

Exhibit I

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March 19, 2025

County of Monterey
% Housing and Community Development and Planning Commission
1441 Schilling Place, 2nd Floor South
Salinas, CA 93901
(831) 755-5025

Re: **PLN240069 - Villa Cypress**
3270 17 Mile Drive - APN 008-462-005-000
Nonhabitable Accessory Structure's Visual Sensitivity Analysis

My client, Bechtel Corporation ("Owner"), owns the property at 3270 17 Mile Drive in Pebble Beach. The property is developed with a single-family residence and a carriage house with an attached single car garage. The proposed project includes the rehabilitation of the native Cypress habitat and renovations to the existing structures. The project also includes the construction of a 1,171 square foot nonhabitable residential accessory structure. The owners are seeking to restore the property allowing enjoyment for generations to come.

The project does not propose any tree new removal or after-the-the fact tree removal. All of the hazardous trees, snags and stumps will be retained, unless removal is authorized by the Planning Commission. There will be significant reduction in the existing development area and a momentous rehabilitation of the native Cypress habitat, consistent with Policy 20 of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (DMF LUP & CIP).

The owners hope the Planning Commission will appreciate its approach to land stewardship and the renovation of existing structures rather than demolition and reconstruction. The owners respectfully request that the Planning Commission approve the project including the nonhabitable residential accessory structure even though county staff has indicated it is not supportive of the proposed accessory structure.

County staff's position that it cannot support the accessory structure due to viewshed impacts is erroneous and flawed. Its position is inconsistent with the law, the precedent and the given set of facts, as described below.

1. COUNTY STAFF'S POSITION IS INCONSISTENT WITH THE LAW

A. Erroneous Understanding of the Policies and Regulations.

County staff provided information to the applicant that is not an accurate reflection of the policies and regulations applicable to the Del Monte Forest, which staff is now using to evaluate the project upon. In an email from Fionna Jensen dated December 19, 2024, Ms. Jensen indicates that the regulations speak to protection of public views to the "Pacific Ocean" or "open ocean" (**Exhibit A and C**). However, her statement is false. The policies and

regulations do not speak to the Pacific Ocean or open ocean in general terms. Instead, the policies and regulations speak to protecting the beaches and shoreline as a visual resource.

The DMF CIP section 20.147.020.P, defines the Public Viewshed as,

"Those areas visible from public use areas such as significant roads/streets (e.g. 17-Mile Drive), portions of parks accessible to the general public (e.g. picnic areas, but no trails), beaches, designated vista points (e.g. Cypress Point)."

By definition the Public Viewshed does not include the Pacific Ocean or open ocean but rather certain elements of the ocean (i.e., the beach).

Building upon the definition of Public Viewshed, Policy 53 of the Del Monte Forest Land Use Plan states,

"Design and siting of structures in public views of scenic areas should not detract from scenic values of the forest, stream courses, ridgelines, or shoreline. Structures, including fences, shall be subordinate to and blended into the environment, including by using appropriate materials that will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening to protect such public views."

Policy 53 indicates the "shoreline," which is the line where the ocean and the land meet often where the beach exists. The shoreline does not include other aspects of the ocean. The shoreline, a beach or a designated vista point is not visible from the subject property. Staff's misreading of the definition and policy has subsequently led to a complete misunderstanding of the associated regulation (i.e., DMF CIP) and is resulting in a flawed evaluation.

When the DMF LUP and CIP were adopted, it was recognized that beaches and the shoreline were not visible from the subject property. As a result, indication of the shoreline protection was removed from Figure 3 of the Del Monte Forest Land Use Plan (**Exhibit B**) on portions of the subject property to avoid confusion. That said, it is recognized that the forest is the scenic resource along this corridor and, therefore, a viewshed corridor was maintained along 17 Mile Drive.

In this case, the proposed nonhabitable accessory structure does not block a significant public view of the forest. The structure is set low on the property behind the grove of Cypress trees that are at the front of the property so as not to "significantly adversely" impact the views to the forest along the corridor. Additionally, ten native cypress trees will be planted and the understory will be restored to increase the significance of the forest on the property.

B. Staff's Administrative Interpretation Unlawful – Does Not follow Board of Supervisors Policy related to notification of Planning Director's Administrative Interpretations.

In an email from Fionna Jensen dated January 21, 2025 (**Exhibit C**), she states that "the blocking of any open ocean view from 17 Mile Drive conflicts with applicable Del Monte Forest LUP and CIP policies and is considered a significant impact on public/visual access." Ms. Jensen insinuates that blocking any aspect of the ocean, whether in part, or in the whole, has a significant impact on the viewshed in conflict with the DF LUP and CIP. Ms. Jensen does not quote a specific code section and, therefore, is providing an administrative interpretation without following the established protocol set by the Board of Supervisors in 2017 for administrative interpretations. Applying an administrative interpretation without following the legislative body's protocol is unlawful and is in conflict with the current regulations (See Board Policy July 18, 2017 – **Exhibit D**).

The administrative interpretation that Ms. Jensen unlawfully bases her evaluation incorrectly on is an objective development standard and sets a level of threshold contrary to the existing Coastal Zoning Code section 20.06.1275, whether intentional or unintentional, and without the proper consideration of the Planning Commission or Board of Supervisors.

To the contrary, the spirit and intent of the DMF LUP and CIP is to establish a subjective viewshed standard allowing a better balance of the natural resources and the built environment evaluated on a case-by-case evaluation rather than an objective standard applied uniformly to all without consideration of the circumstances. Subjective design standards, unlike objective standards, rely on judgment and scientific/technical evaluations based upon legal established criterion, which is what is currently adopted.

The impact of development upon visual access shall be determined on a case-by-case basis on a site visit by the project planner (DMF CIP 20.147.070 Scenic and Visual Resources). The Coastal Zoning Code establishes the criteria for the planner to determine adverse impact. Section 20.147.070 of the Coastal Zoning code provides that a "substantial adverse visual impact" means a visual impact which, considering the condition of the existing viewshed (by definition DMF CIP 20.147.020.P), the proximity and duration of view when observed with normal unaided vision, causes an existing visual experience to be materially degraded.

Staff's interpretation that blocking "any" part, or whole, of the ocean from 17 Mile Drive is inconsistent with the evaluation criteria for evaluating significant impacts and is not consistent with the definition of Public Viewshed.

C. CEQA Statutory Exemption, Section 15270, without proper evaluation

Staff has indicated that it intends to recommend that the Planning Commission file a notice of exemption pursuant to Section 15270 of the CEQA Guidelines related to the disapproval of the nonhabitable accessory structure. Staff cannot lawfully deny an application without

proper environmental review when there is not a *prima facie* conflict with the code or when a legislative action is not associated with the project.

Moreover, Section 15270 of the CEQA Guidelines is intended to clarify California Code, Public Resources Code – PRC § 21080. Section 15270 of the CEQA Guidelines “is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved.” The County of Monterey applicable policies and regulations do not specifically state that new development is prohibited on this property under the proposed circumstances, nor does it go further to provide objective standards to disallow such proposals.

2. INCONSISTENT WITH PAST PRACTICES

There is a clear past practice of a subjective review in reliance upon Section 20.147.070 of the Coastal Code to assess impact to visual public access. To understand the county's previous position and precedent related to the visual sensitivity, a thorough review of every property on the west side of 17 Mile Drive from the 3270 17 Mile to 3158 17 Mile was conducted. Each of the addresses listed below were approved using the legally established impact assessment per Coastal Zoning Code section 20.06.1275. In each of the applications below the Planning Commission has approved the projects based upon the established criteria. Each of the projects below block, a part, or in whole a view to the ocean even more significantly than the proposed.

- 3168 17 Mile (PLN160117) – RESpc_17-032 (**EXHIBIT E**)
- 3180 17 Mile (PLN140353) – RESpc_18-028 (**EXHIBIT F**)
- 3188 17 Mile (PLN160179) – RESap_16-078 (**EXHIBIT G**)
- 3196 17 Mile (PLN150548) – RESpc_17-006 (**EXHIBIT H**)
- 3252 17 Mile (PLN200046) – RESap_21-006 (**EXHIBIT I**)
- 3256 17 Mile (PLN210276 and PLN1000525) – RESpc_23-004 (**EXHIBIT J**) RESpc_11-009 (**EXHIBIT K**)

These projects included two story elements, accessory structures (attached and detached). These projects included large single family residences including some over 10,000 square feet. County staff and the Planning Commission have indicated that these situations were allowed through the approvals. If blocking, all or part of the ocean, was the criteria then the projects would have been limited in two story elements, mass, accessory structures, placement of vegetation, fencing. Obviously, this was not done and it's clear that the current position of staff contradicts the precedent that has been set, and as established by the policies and regulations of the county.

3. EVALUATION GIVEN THE SET OF FACTS AND EVIDENCE

As aforementioned, Coastal Zoning section 20.06.1275 defines a substantial adverse visual impact and implements the policy direction of the DMF LUP and CIP. A "substantial adverse

visual impact" means a visual impact which, considering the condition of the existing viewshed, the proximity and duration of view when observed with normal unaided vision, causes an existing visual experience to be materially degraded. To evaluate the project against the criteria the project architect, William Duff Architects, prepared a slide deck providing photo simulations and an assessment of the viewshed (**EXHIBIT L**).

By definition, there is not a substantial adverse visual impact, as evidenced by Exhibit L, and the discussion below. The existing condition is not an open ocean view where the shoreline is visible (Viewshed is defined by the shoreline and forest, DMF CIP section 20.147.020.P). The site has extensive tree and vegetation screening and an additional 10 native cypress trees are proposed to provide further screening. The proposed nonhabitable accessory structure is filtered through forest, hardscape and other vegetation. There is not a turnout nor a viewing area along or near the property to gaze for any period of time out at the ocean, and more importantly the shoreline is not visible from 17 Mile Drive. The prevailing rate of speed and average stop at the stop sign at the intersection of Cypress and 17 Mile is 3 seconds. The proposed nonhabitable accessory structure is approximately 250 feet from the intersection and over 100 feet from the front property line with significant forest visible.

Moreover, the colors and material palette includes stone, metal roofing and window frames, horizontal siding consistent with DMF LUP Policies 52 and 53. The development harmonizes with the natural setting and is designed to subordinate and blend into the environment. These mitigating factors together with the Scenic and Conservation Easement will preserve visual public access to the forest and will not result in a substantial visual impact.

Conclusion

Based on the findings and evidence outlined above, the proposed nonhabitable accessory structure meets all applicable policies and regulatory requirements of the Del Monte Forest Land Use Plan and Coastal Implementation Plan, and the Monterey County Municipal Code. The project represents a responsible and well-considered approach to land use planning, balancing site constraints with sustainable development practices.

Overall, the project provides a net benefit to the community by optimizing land use, preserving open space, and supporting responsible development. The findings and evidence demonstrate that the project satisfies all applicable criteria for approval, and no significant environmental impacts are anticipated. Therefore, we respectfully request that the Planning Commission the proposed entitlements are recommended for approval including the nonhabitable structure.

Sincerely,

Erik V. Lundquist, AICP
erik@brodiegrp.com

EXHIBITS

Exhibit A	County staff email dated December 19, 2024
Exhibit B	Figure 3, Del Monte Forest Land Use Plan
Exhibit C	County staff email dated July 18, 2025
Exhibit D	Board of Supervisors Policy Administrative Interpretations July 18, 2017
Exhibit E	3168 17 Mile (PLN160117) - RESpc_17-032
Exhibit F	3180 17 Mile (PLN140353) - RESpc_18-028
Exhibit G	3188 17 Mile (PLN160179) - RESap_16-078
Exhibit H	3196 17 Mile (PLN150548) - RESpc_17-006
Exhibit I	3252 17 Mile (PLN200046) - RESap_21-006
Exhibit J	3256 17 Mile (PLN210276)- RESpc_23-004
Exhibit K	3256 17 Mile (PLN100525) - RESpc_11-009
Exhibit L	William Duff Architects Photo Simulations 3270 17 Mile Drive (Subject Property)