



County of Monterey

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

Board Report

File #: PC 16-061, **Version:** 1

PLN150548 - 3196 LLC (Continued from September 28 , 2016)

Initial Screening for policy consistency of a project including demolition of a 10,895 square foot single family dwelling and reconstruction of a 10,195 square foot single family residence with a 718 square foot detached garage within Native Cypress Habitat.

Proposed CEQA Action: Initial Screening of project is Statutorily Exempt per CEQA Guidelines Section 15270, the project will be subject to CEQA review if it moves forward.

3196 17 Mile Drive, Pebble Beach, Del Monte Forest Land Use Plan.

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Consider concept plans to redevelop a site within native cypress habitat
- b. Provide direction on interpreting Policy 20 of the Del Monte Forest Land Use Plan as it relates to this project

PROJECT INFORMATION:

Planning File Number: PLN150548

Owner: 3196 LLC

Representative: Robert Joyce

APNs: 008-491-010-000

Area: 2.7 acres

Plan Area: Del Monte Forest Land Use Plan

Land Use/Zoning: Low Density Residential - Two Acres per unit density - Coastal Zone

Flagged and Staked: Yes, the site was flagged and stacked prior to the application, and the flagging and staking remains in place.

SUMMARY:

The applicant's architect, Mr Joyce, prepared a plan that arguably would not meet a strict interpretation of Policy 20 for redevelopment of properties in native cypress habitat. In staff's opinion, we find that the plan would be an improvement from current conditions. Staff agreed to bring this forward for Planning Commission discussion relative to interpretation Policy 20, primarily as it pertains to this project but recognizing there could be broader implications for other projects under similar circumstances. Consideration of the project relative to evaluating development standards and other policies would come at a later time depending on the direction received.

DISCUSSION:

This initial screening is intended to allow the Planning Commission to discuss how an existing application should be structured to move forward related to redevelopment of a site in Monterey Cypress Habitat. This is a discussion and will not constitute an action on any portion of the project. The discussion could almost take place without reference to a project, but the questions raised are related to an application on file so the plan is used as the focus.

An application has been received by the County to allow demolition of a 10,895 square foot single family

dwelling and construction of a 10,195 square foot single family residence with a 718 square foot detached garage within Native Cypress Habitat. Policy 20 of the Del Monte Forest Land Use Plan regulates development in Native Cypress Habitat. Policy 20 as currently written allows redevelopment on sites with native cypress habitat provided the improvements are “located within existing hardscaped areas and outside of the driplines of individual cypress trees”. The full text of Policy 20 is:

Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest, and is presumed present within the area mapped in Figure 2a. All proposed development in this area shall be accompanied by the biological reports described in Policies 12 and 16. All use and development in or adjacent to indigenous Monterey cypress habitat areas shall be compatible with the objective of protecting this environmentally sensitive coastal resource. All improvements (such as structures and driveways, etc.) shall be carefully sited and designed to avoid potential damage or degradation of Monterey cypress habitat, including the microhabitat of individual cypress trees, and must be located within existing hardscaped areas and outside of the dripline of individual cypress trees. Within the perimeter of the identified habitat area for a site, including at a minimum as defined by the driplines of the outermost indigenous Monterey cypress trees on the site, removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering shall be prohibited. On the inland side of 17-Mile Drive, driveways shall be allowed in this area where the driveway does not come within the dripline of individual Cypress trees. Underground residential utilities and fences shall be allowed in this area on the inland side of 17-Mile Drive. Open space conservation and scenic easements are required for all undeveloped areas of a parcel within the Monterey cypress habitat area, and such easements shall be secured consistent with Policy 13.

An amendment was brought forward to the Planning Commission on June 29, 2016, which the Planning Commission found to be inconsistent with the objectives of Policy 20 and has recommended the Board of Supervisors not approve the amendment. That amendment is scheduled to be considered by the Board of Supervisors on October 18, 2016.

The applicant observed the discussion, and would like to discuss with the Planning Commission how to treat several trees on this site. The applicant has put together a presentation that focuses on four trees suffering as a result of the existing development. These trees are heavily impacted by existing hardscape and are in a declining condition. This is addressed in the attached Exhibit C, a report by forester Ralph Osterling.

For this discussion the applicant has provided a brief narrative of the approach used to design the site, and has included a series of Exhibits showing the existing site, and the proposed design. The applicant narrative is Exhibit A and Exhibit B is a series of plans showing the existing development of the site, and the proposed redesign. The proposed redesign greatly reduces the amount of hardscape within the critical root zone of the trees, but does result in encroachments in other areas.

The basic question that is being asked is whether it is possible to pull back existing hardscape that is causing damage to trees and allow some sensitively designed expansion of the footprint in other areas?

In discussions relative to Policy 20 to date, the focus has been on maintaining development within existing hardscape, and outside of the driplines of trees. These are two coequal clauses, but there is a third clause: “*All improvements (such as structures and driveways, etc.) shall be carefully sited and designed to avoid potential damage or degradation of Monterey cypress habitat...*” The issue being raised is how should we interpret these three equal clauses when the existing development scheme is damaging the existing cypress trees, and a

new development plan is proposed to improve the health and vitality of these trees? The language of Policy 20 is written with the implied assumption that the trees are healthy and vibrant in the existing condition. If this is not the case does the policy language leave the County in a position to be unable to address this situation if the opportunity were to present itself?

Policy 20 states: “*All use and development in or adjacent to indigenous Monterey cypress habitat areas shall be compatible with the objective of protecting this environmentally sensitive coastal resource.*” Should consideration be given to the reality that existing poorly designed and/or executed development is doing damage to trees and an effective method of correcting this is to allow responsible redevelopment of the site which corrects the existing conditions?

The interpretation question is:

In limited circumstances where it is demonstrated that the existing approved development is harming Native Cypress Trees, and an applicant is willing to correct the conditions around the trees to improve the health of the trees, would it be consistent with the policy objective to avoid degradation of the habitat to allow into previously undisturbed areas provided the design:

uses naturally porous material (e.g. gravel) for walkways and driveways or other techniques such as cantilevered building footprints within a similar, no net increase, building area?

If the answer to this question is no, the applicant has an answer and will need to redesign. If there is room for some consideration, then the applicant also has some direction.

Staff is presenting this for the Planning Commission to consider the information presented and have a policy discussion on this item.

Prepared by: John Ford, RMA- Services Manager

Approved by: John Guertin, RMA Land Use and Community Development Deputy Director

The following attachments are on file with the RMA:

Exhibit A - Letter From Robert Joyce

Exhibit B - Plans Showing existing and proposed hardscape around trees

Exhibit C - Evaluation of 4 Monterey Cypress trees by Ralph Osterling

cc: Front Counter Copy; Planning Commission; John Ford, RMA- Services Manager; Public Works Department; Applicants/Owners; Robert Joyce, Architect; California Coastal Commission; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN150489