



Monterey County

Zoning Administrator

Agenda Item #4

Legistar File Number: ZA 16-005

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

May 26, 2016

Introduced: 5/19/2016

Version: 1

Current Status: Agenda Ready

Matter Type: ZA

Public hearing to consider:

Project Description: Combined Development Permit to allow construction of a single family dwelling that includes removal of approximately 10 protected trees, and development within 750 feet of an archaeological resource

Proposed CEQA Action: Categorically Exempt per Section 15303(a) of the CEQA Guidelines.

(PLN150830/ LKTKR Holdings II LLC, 3183 Del Ciervo Road, Pebble Beach.

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

1. Find the project qualifies for a Categorical Exemption under Section 15303(a) of the CEQA Guidelines;
2. Approve the Combined Development Permit consisting of:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 2,894 square foot single family dwelling with a 473 square foot garage;
 - b. Coastal Development Permit to allow the removal of ten (10) oak and two (2) Monterey Pine trees; and
 - c. Coastal Development Permit for development within 750 feet of an archaeological resource;

Subject to 25 conditions of approval.

PROJECT INFORMATION:

Planning File Number: PLN150830

Owner: LKTKR Holdings II LLC

Project Location: 3183 Del Ciervo Road, Pebble Beach

APN: 008-371-005-000

Agent: Tina Hannas-De Freitas

Plan Area: Del Monte Forest Land Use Plan

Flagged and Staked: Yes

CEQA Action: Categorically Exempt, Section 15303(a) CEQA Guidelines

SUMMARY:

Ms. Tina Hannas-De Freitas, on behalf of LKTKR Holdings II LLC, submitted an application requesting entitlements to develop a 2,894 square foot home with a 473 square foot garage on a 1.57 acre parcel in the Pescadero Watershed. The Pescadero Watershed policies limit impervious surfaces to a maximum of 9,000 square feet; the project proposes a total of 4,955 square feet of impervious surface area, which is within the limitations of the policy. Site constraints include steep topography, archaeological sensitivity, and many trees. Staff

requested changes in regards to the length and width of the driveway and fire turnaround areas. After consulting with the Pebble Beach Community Services District, the applicant reduced the size of the fire turnaround, which preserved a Monterey Pine tree, and eliminated an on-site parking area; replacing it with a landscaped walkway leading to the entrance of the dwelling. With the incorporated revisions, the proposed project has been sited and designed in an acceptable manner consistent with the policies of the Del Monte Forest Land Use Plan (LUP). Staff recommends that the Zoning Administrator approve a Combined Development Permit allowing the establishment of a residence on the subject parcel, subject to the recommended conditions of approval contained in **Exhibit B** of this staff report.

DISCUSSION:

Initial review of the application raised concerns in regards to the possibility of archaeological resources, the length of the proposed driveway, proposed tree removal, and neighborhood character.

Archaeological

A Coastal Development Permit is required because the parcel is located within 750 feet of a known archaeological resource. The area is also designated as a high archaeological sensitivity zone. An Archaeological Reconnaissance was prepared by Archaeological Consulting on February 23, 2015 (LIB160142). The report concluded that the subject parcel is approximately 500 feet from any known archaeological resources; however, the parcel itself does not contain any archaeological resources and should not be delayed for archaeological reasons. A standard condition of approval requires if during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources), work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA-Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop mitigation measures to ensure recovery actions are taken (see Condition No. 4).

Driveway

The proposed driveway is designed to address the steep topography of the parcel. The existing driveway slopes steeply down from Del Ciervo Road and encroaches onto the neighboring parcel. The existing driveway is too steep to meet fire code regulations and it is not appropriate for a driveway to encroach onto a neighboring parcel without an appropriate easement. The proposed driveway configuration maintains slopes of 15 percent or less, is consistent with fire code requirements and is fully contained within the project site.

The length of the driveway is longer than driveways typically approved within the Del Monte Forest. The Del Monte Forest LUP requires simple and direct access (Del Monte Forest Coastal Implementation Plan (CIP), policy 20.147.090.A.2). In this case, there are facts that warrant this driveway design. The house is placed in a location that does not require tree removal. Moving the house closer to the street would require additional tree removal. There is no other way to grade the driveway and meet access drive slope requirements.

Del Monte Forest CIP, policy 20.147.090.A.2, also requires: “*vehicular surfaces are limited to a minimum required to meet daily parking needs...*” The residence includes a two-car garage in addition to the required fire department turnouts. Staff has verified that the proposed fire turnouts are the minimum required to accommodate fire safety requirements. The driveway and parking are designed appropriately under the circumstances associated with this site.

In this case, the proposed driveway is consistent with the intent of the Del Monte Forest CIP, which requires that development be sited and designed in such a manner to protect resources. Specific site constraints such as slopes and clusters of trees on the subject parcel do not allow for simple and direct access without impacting these natural resources. The purpose of regulation 20.147.030.1.a is to minimize runoff. In consideration of this policy, the proposed driveway is proposed to consist of pervious concrete, which will minimize runoff. The longer driveway configuration furthers the intent of Del Monte Forest CIP policies by avoiding removal of significant clusters of trees, complying with local fire department regulations in regard to access, avoiding disturbance of slopes in excess of 30 percent, and siting the residence on the most open and level portion of the parcel, which is well suited for the proposed residence and furthers the intent of section 20.147.090.

Tree Removal

The Del Monte Forest LUP, Section 20.147.050.C.4 (Forest Resources), requires that when considering proposed development projects, siting and design is required to minimize to the extent feasible the removal of trees and understory vegetation and damage to soil resources. The applicant has sited the development within the most open areas of the site. The project requires the removal of ten oak trees and two Monterey Pine trees ranging from 6-30 inches in diameter. A tree assessment/forest management plan was prepared and concluded that the existing trees are part of an overly mature pine forest with a high mortality rate due to infestation of engraver beetles and pine pitch canker, which has escalated to the point of being considered incurable and has resulted in the death of many trees on the subject parcel. The potential for “wind throw” of the mature pines is considered very high. Therefore, the arborist recommended immediate removal of nine mature trees that were in danger of failing. A hazardous tree removal permit was issued in July 2015 (Permit No. TRM150143). The permit included the removal of five landmark pine trees and four non-landmark pine trees. This previously approved permit required a total of 14 replacement trees. The 12 trees being removed as part of this application requires replanting 13 trees for a total of 27 replacement trees (condition no. 14).

Replanting 27 trees will aid in improving the health of the forest and the establishment of reproduction and continuation of Monterey Pine on-site. Requiring replanting of the impacted trees is consistent with the objective of Del Monte Forest CIP, policy 20.147.050, which states, “*long-term preservation of forest resources is a paramount concern and objective of the LCP*”, and Del Monte Forest LUP, Section 20.147.050.C.6 (Forest Resources). Condition No. 14 has been incorporated and requires that the location of replacement trees first be considered in areas that would be accommodating to surrounding residences and aid in screening of the driveway and/or residence.

The proposed residence has been designed to primarily encompass the existing open area of the parcel with consideration for the surrounding forest, requiring the removal of one 13 inch oak tree. The layout of the residence was designed to maintain a forested atmosphere. In keeping

with the intent of this policy, the residence was sited utilizing the most open portions of the land. The Del Monte Forest LUP, Section 20.147.050.C.5 (Forest Resources), requires that development including driveways be sited and designed to minimize tree removal. The driveway is sited in areas consisting of slopes of less than 15 percent and requiring minimal tree removal. The majority of the tree removal will occur at the new driveway approach from Del Ciervo Road to accommodate safety requirements to allow a line of sight while exiting the property.

The tree removal will not involve a risk of adverse environmental impacts. The subject parcel is surrounded by residential development and roads in all directions. No significant impacts to the forest are anticipated due to the relatively small amount of area that will be occupied by the development. The parcel contains 113 trees, (12) twelve of which are to be removed with the establishment of the residence. The existing Monterey Pine trees are degraded in health due to pitch canker and beetle infestation. A condition for replacement has been incorporated and will aid in the establishment of reproduction and continuation of Monterey Pine on-site. No significant long-term effects to the forest ecosystem is anticipated.

Design Review

The parcel is located within a Design Control District and is subject to the regulations of Chapter 20.44. The purpose of the Design Control District is to provide a district for the regulation of the location, size, configuration, materials, and colors of structures in areas of the county where design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property. The size, shape, colors and materials of the residences within Del Monte Forest vary greatly, creating an area very diverse in architecture. The dwelling is proposed in the ideal location near the center of the parcel in the most open area in regard to tree cover. The location provides a forested buffer in all directions, focusing development within the most open area of the parcel, while maintaining a forested buffer to accommodate neighboring views. The proposed home will sit below the elevation of surrounding homes and the roof will be approximately 20 feet below the driveway apron at the street. The front elevation of the residence maintains a low profile creating the illusion of a single-level residence, with the rear elevation revealing a two-story dwelling that is built into the natural topography of the parcel creating a moderately-sized residence that is harmonious to the sloped forested surroundings. The exterior colors and materials consist of a metal roof, natural cedar siding, white trim, and stucco features. The overall design and construction is considerate of the natural surroundings, not visible from Del Ciervo Road, and is appropriately sited and designed to assure the visual integrity of the neighborhood will not be adversely affected by the construction of this residence.

CEQA Review

California Environmental Quality Act (CEQA) Guidelines Section 15303(a) categorically exempts the construction of one single family dwelling in a residential zoning district. The project consists of the construction of the first single-family dwelling on residentially zoned parcel; and therefore qualifies under a Class 3 categorical exemption. None of the exceptions to the exemptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, or development located near or within view of a scenic highway. Although trees are proposed for

removal, the subject trees are degraded in health due to pitch canker and beetle infestation. A standard condition for replacement has been incorporated into Exhibit B (resolution), and will aid in the establishment of reproduction and continuation of Monterey Pine on-site. No significant long-term effects to the forest ecosystem are anticipated. The parcel is also located within a high archaeological sensitivity zone and located within 750 feet of a known archaeological resource. An Archaeological Reconnaissance was prepared by Archaeological Consulting on February 23, 2015 (LIB160142). The report concluded that the subject parcel does not contain any archaeological resources and should not be delayed for archaeological reasons. However, a standard condition of approval has been incorporated into **Exhibit B** of this staff report. Therefore, although the parcel is located within a sensitive area, there are no unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- √ RMA-Planning
- √ RMA-Public Works
- √ RMA-Environmental Services
Environmental Health Bureau
- √ Water Resources Agency
Pebble Beach Community Services District
Del Monte Forest Land Use Advisory Committee

The departments/agencies that are denoted with a √ have applied conditions to the project.

The proposed project was reviewed by the Del Monte Forest Land Use Advisory Committee (LUAC) on April 21, 2016. The LUAC recommended approval of the project by a vote of 4-0 (**Exhibit D**).

FINANCING:

Funding for staff time associated with this project is included in the FY15-16 Adopted Budget for RMA-Planning.

Prepared by: Ashley Nakamura, Assistant Planner, Ext. 5892
Approved by: John Ford, RMA-Service Manager, Ext. 5158
Approved by: Carl P. Holm, AICP, Resource Management Agency (RMA) Director

Attachments:

- Exhibit A Project Data Sheet
- Exhibit B Draft Resolution, including:
 - Conditions of Approval
 - Site Plan, Floor Plan, and Elevations
- Exhibit C Vicinity Map
- Exhibit D Land Use Advisory Committee Minutes

cc: Front Counter Copy; Zoning Administrator; California Coastal Commission; John Ford, RMA Services Manager; Pebble Beach Community Service District; RMA-Public Works; Environmental Health Bureau; Water Resources Agency; LKTKR Holdings II LLC, Owner; Tina Hannas-De Freitas, Agent; Mark Blum, Attorney (neighbor); The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN150830