

# Exhibit A

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**EXHIBIT A**  
**PROJECT DISCUSSION**  
**PLN170198 (1536 Venadero LLC)**

**I. PROJECT DESCRIPTION:**

**Project Description**

The Penn project includes comprehensive landscape improvements on the exterior of an existing, historic, Spanish eclectic style, single family residence in Del Monte Forest. Landscape improvement include:

- Reconfiguration of an existing driveway to include a circular turnaround design with permeable paver surface in place of the existing driveway that contains decomposed rock over pavement;
- Resurfacing and reconfiguration of pathways surrounding the existing home in the front yard (along Venadero Road), side yard, and rear yards;
- Construction of a new patio and walkway connecting the reconfigured driveway at the front of the home with the patio at the rear of the home;
- Reconstruction of the rear patios and walkways;
- Relocation of a decorative well in the rear yard; and
- A new landscape planting palette and design with associated irrigation.

The proposed landscape improvements involve “development” as defined in the Coastal Implementation Plan, Part 1 (“Title 20” of the Monterey County Code), including placement and erection of solid materials. The development requires a Coastal Development Permit pursuant to Title 20 because there is evidence of Native American activity in the area; a positive archaeological site.

The project site includes two separate legal lots of record each with a unique Assessor’s Parcel Number. The lots have been separately described in grant deeds dated March 13, 1923 which predate the state subdivision map act requirements. Assessor’s Parcel Number 008-422-012-000 (Lot 1) is approximately 0.9 acres in size and contains the majority of the existing improvements including the house, driveway, and most of the landscaping. Assessor’s Parcel Number 008-422-013-000 (Lot 2) is approximately 0.6 acres in size and contains a portion of the landscaping and the majority of the existing detached garage and greenhouse. The main residence on Lot 1 is connected by patios and walkways to a detached garage and greenhouse. The garage and greenhouse have been constructed over the property line which is not uncommon for structures built in the 1920’s and 30’s. These structures would be considered legal non-conforming because of their location.

**II. ANALYSIS**

**Development Standards**

The site is designated for low density residential development (LDR/1.5-D(CZ)) and the project includes landscaping improvements associated with the existing single-family residential use. Existing improvements on the property include the single-family dwelling with driveway, patios, walkways, and native and non-native landscaping as well as a detached garage and greenhouse

that have been constructed across the property line. The detached garage and guesthouse do not meet the side and front yard setback requirements for the LDR zoning district. The home was built in the 1920's and is considered an historic resource. There are no alterations proposed to the non-conforming accessory structures.

One of the existing lots ("Lot 1") is also considered legal non-conforming with respect to the 9,000 square foot impervious surface limitation contained in policy 77 of the Del Monte Forest Land Use Plan. Lot 1 currently contains a total of 15,666 square feet of impervious surface which includes the existing residence, driveway, patios, and portions of the existing guesthouse and garage. Lot 2 on the other hand, contains only 2,090 square feet of impervious area including the remaining portions of the non-conforming garage and greenhouse and existing patios and walkways. The project would alter the non-conforming impervious surface areas on Lot 1 without bringing the total surface area into conformance with the 9,000 square foot area limitation. As proposed, the impervious surface on Lot 1 would be reduced by 6,133 square feet (from 15,666 square feet to 9,533 square feet) and the impervious surface area on Lot 2 would be reduced by 57 square feet (from 2,090 square feet to 2,033 square feet). Additional discussion regarding the impervious surface areas in the "Pescadero watershed" are contained below.

### **Pescadero Watershed Impervious Surfaces**

The site is located within the "Pescadero Watershed" area of the Del Monte Forest which is an area that drains to the Carmel Bay Area of Special Biological Significance (ASBS). The Del Monte Forest Land Use Plan calls for heightened concern of non-point sources of pollutants to the Carmel Bay ASBS. Specific policies to protect freshwater and marine resources are provided that require erosion control measures and stormwater runoff best management practices for all development projects in the watershed. This Penn project is required to implement erosion control measures during construction (Condition 6) and stormwater systems (Condition 10), consistent with the Del Monte Forest Land Use Plan policies and Monterey County Code.

Separately from the Freshwater and Marine Resource policies, the Del Monte Forest Land Use Plan contains a Land Use and Development Policy which states: "*New residential development, including main and accessory structures, within the Pescadero Watershed and the smaller unnamed watersheds of the Pebble Beach Planning Area which drain into the Carmel Bay Area of Special Biological Significance (ASBS) and in the watersheds of Seal Rock Creek and Sawmill Gulch (see Figure 2b) shall be limited to a maximum of 9,000 square feet of site coverage. The site coverage limitation total shall include both structural and other impervious surface coverage.*" [Policy 77]. It is staff's interpretation that this policy is broadly intended to protect the Carmel Bay ASBS by applying a narrow, individual site development standard.

Consistent with the emphasis in the Del Monte Forest Land Use Plan for "heightened concern" for the protection of the ASBS and consistent with the interpretation that specific policy 77 is a "site development standard," a Coastal Development Permit consideration is included in this permit for exceedance of the 9,000 square feet impervious surface limit in the Pescadero Watershed. With standard conditions implemented, and as proposed, the project would prevent erosion and effectively control stormwater runoff onsite consistent with marine resource protection policies. With regard to the 9,000 square foot limit, the site currently contains 15,666 square feet of impervious area (Lot 1) and this non-conforming situation would be substantially improved by

removing more than 6,000 square feet of impervious surface area. The reduction is accomplished primarily by reducing the size of the existing driveway by over 1,000 square feet and changing the existing 5,566 square foot impervious driveway surface with a 4,387 square foot pervious driveway surface. This reduction represents edits made to the improvement plans during the planning review process and a balance of providing reasonable outdoor patios and living space while protecting resources.

Requiring strict conformance to the development standard is not recommended in this case as it may deprive the property owner of reasonable outdoor living space, would be disproportionate to the foreseeable impacts of the project, and could have adverse impacts on historic and cultural resources. Some existing impervious surfaces cannot and should not be modified to protect the historic integrity of the home including the structures and the front courtyard area. On the rear of the property, a deteriorating rear patio would be replaced. This patio connects the residence to the garage and greenhouse. The rear patio elevation is raised from grade to match the existing rear door thresholds on the historic home. Stone work on the patio is appropriate to compliment the historic architecture of the site. Potential impacts to archaeological resources outside of the existing disturbed areas have also been identified as a concern and the project has been designed to minimize potential impacts to those resources as well. For these reasons, staff is recommending granting a Variance to the 9,000 square foot impervious surface coverage limitation.

In all, with adequate protections for erosion and stormwater runoff, the balance of the project design with respect to cultural resources, and the significant reduction in impervious area, staff believes that the project has been sited and designed in such a manner as to protect and enhance coastal resources.

### **Cultural Resources**

The subject property is located within a “high” archaeological sensitivity zone and contains a single-family residence that has been determined a historical resource eligible for listing at the local level of significance as a distinct architectural residence (Spanish eclectic style).

An archaeological reconnaissance conducted for the project indicated a previously recorded archaeological site in the vicinity of the proposed project and found evidence that the site may contain archaeological resources. To determine the extent and location of potential resources, a Phase II archaeological investigation was conducted. As part of the Phase II investigation, 13 auger tests were drilled in and around the existing home. Based on the testing results, the archaeologist recommended that the project be redesigned to avoid portions of the site including avoidance of excavation for construction below depths where intact layers of resources may be present. Furthermore, the report recommended that if complete avoidance is not possible, impacts to resources should be mitigated through archaeological data recovery and archaeological monitoring during construction. Based on the information, and consistent with Del Monte Forest Land Use Plan policies, the project was redesigned to minimize the footprint of the proposed patios and walkways and hence minimize potential impacts to archaeological resources. Due to the nature of the improvements (patios, walkways, and driveways), improvements must be located near or adjacent to the existing residence.

In addition to archeological investigations and pursuant to Public Resources Code Section 21080.3.1, on October 10, 2017, the Resource Management Agency – Planning Division consulted with the tribal chairwoman of the Ohlone-Coastanoan, Esselen Nation (OCEN) regarding the proposed project. OCEN is generally opposed to land disturbance that has the potential to impact archaeological resources but understands that development will occur on private property. In this case, OCEN is concerned with unearthing artifacts or human remains belonging to their tribal ancestors. To mitigate potential impacts to these resources, OCEN requests a tribal monitor be present during all earth disturbing activities.

Mitigations are suggested for both archeological and tribal cultural resource protection. If applied, these mitigations would minimize potential impacts to a less than significant level.

With regard to the built historic environment, a Phase II Historic report was prepared for the project by Kent Seavey. The report analyzes the consistency of the project with the Secretary of the Interior's Standards for Rehabilitation and to determine if the project would adversely impact the significance of the historic resource. In his report, Mr. Seavy concludes that as proposed, the landscape improvements will not destroy the significance of the historic resources. The new terraces/patios will be constructed in a manner that is compatible with but distinguishable from the original historic materials and setting and will be removable in the future without significantly impacting the historic property. RMA- Planning staff have reviewed the Historic Report and the proposed project and concur with the determination. As proposed, the project meets the Secretary of the Interior's Standards for Rehabilitation and will not have a significant, adverse impact on the historic building.

### **CEQA**

A Mitigated Negative Declaration (MND) has been prepared for the project pursuant to the California Environmental Quality Act (CEQA). The MND discusses reasonably foreseeable impacts to cultural resources, land use planning, and tribal cultural resources. Mitigations are proposed that would reduce potential impacts to cultural and tribal cultural resources to a less than significant level including providing monitors on site during construction and requiring appropriate treatment and analysis of resources if discovered. The proposed mitigations are incorporated in the recommended conditions and mitigation monitoring and reporting plan attached to the resolution.

The Mitigated Negative Declaration (MND) was circulated for public comment November 7, 2017 through December 8, 2017. Only one comment was received during the public comment period on the MND. The comment was from staff at the California Coastal Commission and was focused on the land use and planning analysis discussion regarding the intent of the Pescadero Watershed impervious surface coverage limitations. Coastal Commission staff contends in their letter that the MND does not adequately support the conclusion that the project is consistent with water quality protection policies regarding impervious surface area and did not adequately reflect the intent of the Pescadero Watershed coverage limitation policies.

Staff considered the Coastal Commissions comments and has worked with the applicant to further reduce impervious surface area from the original plan that was analyzed in the MND. C Revisions made to the project plans in response to the Coastal Commission comments on the

MND do not create new effects or change the information or determinations made in the MND. Also, in response to Coastal Commission comments, staff is proposing minor clarification and amplification of the analysis in support of the conclusion made in the MND that the project will not conflict with the applicable land use policies. The clarification and amplification is also described in the discussion above (under the heading “Pescadero Watershed Impervious Surfaces”). No new impacts or mitigations are required in response to the comments and pursuant to Section 15073.5 of the CEQA Guidelines, recirculation is not required.

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