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August 4, 2017

**VIA EMAIL**

Don Rochester, Chair  
Monterey County Planning Commission  
c/o Monterey County RMA  
1441 Schilling Place, South 2<sup>nd</sup> Floor  
Salinas, California 93901

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	160117 / #3
DATE RECEIVED	8/3/17
SUBMITTED BY VIA	Public Email
DISTRIBUTION TO DATE	PC 8/7/17
DATE OF HEARING	August 9, 2017

**Re: El Why Square Rebuild of Main Residence (PLN160117)  
3168 Seventeen Mile Drive, Pebble Beach (APN: 008-491-021)**

Dear Honorable Members of the Planning Commission:

I am writing on behalf of our client, El Why Square, LLC ("Applicant"). The purpose of this letter is to support Planning Staff's analysis and recommendation to approve the Combined Development Permit for the reconstruction of the main residence ("Project") at 3168 Seventeen Mile Drive ("Property") within the Del Monte Forest Planning Area. The Project is schedule to come before the Planning Commission on August 9, 2017 and the Applicant accepts each of the Conditions of Approval prepared by RMA-Planning Staff.

**Project Overview**

The existing single story ranch style main residence enjoys over 8,421 square feet of floor area (including a 1,550 sqft attached garage). The Applicant acquired the Property in October of 2015 and began working with Olle Lundberg, Project architect, to consider options to replace the existing main residence while also reducing existing hardscape coverage and increasing the size and quality of the native Monterey cypress habitat.

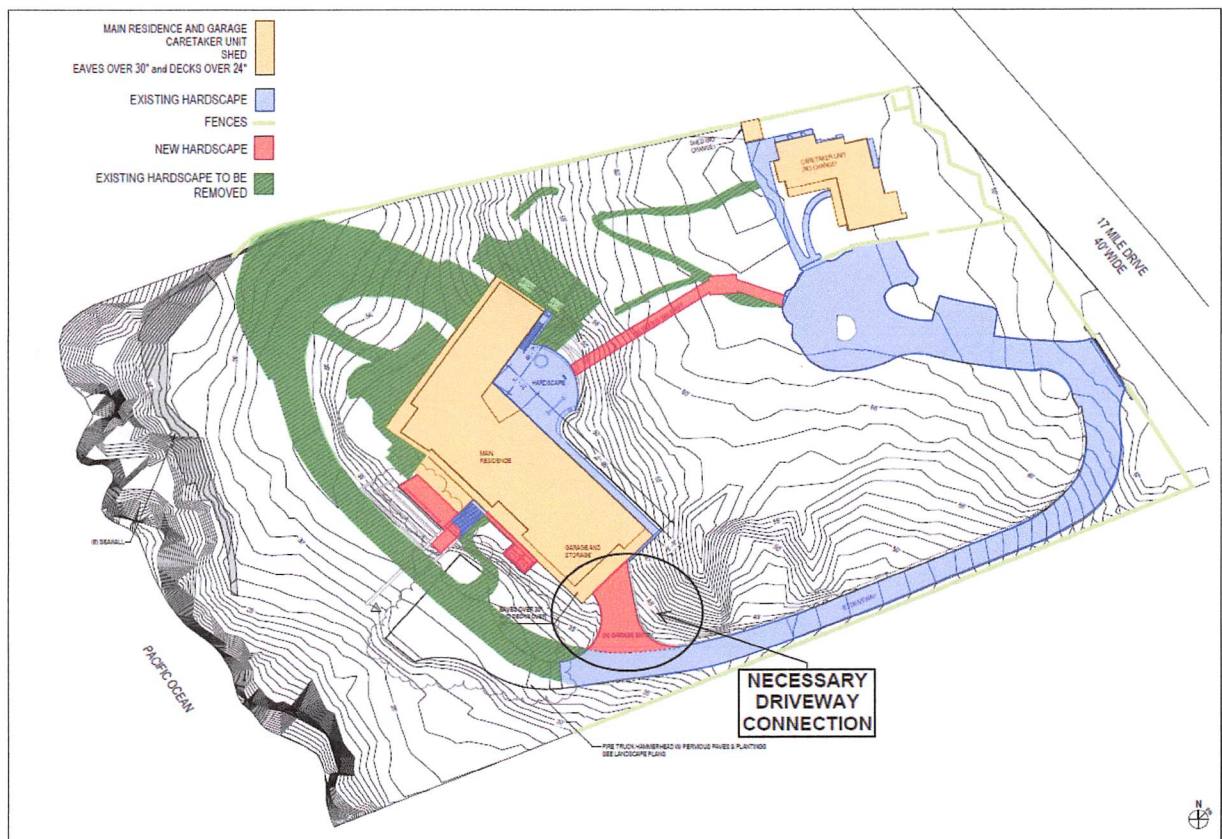
The proposed two story residence utilizes the same general footprint as the existing main residence. The floor area of the new residence would be about 13,884 square feet but only utilize about 7,190 square feet of building coverage (all within the existing main residence building and hardscape footprint). The height of the new residence is approximately 21 feet 10 inches above average natural grade with a covered stairway element at 30 feet above average natural grade. The height was set to limit visibility from Seventeen Mile Drive given that the existing footprint is over 200 feet from Seventeen Mile Drive and sits in a natural depression 29 feet below the grade of Seventeen Mile Drive.

During the process of designing the new main house, the Applicant, Mr. Lundberg, David Stocker, Maureen Hamb, and I identified opportunities to allow development on the Property to

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promote the Del Monte Local Forest Coastal Program's ("DMF LCP") policies. In this regard, we wish to highlight the following:

- **No Tree Removal:** No trees are impacted by the Project.
- **Reduction in Total Site Coverage:** The Project is designed to reduce total site coverage by over 12,000 square feet (28% of the Property's approximate 42,000 of total existing site coverage). This calculation is based upon the hardscape to hardscape methodology applied by the County and Coastal Staff for projects in Pebble Beach's native Monterey cypress ("Cypress") habitat area. The Project will also reduce development within Cypress critical root zone areas. The key to this substantial increase in Cypress habitat area is replacing the existing northern garage with a southern garage. This simple swap allows the Applicant to restore the previously approved auto court and asphalt sweep required to reach the existing northern garage.



- **Increase in Cypress Germination Area:** Based upon the reduction in Total Site Coverage and restoration of existing planted areas within the Cypress habitat area, the Project will increase potential Monterey Cypress germination area by

approximately 78,000 square feet. This includes restoration of hardscape areas, restoration of bluff habitat, and removal of non-native plantings from within Cypress habitat. Based upon the recommendation of Maureen Hamb, Project arborist, the Applicant desires that the Project go beyond restoration of these areas and incorporate site specific recommendations from Ms. Hamb to actively prepare these areas for potential germination. While basic removal of hardscape, turf, and exotics is common for projects in this area, the Applicant desires to go a step further to see whether Cypress germination can be promoted based upon site specific soils treatment (soil quality, pH, and strategic planting of fertile cone-bearing native Cypress). Our hope is that success on the Property will advance the scope of 'restoration' applied to future projects in this area.

- **Public Viewshed Enhancement:** With the benefit of guidance from both County Staff and Coastal Commission Staff, the Applicant proposes replacing all of the existing solid grapestake fence south of the Property's existing accessory dwelling unit with an open-slatted gate and fence. During prior site visits with County Staff and Coastal Commission Staff, it was agreed that the fence immediately behind the existing accessory dwelling unit should remain solid for purposes of privacy. During the last County Staff site visit it was also agreed that ornamental shrubbery along the fence line will be removed to further enhance forest and ocean views. The height of the proposed residence was also set to avoid visibility by the public. With regards to setting the height of the proposed residence, Seventeen Mile Drive is at about the same level as the roof of the proposed residence because the new residence is located in a natural depression. The garden roof element will also mask the existence of the new residence from visitors traveling along Seventeen Mile Drive. Although the covered stairway is situated above the roofline, this nearly transparent structure is barely visible from Seventeen Mile Drive due to the density of the forest and its distance 200 feet from Seventeen Mile Drive. The covered stairway to access the roof deck area will be constructed of electrochromic glass on three sides and Ipe siding on the north side (not visible from Seventeen Mile Drive). The light transmission properties of electrochromic glass changes in response to voltage. During the daytime, the glass structure will be visually transparent when viewed from Seventeen Mile Drive. At night, the electrochromic glass becomes opaque in order to avoid a "lighthouse effect" from Seventeen Mile Drive (although any such effect would be nominal compared to the other residences in this neighborhood). The renderings below visualize the viewshed enhancements described above.



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Existing Solid Grapestake Fencing



Proposed Transparent Grapestake Fencing



- **Bluff Setback Compliance:** The proposed main house is nearly 100 feet from the edge of the coastal bluff and exceeds the estimated extent of bluff erosion over the next 75 years.

Environmental Review Comments

One comment letter on the Project's initial study was submitted by the Native American Heritage Commission ("NAHC"). The letter notes that although the initial study raised issues relating to Tribal Cultural Resources, the checklist did not include a Tribal Cultural Resources Section or distinct subsection as a result of AB 52. The initial study does in fact analyze the Project's impacts to Tribal Cultural Resources and concludes the resources on the project site are not within the vicinity of the proposed development. However, the County has added two mitigation measures (Conditions 26 and 27) to the Project requiring that archaeological and Native American tribal monitors be present during soil-disturbing activities. The Applicant concurs with these Mitigation Measures.

In addition, the NAHC noted that the most likely descendant timeline in the mitigation measure is incorrect. Monitoring Action 10b in Mitigation Measure 10 in the initial study stated that the most likely descendant ("MLD") has 24 hours to make recommendations for the disposition of remains and associated grave goods in response to the report by the NAHC. Under the Public Resources Code, the MLD has 48 hours to respond. Mitigation Measure 10 (Condition 28) will be modified to reflect the revised timeline. The Applicant concurs with this change.

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### **Policy 20**

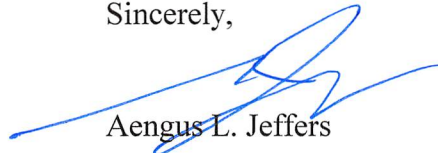
Planning Staff has concluded that the Project is consistent with existing Policy 20 in that the area of development is limited to the disturbed area of the existing residence. Unfortunately, it is our understanding that much like the Planning Commission's approval for 3196 Seventeen Mile Drive (PLN150548), Coastal Staff intends to appeal the Project unless Policy 20 is amended. Despite the Planning Commission's approval of 3196 Seventeen Mile Drive on February 22, 2017 as consistent with Policy 20, Coastal Staff has recommended that the Final Local Action Notice for this approval be cancelled to avoid a threatened Coastal Commission appeal. The crux of this threat is an unreasonably narrow interpretation of a site's existing building footprint. The expectation is that once the Board of Supervisors adopts the Policy 20 amendment approved by the Coastal Commission on May 10, 2017, Coastal Staff will lift their appeal threat. Our understanding is that this Project would also be subject to the same appeal threat despite presenting the largest Cypress habitat restoration potential of any prior residential project.

I will be forwarding a separate letter to the Planning Commission describing the evolution of the Policy 20 amendment between the text adopted by the Board of Supervisors on December 6, 2016 (Resolution of Intent No. 16-321) and the revised text approved by the Coastal Commission on May 10, 2017. The Project was designed to be consistent with both existing Policy 20 and the proposed amendment. We understand that the Planning Commission is scheduled to review the Policy 20 amendment on August 30, 2017.

### **Conclusion**

In closing, our team feels the Project presents a unique opportunity to replace the existing main residence while substantially expanding native Cypress germination potential by about 1.8 acres and improving public views over the Property from 17 Mile Drive. We also wish to thank Planning Staff and Coastal Staff for their guidance pre-planning the Project and making sure our team considered all of the opportunities to support the Project while improving this site.

Sincerely,



Aengus L. Jeffers

ALJ:lm1

cc: Anna Quenga, RMA-Planning (via email)  
Brandon Swanson, RMA-Planning (via email)