



Monterey County

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Board Report

Legistar File Number: RES 17-136

July 25, 2017

Introduced: 7/18/2017

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Resolution

Public hearing to consider an appeal filed by Tracy Alford from the Chief of Planning's decision to approve the application by Christopher & Sara Bardis for a Design Approval for the replacement of an existing stucco fence at the end of existing driveway with a wood fence of the same height and length, in the same location.

(Design Approval - PLN170482/Bardis, 1525 Riata Road, Pebble Beach, Del Monte Forest Land Use Plan, APN: 008-341-026-000)

Proposed CEQA Action: Categorically exempt per Section 15301 of the CEQA guidelines

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Deny the appeal of the Chief of Planning's decision to approve the application by Christopher & Sara Bardis for a Design Approval for the replacement of a stucco fence with a wood fence;
- b. Find the project Categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines; and
- c. Approve the Design Approval to allow replacement of an existing stucco fence at the end of existing driveway with a wood fence of the same height and length, in the same location.

A draft resolution with findings and evidence is attached for consideration (Attachment C).

Staff recommends adoption of the resolution subject to two conditions of approval.

SUMMARY:

On May 16, 2017, an over-the-counter Design Approval was approved to allow the replacement of a stucco fence with a wood fence of the same height and in the same location, at 1525 Riata Road in Pebble Beach. The fence has already been replaced on the property pursuant to that Design Approval. An appeal of the decision to approve the Design Approval was submitted on June 23, 2017. The appellant contends that:

1. "The applicant misrepresented the project in the project description. The project was not for "replacement" of an existing wall of the same height and in the same location."
2. The existing length and location of the wall purportedly being replaced is the subject of a separate pending appeal (PLN140715-AMD1); and
3. The appellant has a standing request for notice of permits on the Bardis property yet they were not notified of the application of the approval of the subject Design Approval.

With regard to appeal contention 2, the separate appeal for a driveway expansion (PLN140715-AMD1) was not dependent on the subject the fence replacement (PLN170482) and the appeal for the driveway expansion has since been resolved by the Board of Supervisors on July 11, 2017 (Resolution No. 17-222). On July 11, 2017, the Board denied the appeal and approved the driveway expansion.

With regard to appeal contention 3, Section 20.44.050.B of Title 20 provides, “No public notice shall be required for actions of the Director of Planning and Building Inspection taken pursuant to Section 20.44.040.D” (Minor Design Approvals). However, section 20.44.070 provides that “appeals to any action taken by an Appropriate Authority pursuant to this Chapter may be appealed to the Board of Supervisors.” County has interpreted these provisions to allow appeals of minor Design Approvals. Additionally, in this particular case, the appellant had on file with Resource Management Agency a written request to be notified of any permit approval or issuance. The appellant filed an appeal within ten days of actual notice of the Design Approval. Accordingly, staff’s opinion is that the Design Approval is subject to appeal to the Board of Supervisors, and the appeal was timely filed.

In terms of appeal contention 1, the assertion that the applicant misrepresented the project is not supported by the evidence. RMA staff reviewed and approved an application which included photographs and a site plan for the replacement of a stucco fence with a wood fence. The facts are that a stucco fence existed near the terminus of the exiting driveway and that stucco fence has been replaced with a wood fence. The configuration and exact location of the stucco fence are the subject of debate but the argued differences do not change the result or impacts in any substantive way. The subject fence has been shown in several different plans for the Bardis site including, most notably, in a revision to the issued Building Permit approved in December of 2015 (13CP00559) which allowed a minor change to the fence location. Having visited the site, staff physically verified that the approved wood fence location is in the same general location as the remnants of the stucco wall foundation along the back of the driveway, as was indicated in the description of the approved Design Approval. Moreover, the small realignment of the fence shown in the site plan has not been constructed to date although the realignment has been approved as part of a separate appeal (see contention 2).

Replacement of a stucco fence with a wood fence on the Bardis property meets the Design Approval criteria and does not create impacts on the environment or on neighborhood character. Due to the limited and minor nature of the project, the consistency with the County’s Design Approval criteria, and the lack of a demonstrated impact as a result of the approved Design Approval, staff recommends the appeal be denied and the fence approval be upheld.

OTHER AGENCY INVOLVEMENT:

The project has been reviewed exclusively by the Land Use and Community Development Division of the Resource Management Agency.

FINANCING:

Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for RMA-Planning.

Prepared by: Craig Spencer, Senior Planner, x5233
Reviewed by: Brandon Swanson, RMA Services Manager
Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:
Attachment A - Design Approval application materials

Attachment B - Appeal

Attachment C - Draft Resolution, including:

- conditions of approval
- plans

cc: Front Counter Copy; California Coastal Commission; Brandon Swanson, RMA Services Manager; Chris & Sara Bardis, Applicant/Owner; Anthony Lombardo, agent; John Bridges, attorney for the appellant; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN170482