

Exhibit J

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Monterey County Planning Commission

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Agenda Item No. 4

Legistar File Number: PC 18-013

February 14, 2018

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PLN150150 - LUNDQUIST

Public hearing to consider demolition and construction of a single-family dwelling and accessory structures; development on slopes exceeding 30 percent; development within 100 feet of environmentally sensitive habitat (Monterey cypress habitat); development within 750 feet of known archaeological resources; and removal of one dead Monterey cypress tree.

Project Location: 3224 17-Mile Drive, Pebble Beach, Del Monte Forest, Coastal Zone

Proposed CEQA Action: Addendum to a previously-adopted Mitigated Negative Declaration pursuant to Section 15164 of the CEQA Guidelines.

RECOMMENDATION:

Staff recommends that the Planning Commission:

- a. Consider an Addendum together with the previously-adopted Mitigated Negative Declaration (SCH No. 2012061087; Planning Commission Resolution No. 13-007), pursuant to Section 15164 of the CEQA Guidelines;
- b. Approve an Amendment to a previously-approved Combined Development Permit (PLN110114) consisting of:
 - 1) a Coastal Administrative Permit and Design Approval to:
 - a. Demolish a 2,083 square foot single-family dwelling with 740 square feet of deck area and a 249 square foot attached carport;
 - b. Construct an 8,886 square foot single-family dwelling with 1,296 square feet of balcony area and a 1,106 square foot detached garage, and re-aligned driveway;
 - c. Replace an existing wood fence with a stone wall and a new driveway entrance gate; and
 - d. Restore existing paths and driveway to Monterey Cypress habitat.
 - 2) a Coastal Development Permit to allow the removal of one dead Monterey cypress tree;
 - 3) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (Monterey cypress habitat);
 - 4) a Coastal Development Permit to allow development within 750 feet of known archaeological resources; and
 - 5) a Coastal Development Permit to allow development on slopes exceeding 30 percent; and
- c. Adopt a Mitigation Monitoring and Report Plan.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**).

Staff recommends approval subject to thirty (30) conditions of approval, including nine (9) mitigation measures.

PROJECT INFORMATION:

Property Owner: Richard C. and Melanie F. Lundquist TRS

Agent: Aengus Jeffers

APN: 008-472-006-000

Zoning: Low Density Residential, 2.5 acres per unit, with a Design Control Overlay (Coastal Zone) [LDR/2.5-D (CZ)]

Parcel Size: 1.68 acres or 73,181 square feet

Plan Area: Del Monte Forest Land Use Plan

Flagged and Staked: Yes

SUMMARY:

The original project (RMA-Planning File No. PLN 110114) to construct a garage, re-align the driveway, and construct a replacement wall and fence was approved by the Planning Commission on March 13, 2013, but then appealed by the California Coastal Commission (CCC). The CCC appeal action initiated discussions with County staff to amend Policy 20 (Monterey cypress habitat) of the Del Monte Forest Land Use Plan (DMF LUP). The CCC took final action on the Policy 20 amendment on February 7, 2018. Staff finds that PLN150150, a plan to redevelop the entire site, is consistent with the revised/amended Policy 20.

The fence/wall design has been revised, in consultation with CCC and County staff, to allow better visibility from 17-Mile Drive to the ocean, including the Lone Cypress landmark. A subterranean basement level is proposed and three prehistoric sites are located on the project parcel (CA-MNT-166, 167, and 168). Auger testing confirmed that all the midden that was in this location was disturbed during construction of the existing foundation and residence, and no intact midden was found. Based on tribal consultation, County staff is recommending a minor revision to Mitigation Measure No. 8 to include a tribal monitor during excavation activities.

DISCUSSION:

Project Setting

The subject property is located at 3224 17-Mile Drive in Pebble Beach, along the Carmel Bay shoreline in the Del Monte Forest. The project site is located adjacent to and west of 17-Mile Drive, south of Cypress Point and Crocker Grove, in a developed residential neighborhood. The 1.68-acre parcel is bordered by the Pacific Ocean to the west, and by residential uses to the east and south. The Lone Cypress vista point is located on the adjacent parcel to the north. Existing development on the parcel includes a single-family dwelling with a carport, driveway and parking area, decks, paths, and landscaping. The property is also populated with numerous Monterey cypress and Monterey pine trees. Per Del Monte Forest Land Use Plan Figure 2a, the parcel is located within the mapped indigenous Monterey cypress habitat area, with the dominant vegetation on the site being a mature Monterey cypress forest habitat and occasional Monterey pines. The understory of the Monterey cypress forest has been colonized by numerous non-native species that have crowded out large areas of native plants, reducing the diversity and habitat value of the understory. A previous owner severely trimmed cypress trees to improve their view of the Lone Cypress landmark and coastline, and also planted approximately 20 young non-native Monterey cypress trees along the fence at the front of the property.

Project History and Appeal

The original project (PLN110114), approved by the Planning Commission on March 13, 2013 (Resolution No. 13-007), allowed the construction of a detached garage, replacement of an existing wood fence with new stone pillars at the driveway entrance, and restoration of existing paths and driveway that affected native Cypress habitat. After Planning Commission approval, the project was appealed by the California Coastal Commission. The appeal was based on concern for protection of environmentally sensitive habitat areas (ESHA), visual resources, archaeological resources, forest resources, marine resources, and inconsistency with Del Monte Forest Land Use Plan (LUP) Policy 20. After collaborative discussions between County and Coastal Commission staffs, and with interested stakeholders, these appeal concerns have been resolved. A full discussion of the appeal issues and their resolutions can be found in the attached detailed discussion (**Exhibit A**).

Proposed Project

During the appeal process, the Applicant decided to amend the project to include their full redevelopment vision for the property. As such, staff has evaluated this Amendment as a new project. The project was amended to include demolition of the existing 2,083 square foot one-story single-family dwelling with 740 square feet of deck area and a 249-square foot attached carport; and construction of an 8,886 square foot two-story single family dwelling with a subterranean basement, 1,296 square feet of balcony area, and a 1,106 square foot detached garage. The fence/wall design has been revised to allow better visibility from 17-Mile Drive to the ocean, in line with the policies of the Del Monte Forest Land Use Plan.

The proposed development and restoration represents an opportunity to increase and promote Monterey cypress native habitat by over 9,700 square feet. As proposed, the project would create 3,214 square feet of new hardscape, primarily from the re-alignment of the driveway to improve ingress to and egress from the site, and another 664 square feet of hardscape in existing disturbed areas. However, the project would also involve the restoration of 4,191 square feet of hardscape, resulting in a 313-square foot net reduction of hardscape on the site, including 119 square feet of hardscape from existing critical root zone areas. Additionally, the project proposes the restoration of over 9,700 square feet of Monterey cypress habitat through the removal of non-native Monterey cypress and ice plant. In addition, County staff recommends including a condition to require a conservation and scenic easement over those undeveloped portions of the parcel, including most of the southern half of the property, which will provide a large area for visual access to the ocean from 17-Mile Drive (Condition No. 7). The property currently has no conservation and scenic easement.

Excavation is required to accommodate a subterranean basement level. Construction of the proposed structures will require grading of approximately 1,360 cubic yards of cut and 30 cubic yards of fill. Archaeological reconnaissance of the parcel revealed three prehistoric sites located on the project parcel (CA-MNT-166, 167, and 168), which extend onto the adjacent Lone Cypress parcel. Auger testing in the crawl space under the existing house confirmed that all the midden that was in this location was disturbed during construction of the existing foundation and residence, and no intact midden was found. Based on tribal consultation, which occurred on December 8, 2015, County staff has recommended revision of Mitigation Measure No. 8 to include a tribal monitor during excavation activities (Condition No. 28). Additionally, one dead Monterey cypress and the planted non-native Monterey cypress along the fence line are proposed for removal.

Design and Public Viewshed

Pursuant to MCC Chapter 20.44, the proposed project site and surrounding area are designated as a Design Control Zoning District (“D” zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The proposed structure color and material finishes include earth-toned stone and masonry, bronze metal window and door frames, and gray zinc metal roofing. The proposed finishes are consistent with other dwellings in the neighborhood and with the surrounding residential neighborhood character, and blend with the surrounding natural environment.

The proposed development is also consistent with Del Monte Forest Land Use Plan (LUP) Policies 123 and 137, and will not block significant public views toward the ocean and will not adversely impact the public viewshed or scenic character in the project vicinity. Based on the proposed structural siting compared to the location of the existing single-family dwelling, and extensive large tree canopy screening, the development proposal would not significantly interfere with visual access along 17-Mile Drive or to the ocean.

The proposed single-family dwelling would be constructed within the same approximate development footprint and visual alignment as the existing residence, with minor shifts to avoid several large Monterey cypress located near the building footprint. Although approximately 12 feet taller than the existing residence, the new single-family dwelling has been designed to minimize obstructions to and degradation of views from 17-Mile Drive to the ocean, and to not interfere with public visual access to the Lone Cypress. These height increases have been carefully evaluated by staff to ensure they are in alignment with existing natural visual obstructions on the site (i.e., existing trees). Staff finds that the proposed structures would not significantly intensify visual impacts over the existing residential use of the site, and would be visually compatible with other structures in the site vicinity. However, County staff recommends including a condition to require a conservation and scenic easement over those undeveloped portions of the parcel, including most of the southern half of the property, which will provide a large area for visual access to the ocean from 17-Mile Drive (Condition No. 7). As proposed and conditioned, the project is consistent with applicable LUP visual resource policies, assures protection of the public viewshed, and is consistent with neighborhood character.

Review of Development Standards

The development standards for the LDR zoning district are identified in Monterey County Code (MCC) Section 20.14.060. Required setbacks in the LDR district for main dwelling units are 30 feet (front), 20 feet (rear), and 20 feet (sides). In addition, to maintain the public viewshed along 17-Mile Drive, Del Monte Forest Land Use Plan Policy 84 requires a 100-foot setback from the centerline of 17-Mile Drive for new development. The proposed single-family dwelling setbacks are 100 feet (front), 36 feet and 235 feet (sides), and 58 feet (rear). As proposed, the residence meets or exceeds all required setbacks. The corresponding maximum structure height is 30 feet. The proposed height for the single-family dwelling is 26.67 feet.

Pursuant to an allowed setback exception identified in MCC Section 20.62.040.N, the proposed detached garage will be 8 feet from the front property line. The setback exception allows detached garages to encroach into the front setback up to 5 feet from the front property line where the elevation of the front half of the lot at a point 50 feet from the centerline of the traveled roadway is 7 feet above

or below the grade of said centerline. Placement of the garage in this location reduces impact to the public viewshed by placing the structure below grade with a green roof that includes restored habitat above, and the entrance to the garage would face away from 17-Mile Drive.

The allowed site coverage maximum in the LDR zoning district is 15 percent, and the allowed floor area ratio maximum in the LDR/2 zoning district is 17.5 percent. The property is 1.68 acres or 73,230 square feet, which would allow site coverage of 10,985 square feet and floor area of 12,815 square feet. As proposed, the project would result in site coverage of 4,647 square feet or 6.34 percent, and floor area of 9,439 square feet or 12.88 percent.

Therefore, as proposed, the project meets all required development standards.

Del Monte Forest Land Use Plan (LUP) Policy 20

LUP Policy 20 identifies the indigenous Monterey cypress habitat as ESHA, and regulates use and development in or adjacent to indigenous Monterey cypress habitat areas. The policy requires development to be compatible with the objective of protecting this environmentally sensitive coastal resource. Policy 20, as approved in 2012, suggested that only remodels which stay within existing hardscape footprints can be approved. The undesired consequence of this language was that good projects which modified existing encroachments like excessive hardscapes, and provided a net benefit to overall cypress habitat could still be determined to be inconsistent with the policy. This project falls into that category of projects which provide a net benefit to cypress habitat. Coastal Commission found the Lundquist project, as approved by the Planning Commission in 2013, to be inconsistent with Policy 20. That action triggered efforts to amend Policy 20, not only for this project, but for other projects west of 17-Mile Drive from Pescadero Point to Cypress Point.

Based upon the proposed development and restoration, the project represents an opportunity to increase and promote Monterey cypress native habitat by over 9,700 square feet. The project incorporates recommendations for improving the health and viability of the habitat system as a component of the development, and satisfies the requirements of the newly-adopted Policy 20. Restoration would be partially accomplished by removing all of the existing planted landscaping beyond the footprint of the proposed new residence, and preparing these areas for future Monterey cypress germination. All Monterey cypress habitat area outside of the proposed development envelope would be restored to and/or enhanced as high value and self-functioning Monterey cypress habitat. As proposed, conditioned, and mitigated, the project would result in significant improvements over the existing site development pattern by: moving structural and hardscape development away from existing Monterey cypress trees; reducing the landscaped area on the parcel; increasing the amount of easement and protected habitat area; and by promoting the health and vitality of the Monterey cypress habitat to the maximum extent possible. A full discussion of the project consistency with Policy 20 can be found in the attached detailed discussion (**Exhibit A**).

On December 6, 2016, following collaboration between County and Coastal Commission staff to revise Policy 20, the Board of Supervisors adopted a Resolution of Intent (Resolution of Intent No. 16-321) to amend the text of the Del Monte Forest Area Land Use Plan and to adopt an ordinance to amend the text of Section 20.147.040.D.2 of the Coastal Implementation Plan regulating development within the indigenous Monterey cypress habitat. The purpose of the amendment was to recognize residential projects in the Del Monte Forest that may alter their existing footprint following confirmation

that the project would substantially improve existing Monterey cypress habitat.

On May 10, 2017, the California Coastal Commission certified the amendment to Policy 20 and its associated development regulations, with modifications. The Planning Commission reviewed the Coastal Commission's version of the amendment on October 25, 2017, and recommended approval to the Board of Supervisors. On December 12, 2017, the Board of Supervisors adopted the amendment with the recommended modifications. On February 7, 2018, the Coastal Commission concurred with the Commission's Executive Director's determination of adequacy.

With the implementation of recommended mitigation measures and conditions of approval, and the adoption and certification of the amended Policy 20, the proposed development is consistent with the development standards in the amended Del Monte Forest Coastal Implementation Plan Section 20.17.040.D.2 (Development Standards for Monterey Cypress Habitat).

See **Exhibit A** for a more detailed project discussion.

ENVIRONMENTAL REVIEW:

The County prepared, circulated, considered, and adopted a Mitigated Negative Declaration (MND; SCH No. 2012061087) (**Exhibit F**) for the original Combined Development Permit (PLN110114). The MND concluded that the project as designed and mitigated had reduced potential impacts to a less than significant level. Issues that were analyzed in the MND included: aesthetics, biological resources, cultural resources, geology/soils, greenhouse gas emissions, and land use/planning. Mitigations were recommended to reduce potential impacts to less than significant for aesthetics, biological resources, and cultural resources. The current proposal does not alter the analysis or conclusions reached by this MND. The County has prepared an Addendum (**Exhibit E**) for PLN150150 which states that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, there are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous MND was adopted. The proposed demolition and rebuild of the single-family dwelling does not raise any new potential significant impacts that were not previously analyzed and/or mitigated under the original permit and MND. Mitigation No. 8 regarding archeological resources will be slightly modified to include the excavation of the area for the new residence in addition to the new driveway, fence, and garage, and to include a tribal monitor. No unresolved issues remain and the project, as proposed and mitigated, is consistent with applicable policies regarding hazards and protection of environmental resources.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- RMA-Public Works
- RMA-Environmental Services
- Environmental Health Bureau
- Water Resources Agency
- Pebble Beach Community Services District - Fire Department

The proposed project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting on June 4, 2015, voted 5 - 0 to support the project as proposed (**Exhibit C**).

Prepared by: Joseph Sidor, Associate Planner, x5262

Reviewed by: Brandon Swanson, RMA Services Manager

Approved by: Carl P. Holm, AICP, RMA Director 

The following attachments are on file with the RMA:

Exhibit A - Discussion

Exhibit B - Draft Resolution, including:

- Conditions of Approval and Mitigation Monitoring and Reporting Plan
- Plans

Exhibit C - Del Monte Forest Land Use Advisory Committee Minutes (June 4, 2015)

Exhibit D - Vicinity Map

Exhibit E - Addendum

Exhibit F - Mitigated Negative Declaration/Initial Study

Exhibit G - Planning Commission Resolution No. 13-007 (March 13, 2013)

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Brandon Swanson, RMA Services Manager; Joseph Sidor, Project Planner; Aengus Jeffers, Agent; Richard Lundquist, Owner; The Open Monterey Project (Molly Erickson); LandWatch; Planning File PLN150150

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