



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #:	ZA 21-009	Name:	PLN200068 - FEATHER CYPRESS LLC
Type:	Zoning Administrator	Status:	Agenda Ready
File created:	2/17/2021	In control:	County of Monterey Zoning Administrator
On agenda:	2/25/2021	Final action:	
Title:	PLN200068 - FEATHER CYPRESS LLC Public hearing to consider the partial demolition, remodeled reconstruction of an accessory dwelling unit and attached garage within 100 feet of environmentally sensitive habitat. The project will result in a 1,200 square foot accessory dwelling unit with a 351 square foot attached garage. Project Location: 3256 17-Mile Drive, Pebble Beach in the Pebble Beach planning area of the Del monte Forest Land Use Plan Proposed CEQA action: Consider an addendum together with a previously adopted Mitigated Negative Declaration (MND) per Section 15164 of the CEQA Guidelines		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A – Project Data Sheet, 3. Exhibit B – Draft Resolution, 4. Exhibit C – Del Monte Forest LUAC Minutes, 5. Exhibit D – Vicinity Map, 6. Exhibit E – Addendum, 7. Exhibit F – PLN030436 Environmental Documents, 8. Exhibit G – Site Photos, 9. Exhibit H – Policy 20, 10. Exhibit I – CIP Section 20.147.040.D.2

Date	Ver.	Action By	Action	Result
2/25/2021	1	County of Monterey Zoning Administrator		

PLN200068 - FEATHER CYPRESS LLC

Public hearing to consider the partial demolition, remodeled reconstruction of an accessory dwelling unit and attached garage within 100 feet of environmentally sensitive habitat. The project will result in a 1,200 square foot accessory dwelling unit with a 351 square foot attached garage.

Project Location: 3256 17-Mile Drive, Pebble Beach in the Pebble Beach planning area of the Del monte Forest Land Use Plan

Proposed CEQA action: Consider an addendum together with a previously adopted Mitigated Negative Declaration (MND) per Section 15164 of the CEQA Guidelines

RECOMMENDATIONS

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

1. Certify that the Zoning Administrator has considered an Addendum together with the mitigated negative declaration and initial study prepared and adopted for the Feather project (HCD-Planning File No. PLN030436), per CEQA Guidelines Section 15164; and
2. Approve a Combined Development Permit consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow the partial demolition of a caretaker's quarters and attached garage, and the construction of a 1,200 square foot accessory dwelling unit with a 351 square foot attached garage; and
 - b. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 20 conditions of approval, including 3 mitigation measures that have been carried forward

from the previously adopted MND.

PROJECT INFORMATION

Owner: FEATHER CYPRESS LLC

APN: 008-462-008-000

Zoning: Low Density Residential, 2 acres per unit, with a Design Control Overlay (Coastal Zone) [LDR/2-D (CZ)]

Parcel Size: 2.8 acres (121,968 square feet)

Plan Area: Del Monte Forest Land Use Plan

Flagged and Staked: Yes

SUMMARY

The project site is located on the ocean side of 17-Mile Drive, in an established residential neighborhood. The proposed project involves the partial demolition, remodel, and reconstruction of an accessory dwelling unit (ADU) and attached garage, all within the existing hardscaped footprint of the site. ADUs are permitted uses in residential zones and are encouraged as a means of providing affordable housing in the area.

The site is within native cypress habitat (environmentally sensitive habitat) and is within the viewshed from 17-Mile Drive. Staff has reviewed the proposal and determined that the project is consistent with policies of the Del Monte Forest Land Use Plan protecting the habitat. The development will be located entirely within an already disturbed footprint thereby not impacting cypress habitat. Views from 17-mile drive will be improved from current conditions because the height of the structure will be lowered by 3 feet from existing. The proposed design has also been found to be compatible with the neighborhood and incorporates appropriate siting, design, colors and materials that will blend with the site and surroundings.

DISCUSSION

Relevant Property History

In 1988, a caretaker's quarters was permitted through the coastal development permit (ZA6911). An archaeological survey was performed at that time, which did not discover any evidence of archaeological resources in the project area.

On January 31, 2003, the Zoning Administrator approved a combined development permit (PLN020582) allowing an attached three car garage on the north side of the caretaker's unit. The garage was sited in an area where a greenhouse foundation and landscaping existed to minimize impacts of the new garage footprint. A biological report, prepared by EMC Planning Group, identified potential impacts to the indigenous Monterey cypress habitat, and recommended mitigation measures to reduce these impacts to a less than significant level. Potential impacts to the scenic views from 17-mile Drive were also considered and mitigated by requiring that a proposed retaining wall be lowered in height. Utilizing the recommendations of this biological report and staff's analysis of aesthetic concerns, an initial study (IS) was prepared and mitigations were agreed upon to minimize impacts. As such, a mitigated negative declaration (IS/MND) was adopted for this project.

The permit for the garage was later amended on November 13, 2003 (File No. PLN030436). The amendment increased the height of the proposed retaining wall from 2' to a stepped design between 5'-6" and 6'. To mitigate for this aesthetic impact to the ocean view from 17-Mile Drive, the property owner was required to lower the height of an adjacent retaining wall from 10' to the same stepped design. A revised initial study and mitigated negative declaration were prepared and adopted to capture this change.

As discussed below, this project relies on the revised IS/MND. Mitigation for potential impacts to aesthetics have already been cleared with the execution of the revised adjacent wall. Additionally, the retaining wall that required this mitigation is being removed as part of this permit. As such, no additional mitigations are required for this resource.

Land Use and Development Standards

The property is zoned Low Density Residential with a maximum density of 2 acres per unit, and a Design

Control Overlay in the Coastal Zone (LDR/2-D (CZ)). The project includes improvements to a garage and accessory dwelling unit (ADU). Both the garage and ADU are allowed uses in the LDR zone and ADUs are encouraged as a means of providing housing in the Del Monte Forest Land Use Plan. The Design Control zoning overlay requires the granting of a Design Approval for the proposed development. Based on staff review of the planning application materials, the property complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 1982 Monterey County General Plan, the Del Monte Forest Land Use Plan, the Monterey County Coastal Implementation Plan - Part 5 and the Monterey County Zoning Ordinance (Title 20).

As proposed, the structure conforms to the required setbacks of the base zoning district. The height of 13'-6" is below the 15' height limit for habitable accessory structures. The proposed building site coverage of 15,984 square foot (13.1%) and floor area of 21,318 square foot (17.48%) comply with the 15% building site coverage and 17.5% floor area ratio requirements. Pursuant to Policy 20 and Coastal Implementation Plan section 20.147.040.D.2(c)(2) all modified development is located within the existing legally established hardscape.

Public Viewshed and Design Review

The proposed project is consistent with DMF LUP Scenic and visual Resources Policies, and the location, size, configuration, materials, and colors of the proposed project are in line with the objective of the Design Overlay Control District which is to assure protection of the public view shed and neighborhood character.

The 13'-6" single-story accessory dwelling unit is in scale with the structures in the surrounding residential neighborhood. The change in roof profile from pitched roofs to a uniform flat roof profile decreases the height of the structure when viewed from the north (17-Mile Drive) while increasing it on the south (ocean) side. This results in an overall lowered height of approximately three feet. This lowered height reduces impacts to the viewshed by increasing visibility of the ocean from 17-Mile Drive.

The present exterior finishes of white stucco and Spanish tile are proposed to be replaced with vertical grain weathered Cypress wood siding, a natural stained Cyprus eave soffit, unfinished Copper gutters and Fascia, brown painted window and door frames, glass windows, an integral grey concrete base, and a 3-ply gravel roof. The proposed finishes are designed to blend with the surrounding natural environment.

Pursuant to DMF LUP Policy 84, new development requires a 100-foot setback from the centerline of 17-Mile Drive to maintain the public viewshed along 17-Mile Drive, unless such development is, "otherwise screened by vegetation and/or terrain in which case the setback may be reduced if the screening terrain/vegetation is required to be maintained and/or enhanced in perpetuity for screening and public viewshed enhancement purposes." As proposed, the accessory dwelling unit and attached garage are seventy-one 71 feet from the centerline of 17-mile drive. This location was approved in previous entitlements PLN020582 & PLN030436, which permitted the construction of the garage. It is adequately screened by vegetation and terrain:

- The height of building grade is approximately 7 feet below the centerline of the road, and visibility is limited to a portion of the front building wall and roof.
- An existing solid property wall and vegetation further screen the site.

To ensure ongoing conformance to this policy, a scenic easement deed was conveyed to the County over those portions of the property 100 feet of the centerline of 17-Mile Drive as part of the conditions of approval for the construction of the garage PLN020582. This scenic easement excluded the existing and approved development areas (including where the proposed ADU and garage improvements will occur). The deed is recorded as Monterey County Recorder document No. 2004087472.

As designed, the project improves views from 17-mile drive over existing conditions. Criteria for protection of screening have been met. Restoration of natural views would require removal of the ADU and garage without rebuilding in this case.

The project is not visible from any nearby public viewing areas including the Lone Cypress and the Pescadero Point viewing area.

Environmentally Sensitive Habitat Area

DMF LUP Policy 20 identifies indigenous Monterey cypress habitat as Environmentally Sensitive Habitat Area

(ESHA) and regulates use and development in or adjacent to indigenous Monterey cypress habitat areas to protect, maintain, and where possible enhance this environmental resource. This habitat is presumed present within and adjacent to the area mapped in LUP figure 2a of the Del Monte Forest Land Use Plan.

Proposed development will be located within this mapped area, however, consistent with DMF LUP Policy 8, the project has been sited and designed to limit any potential impacts to Monterey cypress habitat. All project work occurs within the existing hardscaped area of the site. Demolition work on the existing structure is limited. The exterior walls of the current structure are being partially demolished to the studs to change the finish and openings. The concrete floor, in the portion of the garage being converted to living space, is being demolished, while the rest of the foundation will remain. The only change in the structural envelope is the demolition of the approximately 27 square foot bathroom on the south (beach) side of the structure, outside of the immediate proximity of any trees. A 308 square foot section of hardscaped driveway is being demolished and converted back to naturalized landscaping.

Biological reports prepared for previous development have confirmed the presence of Monterey cypress habitat present onsite, including the presence of the native Monterey cypress (*Cupressus Macrocarpa*) and Monterey Pine (*Pinus radiata*). Both of these species are listed on the California Native Plant Society (CNPS) List 1B, which includes species that are rare, threatened, or endangered in California and elsewhere. This report also included recommended mitigations to reduce impacts to the habitat and these individual species to a less than significant level, as well as enhance native Monterey cypress forest habitat onsite.

These mitigation measures were included as mitigation measures 2-4 on the revised Initial Study and Mitigated Negative Declaration adopted with PLN030436, and include:

- Protecting trees throughout the construction process and after final occupancy through measures including temporary fencing, protective wrapping of trees adjacent to construction activity, manual trenching, location of construction staging away from trees, and monitoring by a qualified arborist.
- Developing a program for removing, controlling, and preventing the introduction invasive and/or exotic plants as they appear on the property, including immediate eradication efforts of the non-native iceplant present onsite and subsequent monitoring to confirm eradication and re-vegetation efforts are successful.
- Preventing summer watering of Monterey cypress trees through the replacement of ornamental landscaping in the understory of Monterey cypress trees which cannot survive without summer irrigation with native vegetation associated with Monterey cypress understory or other approved drought tolerant plant species.

Staff recommends these mitigations be substituted with slightly modified versions of the mitigations, pursuant to 15074.1 of the CEQA Guidelines, and these revised mitigations be incorporated into this approval, to ensure ongoing protection of Monterey cypress habitat onsite. The modifications include clarifying the area where immediate iceplant and exotic re-vegetation are required, modifying some of the monitoring actions and timelines to enhance their enforceability, and minor technical corrections to fit the county's present mitigation monitoring template and address typos. In addition, pursuant to DMF LUP Policy 20, an open space conservation and scenic easement should applied to the undeveloped portions. The recording of this easement deed is included as condition of approval No. 10.

ENVIRONMENTAL REVIEW

A technical addendum was prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act Guidelines to make minor changes to the project analyzed in the revised MND/IS, adopted November 13, 2003, by Zoning Administrator Resolution No. 030436. None of the conditions described in section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred. The site is still within the viewshed from 17 mile drive, is still within native cypress habitat, and no other changes in circumstances or changes in the project have occurred which might lead to new impacts or substantially more severe impacts that previously considered.

LUAC

County staff referred the project to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project at a duly-noticed public meeting on January 21, 2021, at which all persons had the opportunity to be heard. At the conclusion of the hearing, the LUAC voted 7 - 0 to support the project as proposed.

Prepared by: Phil Angelo, Assistant Planner

Reviewed by: Craig Spencer, HCD Planning Services Manager

Approved by: Erik Lundquist, HCD Chief of Planning

The following attachments are on file with the Housing and Community Development:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, Elevations, Color/Material Finishes

Exhibit C - Del Monte Forest LUAC Minutes

Exhibit D - Vicinity Map

Exhibit E - Addendum

Exhibit F - PLN030436 Environmental Documents, including:

- Initial Study and Mitigated Negative Declaration
- Previous Mitigation Monitoring Program
- Biological Report

Exhibit G - Site Photos

Exhibit H - Policy 20

Exhibit I - CIP Section 20.147.040.D.2

cc: Front Counter Copy; Zoning Administrator; Pebble Beach Community Service District; HCD-Public Works; HCD-Environmental Services; Environmental Health Bureau, Craig Spencer, HCD Planning Services Manager; Feather Cypress LLC, Owner; Laura M. Lawrence, applicant; The California Coastal Commission; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN200068