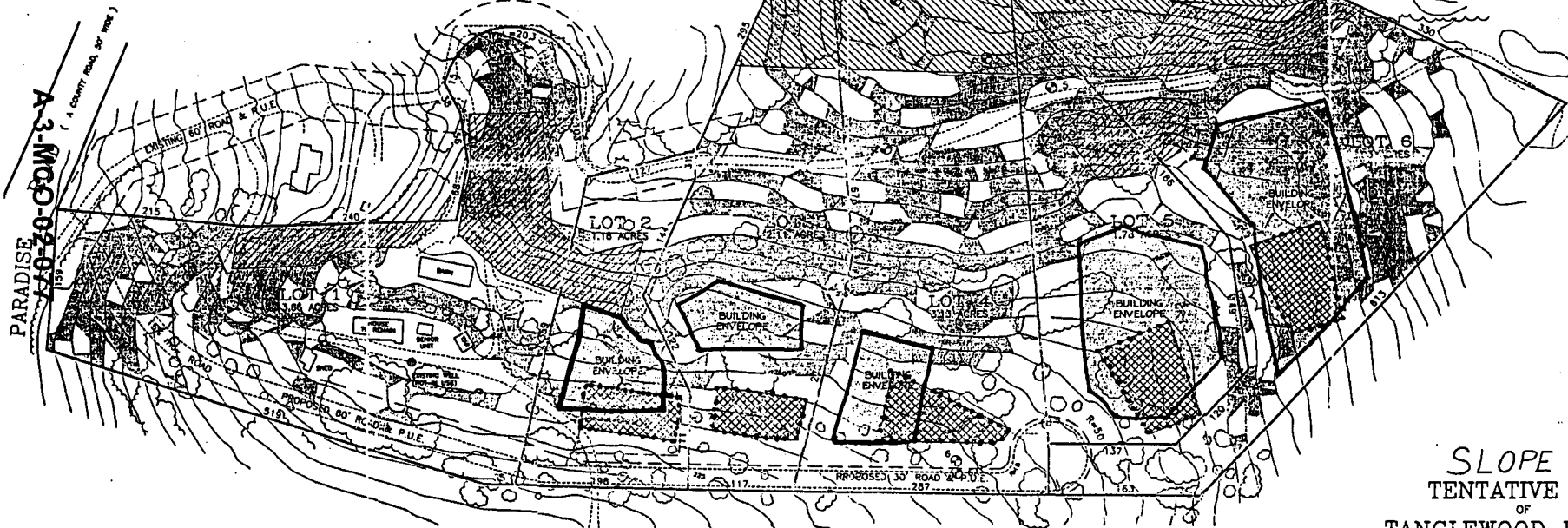


ED MERCURIO  
847 WILSON STREET  
SALINAS, CA 93901  
424-3497

ARCHAEOLOGICAL REPORT  
ARCHAEOLOGICAL CONSULTING, INC.  
P.O. BOX 3377  
SALINAS, CA 93912  
422-4912

GEOLOGY REPORT  
ROGERS E. JOHNSON & ASSOCIATES  
1729 SEABRIGHT AVENUE  
SANTA CRUZ, CA 95062  
425-1288

( 1/8" = 1' )  
1 inch = 80 ft.



#### SUBDIVIDER'S STATEMENT

- 1) PROPOSED DEVELOPMENT: LOTS FOR SALE
- 2) ZONING: LDR B-7
- 3) WATER: TANGLEWOOD NO. 29 MUTUAL WATER SYSTEM
- 4) SEWAGE DISPOSAL: INDIVIDUAL SEPTIC SYSTEMS
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- AREA OF EXISTING SCENIC EASEMENT PER 14 PARCEL MAPS 118
- AREA OF PROPOSED NEW SCENIC EASEMENT
- PROPOSED SEPTIC DRAINFIELD AREA

## SLOPE MAP TENTATIVE MAP OF TANGLEWOOD ESTATES

A PRIVATE ROAD SUBDIVISION  
OF PARCEL 1, AS SHOWN ON MAP FILED IN VOLUME  
14 OF PARCEL MAPS, AT PAGE 118, IN RANCHO BOLSA  
NUEVA Y MORO COJO, MONTEREY COUNTY, CALIFORNIA  
PREPARED FOR

DOROTHY GORMAN

17561 VIERA CANYON ROAD #22 SALINAS, CALIFORNIA 93907

APR 128-088-028

MAY 17, 1998

REVISED MAY 31, 2002

JOB NO. 27-98

SCALE 1"=80'

GLS COETZ LAND SURVEYORS  
141 RUSSELL STREET #24-SALINAS  
JANUARY 1, 1998

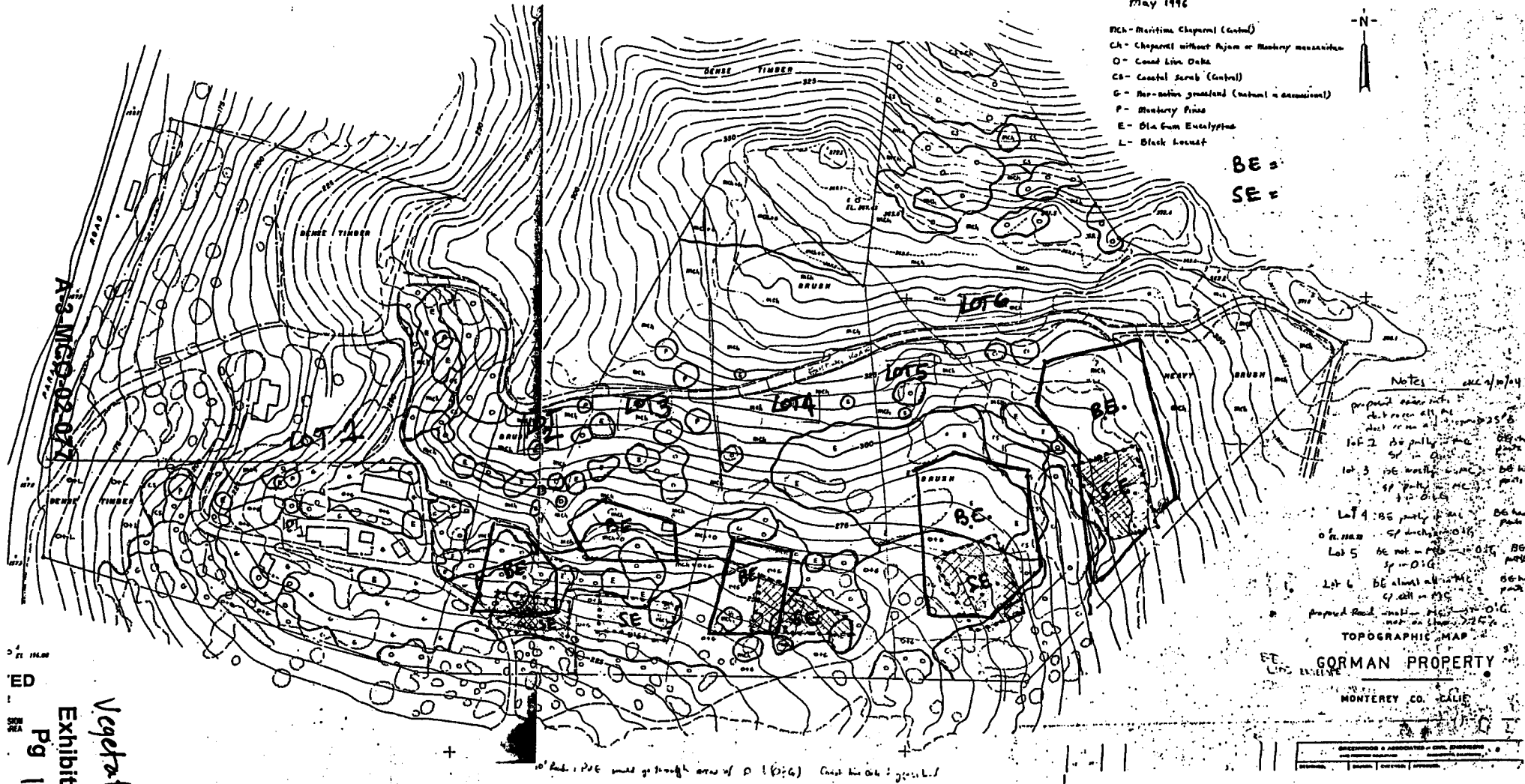
Slope Map  
Exhibit J  
Pg 1 of 1

VEGETATION MAP FOR THE  
DOROTHY GORMAN PROPERTY  
By EJ Mercurio  
May 1996

- MCh - Maritime Chaparral (Control)  
 Ch - Chaparral without Ajoam or Monterey mesquite  
 O - Coast Live Oak  
 CS - Coastal Scrub (Control)  
 G - Non-native grassland (natural & disturbed)  
 P - Monterey Pine  
 E - Old Gum Eucalyptus  
 L - Black Locust



BE =  
SE =



0' 10' 20' 30' 40' 50' 60' 70' 80' 90' 100' 110' 120' 130' 140' 150' 160' 170' 180' 190' 200' 210' 220' 230' 240' 250' 260' 270' 280' 290' 300' 310' 320' 330' 340' 350' 360' 370' 380' 390' 400' 410' 420' 430' 440' 450' 460' 470' 480' 490' 500' 510' 520' 530' 540' 550' 560' 570' 580' 590' 600' 610' 620' 630' 640' 650' 660' 670' 680' 690' 700' 710' 720' 730' 740' 750' 760' 770' 780' 790' 800' 810' 820' 830' 840' 850' 860' 870' 880' 890' 900' 910' 920' 930' 940' 950' 960' 970' 980' 990' 1000'

Vegetation Map

Exhibit K

Pg 1 of 1

**Figure 15**  
**SEAWATER INTRUSION**

- Pajaro
- Springfield Terrace
- Granite Ridge
- Highlands North
- Highlands South
- 1993 Levels (500 mg/l)
- 1993 Levels (100 mg/l)
- 1979 Levels (500 mg/l)
- 1979 Levels (100 mg/l)
- Zone of Elevated Cl- ions
- Study Area Boundary
- County Line
- Township and Range Grid

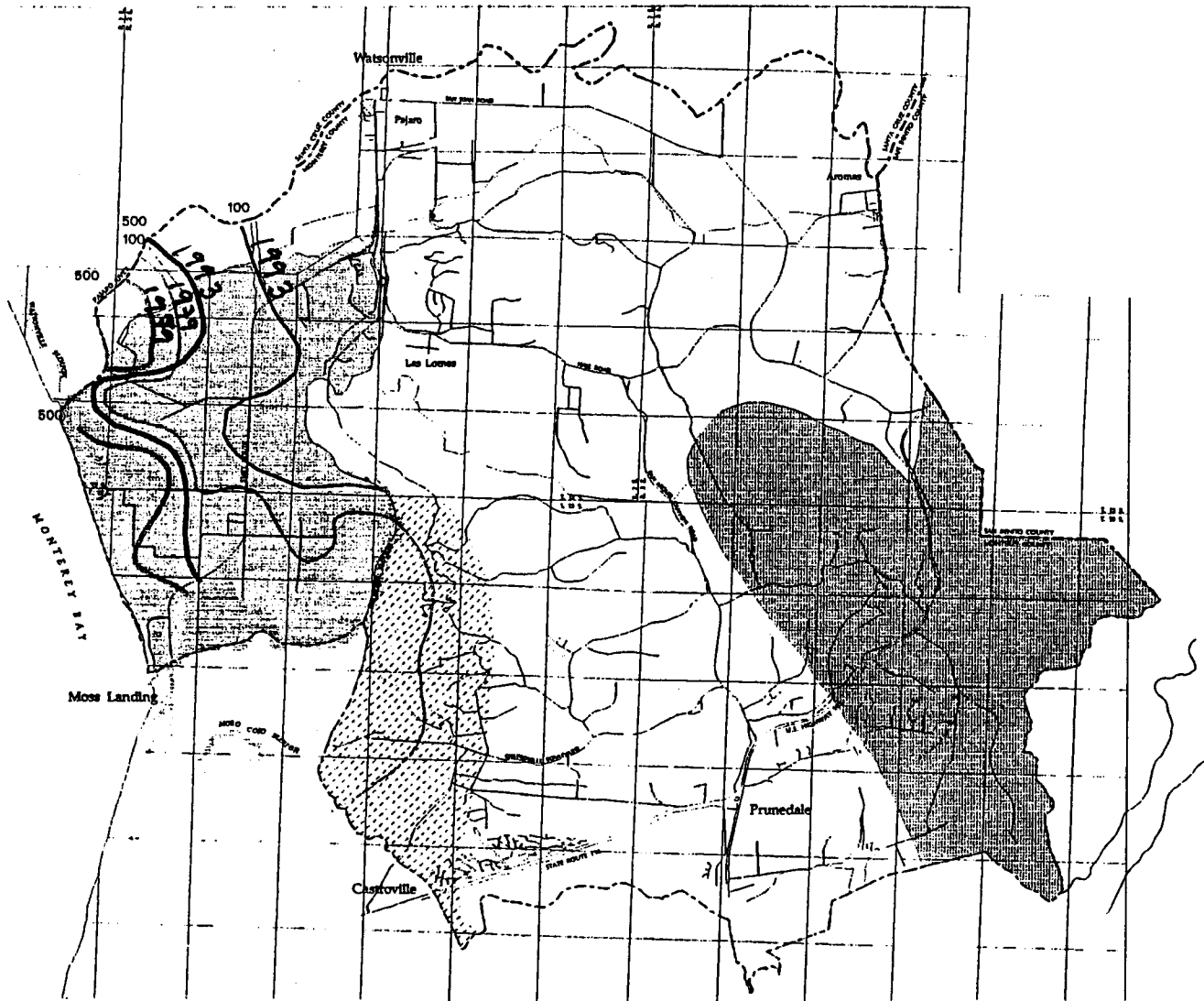


MILES

0 1.25 2.5

Sources: MCWRA, Fugro

North Monterey County Hydrogeologic Study



A-3-MCO-02-077

Exhibit  
Pg 1  
of 7



A-3-MCO-02-077

Exhibit M  
Pg 1 of 1

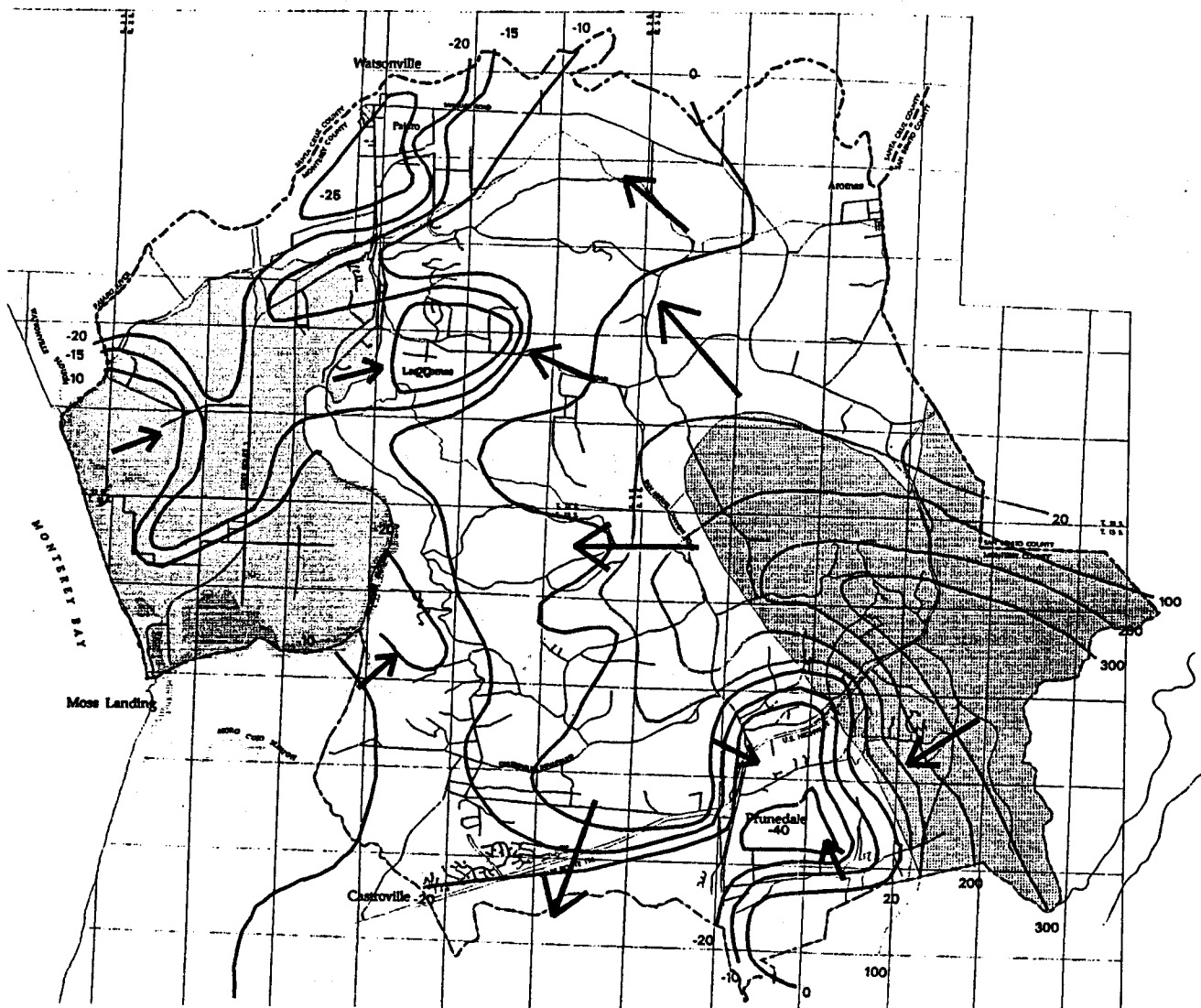
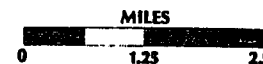


Figure 12

## 1994 WATER LEVELS

- Pajaro
- Springfield Terrace
- Granite Ridge
- Highlands North
- Highlands South
- Water Surface - Below Sea Level
- Water Surface - Sea Level
- Water Surface - Above Sea Level
- Study Area Boundary
- County Line
- Township and Range Grid

Water Arrows indicate direction of ground water movement



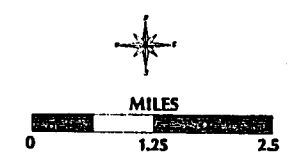
Sources: MCWRA, PVMVA, and Fugro  
North Monterey County Hydrogeologic Study



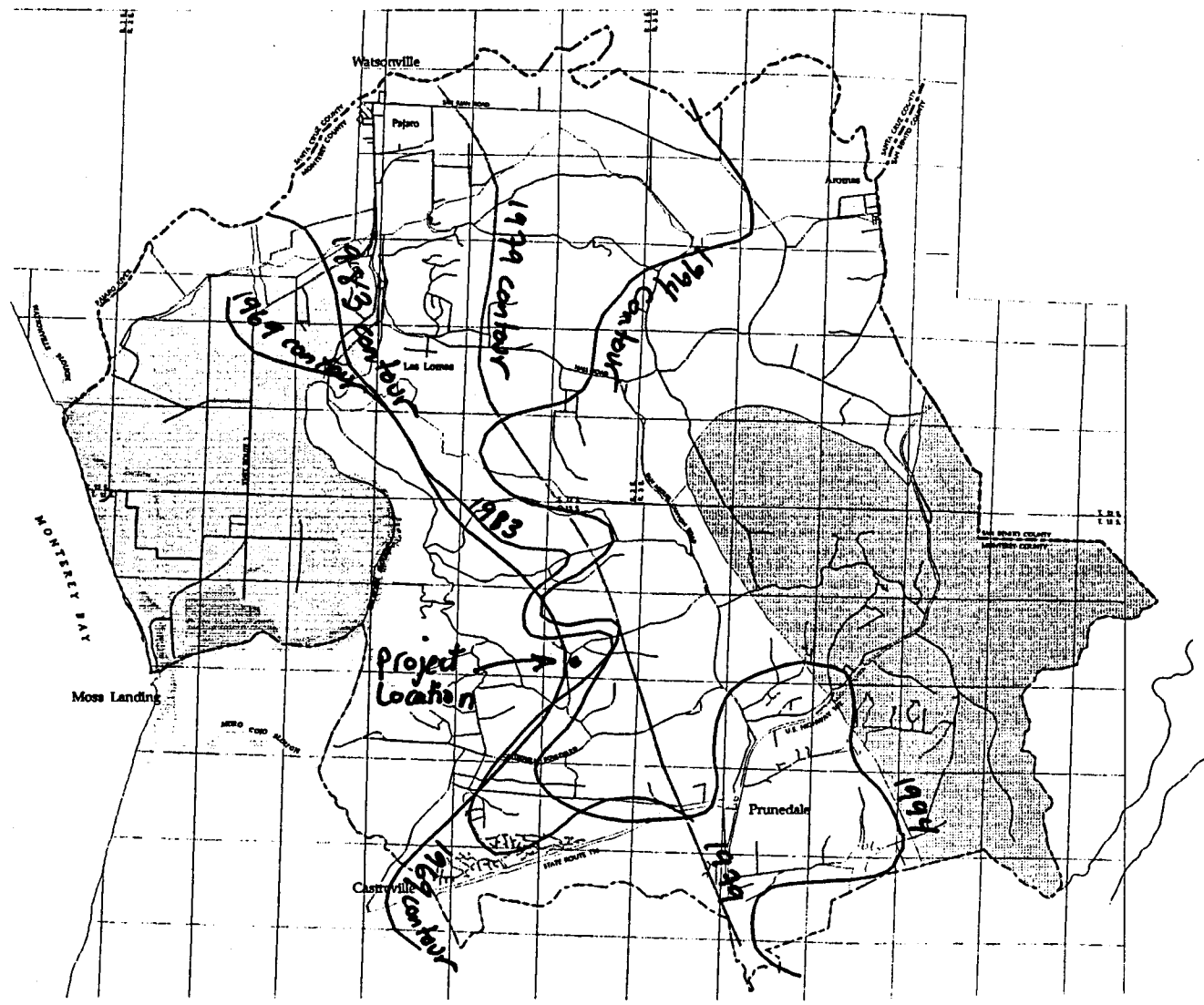
existing contours overlain

**Figure 14**  
**HISTORICAL**  
**SEA LEVEL**  
**CONTOURS**

- Pajaro
- Springfield Terrace
- Granite Ridge
- Highlands North
- Highlands South
- 1994 Contour (Fugro)
- 1983 Contour (Fugro)
- 1979 Contour (Johnson, 1983)
- 1969 Contour (Johnson, 1983)
- Study Area Boundary
- County Line
- Township and Range Grid



Sources: MCWRA, PVWMA, and Fugro  
North Monterey County Hydrogeologic Study



A-3-MCO-02-077

## North County Planning Area



from:

# NORTH MONTEREY COUNTY HYDROGEOLOGIC STUDY

Fugro West, Oct, 1995

RECEIVED

Table 11. Sustainable Yield

Subarea	Historical Pumping (AF/Y)	Sustainable Yield (AF/Y)	Difference (AF/Y)	Percent Reduction
Highlands South	5,020	4,390	-630	13
Granite Ridge	610	610	0	0
Highlands North	4,780	2,920	-1,860	39
Pajaro	9,030	6,490	-2,540	28
Springfield	6,670	0	-6,670	100
Totals:	26,110	14,410	-11,700	45

from:

North Monterey County Comprehensive Water Resources Management Plan

Monterey Co. WRA & EDAW, Inc.  
January, 2002

Table 1: Summary of Overdraft Problem (afy)

Sub-area	Current Demand	Future Demand	Sustained Yield	Current Overdraft	Future Overdraft
Pajaro	10,130	10,215	6,490	3,640	3,725
Springfield Terrace	7,594	8,330 <sup>+</sup>	0 <sup>‡</sup>	7,594	8,330 <sup>+</sup>
Highlands North	5,621	7,636 <sup>+</sup>	2,920	2,701	4,716 <sup>+</sup>
Highlands South	6,095 <sup>*</sup>	8,399 <sup>+</sup> *	4,390	1,705 <sup>*</sup>	4,009 <sup>+</sup> *
Granite Ridge	1,310	1,544	610	700	934
<b>Total</b>	<b>30,750<sup>*</sup></b>	<b>36,124<sup>+</sup>*</b>	<b>14,410</b>	<b>16,340<sup>*</sup></b>	<b>21,714<sup>+</sup>*</b>

Source: Fugro West, Inc. 1995; MCWRA 1996; JSA/EDAW 1999.

<sup>‡</sup> Because of insufficient data, demand was matched with yield; seawater intrusion is not allowed which reduces pumping in Springfield Terrace to 0.

<sup>+</sup> The estimates of future demand were updated from the 1996 analysis as a result of revised water duty factors. Previous assumptions were based on a worst case scenario that put all future demand in berries with a water duty factor of 2.8 afa. Updated analysis assumes demand of a more typical crop type with an average water duty factor of 2.0 afa.

<sup>\*</sup> The previously defined Highlands South current demand estimate of 6,497 afy was reduced by 402 afy to 6,095 afy (because 201 acres overlap with the CSIP and, therefore, lower the baseline demand by an assumed 2 afa).

## CALIFORNIA COASTAL COMMISSION

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



September 9, 2002

Scott Hennessey, Director  
Planning & Building Inspection Dept.  
2620 First Ave.  
Marina, CA 93933

Subject: ***Tanglewood/Gorman Final Local Action Notice Comments PC96036***

Dear Scott,

We received and reviewed the Final Local Action Notice (FLAN) of the Board of Supervisor's decision for the above-referenced action on August 27, 2002. As stated in our February 13, 2002 and May 8, 2002 letters to the County, this action includes a zoning change that cannot be processed as a coastal development permit.

The FLAN is inconsistent with the LCP procedurally because the project includes a zoning change that requires an LCP amendment. Zoning changes that require LCP amendments cannot be approved and considered final by the Monterey County Board of Supervisors, they must be certified by the California Coastal Commission.

Specifically, the proposal includes reclassification of the current zoning (LDR-B-7 (CZ)) to LDR-B-6 (CZ). Under Section 20.94.042, reclassification from a "B-7" overlay to a "B-6" overlay, which is a strengthening of the resource protection statute, would not ordinarily require an LCP amendment:

*20.94.042 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 (Emphasis added)*

However, in this instance, the change proposed in the "B" overlay from "B-7" to "B-6" has not been initiated to preserve or enhance coastal resources, but to facilitate a subdivision. Rather, the effect of this action is to remove the "B-7" overlay on the property to allow for a subdivision, and then to add a "B-6" overlay. The removal of the "B-7" overlay requires Coastal Commission certification because it involves removal of a restrictive overlay to allow for a subdivision.

Finally, in order to approve an LCP amendment to remove a "B-7" overlay, evidence must be provided that addresses the substantive issues of water supply, drainage, sewage disposal, parcel size and design and traffic circulations for the total area included in the "B-7" district. This property is located in an area faced with overdrafted aquifers and mounting traffic problems. Additionally, the proposed subdivision has potential conflicts with the LCP because it includes the creation of a lot with potentially negative impacts to ESHA.

In closing, since this came to us labeled as a FLAN, our normal course of action is to log it in and start our appeal period, which we have done. As discussed above, given that one of the actions taken was an LCP amendment, that action cannot be considered to be a part of the Coastal Development Permit description. Thus, we have filed a FLAN only for the subdivision part of the County's action. Since this permit action is inconsistent with the currently certified

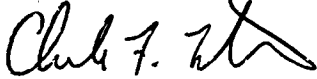
A-3-MCO-02-077

Exhibit Q  
Pg 1 of 9

Scott Hennessey  
Tanglewood/Gorman Action  
9/9/2002  
Page 2

LCP, we must recommend that the action be appealed to the Coastal Commission. Given these procedural inconsistencies, if the County wishes to rescind this notice, please inform us of that in writing as soon as possible, preferably by September 11, 2002, which is the final appeal date.

Best regards,



Charles Lester  
Acting District Director  
Central Coast District Office

## CALIFORNIA COASTAL COMMISSION

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



May 8, 2002

Efren Iglesia  
Senior Deputy Monterey County Counsel  
P.O. Box 1208  
Salinas, CA 93902

Subject: ***Tanglewood Subdivision Project***

Dear Efren,

This letter is in response to your memorandum dated May 1, 2002 that stated your reasoning to allow a zoning change to facilitate the Tanglewood subdivision. Staff has reviewed your conclusion and does not concur for the following reasons:

1. Removal of the B-7 overlay is subject to Coastal Commission certification. CIP Section 20.42.030.G.3 states:

"Reclassification from "B-7" zoning to allow further subdivision may be *considered* when the applicant demonstrates to the satisfaction of the Board of Supervisors that he has met minimum requirements..." [Emphasis added]

This Section allows the Board of Supervisors to consider changing the zoning, and if the applicant meets the minimum requirements, the Board of Supervisors may submit an LCP amendment to the Coastal Commission subject to CIP Chapter 20.94.

2. Within Chapter 20.94, Section 20.94.042 specifies which zoning changes and amendments are not subject to Coastal Commission certification. This section limits such changes and amendments to only those that serve the purpose of preserving or enhancing coastal resources, and include *adding* a "B" overlay to a zoning district.

Removal of a "B" overlay designation from a district to facilitate a subdivision simply does not meet the test of being "initiated for the purpose of preserving or enhancing the coastal resources", and thus would be an LCP amendment subject to Coastal Commission certification.

Your interpretation of 20.94.042 with respect to adding a "B-6" overlay to a property that does not have one is correct. Adding a "B-6" overlay, which does not allow subdivisions, to a zoning district would be considered to be a protection or enhancement of coastal resources and would not be subject to Coastal Commission certification.

However, removal of the "B-7" overlay in this instance would constitute an amendment to the LCP requiring California Coastal Commission certification.

Best regards,

A handwritten signature in cursive script, appearing to read "Step Matraw".

Stephanie Matraw  
Coastal Planner  
Central Coast District Office

cc: Scott Hennessy, Director of Planning and Building Inspection  
Dale Ellis, Assistant Director of Planning  
John Bridges, Esq.

A-3-MCO-02-077

Exhibit Pg 3 of 9



**From:** Rick Hyman  
**Sent:** Monday, March 11, 2002 9:36 AM  
**To:** Stephanie Matraw  
**Subject:** FW: please review ASAP, thanks

**Importance:** High

Rick Hyman  
Deputy Chief Planner  
Central Coast District of California Coastal Commission  
rhyman@coastal.ca.gov

-----Original Message-----

**From:** Novo, Mike 883-7518 [mailto:novom@co.monterey.ca.us]  
**Sent:** Wednesday, December 26, 2001 9:09 AM  
**To:** 'Rick Hyman'; Berry, Kris 883-7519  
**Subject:** RE: please review ASAP, thanks  
**Importance:** High

Rick--I will pass your concerns on to the project planner (Kris Berry). Unfortunately, she and I are both relatively new to this project (Jeff Main and a couple other planners, both departed, worked on this project). Kris will see about getting you a copy of a habitat map.

Thanks, Mike

-----Original Message-----

**From:** Rick Hyman [mailto:rhyman@coastal.ca.gov]  
**Sent:** Wednesday, December 26, 2001 8:45 AM  
**To:** Mike Novo (E-mail)  
**Subject:** FW: please review ASAP, thanks

> Hi Mike: We have received the Planning Commission staff report on  
> Gorman/Tanglewood Estates proposed subdivision (PC96036). Last we had  
> heard of this project, additional biological analysis was to be done and  
> we were to receive a copy. The subdivision has been redesigned since our  
> earlier review. We are still concerned that the Minor Subdivision  
> Committee findings use expressions such as "protect maximum amount of"  
> habitat. While this is the language of policy 2.3.3.A.2, that policy  
> should be read in conjunction with other policies such as policy 2.3.2.1,  
> which is not cited. In subdividing land, all sensitive habitat should be  
> protected. Policy 2.3.3.A.2 is more applicable to single family  
> development on existing parcels of coastal maritime chapparal, where there  
> are no alternatives; where a subdivision can avoid any future building in  
> chapparal it should, even if this means that there will have to be a  
> reduction from the maximum permissible site density. There is some  
> indication from reading the additional biological report that maritime  
> chapparal will still be impacted on at least Lot 6. Unfortunately, we do  
> not see a good habitat map of the entire site. If there is one, can you  
> please send it to us; if not, we strongly suggest that you require one  
> before the matter is heard by the Board of Supervisors.

A-3-MCO-02-077

Exhibit <sup>Q</sup>  
Pg 4 of 9

**CALIFORNIA COASTAL COMMISSION**

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



February 13, 2002

Kris Berry  
Monterey County Planning & Building Inspection  
2620 First Ave.  
Marine, CA 93933

**Subject: *Tanglewood Subdivision PC96036 comments to Board of Supervisors***

Dear Kris,

We have reviewed the revised findings, evidence and conditions for the Tanglewood subdivision, which were adopted by the Planning Commission at the January 9, 2002 hearing. We understand that the Board of Supervisors will now review this project at a February 19, 2002 hearing. We are submitting our comments on the revised findings, evidence and conditions to be considered by the Board of Supervisors at the upcoming hearing.

Our first area of concern is procedural. The property must be rezoned as current zoning does not allow for subdivisions. This property is currently zoned "LDR/B-7 (CZ)". Under Section 20.42.030.G.1, lots "...may not be further subdivided unless the lots are first reclassified from the "B-7" district...", which provides for subdivision only if the property is rezoned. Changing the zoning district of this lot would require an amendment to the LCP.

Additionally, Section 20.42.030.G.3 further provides that reclassification of the property may be considered when certain criteria are met. The applicant has to demonstrate that he has met "... minimum requirements in respect to water supply, drainage, sewage disposal, parcel size and design, and traffic circulation...".

County staff have attempted to address this change of zoning district through revised Finding #1 by stating that the applicant has demonstrated the requirements of Section 20.42.030.G.3 "to allow reclassification from "B-7" to "B-6" combined zoning district." However, a finding in a Coastal Development Permit Staff Report cannot rezone a property. Also, in this case, the County-proposed rezoning to B-6 would still not permit the proposed subdivision because Section 20.42.030.F.1 also prohibits subdivisions of the property.

The appropriate procedure for rezoning of this property would include the following steps:

- 1) Initiate a rezoning/LCP amendment that focuses on the items listed under Section 20.42.030.G.3: water supply, drainage, sewage disposal, parcel size and design, and traffic circulation. Propose a zone district that allows new subdivisions (i.e. not B-7 or B-6 overlays).
- 2) If rezoning is approved by the Board of Supervisors as an LCP amendment, the LCP amendment can then be submitted to the Coastal Commission.
- 3) If the Coastal Commission approves the LCP amendment, then the County can process a Coastal Development Permit for the land division, and if it wishes, require a rezoning to B-6 before the final map can be filed to avoid further subdivision.

A-3-MCO-02-077

Exhibit <sup>Q</sup>  
Pg 5 of 9

In addition to procedural concerns, the submittal of an LCP amendment and a possible future project also raise substantive issues. Our primary concern with subdivisions in North Monterey County is the lack of water availability due to groundwater overdraft. Coastal Commission Staffs' position on such a proposal is that an LCP amendment to change the zoning designation for this property would be denied based on the requirement of Section 20.42.030.G.3 which states that reclassification may be considered only when it has been demonstrated that minimum requirements have been met with respect to water supply, and because of North County LCP policies with respect to water supply constraints.

The North County Land Use Plan contains policies regulating development in the area that recognize the limitation of water. LUP Key Policy 4.3.4 states that

*All future development within the North County coastal segment must be clearly consistent with the protection of the area's significant human and cultural resources, agriculture, natural resources, and water quality.*

LUP Policy 4.3.6.D.5, which further restricts development based on the limiting factor of water supply, states that:

*Where public facilities or water supply necessary to support residential development are limited, residential growth should be phased to allow sufficient time for these essential elements to be provided.*

There is currently an 18-month moratorium on subdivisions in the North County area, Ordinance No. 04083, that was extended by the Monterey County Board of Supervisors on January 22, 2002 for an additional six months. One of the reasons cited for imposing the moratorium was lack of water. This implies that the essential element (i.e. water supply) referenced in 4.3.6.D.5 is not currently sufficient to support subdivisions. This moratorium was placed and extended to remain in compliance with LUP Policy 4.3.4. The issue of groundwater continues to grow in importance, there is no groundwater or watershed management plan in place for the region to deal with groundwater overdraft, and subdivisions are the lowest development priority for the North County planning area. Thus, Coastal Commission staff would in all likelihood recommend denial of an LCP amendment to rezone this property due to lack of groundwater in the area to support the subsequent development.

At the project level, our second primary concern would be the amount of environmentally sensitive habitat area (ESHA), specifically maritime chaparral, which is found on this property. After review of the submitted habitat map, it is clear that the ESHA extends over a large area of the site, beyond the boundaries of the proposed easements, and that the proposed building envelopes contain areas of central coast maritime chaparral. This project, as submitted, does not comply with the LCP's ESHA policies.

First, LUP Policy 2.3.2.1 was not mentioned in Finding 4 of the revised findings. We feel that this is a critical oversight that must be addressed before review of this project could proceed. LUP Policy 2.3.2.1 states that:

*With the exception of resource dependent uses, all development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be prohibited in the following environmentally sensitive habitat areas: riparian corridors, wetlands, dunes, sites of known rare and endangered species of plants and animals,*

*rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery areas identified as environmentally sensitive. Resource dependent uses, including nature education and research hunting, fishing and aquaculture, where allowed by the plan, shall be allowed within environmentally sensitive habitats only if such uses will not cause significant disruption of habitat values.*

Second, although other relevant policies were cited, there was no explanation of how the proposed project is consistent with the policies. Evidence for Finding Number 4 states that "The biological expert concluded the project, as redesigned and mitigated, complies with all applicable LCP policies." After review of all the referenced biological letters (one of which was from the California Department of Fish and Game), this statement was not found. The biologist, in his May 15, 2001 letter states that "... developments have been repositioned to maximally avoid impacts to plants..." and "Impacts to central maritime chaparral are greatly reduced." There is no correspondence from the biologists that explicitly concludes that the project complies with all applicable LCP policies.

Coastal staff maintains that all of the ESHA policies must be read together. When they are so considered, it is our conclusion that the Land Use Plan is not being followed. The proposed project allows building envelopes that contain central coast maritime chaparral, a sensitive habitat area. Additionally, it appears from the habitat map that almost the entire building envelope on the proposed Lot #6 contains maritime chaparral. The introductory section 2.3 identifies maritime chaparral as sensitive habitat. Policy 2.3.2.1 requires this habitat to be protected and its use limited to resource-dependent activities. Policy 2.3.2.4 requires development in new subdivisions containing sensitive habitat as part of their acreage to be clustered to prevent habitat impacts. This reinforces policy 2.3.2.1 to mean that new development envelopes containing sensitive habitats should not be created. Likewise, it reinforces policy 2.3.3.A.2, which states that new residential development shall be sited and designed to protect the maximum amount of maritime chaparral.

It is true that policy 2.3.3.A.2, along with 2.3.2.8, does imply that there may be some disturbance to central coast maritime chaparral. However, our reading of the land use plan is that such disturbance is only permissible when there is no other alternative, such as on a vacant parcel covered with chaparral and zoned for residential use. In this case the parcel in question already is developed. The land uses plan allows a range of one to six units on the site; as noted, the current zoning only allows one unit. Therefore, there is no entitlement to any additional development. Any additional development on the site, were it to be approved, thus needs to completely avoid sensitive habitat. In this case, there is room for additional development that avoids sensitive habitats. Thus, protecting the maximum amount of chaparral and minimizing its removal on this site means avoiding it completely.

Additionally, the Coastal Commission is concerned with impacts to land adjacent to environmentally sensitive habitat areas. LUP Policy 2.3.2.2 regulates development proposed to be located near ESHA, and states that "...Land uses adjacent to sensitive habitats shall be compatible with the long-term maintenance of the resource." Coastal Implementation Plan (CIP) Section 20.144.040.B.3 prohibits subdivisions within 100 feet of ESHA if they will adversely impact the long-term maintenance of the habitat on both a project and cumulative level. If the decision-making body determines that the project will not set a precedent for continued land development that could degrade the habitat, the project shall be conditioned to sufficiently protect habitat values. Section 20.144.040.B.3 further requires building envelopes to be

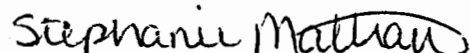
established which have the least impact on and removal of vegetation within and "...adjacent to the environmentally sensitive habitat..." These policies are relevant to the review of this project because building envelopes, which may not be compatible with long-term maintenance of the resource, are proposed adjacent to areas of environmentally sensitive habitat.

CIP Section 20.144.040.B.5 requires clustering of development and appropriate setbacks to protect ESHA. This project may need to more closely cluster proposed building envelopes, and provide appropriate setbacks between the building envelopes and ESHA.

Additionally, LUP Policy 2.3.2.6 requires the County to protect ESHA through permanent conservation easements. The County has included this concept as a condition of approval, however, as conditioned there are large areas of ESHA on the property left unprotected. Section 20.144.040.B.5 and LUP Policy 2.3.2.4 further require conservation easements to include large and contiguous areas and corridors of native vegetation to "... provide sufficient vegetative habitat for the long-term maintenance of its associated wildlife." As proposed, areas that should be under conservation easement are isolated from the protected areas and thus do not provide contiguous vegetation. At a minimum all of the maritime chaparral, some buffer area, and connecting land should be placed under a conservation easement to allow protection of the habitat.

In conclusion, this proposal allows for non-resource dependent development within environmentally sensitive areas, for an increase in residential development in an area that is already overdrafted with respect to groundwater and provides for a subdivision that is not permitted under the existing zoning and for which an LCP amendment would be required. For these reasons the proposal should be denied at this time. Thank you for the opportunity to comment on this project, and we may have additional comments after further review.

Sincerely,



Stephanie Matraw  
Coastal Planner  
Central Coast District Office

CC: Mike Novo- Monterey County Planning and Building Inspection Department

**Rick Hyman**

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**From:** Chance, Dan Ext.5155 [chanced@co.monterey.ca.us]  
**Sent:** Tuesday, August 17, 1999 9:51 AM  
**To:** 'Rick Hyman'  
**Subject:** RE: tanglewood estates PC96036

Rick, there is maritime chaparral on the site, and some would be impacted by the proposed project, however as a mitigation a much larger area of eucalyptus trees would be removed and restored to native habitat (maritime chaparral). Fish and Game brought up the same issues, and I have Ed Mercurio, working out those issues raised by Fish and Game. I will send you a copy of both letter and response once I receive them.  
Dan

-----Original Message-----

**From:** Rick Hyman [mailto:rhyman@coastal.ca.gov]  
**Sent:** Tuesday, August 17, 1999 9:10 AM  
**To:** Dan Chance (E-mail)  
**Cc:** Charles Lester  
**Subject:** tanglewood estates PC96036

Hi Dan: I took a brief look at the Negative Declaration for the proposed tanglewood estates PC96036. Although I did not see a habitat map, I did learn from the written material about the site's sensitivity due to the maritime chaparral habitat. From that description, the proposed subdivision would appear to be inconsistent with the North County Land Use Plan. See our comments on Whitehead MS87012 for more discussion on this subject. Please keep us informed as to the progress of this project through the County planning process.

Rick Hyman  
rhyman@coastal.ca.gov