

McDougal, Melissa x5146

From: Aengus Jeffers <aengus@aengusljeffers.com>
Sent: Friday, March 23, 2018 3:58 PM
To: Amy Roberts; Ana Ambriz; Padilla, Cosme; Mendoza, Francisco Javier; Wizard, Jonathan; Keith Vandervere; Martha Diehl; Melissa Duflock; Getzelman, Paul C.; egonzalezsr56@gmail.com
Cc: McDougal, Melissa x5146; Holm, Carl P. x5103; Onciano, Jacqueline x5193; Sidor, Joe (Joseph) x5262; Swanson, Brandon xx5334
Subject: March 28, 2018 PC Hearing; Lundquist PLN150150 (Item #3)
Attachments: Aengus Jeffers.vcf; PC Lundquist Support Letter Executed.pdf

Dear Honorable Members of the Planning Commission:

Attached you will find a letter on behalf of our clients, Richard and Melanie Lundquist. This letter supports Planning staff's analysis and recommendations to approve PLN150150. Note, if you had a chance to review my prior letter submitted before the Amendment's February 14th hearing, this letter is nearly identical to that prior letter. Besides acknowledging the Amendment's evolution with the support from California Coastal Commission Staff and County Planning Staff, the attached letter thanks the Planning Commission for continuing the Amendment to a date certain. We understand the basis for this continuance and appreciate the Planning Commission's request that the resolution approving the Amendment include a specific finding confirming the Amendment's consistency with Policy 20's 'good project' standards.

Please do not hesitate to contact me if I can clarify any questions or details regarding the Amendment.

Kind regards,

Aengus Jeffers

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HEARING SUBMITTAL	
PROJECT NO./AGENDA	PLN150150 #3
DATE RECEIVED	3/23/18
SUBMITTED BY/VIA	Public email
DISTRIBUTION TO DATE	PC 3/26
DATE OF HEARING	3/28/18

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March 23, 2018

VIA ELECTRONIC MAIL

Keith Vandevere, Chair
Monterey County Planning Commission
c/o Monterey County RMA
1441 Schilling Place, South 2nd Floor
Salinas, California 93901

**Re: PLN150150, Richard C and Melanie F Lundquist TRS
Demolition/Construction of a Single-Family Dwelling, 3224 Seventeen Mile
Drive, Pebble Beach (APN: 008-472-006-000)**

Dear Honorable Members of the Planning Commission:

I am writing on behalf of our client, Richard and Melanie Lundquist (collectively, the "Applicant"). The purpose of this letter is to support Planning Staff's analysis and recommendations to approve PLN150150 (the "Amendment") at 3224 Seventeen Mile Drive (the "Property") within the Del Monte Forest Planning Area. PLN150150 amends the Planning Commission's March 2013 approval of PLN110114 (approving a new garage, new driveway alignment, and new fence/wall) in order to address Coastal Staff's concerns about the original approval and allow for the replacement of the Property's existing residence (collectively, the "Amendment"). As outlined below, the Amendment is supported by both County Planning Staff and Coastal Staff following numerous constructive site visits and discussions with these regulators.

The Project is nearly identical to PLN110114, approved by the Planning Commission in March of 2013. The primary change is the proposed new residence within the same general footprint as the existing residence (allowing for minor shifts to increase setbacks from several Cypress trees). Minor physical changes (but significant in terms of visual access over the Southern half of the Property) include fine tuning fence/wall openings and lowering sections of the approved fence/wall as much as 14 inches to address Coastal Staff's interest in opening up more public views across the Southern half of the property.

With regards to the prior February 2018 Planning Commission hearing, the Applicant and I appreciate the Planning Commission's request to expedite the return of the Amendment with the benefit of a specific finding confirming the project's consistency with Policy 20's 'good project' standards. We support County Planning Staff's determination that the Amendment would expand Cypress germination area by over 10,000 and would result in a significant 6.8% reduction in net hardscape despite the Property's already efficient use of hardscape relative to recently reviewed and approved projects in this neighborhood. For reference, I have enclosed Sheet G1.10 from the Staff report which highlights the Amendment's hardscape reduction and consolidation.

Lundquist Trust PLN150150
March 23, 2018
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Coastal Staff supports the Amendment to resolve their appeal of the original 2013 approval. The Amendment is the result of numerous site visits with Coastal Staff between May of 2013 and December of 2014 to confirm the original project's Cypress habitat restoration benefits, maximize visual access across the Southern half of the Property, and design a new residence which Coastal Staff could support as consistent with the Del Monte Forest LCP.

The Amendment was further refined following meetings and site visits with John Ford in late June 2016 and with Carl Holm and Brandon Swanson in April of 2017. As a result of these site visits, the Amendment was further refined as follows:

- **Lowered Height:** The proposed residence was lowered by 12 inches to preserve Point Lobos and white and blue water views from the southernmost Lone Cypress Parking space. During County and Coastal Commission site visits it was also confirmed that the house site optimally utilizes existing Cypress canopy screening without silhouetting in front of the Lone Cypress or public views from the Lone Cypress viewing deck.
- **Confirmation of no Archaeological Impacts:** Because the house site is near a recognized cultural site, County Staff required two supplemental ground investigations by Sue Morley before confirming that the Project will not impact cultural resources. The last supplemental ground investigation confirmed that there are no significant cultural resources below the existing house.

With the benefit of the Amendment revisions described above, it is our understanding that the Project has the support of both County Planning Staff and Coastal Commission Staff. Approval of this Amendment will also resolve the California Coastal Commission's appeal of the original March 2013 approval.

Project Overview

The Applicant appreciates constructive guidance from both County Planning Staff and Coastal Staff to ensure the Project considered all possible opportunities to address key environmental issues and planning objectives. These issues and the proposed Project's solutions include:

- **Visual Resources:** The iconic Lone Cypress, a designated scenic vista, is located next to the Property. Fortunately, the existing home site is about 20 feet below the grade of Seventeen Mile Drive and the existing Cypress canopy will filter views of the proposed new residence. The home site is also set back behind the Lone Cypress viewing deck such that it does not block views of the ocean or the Lone Cypress as visitors walk down to the viewing deck.

Visual access across the Southern half of the Property (including forest, white water and blue water views) are enhanced as a result of the Amendment. The height of the Southern portion of the fence has been reduced such that sections of this wall/fence will only be 2 feet above the grade of Seventeen Mile Drive. Of the approximately 410 foot front property line, over

Lundquist Trust PLN150150

March 23, 2018

Page 3

one third of the length, will be open design fencing. Removal of the nonnative Monterey cypress along the property line adjacent to Seventeen Mile Drive will further enhance views to the ocean.

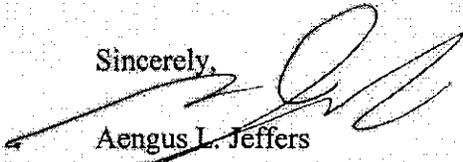
- **Monterey Cypress:** The Amendment will reduce net hardscape by 679 sqft while restoring over 10,000 sqft of disturbed habitat through removal of ice plant and other non-native species. Numerous site visits with Coastal Staff and our project arborist, Maureen Hamb, have confirmed that no cypress trees will be impacted by this Project. Note, as a result of the Amendment Total Coverage for the Property (exterior hardscape plus structural footprints) will only be 9,295 sqft and significantly less than Total Coverage recently approved for 3196 Seventeen Mile Drive (12,637 sqft), 3188 Seventeen Mile Drive (11,410 sqft), and for 3168 Seventeen Mile Drive (9,140 sqft just for structural coverage and excluding over 20,000 sqft for the existing driveway). In short, the Property has always used its hardscape efficiently but the Amendment pares down this hardscape to the bare minimum, 12.7% of the Property.
- **Policy 20:** The Amendment was designed with regulatory guidance to be compliant with the Policy 20 Amendment as fully enacted on February 7, 2018.
- **Cultural Resources:** The Amendment will not disturb the cultural site located adjacent to the existing residence. Because the house site is near a recognized cultural site, County Staff required two supplemental ground investigations by Sue Morley before confirming that the Project will not impact cultural resources. The last supplemental ground investigation confirmed that there are no significant cultural resources below the existing house.

Conclusion

In closing, our team feels the proposed Amendment presents a unique opportunity to significantly expand the Property's native Cypress germination potential by over 10,000 sqft while also improving public views from 17 Mile Drive. The Applicant also accepts each of the 30 proposed conditions of approval.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Aengus L. Jeffers

ALJ:lml

*Maureen Hamb-WCISA Certified Arborist WE2280
Professional Consulting Services*

March 27, 2018

Aengus L. Jeffers Law Office
Attention: Aengus L. Jeffers
aengus@aengusljeffers.com

Project: Lundquist/3324 17 Mile Drive
Phase: Driveway Analysis



HEARING SUBMITTAL	
PROJECT NO/AGENCY	PW/5050 # 3
DATE RECEIVED	3/28/18
SUBMITTED BY	Public @ Hearing
DISTRIBUTION TO DATE	PC 3/28
DATE OF HEARING	3/28/18

In April of 2011 I completed a *Tree Resource Evaluation/Construction Impact Analysis* for a partial project at 3324 17 Mile Drive. The project was limited to driveway realignment, new garage, removal of an existing driveway and a wall/fence along 17-Mile Drive.

My observations and analysis included the impacts to native Monterey cypress (*Cupressus hesperocyparis*) related to the past construction of the existing asphalt driveway. I concluded that it was likely that structural roots of adjacent cypress trees were either removed or damaged when the driveway was cut into the slope. In addition, the soil and other material that was a result of the driveway grading was pushed downslope onto the trees growing on and at the base of the slope.

{ Loose fill soil can be detrimental to both tree health and the stability of root structures. The absorbing roots that are responsible for transporting moisture and nutrients require oxygen for optimum functions, fill soil limits the ability of oxygen to reach the roots. Fill soil can also hold moisture over the root zone and the lower trunk which can cause decay and instability.

In April of 2015 I prepared an updated *Tree Resource Evaluation/Construction Impact Analysis* for the property. The 2011 project had been modified to include the demolition of the existing residence and construction of a new single-family home.

Within that report I provided comprehensive recommendations for the demolition procedures and benefits related to removing the existing asphalt. In summary, the removal of the asphalt would allow for manual redistribution of the fill layer on the lower slope, an opportunity to inspect and evaluate the roots under the asphalt and provide treatments (root pruning etc.) if damaged roots are found.

The bare soil will likely have an alkaline quality that is ideal for Monterey cypress seed germination. This area along with other restoration on the site will increase potential habitat areas by 10,000 square feet overall.

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The removal of the existing asphalt can create an appropriate germination area, provide an opportunity to redistribute existing fill soil from tree root zones and allow an inspection of potentially damaged roots under the asphalt.

Please contact me with any questions regarding the driveway on this project site.

Respectfully submitted,
Maureen Hamb-Certified Arborist WE2280

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

LUNDQUIST (PLN150150)

RESOLUTION NO. 18 -

Resolution by the Monterey County Planning Commission:

1. Considering an Addendum together with a previously-adopted Mitigated Negative Declaration, pursuant to Section 15164 of the CEQA Guidelines;
2. Approving an Amendment to a previously-approved Combined Development Permit (PLN110114) consisting of:
 - a) a Coastal Administrative Permit and Design Approval to allow demolition of a 2,083 square foot 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 single-family dwelling with 1,296 square feet of balcony area and a 1,106 square foot detached garage, driveway, replacement of an existing wood fence with a stone wall and a new driveway entrance gate, restoration of existing paths and driveway to native Monterey Cypress habitat, and associated grading;
 - b) a Coastal Development Permit to allow the removal of one dead Monterey cypress tree;
 - c) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat;
 - d) a Coastal Development Permit to allow development within 750 feet of known archaeological resources; and
 - e) a Coastal Development Permit to allow development on slopes exceeding 30 percent; and
3. Adopting a Mitigation Monitoring and Reporting Plan.

3224 17-Mile Drive, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone (APN: 008-472-006-000)

HEARING SUBMITTAL	
PROJECT NO./AGENDA	PLN150150 #3
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SUBMITTED BY VIA	Staff
DISTRIBUTION TO DATE	PC
DATE OF HEARING	3/28

The Richard C. and Melanie F. Lundquist TRS application (PLN150150) came on for public hearing before the Monterey County Planning Commission on February 14 and March 28, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY / NO VIOLATIONS** – The proposed project and/or use, as conditioned and mitigated, is consistent with the 1982 Monterey County General Plan, the Del Monte Forest Land Use Plan, the Monterey County Coastal Implementation Plan (Part 5), and the requirements of the applicable zoning ordinance (Title 20), to include Monterey County Code (MCC) Chapter 20.14 (Low Density Residential Zoning District) and Chapter 20.44 (Design Control Zoning District), and other County ordinances related to land use development. No violations exist on the property.
- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Del Monte Forest Land Use Plan (DMF LUP);
 - Monterey County Coastal Implementation Plan - Part 5; and
 - Monterey County Zoning Ordinance (Title 20).No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) The property is located at 3224 17-Mile Drive, Pebble Beach (Assessor's Parcel Number 008-472-006-000), Del Monte Forest Land Use Plan, Coastal Zone. The parcel is zoned Low Density Residential, 2 acres per unit, with a Design Control Overlay (Coastal Zone) [LDR/2-D (CZ)], which allows single-family dwellings and accessory structures as principal uses, subject to granting of applicable coastal development permits. Therefore, the project is an allowed land use for this site.
 - c) Tree Removal: The removal of sensitive trees or trees located in an environmentally sensitive habitat area requires a Coastal Development Permit pursuant to CIP Section 20.147.050.A. The project includes the removal one dead 7-inch Monterey cypress tree to accommodate the construction of the garage. Arborist reports (LIB120030 and LIB150181) were prepared for the project to evaluate potential impacts to the forest due to construction of the proposed project. All of the recommendations for tree protection contained in the arborist report have been incorporated into the project design. The tree will be replaced with three trees propagated from trees indigenous to Pebble Beach in a site determined by the project arborist. Tree removal has been minimized to the extent possible and the project has been designed to protect retained trees from damage by construction equipment.
 - d) Setback Policy and Exception: Pursuant to DMF LUP Policy 84, new development requires a 100-foot setback from the centerline of 17-Mile Drive to maintain the public viewshed along 17-Mile Drive. As

proposed, the single-family dwelling meets the required 100-foot setback from the centerline of 17-Mile Drive.

Pursuant to an allowed setback exception identified in MCC Section 20.62.040.N (Height and Setback Exceptions), the proposed detached garage will be 9 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. In this case, the elevation drops between approximately 7 feet and 13 feet from the centerline of 17-Mile Drive to points 50 feet into the front of the lot. Placement of the garage in this location would not impact the public viewshed because the Applicant has proposed a subterranean structure with restored habitat above, and is therefore consistent with the intent of DMF LUP Policy 84.

- e) Design: 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 (honed and natural granite), steel window and door frames with a bronze patina finish, and pre-weathered/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.
- f) Scenic and Visual Resources: The proposed development is consistent with DMF LUP Scenic and Visual Resource Policies, 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 large Monterey cypress located near the building footprint, and 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. The height increase of the single-family dwelling has been carefully sited to ensure alignment with existing natural visual obstructions on the site (i.e., existing trees). 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.

The proposed stone wall will be 4 to 6 feet tall as measured from the finished grade. Antique bronze fencing, in 12.5-foot long sections, will

be inserted at seven locations along the wall and antique bronze fencing with stone pillars will be utilized at the new driveway entrance. The antique bronze fencing is strategically-designed to allow full views across the site to the ocean and the Lone Cypress. Of the approximately 410-foot front property line, 155 feet, or over one third of the length, will be open design fencing.

In addition, the County has applied 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. As proposed, conditioned, and mitigated the project is consistent with applicable LUP visual resource policies, assures protection of the public viewshed, and is consistent with neighborhood character.

- g) 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 (see Evidence d above). 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.

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 structural coverage of 4,702 square feet or 6.4 percent, and floor area of 9,439 square feet or 12.9 percent. Pursuant to Policy 20, total structural (4,702 square feet) and hardscape (4,593 square feet) coverage would be 9,295 square feet or 12.7 percent (see Finding No. 7 and supporting evidence).

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

- h) Del Monte Forest Land Use Plan Policy 20 and Coastal Implementation Plan Section 20.17.040.D.2: DMF LUP Policy 20 identifies 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. The previous text of Policy 20 (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, but was interpreted by the Coastal Commission to be inconsistent with Policy 20.~~ The prior Lundquist project, as approved by the Planning Commission in 2013, was appealed to the California Coastal Commission triggered the need to ~~The appeal triggered the amendment~~ to Policy 20, not only for this project, but for other projects west of 17-Mile Drive from Pescadero Point to Cypress Point.

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.

To ~~confirm a project's net benefit to the Monterey cypress habitat~~ comply with the revised Policy 20, a project must meet each of the following requirements:

1. The project must not harm any existing individual Monterey cypress tree;
2. The project must reduce the existing legally established baseline for building and site coverage to increase Monterey cypress habitat;
3. All areas outside of the approved development envelope must be restored to and enhanced as high value and self-functioning Monterey cypress habitat and placed into a permanent conservation easement;
4. An off-site area shall be restored and/or enhanced and/or an off-site mitigation fee shall be collected based upon a 2:1 ratio assessed against all areas of new coverage and applied to benefit the native Monterey cypress habitat in the Del Monte Forest; and
5. The new development must be sited and designed in such a way as to avoid the critical root zone and the most sensitive habitat areas of the site as much as possible and use alternative construction methods for development in critical root zone areas.

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 and elimination of 366 square feet of overhangs, resulting in a 679-square foot net reduction of hardscape on the site, including 119 square feet of hardscape removed from existing critical root zone areas. Additionally, the project proposes the restoration of over 10,000 square feet of Monterey cypress habitat through the removal of non-native Monterey cypress and ice plant.

Overall, 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. Therefore, the project is consistent with the amended Policy 20 and 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 Finding No. 7 and supporting evidence.

- i) Development on Slopes Exceeding 30 Percent: Development on slopes that exceed 30 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30 percent, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the Del Monte Forest Land Use Plan than other development alternatives. See Finding No. 5.
- j) Environmentally Sensitive Habitat Areas (ESHA): Development within 100 feet of ESHA must minimize impacts in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan. See Finding No. 6.
- k) Cultural Resources: County records identify the project site is within an area of high sensitivity for prehistoric cultural resources, and the project includes a Coastal Development Permit to allow development within

750 feet of known archaeological resources. Archaeological reconnaissance (LIB110216 and LIB150180) 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. Due to the potential for archaeological resources identified on the parcel, auger testing was conducted in the crawl space under the existing house, and in the area of the proposed garage and connecting tunnel. This testing confirmed that cultural deposits are not present on the portion of the parcel along 17-Mile Drive, nor in the location of the garage and tunnel. The auger testing further confirmed that all midden under the existing residence was significantly disturbed during construction of the foundation and residence, and no intact midden was found. Although testing concluded that cultural resources would not likely be disturbed during project construction, the County will require mitigation measures to ensure monitoring and protection of resources that could potentially be discovered during excavation activities. Additionally, based on tribal consultation which occurred on December 8, 2015, the County has revised Mitigation Measure No. 8 to include a tribal monitor during all site excavation activities.

- l) Public Access: See Finding No. 8.
- m) Development within 50 feet of a coastal bluff: As proposed, conditioned, and mitigated, the project is consistent with applicable policies of the Del Monte Forest Land Use Plan regarding hazards and protection of resources. See Finding Nos. 2, 3, 4, 5, and 6; and supporting evidence.
- n) County review confirms the findings and evidence of Planning Commission Resolution No. 13-007 approved on March 13, 2013 (RMA-Planning File No. PLN110114). All potential impacts were assessed in the original permit action, and the Amendment is in keeping with the action of the appropriate authority. As approved and amended, this Amendment to the previously-approved Combined Development Permit (RMA-Planning File No. PLN 150150) will become and be referred to as the approved permit.
- o) Conditions of Approval: All applicable conditions of approval from PLN110114 have been carried forward to PLN150150. Based on current regulations and review procedures, the following conditions of approval have either been deleted, added, or modified:
 - The Water Resources Agency added two conditions of approval (WRA SP1 – Drainage Plan and WR049 – Water Availability Certification).
 - RMA-Environmental Services added four conditions of approval (Grading Plan and Inspections).
 - RMA-Planning deleted two conditions of approval that were repetitive of other conditions or mitigation measures [PD044 – Resource Conservation Easement was repetitive of PD022(B) and PD003(B) – Cultural Resources was repetitive of Mitigation Measure No. 8].
 - RMA-Planning added two conditions of approval [PD005 – Fish and Game Fee, and PD014(A) – Exterior Lighting Plan].
 - The Pebble Beach Community Services District (Fire Protection

District) deleted three conditions of approval that are either obsolete or no longer required (Fire 008 – Gates, Fire 011 – Addresses for Buildings, and Fire 019 – Defensible Space Requirements). Fire 007 – Driveways was retained because it is a non-standard condition.

The new conditions of approval were added to address the increased project scope involving the demolition and rebuild of the single-family dwelling. The conditions have been incorporated into the attached Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan, and are incorporated herein by reference. Mitigation Measure No. 1 was modified to delete the last sentence, which was based on previous a plan set and is no longer applicable. Mitigation Measure No. 8 was modified to add reference to the new single-family dwelling and a requirement for a tribal monitor (see Finding No. 4, Evidence f).

- p) Lot Legality: The 1.68-acre lot is identified as Parcel 6, within Block 472, on Assessor's Map Book 8, Page 47, in both 1964 (Volume 1) and 1972 (Volume 3). Thus, the property is a legal lot of record.
- q) The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any active violations existing on the subject property.
- r) The 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 unanimously (5 – 0) to support the project as proposed.
- s) The project planner conducted a site inspection on April 4, 2017, and reviewed the project application materials and County records to verify that the project on the subject parcel conforms to the plans listed above.
- t) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project Files PLN110114 and PLN150150.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, RMA-Public Works, RMA-Environmental Services, Pebble Beach Community Services District (Fire Protection District), Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) The following reports have been prepared:
 - Biotic Survey & Impact Assessment (LIB080032) prepared by Jean Ferreira, Carmel, CA, dated January 11, 2008;
 - Biological Assessment (LIB110215) prepared by Fred Ballerini, Pacific Grove, CA, dated May 18, 2011;

- Preliminary Cultural Reconnaissance (LIB110216) prepared by Susan Morley, Marina, CA, dated April 2011;
 - Geotechnical Investigation for Proposed New Driveway Alignment, Site Wall and Detached 4-Car Garage (LIB110217) prepared by Haro, Kasunich and Associates, Watsonville, CA, dated May 2011;
 - Tree Resource Evaluation Construction Impact Analysis (LIB120030) prepared by Maureen Hamb, WCISA Certified Arborist, Santa Cruz, CA, dated June 2011, and letter reports dated August 31, 2011 and February 8, 2013;
 - Preliminary Cultural Resources Reconnaissance (LIB150180) prepared by Susan Morley, Marina, CA, dated March 2015;
 - Updated Tree Resource Evaluation Construction Impact Analysis (LIB150181) prepared by Maureen Hamb, WCISA Certified Arborist, Santa Cruz, CA, dated April 2015;
 - Amended Biological Assessment (LIB150182) prepared by Fred Ballerini, Pacific Grove, CA, dated March 23, 2015;
 - Geotechnical Engineering Report for Proposed Single Family Residence (LIB150183) prepared by Beacon Geotechnical, Inc., Paso Robles, CA, dated March 16, 2015; and
 - Phase I Historic Review (LIB150184) prepared by Kent Seavey, Pacific Grove, CA, dated March 18, 2015.
- c) County staff independently reviewed these reports and concurs with their conclusions. There are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed.
- d) County staff conducted a site inspection on April 4, 2017, to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA-Planning for the proposed development found in Project Files PLN110114 and PLN150150.

3. **FINDING:**

HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE:

- a) The project was reviewed by RMA-Planning, RMA-Public Works, RMA-Environmental Services, Pebble Beach Community Services District (Fire Protection District), Environmental Health Bureau, and Water Resources Agency. The respective agencies 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.
- b) Necessary public facilities are available. The existing single-family dwelling has public water and sewer connections provided by the California American Water Company and the Pebble Beach Community Services District/Carmel Area Wastewater District, respectively, and

will continue to use these same connections. The Environmental Health Bureau reviewed the project application, and did not require any conditions.

- c) See also Finding Nos. 1 and 2, and supporting evidence.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project Files PLN110114 and PLN150150.

4. **FINDING:**

CEQA (Addendum) - An Addendum to a previously adopted Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164, to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted MND.

EVIDENCE:

- a) The County prepared and circulated a Mitigated Negative Declaration (MND; SCH No. 2012061087) for the previously-approved Combined Development Permit (PLN110114). The Monterey County Planning Commission considered and adopted the MND on March 13, 2013 (Planning Commission Resolution No. 13-007).
- b) An Addendum to the project MND was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines).
- c) The Addendum (attached as Exhibit E to the March 28, 2018, staff report to the Planning Commission) reflects the County's independent judgment and analysis.
- d) Pursuant to Section 15164 of the CEQA Guidelines, some changes or additions to the project are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- e) Pursuant to Section 15162 of the CEQA Guidelines, there are no changes proposed in the project that would require major revisions to the prior MND due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The MND included mitigation measures that addressed potential impacts to aesthetics, cultural (archaeological) resources, biological resources, and forest resources (trees). The County has considered the proposed project, as amended, and determined its scope does not alter the primary conclusions in the Initial Study prepared for RMA-Planning File No. PLN110114.

Based on review of the current application, plans, and a site visit on April 4, 2017, no other potentially significant issues were identified for the proposed project. The current proposal does not alter the analysis or conclusions reached by the previous study. As proposed, the Amendment would reduce the identified significant impact regarding aesthetics. Proposed modifications to the wall and fence design increases public visual access to the forest, as well as white water and blue water views across the property.

- f) The MND adopted for the previously-approved Combined Development Permit identified potential impacts to aesthetics, biological resources, cultural resources, geology/soils, greenhouse gas emissions, and land

use/planning. The proposed project will have the same or fewer impacts than the previous project:

- No native trees will be removed; only one dead Monterey cypress and the planted non-native Monterey cypress along the fence line will be removed;
 - The approved fence and wall design has been further modified to further increase public views from 17-Mile Drive (see Evidence e above);
 - The proposed project will result in a net gain of over 10,000 square feet of Monterey cypress habitat through the removal of hardscape, non-native cypress, and ice plant. This number also includes a net gain of 119 square feet of Monterey cypress critical root zone area that will be restored;
 - The proposed project, with the adoption of Amended Policy 20, is consistent with the Del Monte Forest Land Use Plan;
 - The proposed project will require the modification of Mitigation Measure No. 8 to clarify that a qualified archeological monitor and tribal monitor be present during the excavation for the new house, in addition to the excavation for the new driveway, fence, and garage. This clarification of the mitigation measure is not considerably different from that adopted with the previous MND and does not constitute new information of substantial importance that was not known at the time the previous MND was considered and adopted.
- g) The previously-recommended Mitigation Measures No. 1 (fence design), No. 2 (remove planted cypress), No. 3 (tree protection), No. 4 (protection of critical root zone during excavation), No. 5 (sensitive plant species), No. 6 (Monterey cypress restoration plan), No. 7 (biologist pre-construction survey), No. 8 (archaeological monitor during excavation), and No. 9 (fencing for archaeological site) continue to apply to the proposed project.
- h) County staff conducted a site inspection on April 4, 2017, to verify that the project, as revised, would not result in conditions requiring the preparation of a subsequent MND.
- i) Monterey County RMA-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the MND is based.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project Files PLN110114 and PLN150150.

5. **FINDING:**

DEVELOPMENT ON SLOPE – The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and Del Monte Forest Land Use Plan and the Monterey County Zoning Ordinance (Title 20) than other development alternatives.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Del Monte Forest Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the finding to grant said permit has been met.
 - b) The project includes application for development on slopes exceeding 30 percent. The project will require the excavation of an area of approximately 160 square feet on a slope greater than 30 percent to realign the driveway as well as a small area for the construction of the garage. Monterey County Code (MCC) Title 20 Section 20.64.230 provides for an exception on the development on a 30 percent slope if the slope is man-made and less than 100 square feet. The subject slope is man-made; however, it is over 100 square feet and therefore requires a coastal development permit.
 - c) As discussed in Finding No. 1, Evidence f, the project site is located within the protected public viewshed from 17-Mile Drive. Other potential locations for the garage that would not require development on a slope greater than 30 percent would be visible from 17-Mile Drive and would block existing views across the site. As designed, the proposed garage will be built into the slope between the residence and 17-Mile Drive, and will not be visible from 17-Mile Drive or block views across the site. Therefore, the project better achieves the LUP Key Scenic and Visual Resources Policy, which only allows development that does not block significant public views and does not significantly adversely impact public views and scenic character, especially along the 17-Mile Drive corridor.
 - d) As discussed in Finding No. 6, the project site is located within environmentally sensitive Monterey cypress habitat area (ESHA). Alternate alignments and locations for the driveway were analyzed and found to have greater impacts to ESHA. The garage and new driveway are designed to minimize impacts to ESHA, and thus better achieve the ESHA policies of the LUP, which require that all improvements within the cypress habitat be designed to avoid potential damage or degradation to the habitat.
 - e) The Planning Commission shall require such conditions of approval and changes in the development as it may deem necessary to ensure compliance with MCC Section 20.64.230.E.2 (Condition Nos. 12, 13, 14, 15, 16, and 17 – Erosion Control Plan, Grading Plan, Inspections, and Geotechnical Certification).
 - f) The subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
 - g) The project planner conducted a site inspection on April 4, 2017, to verify that the proposed project minimizes development on slope exceeding 30 percent.
 - h) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project Files PLN110114 and PLN150150.

6. **FINDING:** ESHA – The subject project minimizes impact on environmentally

- sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Del Monte Forest Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the finding to grant said permit has been met.
 - b) The property is located within the mapped indigenous Monterey cypress habitat area within the Del Monte Forest, and the entire site is considered to be Monterey cypress habitat. Del Monte Forest LUP Policies 20 and 72 require the protection of Monterey cypress trees within their indigenous range (as delineated in LUP Figure 2a), and siting and design of projects to avoid potential damage or degradation of Monterey cypress habitat. Project work will occur within the mapped area of the Monterey cypress indigenous habitat; however, the proposed project development has been sited and designed to avoid adverse impacts to individual cypress trees and cypress habitat, and will result in no impacts to Monterey cypress habitat. Moreover, as proposed, 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.
 - c) Consistent with LUP Policy 12, biological reports (LIB110215 and LIB150182) prepared by Fred Ballerini were submitted to identify and address any potential impacts the project may have to biological resources. The reports found that the site supports Monterey cypress, Monterey pine, Ocean bluff milk-vetch and Small-leaved lomatium, all sensitive plant species that are rare or endangered in their native ranges. The ecological communities that support native stands of either or both species are designated as environmentally sensitive habitat in the LUP. Arborist reports (LIB120030 and LIB150181) prepared by Maureen Hamb were submitted to identify and address potential impacts to trees on the site. Measures recommended in the reports to avoid impacts to Monterey cypress trees and ESHA have been incorporated as Mitigation Measure Nos. 3 – 7. See Finding No. 2, Evidence b.
 - d) The Del Monte Forest LUP Key ESHA Policy calls for all environmentally sensitive habitat areas of the Del Monte Forest Area to be protected, maintained, and, where possible, enhanced and restored. The proposed project consists of the demolition of a 2,083 square foot one-story single-family dwelling with 740 square feet of deck area and a 249-square foot attached carport, and the construction of an 8,886 square foot two-story single-family dwelling with a subterranean level, 1,296 square feet of balcony area, and a 1,106 square foot detached garage. The proposed project would create 3,214 square feet of new hardscape; however, the project also involves the restoration of 4,191 square feet of existing hardscape and elimination of 366 square feet of overhangs, resulting in a 679-square foot net reduction of hardscape on

the site. In addition, the project proposes the restoration of over 10,000 square feet of degraded Monterey cypress habitat through the removal of non-native Monterey cypress and ice plant.

- e) Pursuant to LUP Policies 8 and 13, the project has been designed to be compatible with the long-term maintenance of the Monterey cypress habitat and to prevent impacts that would significantly degrade the protected habitat. The County has applied a condition requiring dedication of a Conservation and Scenic Easement Deed over those areas of the property not approved for development to ensure long-term protection of the habitat.
- f) LUP Policy 20: See Finding No. 1, Evidence g; and Finding No. 7 and supporting evidence.
- g) The project planner conducted a site inspection on April 4, 2017, to verify ESHA locations and potential project impacts to ESHA.
- h) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project Files PLN110114 and PLN150150.

7. **FINDING:**

DEVELOPMENT WITHIN THE INDIGENOUS MONTEREY CYPRESS HABITAT AREA – The project is in conformance with the requirements of Del Monte Forest Land Use Plan (DMF LUP) Policy 20 and Section 20.147.040.2(c)(2) of the Coastal Implementation Plan (Title 20 of the Monterey County Code), Part 5, regulating development within the indigenous Monterey cypress habitat in the Del Monte Forest Land Use Plan area.

- EVIDENCE:**
- a) DMF LUP Policy 20 designates indigenous Monterey cypress habitat as environmentally sensitive habitat and presumes its presence within and adjacent to the area mapped in LUP Figure 2a. Policy 20 also directs that all development in and adjacent to the Monterey cypress habitat be carefully sited and designed to avoid potential damage or degradation of Monterey cypress habitat, including the microhabitat of individual cypress trees, include measures that will enhance Monterey cypress habitat values, and be compatible with the objective of protecting this environmentally sensitive coastal resource. In addition, Policy 20 requires placement of a conservation and scenic easement over all remaining undeveloped areas of a site. See also Finding No. 1, Evidence h.

Coastal Implementation Plan Section 20.147.040.2(c)(2) directs that on developed lots (i.e., those with an existing legally established residence), new and/or modified development located outside of the existing legally established structural and/or hardscape area (i.e., all areas of the site covered with a structure, or covered by pervious or impervious hardscape such as decks, patios, driveways, and paths, but not including landscaped areas, fence areas, or underground or over ground utility areas) must meet the following requirements:

- The construction, use, and maintenance of the new and/or modified development shall significantly reduce existing hardscape;

- The construction, use, and maintenance of the new and/or modified development will accommodate the health and vitality, and will not harm, any existing individual Monterey cypress tree regardless of size;
 - The new and/or modified development will be confined within a defined and surveyed development envelope. The development envelope shall contain all improvements and structural development, and shall be no larger than 15 percent of the cypress habitat area;
 - All Monterey cypress habitat area outside of the approved development envelope shall be: restored to and/or enhanced as high value and self-functioning Monterey cypress habitat, with all initial restoration/enhancement initialized prior to occupancy of any approved development, and placed within an open space conservation and scenic easement secured consistent with Policy 13;
 - All areas of new coverage (i.e., areas that would be covered with structures and/or hardscape and/or other non-cypress habitat restoration and enhancement that are not already so covered in the existing legally established baseline condition) shall be offset through restoration and/or enhancement of an off-site area located within the Monterey cypress habitat area mapped in DMF LUP Figure 2a at a ratio of 2:1;
 - The new and/or modified development has been sited and designed to avoid the critical habitat area and the most sensitive habitat parts of the site as much as possible; and
 - The project results in greater cypress habitat value on the site (and in relation to adjacent and surrounding habitat areas) than the existing baseline habitat value, and the project enhances Monterey cypress habitat values overall.
- b) As proposed, the development significantly reduces existing hardscape.

The project would result in a ~~net~~ reduction of total hardscape (i.e., structural plus exterior hardscape coverage) of 679 square feet – from 9,974 square feet to 9,295 square feet, a reduction of 6.8 percent. ~~While this 6.8 percent reduction in total hardscape may not be considered a sufficiently significant reduction for properties with larger amounts of existing and permitted total hardscape, it is considered a significant reduction given the specific project site's limited existing and permitted total hardscape of 9,974 square feet relative to neighboring properties fully located in the Monterey cypress habitat area.~~

~~Based upon County approved entitlements since 2011, neighboring properties in the Monterey cypress habitat area contain total hardscape baselines well in excess of 11,000 square feet. In addition, the 6.8 percent reduction in total hardscape is also considered a significant reduction given the proposed total coverage of 9,295 square feet will only be 12.7 percent of the project site, relative to the 15 percent maximum total coverage allowed under Coastal Implementation Plan Section 20.147.040.2(c)(2) and the neighboring properties described~~

below.

Property Address	Lot Size (sq ft)	Total Hardscape Coverage (sq ft)*	Total Hardscape Coverage (%)
3184 17 Mile Dr	65,343	15,976	24.4%
3168 17 Mile Dr	129,860	29,058	22.3%
3188 17 Mile Dr	65,340	11,410	17.4%
3212 17 Mile Dr	121,096	15,661	12.9%
3224 17 Mile Dr	73,230	9,295	12.7% **
3196 17 Mile Dr	118,483	12,637	10.7%

~~* Structural and Hardscape Coverage Combined~~

~~** Lundquist Project Site~~

The project site currently uses its hardscape efficiently, and the proposed project pares this hardscape down to the bare minimum of about 12.7 percent of the project site.

- c) As proposed, conditioned, and mitigated, the project promotes (accommodates) the health and vitality of the indigenous Monterey cypress habitat, and will not harm any existing individual Monterey cypress tree regardless of size.

The proposed single-family dwelling will be in the same general building and hardscape footprint as the existing single-family dwelling, with minor adjustments to increase setbacks from cypress located near the existing building footprint. As proposed, the property will continue to be used for residential purposes within the same general impact footprint.

Numerous site visits with Coastal Commission staff and the project arborist to address siting and design, have confirmed that no Monterey cypress trees will be impacted by the project. Further, implementation of Mitigation Measures No. 3 and No. 4 (Tree Protection) will prevent adverse impacts to Monterey cypress trees, while removal of exotic species and hardscape reductions will increase the site's potential cypress germination areas by over 10,000 square feet.

In a letter dated March 27, 2018, the Project Applicant's Arborist, Maureen Hamb supported relocation of the existing driveway because the existing asphalt driveway was constructed over sidecast loose fill. The letter states that: "Loose fill soil can be detrimental to both tree health and the stability of root structures. The absorbing roots that are responsible for transporting moisture and nutrients require oxygen for optimum functions, fill soil limits the ability of oxygen to reach the roots. Fill soil can also hold moisture over the root zone and lower truck which can cause decay and instability." Removal of the existing asphalt driveway provides "an opportunity to inspect and evaluate the roots under the asphalt and provide treatments "root pruning, etc." if

damaged roots are found.” The removal of the existing asphalt driveway also provides an opportunity to distribute fill soil from existing root zones and expose bare soil that will likely have an alkaline quality that is ideal for Monterey Cypress germination. Relocation of the existing driveway will restore the existing cut and fill which was side cast against Monterey cypress trunks and has no protections against compaction of roots. The new driveway avoids compaction through bridged spans over critical root zones and avoids any fill against Monterey cypress trunks.

- d) Per Condition No. 7 (Conservation and Scenic Easement), all areas of development on the parcel will be confined within a defined and surveyed development envelope that shall be no larger than 15 percent of the cypress habitat area or parcel area.

As proposed, the project would significantly reduce hardscape – see Evidence b above. It is not possible to site the project development in a non-cypress habitat portion of the site because the entire site is considered cypress habitat.

Furthermore, as proposed, conditioned, and mitigated, the project shall maximize Monterey cypress habitat values by increasing potential cypress germination area by over 10,000 square feet, and consolidating existing hardscape within a single driveway and building envelope. The result provides as much of a contiguous, undisturbed, and unfragmented habitat area as possible on and off site.

- e) The project Applicant has proposed to restore and/or enhance as high value and self-functioning Monterey cypress habitat all Monterey cypress habitat area outside of the approved development envelope.

The Applicant proposes to reduce existing hardscape by 679 square feet, while also removing 5,135 square feet of ice plant and 4,254 square feet of non-native cypress trees. Total site restoration includes over 10,000 square feet, comprising all Monterey cypress habitat area outside of the approved development envelope, to high-value and self-functioning Monterey cypress habitat. The implementation of Condition No. 7 (Conservation and Scenic Easement), No. 25 (Sensitive Species Replanting), No. 26 (Monterey Cypress Habitat Restoration), and No. 30 (Off-Site Restoration) ensures restoration of the site to promote cypress germination. This removal and restoration is consistent with the coordinated recommendations in the Biological Assessment prepared by Fred Ballerini, the Biotic Survey and Impact Assessment prepared by Jean Ferreira, and the Tree Resource Evaluation prepared by Maureen Hamb (see Finding No. 2, Evidence b).

- f) Areas of new site coverage (i.e., areas that would be covered with structures and/or hardscape and/or other non-cypress habitat restoration and enhancement that are not already so covered in the existing legally established baseline condition) amount to 3,214 square feet. Therefore, Condition No. 30 requires that 6,428 square feet of off-site area (a 2:1 ratio) located within the Monterey cypress habitat area mapped in DMF LUP Figure 2a be restored and/or enhanced as high value and self-functioning Monterey cypress habitat. The Applicant may satisfy this

condition by payment of a mitigation fee, commensurate with the cost to restore/enhance such an area, to a public agency or private group acceptable to the County effectively able to administer such a fee and to implement such measures. The off-site restoration/enhancement area shall be selected for its potential to result in the greatest amount of overall benefit to the native Monterey cypress habitat in the Del Monte Forest.

Per Condition No. 30, prior to the issuance of construction permits for grading and building, the Applicant shall work with the Del Monte Forest Conservancy to determine the most appropriate off-site area for restoration and submit evidence of payment of the off-site fee.

- g) As sited and designed, the proposed development avoids the critical habitat area and the most sensitive habitat parts of the site as much as possible (see also Evidence d above).

Since the entire site is considered cypress habitat, the siting focused on consolidating existing hardscape within a single driveway and building envelope. The proposed single-family dwelling will be in the same general building and hardscape footprint as the existing single-family dwelling, with minor adjustments to increase setbacks from Monterey cypress located near the existing building footprint. Relocation of the existing driveway will restore the existing cut and fill driveway, which side cast fill against cypress trunks and provides no protections against compaction of cypress roots. The new driveway avoids compaction through bridged spans over critical root zones and avoids any fill against cypress trunks. As sited and designed, the project avoids impacts to new critical habitat area, and provides as much of a contiguous, undisturbed, and unfragmented habitat area as possible.

- h) As proposed, the project results in greater cypress habitat value on the site, and in relation to adjacent and surrounding habitat areas, than the existing baseline habitat value, and enhances Monterey cypress habitat values overall.

The Applicant proposes to reduce existing hardscape by 679 square feet, while also removing 5,135 square feet of ice plant and 4,254 square feet of non-native cypress trees, resulting in total site restoration of over 10,000 square feet. The areas of restoration would comprise all Monterey cypress habitat area outside of the approved development envelope, and restore it to high-value and self-functioning Monterey cypress habitat. As proposed, conditioned, and mitigated, the project would maximize Monterey cypress habitat values by increasing potential cypress germination area by over 10,000 square feet, and consolidating existing hardscape within a single driveway and building envelope. The result provides as much of a contiguous, undisturbed, and unfragmented habitat area as possible on and off site. The implementation of Condition No. 7 (Conservation and Scenic Easement), No. 25 (Sensitive Species Replanting), No. 26 (Monterey Cypress Habitat Restoration), and No. 30 (Off-Site Restoration) ensure the restoration of the site to promote cypress germination. The proposed removal and restoration work is consistent with the coordinated

recommendations in the Biological Assessment prepared by Fred Ballerini, the Biotic Survey and Impact Assessment prepared by Jean Ferreira, and the Tree Resource Evaluation prepared by Maureen Hamb (see Finding No. 2, Evidence b). See also Evidence e above; and Finding No. 1, Evidence h.

8. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.147.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject project site is not described as an area where the Local Coastal Program requires physical public access (Figure 8, Major Public Access and Recreational Facilities, in the Del Monte Forest Land Use Plan).
 - c) The subject project site is identified as an area where the Local Coastal Program requires visual public access (Figure 3, Visual Resources, in the Del Monte Forest Land Use Plan). See Evidence e below.
 - d) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - e) Based on review of the project location on the west (i.e., ocean) side of 17-Mile Drive, the development proposal will not interfere with visual access along 17-Mile Drive. The proposed development is consistent with Del Monte Forest Land Use Plan 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. The design and siting of the proposed single-family dwelling and the wall would not adversely impact the public viewshed over the existing baseline. See also Finding No. 1, Evidence f.
 - f) The project planner conducted a site inspection on April 4, 2017, and reviewed plans and visual simulations of the proposed development to verify that the structures will not impact public access or visual resources/access.
 - g) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project Files PLN110114 and PLN150150.

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- a) Board of Supervisors: Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) California Coastal Commission: Pursuant to Section 20.86.080.A of the

Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea, development within 300 feet of the mean high tide line of the sea where there is no beach, development within 300 feet of the top of the seaward face of any coastal bluff, and development that is permitted in the underlying zone as a conditional use (i.e.; development within 100 feet of environmentally sensitive habitat, development within an area of positive archaeological reports, and development on slopes exceeding 30 percent).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Consider the Addendum together with the previously-adopted Mitigated Negative Declaration, pursuant to Section 15164 of the CEQA Guidelines;
- 2) Approve an Amendment to a previously-approved Combined Development Permit (PLN110114) consisting of a Coastal Administrative Permit and Design Approval to allow the demolition of a 2,083 square foot 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 single-family dwelling with 1,296 square feet of balcony area and a 1,106 square foot detached garage, driveway, replacement of an existing wood fence with a stone wall and a new driveway entrance gate, restoration of existing paths and driveway to native Monterey Cypress habitat, and associated grading; a Coastal Development Permit to allow the removal of one dead Monterey Cypress tree; a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; a Coastal Development Permit to allow development within 750 feet of known archaeological resources; and a Coastal Development Permit to allow development on slopes exceeding 30 percent; in general conformance with the attached plans and subject to thirty (30) conditions of approval, all being attached hereto and incorporated herein by reference; and
- 3) Adopt the attached Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED this 28th day of March, 2018, upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO THE APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County RMA-Planning and RMA-Building Services office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.