

Exhibit A

EXHIBIT A DISCUSSION

PROJECT SCOPE & PURPOSE

The proposed lot line adjustment would transfer 0.6 acres (25,931 square feet) from Parcel A to Parcel B, increasing the size of Parcel B from 2.50 acres to 3.10 acres and decreasing the size of Parcel A from 2.32 to 1.72 acres. The resulting Parcel B would allow an additional dwelling unit due to the allowable density of the base zoning district (Low Density Residential with a density of 1.5 acres per unit). However, no additional units or physical development is being proposed with this application. Both properties are presently served and would continue to be served by California American Water Company (Cal-Am) for domestic water service and Pebble Beach Community Services District (PBCS) for wastewater service.

A Driveway and Utilities Easement is recorded on Parcel A which provides Parcel B access to Del Ciervo Road. The purpose of the project is to adjust the parcel boundaries to provide Parcel B ownership over their driveway. The project would also result in a larger setback between the defined building envelope of Parcel B and its northern property line.

DEVELOPMENT CONFINES

Building envelopes have been delineated on the Parcel Map which functions as setbacks for the properties, and in accordance with conditions of approval of the subdivision, a scenic easement has been conveyed over areas outside of the Driveway & Utilities Easement and building envelopes. The building envelopes and scenic easements are distinct, and while the easements are depicted on the parcel map, informationally, they are recorded through an easement deed. Existing development outside of the building envelopes or within the easements has resulted in multiple changes to the configuration of the easements, which are discussed in subsequent sections. The building envelopes have not been formally modified.

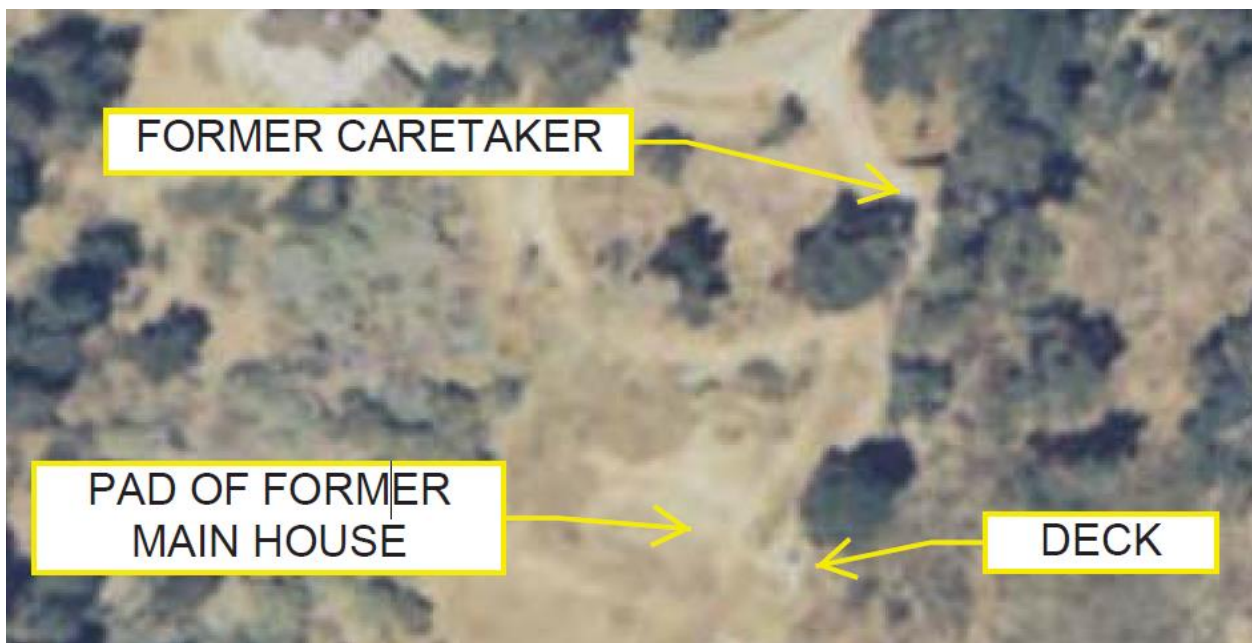
Scenic Easement

Approval of the Minor Subdivision incorporated a condition of approval requiring a conservation and scenic easement be placed over all portions of the property outside of the building envelopes other easements, excepting the existing caretaker's unit, for protection of both biological and visual resources. An easement to satisfy this condition was recorded and subsequently quit claimed, as the text of the easement did not allow driveway access to the designated building envelope areas. A revised easement was recorded on October 5, 1987, in Monterey County Reel 2153 Pg. 268 to 281, which remains in effect and applies to both properties. The easement was recorded over all areas excepting other easements and the building envelopes, including the caretaker's residence, which appears to have been a procedural oversight.

In 1997, a Combined Development Permit (File No. PLN970138) was filed requesting conversion of an existing caretakers residence into a two-story single-family dwelling. During review of the application, it was identified that the caretaker's residence was located outside of the building envelope and within the Conservation and Scenic Easement conveyed as part of the Minor Subdivision. To correct this oversight, the Zoning Administrator's approval of the entitlement incorporated a condition of approval requiring the applicant remove the residence from easement area by amending the Conservation and Scenic Easement (Document No. 9840220 recorded on June 22, 1998 with the Monterey County Recorder).

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A viewing deck, walking path, and retaining wall currently exists within the scenic easement area on Parcel A, connecting it with Parcel B. The exact date of construction of these improvements is unknown but the viewing deck is visible in satellite imagery from 1986, prior to the recordation of the easement. These improvements appear to have been the result of the deconstruction of previous improvements on the site, including a garage on the same pad and is present in satellite images in 1976 and 1970. Site improvements and alterations to topography are generally not allowable within scenic easement areas. However, Section (B.) Restrictions, Subsection (4.) of the amended Conservation and Scenic Easement provides an exception for construction and maintenance of private pedestrian trails. Therefore, these improvements are allowable, as long as they do not materially alter the landscape or other scenic features of the land, as indicated in Subsection (5.).



*Figure 1: Aerial imagery of the site dated September 28, 1986 showing the existing deck
(Source: Application Materials)*

On Parcel B, several site improvements, including landscaping, retaining walls, surface hardscape, a bocce ball court, and a shed were permitted and constructed outside of the building envelope and within the scenic easement between the 1990's and early 2000's. On September 28, 2016, a Minor & Trivial Amendment capturing all these changes (PLN160414) was approved to modify the easement and allow these improvements within the easement area. The revised easement was recorded on October 10, 2016 as Monterey County Recorder Document #2016063254.

Staff are recommending Condition of Approval No. 5, which would require removal of the existing Conservation and Scenic Easement and subsequent amendments, and replacement with two new Conservation and Scenic Easement deeds, one for each property. This would align the legal description for the easements to each property, in accordance with the Del Monte Forest Land Use Advisory Committees comments, and specify the exact nature of the resources being

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protected, which is further discussed in the subsequent section “Resource Protection”.

Building Envelopes

Title 20 Section 20.14.060.E. indicates that in subdivisions where lots have a designated building envelope, the dwelling unit and accessory structures shall be wholly within the envelope.

As one of the conditions of approval for PLN970138, the applicant was required to amend the Conservation and Scenic Easement on Parcel A to remove the residence from the scenic easement. The scenic easement deed which was prepared and approved by the Board of Supervisors amended the easement, and included an exhibit which indicated that both the scenic easement and the building envelope area were being amended. Although the amended Conservation and Scenic Easement on Parcel A removed the residence from the easement area, and despite the exhibit of that easement indicating both a modified scenic easement and a modified building envelope location; the building envelope on Parcel A was never formally amended, as this would require either a Certificate of Correction or amendment of the Parcel Map, pursuant to The Subdivision Ordinance Section 19.08.015. As such, the residence and a small, detached shed outside of the building envelope are considered existing nonconforming conditions on Parcel A.

Additionally, although the amended Conservation and Scenic Easement on Parcel B allowed landscaping, retaining walls, surface hardscape, a bocce ball court, and a shed in the easement area, the building envelope was similarly not modified. With the exception of the shed, these improvements are not considered “structures” and would therefore be allowable outside of the building envelope. As such, the shed outside of the building envelope is considered an existing nonconforming condition on Parcel B.

In order to address these oversights, Condition of Approval No. 6 is being recommended, which would require the applicant to submit for, and secure approval of, a Certificate of Correction which re-configures the building envelopes on both properties prior to the recordation of deeds memorializing the amended lot configurations. An amendment to the Parcel Map may also satisfy this requirement, although this cannot be required as a condition of a lot line adjustment, as specified in the Subdivision Map Act Section 66412.(d). The exact location and configuration of the new building envelopes would be at the discretion of the Board of Supervisors, who would consider the Certificate of Correction (or amendment of the Parcel Map) at a public hearing.

While the building envelope concept allows greater flexibility in the siting and configurations of setbacks, staff are also recommending that the revised building envelopes include a front setback from the street for Parcel A, and a side setback from the section of driveway being conveyed to Parcel B for Parcel A. This would be in greater consistency with the site development standards of the base zoning district. Siting potential future development away from Del Ciervo Drive also advances the Scenic and Visual Resources Policies of the Del Monte Forest Land Use Plan, which indicate development should be sited and designed in a manner minimize visual intrusiveness and protect public views.

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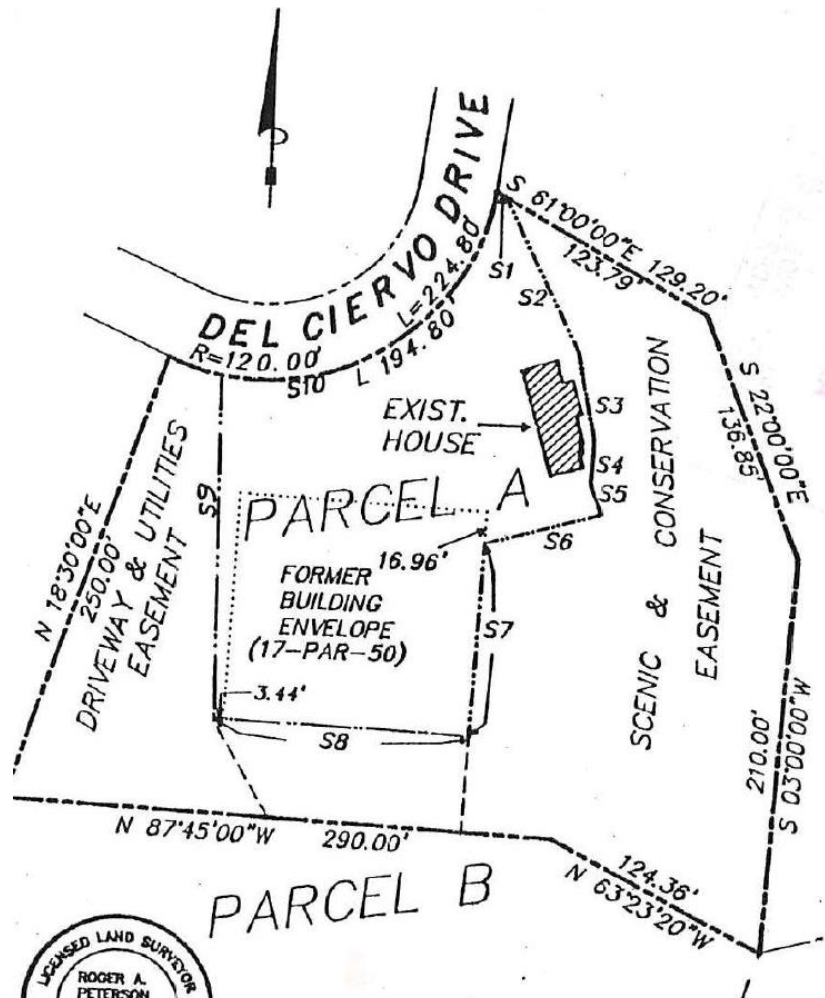


Figure 2: Exhibit to Conservation and Scenic Easement Amendment approved by the Board of Supervisors showing deletion of Building Envelope depicted on Volume 17 Parcel Maps Pg. 50. (Source: Document No. 9840220)

PESCADERO WATERSHED

The property is located within the Pescadero Watershed and is subject to Del Monte Forest Land Use Plan Policy 77, which requires residential development on properties be limited to 9,000 square feet of impervious surface coverage. Both properties presently exceed this 9,000 square foot limit. The lot line adjustment would convey 3,841 square feet of hardscape (the existing driveway) from Parcel A to Parcel B, which would bring Parcel A into compliance with the requirement, but Parcel B would be further out of conformance. However, this is still supportable as the lot line adjustment would not result in any increase in the total area of impervious surface. Should future physical development be proposed on Parcel B, the owner would be required to reduce hardscape to the greatest extent feasible to be consistent with the policy, or otherwise seek approval of a variance.

<i>Parcel A</i>	<i>Existing</i>	<i>Proposed</i>
Building Site Coverage	1,536 sq ft.	1,536 sq ft.

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Other Impervious Surface	8,317 sq ft.	4,476 sq ft.
Total Impervious Surface	9,853 sq ft.	6,012 sq ft.
<i>Parcel B</i>		
	<i>Existing</i>	<i>Proposed</i>
Building Site Coverage	4,959 sq ft.	4,959 sq ft.
Other Impervious Surface	6,260 sq ft.	10,101 sq ft.
Total Impervious Surface	11,219 sq ft.	15,060 sq ft.

RESOURCE PROTECTION

The report for the Coastal Development Permit allowing the subdivision (California Coastal Commission permit No. 3-86-246) describes the steep canyon running along the eastern portion of the property as a drainage swale and riparian habitat. This corresponds with the Del Monte Land Use Plan Figure 2a, which depicts an unnamed stream running east of the property and draining into the Carmel Bay. The driveway is on the opposite side of the property, over 200 feet from the top of the ravine, and the granting of this lot line adjustment wouldn't permit any structural or hardscape development. Therefore, there's no potential to impact biological resources.

The property is mapped as being in an area which is potentially visible from Point Lobos, and the scenic easement recorded on the property includes a visual resource protection component, although it is not clearly defined by available records. The easement documents themselves discuss the natural scenic beauty and existing openness generally, while other approvals reference slopes in excess of 30%, Point Lobos, or 17-Mile Drive. A site visit was performed by staff on November 2, 2021, however, the conditions were foggy and did not allow for a thorough evaluation of the viewshed to Point Lobos. However, regardless of the visual resource in question, the proposed lot line adjustment would not affect visual resources. No structural or hardscape development is proposed at this time, and the subsequent the revised building envelopes and conservation and scenic easements would be evaluated for consistency with the Scenic and Visual Resources Policies of the Del Monte Forest Land Use Plan, based on the exact configuration proposed.

MISCELLANEOUS

Staff are also recommending conditions to assure that the proposed lot line will not be injurious to the welfare future property owners. Condition No. 8 would require the portion of the driveway that connects to Parcel A from Parcel B be removed, and that area restored to a natural condition, to prevention contention regarding rights of access, and Condition No. 9 would require that Parcel A assume maintenance obligation of the retaining wall which principally runs through Parcel A to prevent contention regarding future maintenance. Condition No. 9 would confer the property owner of Parcel A access to Parcel B in order to maintain the retaining wall.

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