

# Exhibit A

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## **EXHIBIT A DISCUSSION**

### Project Setting, Background, and Description

The subject property is located at 3224 17-Mile Drive in Pebble Beach, along the Carmel Bay shoreline in the Del Monte Forest. The project site is located adjacent to and west of 17-Mile Drive, south of Cypress Point and Crocker Grove, in a developed residential neighborhood. The 1.68-acre parcel is bordered by the Pacific Ocean to the west, and by residential uses to the east and south, and slopes downward from 17-Mile Drive to the coastal bluff, with slopes ranging from 15 to 50 percent. The Lone Cypress vista point is located on the adjacent parcel to the north. Existing development on the parcel includes a single-family dwelling with a carport, driveway and parking area, decks, paths, and landscaping. The property is also populated with numerous Monterey cypress and Monterey pine trees. Per Del Monte Forest Land Use Plan Figure 2a, the parcel is located within the mapped indigenous Monterey cypress habitat area, with the dominant vegetation on the site being a mature Monterey cypress forest habitat and occasional Monterey pines. The understory of the Monterey cypress forest has been colonized by numerous non-native species that have crowded out large areas of native plants, reducing the diversity and habitat value of the understory. The previous owner planted numerous non-native Monterey cypress trees along the edges of the property.

The original project (PLN110114), approved by the Planning Commission on March 13, 2013 (Resolution No. 13-007), allowed the construction of a detached garage, replacement of an existing wood fence with new stone pillars at the driveway entrance, and restoration of existing paths and driveway that affected native Cypress habitat. After Planning Commission approval, the project was appealed by the California Coastal Commission. The appeal was based on concern for protection of environmentally sensitive habitat areas (ESHA), visual resources, archaeological resources, forest resources, marine resources, and inconsistency with Del Monte Forest Land Use Plan (LUP) Policy 20. After collaborative discussions between County and Coastal Commission staffs, and with interested stakeholders, these appeal concerns have been resolved and are discussed in more detail below.

The proposed project consists of the demolition of the existing 2,083 square foot one-story 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 two-story single family dwelling with a subterranean basement, 1,296 square feet of balcony area, and a 1,106 square foot detached garage. The new house will be in the same general building and hardscape footprint as the existing single-family dwelling with minor adjustments to increase the critical root zone of large Monterey cypress located near the building footprint. The previously-approved fence/wall design has been revised to allow better visibility from 17-Mile Drive to the ocean, consistent with the policies of the Del Monte Forest Land Use Plan. Additional excavation is required to accommodate the subterranean basement level. Construction of the proposed structures will require grading of approximately 1,360 cubic yards of cut and 30 cubic yards of fill. One dead Monterey cypress and planted non-native Monterey cypress along the fence line are proposed for removal. The project also involves development within environmentally sensitive habitat, on slope exceeding 30 percent, and in an area of known archaeological resources.

## Project Issues

Visual Resources - The project site is identified on the LUP Visual Resources Map (Figure 3) as part of the viewshed area from 17-Mile Drive. The site of the Lone Cypress, a designated scenic vista, is located immediately northwest of the site. The existing visual character of the site is that of a forested area with views through the openings between the trees to the ocean. Some areas are more heavily forested, but the ocean is visible along the entire length of the property. The property slopes sharply down from the road to the bluff above the beach with a 30 to 35-foot change in elevation across the parcel. The existing single-story residence is sited approximately 20 feet lower than and 100 feet away from the road, nestled in among the trees.

The proposed residence will be in the same general building and hardscape footprint as the existing single-family dwelling, with minor adjustments to increase critical root zone of large Monterey cypress located near the building footprint. The proposed residence, although taller than the existing home, has been designed to minimize obstructions of and degradation to views from the road to the sea. The proposed residence would be 26.67 feet above average natural grade, and would be 10 feet above the street level of 17-Mile Drive.

The project includes the replacement of the existing fence along 17-Mile Drive with a stone wall that would be 4 - 6 feet tall as measured from the finished grade. Antique bronze fencing, with large view openings and in 12.5-foot long sections, would be inserted at seven locations along the wall. 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. Removal of the non-native Monterey cypress along the property line adjacent to 17-Mile Drive will further enhance views to the ocean.

The revised wall and fencing design addresses the Coastal Commission staff's concerns regarding forest to ocean views. In addition to a more open design, the Applicant has also lowered the wall sections by 1 – 2 feet along 17-Mile Drive to allow drivers to see the ocean over the wall. An entrance column was also removed to create a more transparent entrance area. The revised design is consistent with Del Monte Forest Land Use Plan Visual Resource Policies, which direct that development not block significant public views nor adversely impact public views and scenic character. Additionally, a recommended condition to require a conservation and scenic easement over those undeveloped portions of the parcel, including most of the southern half of the property, would provide a large area for visual access to the ocean from 17-Mile Drive. As proposed and conditioned, the project is consistent with applicable LUP visual resource policies, assures protection of the public viewshed, and is consistent with neighborhood character.

Environmentally Sensitive Habitat Area (ESHA) - The entire property is considered to be native Monterey cypress forest habitat, dominated by Monterey cypress with occasional Monterey pines. The understory of the Monterey cypress forest has been colonized by numerous planted, non-native species that have crowded out large areas of native plants, reducing the diversity and habitat value of the understory. Approximately 20 young, non-native Monterey cypress trees have been planted along the fence at the front of the property. The introduction of these trees could eventually result in cross-breeding with the rare, native Monterey cypress in the area. This would have an adverse impact to the Monterey cypress forest, not just on the subject parcel, but in the surrounding

forest as well. Additionally, the project biologist identified other sensitive species on the site: Monterey pine, Small-leaved lomatium, and Ocean bluff milk vetch. Implementation of the proposed mitigation measures would reduce impacts to Monterey cypress and coastal bluff habitats to less than significant.

Cultural Resources - Archaeological reconnaissance 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, staff recommends mitigation measures to ensure monitoring and protection of resources that could be discovered during excavation activities. Additionally, based on tribal consultation which occurred on December 8, 2015, County staff has recommended revision of Mitigation Measure No. 8 to include a tribal monitor during all site excavation activities.

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 re-align the driveway as well as a small area for the construction of the garage. Monterey County Code Title 20 Section 20.64.230 provides for an exception on the development on a 30 percent or greater 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 would require a Coastal Development Permit.

To approve development on slopes exceeding 30 percent, staff must make one of two findings: 1) that there is no feasible alternative which would allow development to occur on slopes of less than 30 percent; or 2) that the proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program (LCP) than other development alternatives. The site is constrained by the multiple setbacks and the encroachment onto 30 percent slopes is not considered significant given the sloping topography of the site. Further, the project is designed to include restoration of impacted slopes, which will result in 648 square feet of additional ESHA. Therefore, the project better achieves the goals, policies and objectives of the LCP.

Del Monte Forest Land Use Plan (LUP) Policy 20 – 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 Lundquist project, as approved by the Planning Commission in 2013, triggered the need to amend 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, 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, resulting in a 313-square foot net reduction of hardscape on the site, including 119 square feet of hardscape from existing critical root zone areas. Additionally, the project proposes the restoration of over 9,700 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 would be 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).

Environmental review (CEQA) - The County prepared, circulated, considered, and adopted a Mitigated Negative Declaration (MND; SCH No. 2012061087) (**Exhibit F**) for the original Combined Development Permit (PLN110114). The MND concluded that the project as designed and mitigated had reduced potential impacts to a less than significant level. The current proposal does not alter the analysis or conclusions reached by this MND. The County has prepared an Addendum (**Exhibit E**) for PLN150150 which states that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, there are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous MND was adopted.

Mitigation measures include designing the wall/fence to minimize obstruction of views from the road to the sea, removing the non-indigenous stock from the site for both aesthetics and biological integrity; tree protection measures, replanting of sensitive plant species, having an arborist present during all excavation and soil disturbing activities, implementing a Monterey Cypress Habitat Restoration Plan for biological resources, and for cultural resources, having a qualified archaeological monitor present during excavation and soil disturbing activities.

These mitigation measures are consistent with the revised plans; however, the proposed single dwelling was not analyzed in the Initial Study. An Addendum to the previously adopted MND has been prepared to reflect the changes to the project. No substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. 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;
- The proposed project will result in a net gain of 9,702 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 amended Policy 20, is consistent with the Del Monte Forest Land Use Plan;

- The proposed project will require the minor modification of Mitigation Measure No. 8 to include the excavation of the area for the new house in addition to the new driveway, fence, and garage, and to include a tribal monitor.

The proposed project has been designed to meet the policies of the Del Monte Forest Land Use Plan, including the amended Policy 20, and site development standards of the Low Density Residential Zoning District. The Addendum to the MND addresses and analyzes potential impacts from the proposed development, and all impacts remain mitigated to a less-than-significant level.