

Attachment G

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ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
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SALINAS, CA 93901
(831) 751-2330
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February 14, 2019

File No. 4799.003

VIA EMAIL ONLY

Jackie Nickerson
Monterey County Planning
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: **Alford (APN 008-341-037-000) PLN171011**

Dear Ms. Nickerson:

Our office represents Chris and Sara Bardis, the appellants to Board of Supervisors for the Alford project approval by the Zoning Administrator. A copy of our appeal is attached for reference. We have reviewed the new survey and plan information recently submitted by the project applicant. The following summarizes the unresolved concerns expressed in our appeal:

- Item 1 of our appeal notes that a finding of consistency with 20.147.030 is not supported by the evidence. We previously noted that deferral of a drainage plan approved by the Zoning Administrator in his decision is inappropriate. Protection of the water quality and biological value of the Del Monte Forest's coastal streams, wetlands, open coastal waters, and the Carmel Bay as required by the Del Monte Forest Land Use Plan and RWQCB cannot be confirmed based on the inadequate plans provided with the application. The applicant's consultant provided an updated report from C-3 engineers dated January 2019 stating that a drainage plan is not necessary for the changes occurring to the driveway. Unfortunately, the report ignores and fails to analyze the other areas of impervious coverage that were added to the property without permits after development of the former drainage plan and system. As noted in our appeal:
 - 1.) Internal correspondence from county staff notes a prior drainage plan from 2001 showing transfer of storm-water runoff to "the bottom of an existing ravine" as being adequate and implies "off-site" dispersal. The discharge pipe(s) are in fact installed illegally outside the property boundaries and are discharging improperly to a tributary to the Carmel Bay, an area of biological significance. The current engineer notes "no need for a drainage design" due to "a net decrease in impervious area". This is incorrect and inadequate.



- 2.) Any modification to a portion of drainage does require a review and design for the system in its entirety. Water is in fact being collected from areas of impervious surfaces that were added without permit. The water from those areas would contribute to the load of the entire system, and it must be reviewed for consistency with regulations.
 - 3.) We noted that the existing system is improperly and illegally transferring all storm-water via an illegally placed large pipe(s) off-site onto the Bardis property. In addition, the area is in fact part of a conservation easement dedication in favor of the Coastal Commission, to which this dispersal of drainage would be a continuing encroachment of neighboring property constituting trespass and a violation. Ms. Alford's representative has told the County and the Coastal Commission on several occasions that this ravine is considered an area of biological significance to which discharge of collected stormwater is improper and in violation of CEQA.
 - 4.) We add that the drainage plan provided in the prior development application (when constructed) also indicated that all drainage piping and discharge would be underground. However, the large pipe point of discharge across the appellants property is exposed above ground, contrary to the specifications of the original design.
- The project is not CEQA exempt. An exemption to CEQA cannot be supported if: (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The deferral of the drainage plan until after the coastal permit and CEQA determination is made is improper given the existing and proposed increased discharge of stormwater on to the property of another and into an area of biological significance. Section 15604 (d) states that:

In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

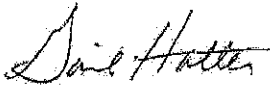
Given "the ravine" noted in file correspondence as the point of dispersal in a past drainage plan for collected storm-water is an environmentally sensitive area, failure to address this improper drainage system (including the new loads added to the system) now is not compliant with CEQA. We note also again that the point of dispersal is off-site onto property of another which is improper, illegal, and a violation of a coastal commission conservation easement dedication.

Ms. Nickerson
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- In order to bring the impervious coverage into compliance, the applicant proposes to remove and replace driveway surface along the entire length of the driveway, with a combination of pervious pavers (replaced/reset to meet minimum permeability) and removal of chip seal pavement to be replaced with a geogrid system over a recompacted base soil. The proposed changes and construction activities will impact the existing large retaining wall structure that supports the driveway along its perimeter above and in proximity to the appellants property and home. This retaining wall is noted to be a wood wall in a deteriorated state. Based on the modifications to the driveway, an inspection of the structural integrity of this wall, as well as structural observations during construction are needed to insure the safety of both the property occupants and the adjacent neighbor's property and home.
- The application includes a gas schematic to clear the violation related to installation of gas lines to a BBQ and firepit at the rear patio without permits. The gas schematic plans provided cite construction and inspection requirements for proposed work, not as-built. To insure compliance with the plumbing code, a condition should be added to the project requiring that the gas line be exposed for the purpose of inspection and to ensure that it is brought into compliance with the 2016 CBC and UPC.

Thank you for your follow up with us on this matter.

Sincerely,



Gail Hatter
Sr. Land Use Specialist

Enclosure

Nickerson, Jacquelyn x5240

From: Lori Rispoli <lrисpoli@rbhomes.com> on behalf of Chris Bardis <cbardis@rbhomes.com>
Sent: Tuesday, February 19, 2019 11:02 AM
To: Nickerson, Jacquelyn x5240
Cc: ClerkoftheBoard; 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; Chris Bardis; Gail Hatter; Sara Bardis
Subject: Alford Property - 1496 Bonifacio Road
Attachments: Postmaster_20190219_112933.pdf; Alford - Pending Application Correcting Code Violations and Tree Planting; Postmaster_20190219_114418.pdf

Dear Ms. Nickerson,

In regards to the attached appeal, I am also attaching a copy of my recent email to the Del Monte Forest Property Owners group and a map showing the area pertaining to:

The Alford Property located at 1496 Bonifacio Road, APN: 008-341-037-000
PLN 171011 - Regarding "After The Fact Permitting of Illegal Work Performed"

I understand that you will be conducting an inspection tomorrow afternoon. I would hope that you will require a landscape plan prior to any planting or tree replacement.

I would appreciate an immediate response as I will be out of the country for 10 days beginning on Thursday. Feel free to call me at the number below.

Thank you for your consideration,

Christo Bardis
1525 Riata Road
(916)798-5999 cell



February 13, 2019

File No. 4799.003

VIA EMAIL ONLY

Jackie Nickerson
Monterey County Planning
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901



Re: **Alford (APN 008-341-037-000) PLN171011**

Dear Ms. Nickerson:

Our office represents the appellant to Board of Supervisors for the aforementioned project approval by the Zoning Administrator. A copy of our appeal is attached for reference. We have reviewed the new survey and plan information recently submitted by the project applicant, partially responsive to our points of appeal. The following summarizes the unresolved concerns expressed in our appeal:

- Item 1 of our appeal notes that a finding of consistency with 20.147.030 is not supported by the evidence. We noted that deferral of a drainage plan as authorized by staff and the Zoning Administrator in his decision is inappropriate, as protection of to the water quality and biological value of the Del Monte Forest's coastal streams, wetlands, open coastal waters, and the Carmel Bay through application of adequate buffers and setbacks, maintaining hydrologic inputs, protecting riparian and wetland vegetation, carefully controlling grading to minimize erosion and sedimentation, and effective collection, filtration, and treatment of runoff cannot be confirmed based on the inadequate plans provided with the application. The applicant's consultant provided an update report from C-3 engineers dated January 2019 stating that a drainage plan is not necessary for the changes occurring to the driveway. Unfortunately, the report ignores and fail to analysis the other areas of impervious coverage that were added to the property without permits after development of the former drainage plan and system. As noted in our appeal:
 - 1.) Internal correspondence from county staff notes a prior drainage plan from 2001 showing transfer of storm-water runoff to "the bottom of an existing ravine" as being adequate and implies "off-site" dispersal. The discharge pipe(s) are in fact installed improperly outside the property boundaries and are discharging improperly to a

tributary to the Carmel Bay. The current engineer notes "no need for a drainage design" due to "a net decrease in impervious area". This is incorrect and inadequate.

- 2.) Any modification to a portion of drainage does require a review and design for the system in its entirety. As water is in fact being collected from areas of impervious nature that were added without permit, the water from those areas would contribute to the load of the entire system; and it must be reviewed for consistency with regulations.
 - 3.) We noted that the existing system is in fact transferring all storm-water via an illegally placed large pipe(s) off-site onto the property of our client, which is improper and illegal. In addition, the area is in fact part of a conservation easement dedication in favor of the Coastal Commission, to which this dispersal of drainage would be a trespass and violation. As cited by Ms. Alford's representation to the County and the Coastal Commission in other projects, this ravine is considered an area of biological significance to which discharge of collected stormwater is improper and in violation of CEQA.
 - 4.) We add that the drainage plan provided in the prior development application (when constructed) also indicated that all drainage piping and discharge would be underground. However, the large pipe point of discharge across the appellants property is exposed above ground, contrary to the specifications of the original design.
- The project is not CEQA exempt. An exemption to CEQA cannot be supported if: (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The deferral of the drainage plan until after the coastal permit and CEQA determination is made is improper given the existing and proposed increased discharge of stormwater on to the property of another and into an area of biological significance. Section 15604 (d) states that:

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Given "the ravine" noted in file correspondence as the point of dispersal in a past drainage plan for collected storm-water is an environmentally sensitive area. Failure to address this improper drainage system (including the new loads added to the system) is

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not compliant with CEQA. We note also again that the point of dispersal is off-site onto property of another which is improper, illegal, and a violation of a coastal commission conservation easement dedication.

- In order to bring the impervious coverage into compliance, the applicant proposes to remove and replace driveway surface along the entire length of the driveway, with a combination of pervious pavers (replaced/reset to meet minimum permeability) and removal of chip seal pavement to be replaced with a geogrid system over a recompact base soil. The proposed changes and construction activities will impact the existing large retaining wall structure that supports the driveway along its perimeter above and in proximity to the appellants property and home. This retaining wall is noted to a wood wall in a deteriorated state. Based on the modifications to the driveway, an inspection of the structural integrity, as well as structural observations during construction are needed to insure the safety of both the property occupants and the adjacent neighbor's property and home.
- The application includes a gas schematic to clear the violation related to installation of gas lines to a BBQ and firepit at the rear patio without permits. The gas schematic plans provided cite construction and inspection requirements for proposed work, not as-built. To insure compliance with plumbing code, a condition should be added to the project requiring that the gas line be exposed for the purpose of inspection.

Thank you for your follow up with us on this matter.

Sincerely,

Gail Hatter
Sr. Land Use Specialist

Nickerson, Jacquelyn x5240

From: Lori Rispoli <lrисpoli@rbhomes.com> on behalf of Chris Bardis <cbardis@rbhomes.com>
Sent: Tuesday, February 19, 2019 10:36 AM
To: office@dmfpo.org
Cc: Chris Bardis
Subject: Alford - Pending Application Correcting Code Violations and Tree Planting
Attachments: Postmaster_20190219_112933.pdf



Del Monte Forest Property Owners:

My wife and I reside at 1525 Riata Road. I have granted my neighbor, Tracy Alford, permission to use our driveway to install new trees on her property at 1496 Bonifacio Road. I believe that the County of Monterey and the Del Monte Forest Land Use Advisory Committee should require that a tree replacement plan be required and approved.

Our property is adjacent to the Alford property. We granted Ms. Alford an easement to allow her to trespass over our property and remove and replace and plant new trees. We feel that any removal or planting of new trees should be approved by the County of Monterey as well as the adjacent property owner (Bardis) and the Del Monte Forest Land Use Advisory Commission.

Tracy Alford, whose property is adjacent to our eastern boundary, has consistently complained about the construction of our home. We have had numerous public meetings with the Planning Commission, the Land Use advisory Committee, Monterey County Board of Supervisors and the Coastal Commission. All of the hearings were overwhelmingly successful related to our position. In addition to the above, two lawsuits were filed by attorney John Bridges on behalf of Tracy Alford. These lawsuits against the Coastal Commission and our family were recently dismissed. Other lawsuits resulted in a settlement whereby we allowed Ms. Alford to trespass over our driveway and land to plant trees on her property. The first planting was unsuccessful. The second attempt was also unsuccessful resulting in the necessity of a third attempt. I recently granted her permission to trespass over our property to plant new trees and possibly remove the existing trees. It is my opinion that this new attempt should require Land Use Advisory Committee and County approval. I have been informed that the existing trees have fungus and may have to be removed. My concern is that the previous failed attempts are a result of planting these trees on a granite foundation with little soil above the existing rock formation.

We have just experienced a historic storm that has caused great damage to the landscape in Pebble Beach and the County of Monterey. These trees have been planted on land that slopes and drains onto our property. If you visit the site you will note that the trees are very close to the property line on a downward slope. I am concerned that the conditions that exist should require that the trees should be supported by a cable system to assure us that they will not fall and damage our property. I am enclosing photographs which illustrate our concerns.

If you would please investigate my concerns before her replacement plans are implemented I would appreciate it. I would like this communication to become a part of the record of Ms. Alford's application that attempts to correct many of the illegal improvements made upon her property. Ms. Alford's easement over our property expires in a few days. If the Del Monte Forest Land Use Advisory Committee and Monterey County would immediately look into this situation I will extend the easement for an additional sixty (60) days while the appropriate action is taken.

I am attaching the notice of complaint filed with Monterey County indicating some of my concerns.

The Del Monte Forest Land Use Advisory Committee should be aware of the situation and require submittal of new landscaping plans and a drainage study to assure there will be no unnecessary drainage into Carmel Bay.

Thank you for your attention to this matter.

Chris Bardis
(916)798-5999 cell



February 13, 2019

File No. 4799.003

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Jackie Nickerson
Monterey County Planning
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

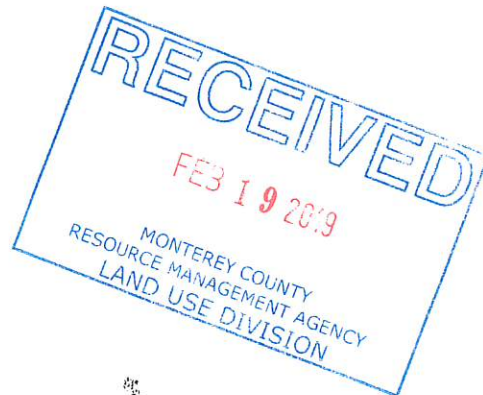
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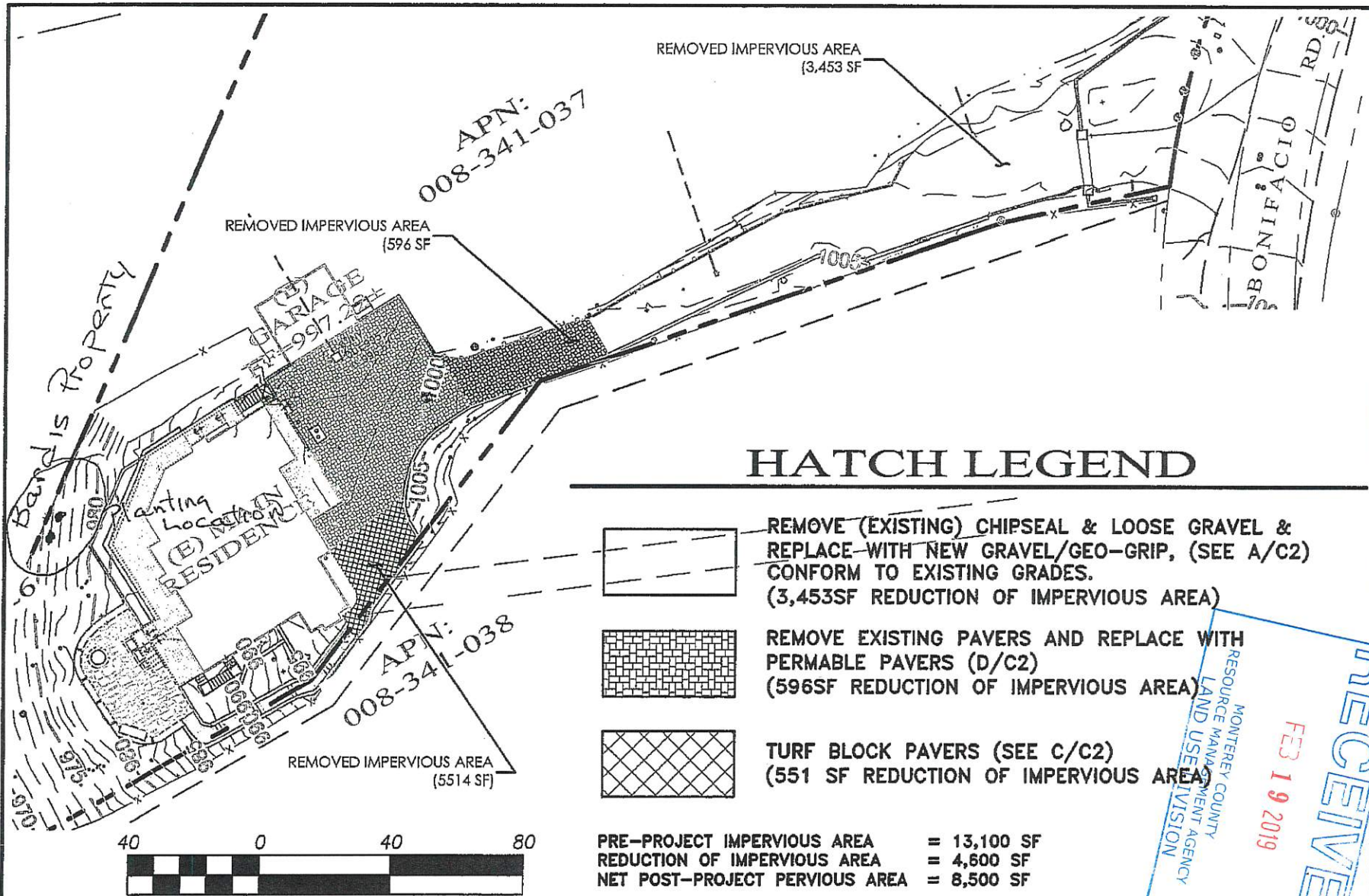
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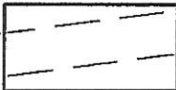
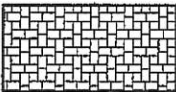

Thank you for your follow up with us on this matter.

Sincerely,

Gail Hatter
Sr. Land Use Specialist



HATCH LEGEND

- 
 REMOVE (EXISTING) CHIPSEAL & LOOSE GRAVEL & REPLACE WITH NEW GRAVEL/GEO-GRIP, (SEE A/C2) CONFORM TO EXISTING GRADES.
 (3,453SF REDUCTION OF IMPERVIOUS AREA)
- 
 REMOVE EXISTING PAVERS AND REPLACE WITH PERMABLE PAVERS (D/C2)
 (596SF REDUCTION OF IMPERVIOUS AREA)
- 
 TURF BLOCK PAVERS (SEE C/C2)
 (551 SF REDUCTION OF IMPERVIOUS AREA)

PRE-PROJECT IMPERVIOUS AREA = 13,100 SF
 REDUCTION OF IMPERVIOUS AREA = 4,600 SF
 NET POST-PROJECT PERVIOUS AREA = 8,500 SF

RECEIVED
 FEB 19 2019
 MONTEREY COUNTY
 RESOURCE MANAGEMENT AGENCY
 LAND USE DIVISION

Scale 1" = 40'

ATTACHMENT 2
PROPOSED CONDITIONS

NC3 ENGINEERING
INCORPORATED

126 Bonifacio Place, Suite C, Monterey, CA 93940
 Phone: (831) 647-1192 Fax (831) 647-1194
 malloC3Engineering.net

SCALE: 1"=40'
 DATE: 07-19-2018
 DRAWN BY: ECH
 CHECKED BY: FJC
 PROJECT NO: 118119