



Monterey County

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Board Report

Legistar File Number: RES 19-016

March 12, 2019

Introduced: 2/27/2019

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Resolution

PLN171011 - ALFORD TRACY TR

Public hearing to consider an appeal by Chris and Sara Bardis from the September 27, 2018 Zoning Administrator decision approving an after-the-fact permit (PLN171011/Alford) to clear a Code Enforcement Case (17CE00253) to construct a 660 square foot rear-yard patio and to replace 4,600 square feet of impervious driveway surfaces with pervious material.

Project Location: 1496 Bonifacio Road, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone

Proposed CEQA action: Categorically Exempt per Section 15303(e) of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

1. Deny the appeal of Chris and Sara Bardis from the September 27, 2018 Zoning Administrator decision approving an after-the-fact Coastal Administrative Permit and Design Approval (RMA-Planning File No. PLN171011/Alford);
2. Find that the project involves the construction of an accessory structure, which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 (e) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
3. Approve an after-the-fact Coastal Administrative Permit and Design Approval, clearing Code Enforcement case (17CE00253), to:
 - a. Replace 4,600 square feet of impervious driveway with pervious materials to correct impervious site coverage in excess of 9,000 square feet,
 - b. Construct a 660 square foot rear patio where a lawn area previously existed; extend a gas line to the rear patio, grill and fireplace; and install new on-site drainage improvements.

The attached draft resolution includes findings and evidence for consideration (**Attachment B**). Staff recommends approval of the project subject to 12 conditions of approval.

PROJECT INFORMATION:

Agent: Tina Hannas-De Freitas

Owner: Tracy Alford TR

APN: 008-341-037-000

Zoning: LDR/1.5-D (CZ)

Parcel Size: 1.75 acres

Plan Area: Del Monte Forest Land Use Plan

Flagged and Staked: No

SUMMARY:

The property is located on Bonifacio Road in Pebble Beach within an established neighborhood, east of the intersection of Cortez and Bonifacio Road, in the Coastal Zone. The proposed project is for an after-the-fact permit to clear a Code Enforcement violation (17CE00253) to correct improvements made without a permit that exceeded impervious site coverage limitations including construction a 660 square foot rear patio, extension of a gas line and installation of on-site drainage improvements.

The project was originally set for administrative review and approval on August 15, 2018. On August 9, 2018, the County received two letters requesting a public hearing on the matter. County staff scheduled the project for public hearing before the Zoning Administrator on September 27, 2018. On that date, the Zoning Administrator found the project categorically exempt and approved the Coastal Administrative Permit and Design Approval. (**Attachment D**).

The Appellant, Anthony Lombardo & Associates on behalf of Chris and Sara Bardis (neighbors), timely filed an appeal (**Attachment C**) from the September 27, 2018, decision of the Zoning Administrator. The appeal contends that the finding of consistency with Policy 77 of the Del Monte Forest Land Use Plan (DMF LUP) is not adequately supported by evidence because an engineered drainage plan was deferred until post planning approval; that uncertainty of accuracy in the existing impervious coverage cannot support findings of consistency with standards outlined for areas within the Pescadero Watershed; and the project cannot be categorically exempt from California Environmental Quality Act (CEQA) due to reasonable possibility that the project will have a significant effect on the environment. These contentions are further detailed in **Attachment A**.

On October 12, 2018, staff received correspondence from the applicant and appellant agreeing to a continuance of the public hearing to January 29, 2019. On January 8, 2019, the applicant requested another continuance to March 12, 2019 to allow time to revise the plans to address concerns of the appellant. On February 6, 2019, the applicant submitted revised plans and materials that reflected a change in square footage based on what was previously approved by the Monterey County Zoning Administrator. A licensed surveyor and engineer identified the existing impervious and proposed pervious square footages to have a more accurate calculation. This information is reflected within this board report and associated attachments.

Staff has reviewed the appeal contentions, and the recommendations have not changed. Preliminary drainage information is appropriate at this stage of permitting and engineered drainage plans will be required as part of the building plan approvals for this project. Certainty and accuracy of impervious coverage have been verified by a licensed surveyor, and the project can be categorically exempt from CEQA review.

This Board of Supervisors hearing on the project is de novo. Staff recommends denial of the appeal and granting of the Coastal Administrative Permit and Design Approval. Staff has prepared a draft resolution denying the appeal and granting the entitlements subject to conditions.

CEQA:

The project is categorically exempt from environmental review pursuant to Section 15303 (e) of the CEQA Guidelines. This exemption applies to the construction of small facilities or new structures. The size of the patio, 660 square feet, is considered an accessory (appurtenant) structure and is consistent with this exemption. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located on a hazardous waste site, near a scenic highway or historical resource. The subject property would come into compliance with the DMF LUP and DMF CIP regarding policies within the Pescadero Watershed by reducing the overall stormwater run-off and replacing 4,600 of impervious surface to pervious materials. Therefore, the proposed project would not have any potential cumulative impact or reasonable possibility of a significant effect on the environment.

DISCUSSION:

A detailed discussion of the project, appeal contentions, and staff's response to appeal contentions is provided in **Attachment A** to this report.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- Pebble Beach Community Services District

FINANCING:

The Board appeal fee is typically, \$1,750.07; however, projects in the coastal zone are not charged an appeal fee. If the County were to charge a fee, then the project could be appealed directly to the Coastal Commission rather than going to the Board first. Funding for staff time associated with this project is included in the FY18-19 Adopted Budget for RMA-Planning.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our RMA customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- ✓ Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Jacquelyn M. Nickerson, Assistant Planner, Ext. 5240

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: John M. Dugan, FAICP RMA Deputy Director of Land Use and 

Development Services

The following attachments are on file with the Clerk of the Board:

Attachment A - Discussion

Attachment B - Draft Resolution including:

- Conditions of approval
- Site Plans

Attachment C - Notice of Appeal Filed October 8, 2018

Attachment D - Zoning Administrator Resolution, Res. 18-056

Attachment E - Deed Restriction

Attachment F - Coastal Commission Application No. A-3-MC-17-0038

Attachment G - Correspondence

cc: Front Counter Copy; California Coastal Commission; Brandon Swanson, Interim Chief of Planning; Craig Spencer, Interim RMA Planning Manager; RMA-Environmental Services; Tina Hanna-De Freitas, Agent; Tracy Alford TR, Owner; John Bridges, Fenton & Keller, Interested Party; Anthony Lombardo, Lombardo & Associates, Interested Party; Chris Bardis, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN171011