



Board Report

File #: ZA 18-060, **Version:** 1

PLN171011 - ALFORD

Public hearing to consider an after-the-fact permit to clear a Code Enforcement Case (17CE00253) for the construction of a 1,052 square foot rear-yard patio and to replace 4,708 square feet of impervious driveway surfaces with pervious material.

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

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

RECOMMENDATION:

It is recommended that the Zoning Administrator:

1. 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
2. Approve an after-the-fact Coastal Administrative Permit and Design Approval, clearing Code Enforcement case (17CE00253), to:
 - a. Replace 4,708 square feet of impervious driveway with pervious materials (gravel and turf block) to correct impervious site coverage in excess of 9,000 square feet,
 - b. Construct a 1,052 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 (**Exhibit B**). Staff recommends approval of the project subject to 13 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 proposed project is for an after-the-fact permit to correct a Code Enforcement violation (17CE00253) to correct impervious site coverage, construct a 1,052 square foot rear patio, extend a gas line and install new on-site drainage improvements. The project was originally set for administrative review and approval.

After noticing for administrative review on August 15, 2018, the County received two letters of request for a public hearing (**Exhibit D**) on the project. Pursuant to Monterey County Code (MCC) section 20.76.030, Coastal Administrative Permits and administrative Design Approvals are considered and approved by the Director of Planning, unless the matter is referred to a public hearing. Such referral is made to the Zoning Administrator for consideration upon written request by one or more persons. Therefore, this item was set for public hearing and consideration before the Zoning Administrator.

DISCUSSION:

Project Site:

The subject property is located at 1496 Bonifacio Road, Pebble Beach, within the Del Monte Forest Land Use Plan, Coastal Zone. Zoning on the property is Low Density Residential, 1.5 acres per unit, with a Design Control Overlay, or “LDR/1.5-D (CZ).” Existing development on the site consists of a two-story single family dwelling. Vegetation consists of sparse trees and grasses. The surrounding areas contains primarily low density residential uses.

The project site is designated as a Design Control Zoning District (“D” zoning overlay) to regulate the location, size, materials and colors of the structures to assure protection of the public viewshed and neighborhood character. The patio and driveway are not visible from off-site and the driveway surface will be composed of pavers and granite materials. The stone patio consists of earth tone colors such as light brown and tan. Portions of the driveway will be replaced and composed of gravel and turf block. The turf block section of the driveway will not be visible from off-site. The materials, location and nature of the project are consistent with the neighborhood character and will not detract the visual integrity of the site.

The proposed project will legalize the patio, gas line and address the impervious site coverage limitation which are currently the subject of Code Enforcement violation 17CE00253. The patio is developed on an area that has been previously disturbed. If the applicant came in prior to illegal constructing the patio, the County would require portions of the site to be replaced with pervious materials to allow for the patio. The County has evaluated the project as though the work has not already occurred.

Should the Zoning Administrator deny the proposed development, the applicant would need to restore the site. However, staff has analyzed that restoration of the project would be more impactful. The restoration of the patio would still result in an impervious site coverage of 13,197 square feet, exceeding the limitation within this zoning district. Approval of the project allows the site to be in compliance with the Del Monte Forest Land Use Plan by having an overall impervious site coverage of 8,489 square feet, in addition to improved on-site drainage.

Public Concerns:

The concerns expressed by the public involve the construction of the patio without proper permits resulting in impervious surface coverage exceeding 9,000 square feet; non-compliance with conditions of approval from a previously approved permit, PLN000489; and an improper and incomplete drainage plan. Staff has addressed each of these concerns as outlined below.

Illegal Patio Construction and Impervious Surface Coverage:

The proposed project is for an after-the-fact Coastal Administrative Permit and Design Approval to address the construction of rear yard patio without proper permits. The permit will allow for the patio and replace 4,157 square feet of impervious driveway with pervious gravel material.

Non-compliance with Conditions of Approval:

After further review, the project site was noncompliant with a recorded deed restriction per Condition No. 13 of Resolution 000489 (**Exhibit E**). The deed restriction is to ensure that a portion of the driveway on the property as shown on the approved plans be installed and maintained as pervious material unless authorized and approved by the County to be replaced. The project site did not comply with this deed restriction and the portion that should have been installed and maintained, never was. Staff has required the applicant to install and maintain the portion of the driveway as outlined within the deed restriction to pervious material. With this

restoration of 551 square feet and the replacement of 4,157 of impervious driveway to pervious gravel material, the project site will have a total of 8,489 square feet impervious coverage, below the 9,000 square foot limitation as outlined in Policy 77 of the Del Monte Forest Land Use Plan.

Improper/Incomplete Drainage Plan:

The permit includes new on-site drainage improvements. The applicant submitted a preliminary drainage plan to address stormwater run-off and erosion control. The applicant must submit a final plan that is consistent with Water Resources Agency and RMA Environmental Service's regulations. Conditions have been applied to project to ensure compliance.

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, 1,052 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 project would not contribute to a cumulative impact as the new on-site drainage and pervious driveway in lieu of the impervious patio would result a net decrease of the impervious surface limitation.

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

LUAC:

The project was not referred to the Del Monte Land Use Advisory Committee (LUAC) for review. Based on the LUAC procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC.

FINANCING:

Funding for staff time associated with this project is included in the FY18-19 Adopted Budget for RMA-Planning.

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 RMA:

- Exhibit A - Project Data Sheet
- Exhibit B - Draft Resolution including:

- Conditions of approval
- Site Plans

Exhibit C - Vicinity Map

Exhibit D - Request for Public Hearing

Exhibit E - Deed Restriction from PLN000489

cc: Front Counter Copy; Zoning Administrator, California Coastal Commission; Brandon Swanson, RMA Services Manager; 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