

ATTACHMENT A PROJECT DISCUSSION

Background and Description

The Bardis' site is located off Riata Road in Pebble Beach. It is accessed by a driveway from Riata Road that leads up from the road to a garage attached to a single-family dwelling. At the garage, the driveway forks off to the east and continues up the hill to the northern side of the home where there is a narrow parking/motor court area. The driveway configuration was recognized in a permit (PLN120663/PC Resolution No. 13-020) (Exhibit C) which approved additions/expansions to an existing 5,749 square foot single family residence. That approval included a Variance to the Pescadero watershed coverage limitations to allow up to 14,994 square feet of impervious area inclusive of the existing 8,614 square foot driveway. The overall impervious coverage was subsequently reduced to 12,768 square feet as part of a minor and trivial amendment to the approved design that allowed a small addition and roof deck (PLN140715). The driveway remains on the site in the configuration it originally existed with two exceptions. First, at the end of the subject driveway, along the northern side of the house, a minor revision to the project was approved (Revision 5 to Construction Permit No. 13CP0059) that authorized extension of a cantilevered planter box along the northern side of the motor court. Second, a portion of the motor court, nearest to the home was converted from driveway area to landscaping. The conversion of the driveway area to landscaping is the subject of a code enforcement complaint however, no permits were required for conversion of the driveway to landscaped area.

Currently, the terminus of the driveway lacks an adequate turn-around area, making it difficult to navigate a vehicle and resulting in the property owner having to back-down the upper portion of the existing steep driveway. The conversion of a portion of the driveway has exacerbated this condition; however, as it existed prior to the conversion, the driveway lacked an adequate area for parking and turnaround. To address functionality of the driveway and provide a turnaround area for safety, the owner proposes to expand the motor court to the north and to the east. This expansion would affect slopes greater than 30%. The driveway expansion includes construction of a 56-foot-long, 12.5-foot-tall retaining wall where the cut in the slope would occur. According to the applicant's geotechnical engineer, the retaining wall is not psychically necessary to support the proposed cut slope however, the wall is proposed at the request of the neighbor.

Staff has reviewed the proposal and found that the project can be found consistent with the Policies and regulations of the Del Monte Forest Land Use Plan and the Coastal Zoning Ordinance (Title 20).

Visual Analysis

The amendment will not will not result in inconsistencies with the visual policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan – Part 5. Chapter 2 of the Del Monte Forest Land Use Plan, Resource Management Element, requires protection of public views from designated vista points, 17-Mile Drive, and from Point Lobos. Figure 3 of the Del Monte Forest Land Use Plan, Visual Resources, identifies the Bardis property as being in a

location within the Point Lobos viewshed. During review of the application, Staff conducted a site visit and determined that the project site cannot be seen from 17-Mile Drive, designated vista points, or from Point Lobos.

The project is located downhill from the adjacent neighbor. However, existing vegetation between the two properties will screen the expanded parking/turn-around area. The proposed retaining wall will be constructed against the granite bluff and will also not be visible the adjacent property. No visual impact is anticipated from the neighboring property.

Pescadero Watershed Limitation

The project is located within the Pescadero Watershed, for which the Monterey County Coastal Implementation Plan for the Del Monte Forest (CIP) limits impervious surface coverage to not exceed 9,000 square feet (Section 20.147.030.A.1(b), CIP). The subject property has prior approvals to exceed the impervious coverage limitation of the Pescadero Watershed:

- On May 30, 2013, the Planning Commission approved a Combined Development (PLN120663), which included a Variance to exceed the 9,000-square foot Pescadero Watershed impervious coverage limitation, and allowed a total impervious coverage of 14,994 square feet, which represented a reduction in the total impervious area that existed prior to this Variance approval.
- On December 10, 2014, the Zoning Administrator approved a Minor and Trivial Amendment (PLN140715) to allow minor structural additions. This project resulted in further reductions to impervious site coverage, lowering the total to 12,768 square feet, which is consistent and in compliance with the Variance approval.

This application (PLN140715-AMD1) reduces the total impervious coverage by removing the existing 1,820 square feet of existing paved driveway and replacing it with 725 square feet of landscaping and 1,095 square feet of decomposed granite. This will reduce the amount of impervious surface to 11,673 square feet, which remains consistent with the Variance approval. The revised driveway and proposed turnout area will be constructed of pervious materials and will therefore allow a reduction in impervious surfaces. The project will not result in any increase of pervious development on the site.

Development on Slopes

Del Monte Forest Land Use Plan Policy 78 states “Development on slopes of 30% or more is prohibited unless such siting better addresses LUP objectives as a whole when compared to other possible siting alternatives on slopes of less than 30% associated with projects and/or sites.” In this case, the project involves a modification to an existing driveway/parking area, to accommodate access and safe turnaround. Without moving the home, there is no alternative location for the driveway expansion that would avoid 30% slopes while still providing an adequate turnaround area.

Staff conducted a site visit to verify the conditions at the site and analyze constraints to siting of improvements. Based on the topography of the site (steep upwards slopes to the east; steep downward slopes to the north; existing residence to the west; and existing driveway to the south), staff concluded that there is no alternative for siting and the area needed for adequate to turn-around requires encroaching into slopes more than 30%. One small area converted to

landscaping could be restored to driveway; however, some development on slopes would still be needed to provide adequate turnaround area for everyday use.

California Environmental Quality Act (CEQA)

California Environmental Quality Act (CEQA) Guidelines Section 15304, categorically exempts minor public and/or private alterations in the condition of land, water and/or vegetation which do not involve removal of healthy, mature, or scenic trees. The project meets the criteria of that category because it involves a minor alteration to land for the driveway turnaround expansion and does not involve the removal of healthy, mature, or scenic trees or other vegetation. There is no substantial evidence of an unusual circumstance that distinguishes this project from others in the exempt class as described in Section 15300.2 of the guidelines.

Appeal:

On April 26, 2017, the Monterey County Planning Commission found the project categorically exempt and approved the Combined Development Permit and Design Approval. An appeal was timely filed by Tracy Alford (“appellant”) on May 12, 2017. The appellant requests that the Board of Supervisors grant the appeal and deny the Combined Development Permit. Specific contentions are contained in the Notice of Appeal (Attachment C) and are summarized and responded to by staff as follows:

Contention 1 – Finding 1 and Evidence a and d:

The appellant contends the project is inconsistent with the Del Monte Forest Land Use Plan (Policy 78), the Coastal Implemental Plan (CIP) Section 20.147.030.A.1.a, and Monterey County Zoning Code Chapter 20.64.230. The appellant further contends that the project will not reduce total impervious surface coverage, in so being that the area calculated by staff as constituting a reduction was already counted as pervious in the original project approval (PLN120663), and that the current proposed project will in fact result in an increase in impervious coverage, which is a violation of CIP Section 20.147.030.A.1.b. The appellant references Attachments 1 and 2 of the appeal as supporting evidence to these allegations.

Response:

The project site was granted a Variance to exceed the allowable impervious site coverage restriction(s) in May 2013, via a discretionary permit approval (PLN120663) which included a Variance to exceed the 9,000-square foot Pescadero Watershed impervious coverage limitation, and allowed a total impervious coverage of 14,994 square feet. The proposed site, including the proposed project, remains under the 14,994-square foot impervious surface threshold established by the prior Variance entitlement; therefore, the proposed project is not inconsistent with the requirements of the CIP. There are no alternatives for the expansion of the driveway that would avoid impacts to slopes in excess of 30% (Policy 78). Staff has analyzed the project and presented evidence that the project is consistent with the Del Monte Forest Land Use Plan and Coastal Implementation Plan.

The Board of Supervisors considered the issue raised by the appeal de novo and has concluded that the project is consistent with the Del Monterey Forest Land Use Plan and Coastal Implementation Plan.

Contention 2 – Finding 3 and Evidence a and b:

The appellant contends the current project is not in compliance with all rules and regulations pertaining to zoning and permits. The appellant alleges that a code violation exists on the project site and that no action on the application can be taken until the violation is corrected. The appellant states that County staff was aware of the violation and represented information that the alleged “unpermitted patio/courtyard” had been approved as part of a Design Approval granted in May 2015. The appellant states that the Design Approval granted in May 2015 approved “a cantilevered planter box”; not the patio/courtyard. The appellant further states that a formal code enforcement complaint has now been filed. The appellant references Attachments 1, 2, and 3 of the appeal as supporting evidence to these allegations.

Response:

Recent allegations have surfaced that violations exist with respect to the “patio/courtyard” that was formerly a portion of the driveway area. In light of these allegations, staff has reviewed permit records and the improvements. Two minor permits have been granted as it relates to the driveway/patio area; Design Approval PLN150379 which allowed the placement of planter boxes in the area of the “patio/courtyard”; and Design Approval PLN170482 which allowed replacement of an existing stucco wall with a small wood fence wall along the edge of the driveway. No other permits would have been required for the conversion of a portion of the driveway to a patio area. With the two design approvals and given the scope of the alleged work, staff concluded that the allegations have no merit.

Contention 3 – Finding 4 and Evidence a, b, c, and d:

The appellant contends that California Environmental Quality Act (CEQA) Section 15304 does not apply to slopes in excess of 30 percent, and that the amount of grading (305 cubic yards) requiring the construction of 12.5-foot-high retaining wall is neither “slight” nor a minor alteration to land. The appellant further contends that a substantial cut into a 30-60 percent slope (subject to a special land use policy and requiring a special permit, and requiring special findings) constitutes an unusual circumstance evoking a reasonable possibility of erosion, slope failure, and requiring a retaining wall, gives rise to an exception from any exemption. The appellant references Attachment 1 and re-asserts that the project is inconsistent with applicable land use policies.

Response:

CEQA allows the application of exemptions (categorically and statutorily) based on classes of development. In this particular case, CEQA offers a potential category of exemption (Class 4) to projects involving minor public and/or private alterations in the condition of land, water and/or vegetation which do not involve removal of healthy, mature, or scenic trees.

In this particular case, the project fits within the category. It involves a minor alteration to land in the form grading (305 cubic yards) and does not involve the removal of healthy, mature, or scenic trees. The development area (driveway and adjacent slope) does not contain any special, sensitive or protected vegetation, will not result in visual impacts, and is ordinary in its scope and location as to fit well within the Class 4 exemptions.

Furthermore, none of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, and there is no substantial evidence of unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.

Contention 4 – Finding 5 and Evidence a, b, c and d:

The appellant contends the project does not better achieve the goals, policies and objectives of the Local Coastal Program (LCP), in so much as the adequate space for access (emergency vehicle and ADA) already exists as originally approved (PLN120663) and there is no “need” for the proposed project or a cut of 30 percent slopes to accommodate access. The appellant contends that turnaround space constraints are the same between the original project (PLN120663) and the proposed project (PLN140715-AMD1) and access is better under the original project, and the minimal amount of cut into 30 percent slope to accommodate access is therefore zero/none. The appellant again contends that the proposed project is inconsistent with applicable land use policies and no cut into slopes is necessary, and refers to previous contentions. The appellant reference Attachments 1 and 2 of the appeal as supporting evidence.

Response:

The project has been found consistent with the Del Monte Forest Land Use Plan and Coastal Implementation Plan (See responses to Contention 1 above). Justification for the driveway expansion includes the need to provide a reasonable parking and turnaround area for everyday use of the subject driveway. The driveway configuration has existed since the 1980's and has been allowed to remain through several approvals for additions and remodeling. In staff's opinion, based on several visits to the site, the driveway has always had limited turnaround and parking. The situation was exacerbated by the conversion of a portion of the driveway to patio

area; however, some driveway expansion would have been necessary without the driveway conversion to provide a functional parking and turnaround area. Without moving the house, there is no possible location for the expansion of the driveway that would avoid development on slopes in excess of 30%.

Conclusion:

Staff has reviewed the project and the appeal contentions and found that no substantial or outstanding issues exists with respect to the project. Staff recommends that the Board deny the appeal of the Planning Commission's approval and approve the project to allow the driveway expansion as proposed.