

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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**F12b**

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Filed: 9/16/2005  
49th day: 11/4/2005  
Staff: CKC-SC  
Staff report prepared: 9/22/2005  
Hearing date: 10/14/2005  
Hearing item number: F12b

## APPEAL STAFF REPORT

### SUBSTANTIAL ISSUE DETERMINATION

**Appeal number**.....A-3-MCO-05-067, Gail and Richard Barrett

**Applicants**.....Gail and Richard Barrett

**Appellant**.....Commissioners Shallenberger and Wan

**Local government**.....Monterey County

**Local decision**.....Resolution 05-216 (PLN040727) Approved with conditions on August 23, 2005

**Project location**.....3154 Seventeen Mile Drive (APN 008-271-004); Pebble Beach, Monterey County.

**Project description**.....PLN040727 - Remodel and construction of first and second story additions totaling 1,758 square feet to an existing 4,409 square foot one-story single family dwelling; construction of a new 4,500 square foot gravel driveway. Project also involves development within 100 feet of environmentally sensitive habitat (native Monterey cypress habitat); removal of one 30-inch Monterey cypress tree; and development within 750 feet of known archaeological resources.

**File documents**.....Monterey County Certified Local Coastal Program (LCP), including the Del Monte Forest Land Use Plan (LUP) and Coastal Implementation Plan (CIP); Monterey County Coastal Development Permit PLN040727.

**Staff recommendation** ...Substantial Issue

#### I. Recommended Findings and Declarations for Substantial Issue:

The Monterey County Board of Supervisors approved a Coastal Development Permit for Gail and Richard Barrett (PLN040727) that allows the remodel and new construction of first and second story additions totaling 1,758 square feet to be added to a 4,409 square foot one-story single family dwelling, as well as construction of a new 4,500 square foot circular driveway on the ocean side of 17-Mile Drive in Pebble Beach, Monterey County. The project involves development within 100 feet of environmentally sensitive habitat (i.e., within native Monterey cypress habitat), removal of one 30-inch Monterey cypress tree, and development within 750 feet of known archaeological resources.



California Coastal Commission  
October 2005 Meeting in San Diego

Staff: K. Cuffe Approved by: *MC* 9/22/05

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The County's approval of this project has been appealed to the Coastal Commission on the basis that: (1) the project is inconsistent with LCP ESHA policies protecting Monterey cypress habitat; (2) the construction of the new 4,500 square foot driveway is inconsistent with LCP general development standards for residential driveways; (3) the project is inconsistent with LCP policies protecting scenic and visual resources in Del Monte Forest and along 17-Mile Drive; and (4) the project is inconsistent with LCP provisions protecting archaeological resources.

Project location maps and plans are attached as Exhibits A-F. Photos of the site are included in Exhibit G. The County's Final Local Action Notice (FLAN), approving the project (Board of Supervisors Resolution Number 05-216), is attached to the report as Exhibit H. The submitted reasons for appeal are attached to this report as Exhibit I. The LCP provisions referenced by this staff report appeal are attached in full as Exhibit J.

The appeal contentions are valid as discussed below, and, thus, the Commission finds that the appeal raises a **substantial issue** regarding the project's conformance to the Monterey County certified LCP for the following reasons:

1. The appeal raises a substantial issue regarding project consistency with LCP ESHA policies protecting Monterey Cypress Habitat.

The project is located within the Monterey Cypress Forest, native only at Point Lobos Reserve State Park and along 17-Mile Drive between Cypress Point and Pescadero Point. The Monterey County LCP notes the rarity of this habitat type and lists the Monterey cypress forest community as environmentally sensitive habitat area (ESHA). Del Monte Forest LUP Figure 2 shows this parcel as being located within areas mapped as environmentally sensitive habitat. LCP policies require that ESHA be protected against any significant disruption of habitat values, that only resource dependant development be allowed in ESHA, and that development adjacent to ESHA be compatible with the long-term maintenance of the resource and be sited and designed to prevent impacts that would significantly degrade the protected habitat (Del Monte Forest LUP Policy #8). Del Monte Forest Policy #21 refers specifically to protecting indigenous Monterey Cypress habitat, and requires that improvements such as structures and driveways be carefully sited and designed to avoid potential damage or degradation of the micro-habitat of these trees (i.e., the area within the perimeter the driplines of the outer-most indigenous Monterey cypress trees on site). Policy #21 prohibits removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering within this environmentally sensitive habitat area, and requires scenic or conservation easements be secured prior to issuance of coastal development permits in order to assure protection of the Monterey cypress habitat. LCP policies also require that in areas near environmentally sensitive habitat areas, removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc) shall be restricted to the minimum amount necessary to accommodate development (Del Monte Forest Policy #14). As part of specific policies for maintaining environmental quality, the Del Monte Forest LUP Policy #75 also requires that within their indigenous range, Monterey cypress trees be protected to "the maximum extent possible."



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As approved by Monterey County, the proposed project conflicts with these policies because it will convert and degrade the environmentally sensitive Monterey cypress forest habitat. The project involves approximately 734 square feet of new building coverage, 457 square feet of new decking/patio space, and approximately 3,022 square feet of new driveway coverage (4,500 sf of new driveway – 1,478 sf of existing driveway). The significant expansion in site coverage from first floor expansion, new decking/patio space, and new driveway area (which combined is over 4,100 square feet) inappropriately encroaches into sensitive Monterey cypress habitat, and thereby raises a substantial issue with Policies #8 and #21. Proposed first floor additions in areas not previously occupied by patio or terrace areas and additional driveway site coverage, while somewhat permeable, will damage the habitat value of the site and surrounding area by reducing the amount of land available for forest regeneration, and by extending the impacts associated with residential development further into the forest (e.g., light, noise, fire clearance needs, etc.). Thus, the appeal raises a substantial issue regarding project consistency with Policy #8. As shown in photographs of the site (Exhibit G), it also appears that the new driveway will be located or at least encroach within the dripline of existing cypress trees, raising a substantial issue with Policy #21.

Moreover, since the property already has an existing 4,409 square foot house and 1,478 square foot driveway to the existing home from Scenic Point, construction of the 4,500 square foot circular driveway, which will cover an additional 3,022 square feet of habitat area, raises a substantial issue with LCP policy #14 which requires development in areas adjacent to Monterey cypress ESHA to be restricted to the minimum amount necessary to accommodate development.

Additionally, since the County approval did not require a scenic or conservation easement of the project as a condition of approval, a substantial issue is raised regarding compliance with Del Monte Forest Land Use Plan policies # 21 and #13.

2. The appeal raises a substantial issue regarding project consistency with General Development standards for residential driveways.

The current project site includes an existing 4,409 square foot single-family dwelling with direct driveway access to and from the road that leads to the Cypress Point overlook, which is referred to previously in County staff report as Scenic Point. The County-approved project allows the construction of a new 4,500 square foot circular gravel driveway to provide driveway access from both 17-Mile Drive and Scenic Point. The project essentially lengthens and reroutes the existing driveway, and thus replaces the direct access (with a site coverage of approximately 1,478 sf) with a larger, circular driveway of 4,500 square feet.

General Development Standards of CIP Section 20.147.090.A.1 require that new residential driveways and other road surfaces be designed to be the minimum length and width required to provide simple and direct access, and specifically prohibit circular driveways. Goals of the Land Use and Development Standards of Section 20.14.090 include protecting, maintaining and where feasible, enhancing and restoring the overall quality of the coastal zone environment and its natural and manmade resources. While the driveway in question is proposed to be constructed with gravel rather than impervious



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pavement, the increased site coverage of the circular driveway will occupy land otherwise available for Monterey cypress forest regeneration, and thus even if not paved, continual use of the new driveway will degrade the overall quality of the coastal zone environment and the natural resources of the coastal zone environment, in conflict with the basic goals of the development standards, as described under section 20.147.090. While the County has conditioned the width of the driveway to be a maximum of ten feet, it essentially allows a significant expansion of driveway surface and length, and allows a circular driveway in direct conflict with CIP Section 20.147.090.A.1, which requires simple, direct access and specifically prohibits circular driveways.

3. The appeal raises a substantial issue regarding project consistency with LCP policies protecting scenic and visual resources in Del Monte Forest and along 17-Mile Drive.

The project is located along and seaward of 17-Mile Drive, and is within a highly prominent scenic area just south of the Cypress Point Golf Course and immediately inland of the Cypress Point overlook. County findings note that staking and flagging of for the project is visible from 17-Mile Drive, but are inconsistent regarding site visibility from Point Lobos, noting that the project is both visible and not visible from Point Lobos (Finding 2h). Del Monte Forest LUP Figure 2c (Visual Resources Map) shows this parcel as being located within areas visible from 17-Mile Drive and view points. Del Monte Forest LUP Policy #51 requires development within such visually prominent settings to be sited in a manner that maximizes opportunities to screen buildings and access roads from view, and to minimize tree removal and visually obtrusive grading. Policy #55 requires structural setbacks from scenic corridors, such as those along 17-Mile Drive, and requires that development be designed to harmonize with the natural setting and not be visually intrusive, among other ways by minimizing the need for tree removal and alteration of natural landforms. CIP Section 20.147.070.C.6 and C.9 further implement these Land Use policies, by prohibiting development within a 100-foot setback from the centerline of 17-Mile Drive, and requiring that land within the setback be placed in scenic easement. Additionally, Del Monte LUP Policy #36 requires that native trees which are removed shall be replaced on the site at a rate of one tree of the same variety for each tree removed, except where it is demonstrated that this would result in an overcrowded, unhealthy environment.

Contrary to these requirements, the project approved by the County increases the amount of development that will intrude within the significant view corridor by allowing additional development (first and second story additions and new driveway) into the 100-foot setback. While a 6-foot high wooden fence already surrounds the site, second floor additions will be more visible from 17-Mile Drive and so more visually intrusive to views from 17-Mile Drive. Thus it appears that the proposed development has not been designed to maximize screening opportunities, and does not harmonize with the surrounding natural environment. As a result, a substantial issue is raised regarding project consistency with policies #51 and #55.

The project also involves the removal of one Monterey cypress tree. Earlier construction was built around the tree when it was smaller, but the tree has since grown in size (with a consequent increase in trunk diameter, height, and root structure), resulting in potential hazard to the existing structure due to



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uplifting of the foundation near the base of the tree and proximity to the roof during storm or high wind events. Del Monte Forest LUP Policy #32 allows removal of indigenous cypress trees in such cases where life, property, or existing access is immediately threatened. Since the project is proposed to redesign the existing house, removing the portion of the structure around this tree should be considered.

If removal of this cypress tree is necessary to avoid immediate hazards to life, property, or access, replacement planting should be provided to help the project maintain the forested character of the site and aid in screening the new additions from view from 17-Mile Drive. County approval of the project does not provide for such planting and therefore raises a substantial issue regarding consistency with Del Monte Forest LUP Policy #36.

4. The appeal raises a substantial issue regarding project consistency with LCP provisions protecting archaeological resources.

The Del Monte Forest Land Use Plan requires new land uses to incorporate site planning and design features necessary to avoid impacts to archaeological resources. On sites where significant archaeological resources are identified, Land Use Plan Policy #62 requires the consideration of all available measures to avoid development on significant prehistoric or historic sites, including open space easements, dedication of scenic easements, and purchase of development rights. When there are such constraints that do not permit avoiding construction on archaeological or other types of cultural sites, Policy #65 requires preservation measures designed by qualified archaeologists.

The preliminary archaeological report prepared for the project (dated September 23, 2004) indicates that a recorded archaeological site is located on the project parcel (as well as on the adjacent Cypress Point golf course) and that areas which would be subject to direct project impacts appear to be located between the more significant midden deposits. The archaeological report also notes that because of the possible presence of buried cultural materials on site, an archaeological monitor should be present during construction activities that may involve earth moving or soil disturbance.

Finding 2(i) of the County's Final Local Action Notice identifies that the site is located in a highly sensitive archaeological area, and states that archaeological reports found several areas of obvious midden deposits on site, but no potentially significant resources were found within the immediate impact area. The County finding notes that areas where new development occurs have been designed around midden areas to avoid potential impacts to cultural resources. However, given that construction activities will require use of heavy equipment, there is not adequate evidence to support the County's finding that such activities will avoid potential impacts to these midden areas, and so the project could have an adverse impact on significant archaeological resources. Furthermore, since the applicants already have access to the site via the existing driveway, the proposed driveway expansion conflicts with the requirements of Land Use Policy #62 to avoid development in sensitive archaeological areas when possible. Since the project proposes a substantial increase in new development that could impact archaeological resources on a site where avoidance is possible, the project raises a substantial issue regarding project consistency with LCP policy #62.



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### **II. Recommended Motion and Resolution**

#### **MOTION:**

*I move that the Commission determine that Appeal No. A-3-MCO-05-067 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

#### **RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-3-MCO-05-067 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

### **III. Appeal Procedures:**

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is between the first public road and the sea.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the



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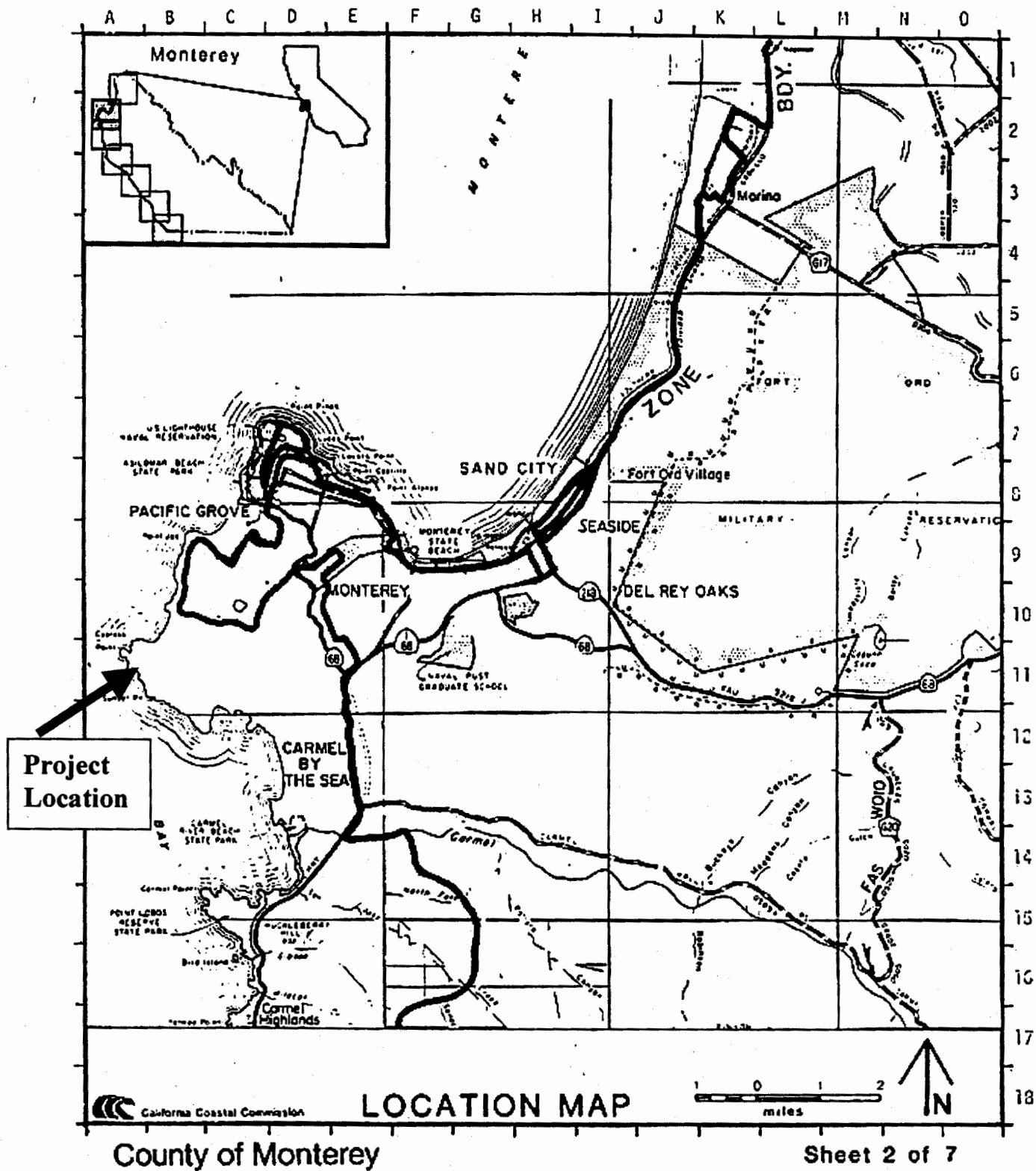
project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located between the first public road and the sea and thus, this additional finding would need to be made in a *de novo* review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the *de novo* stage of an appeal.



California Coastal Commission





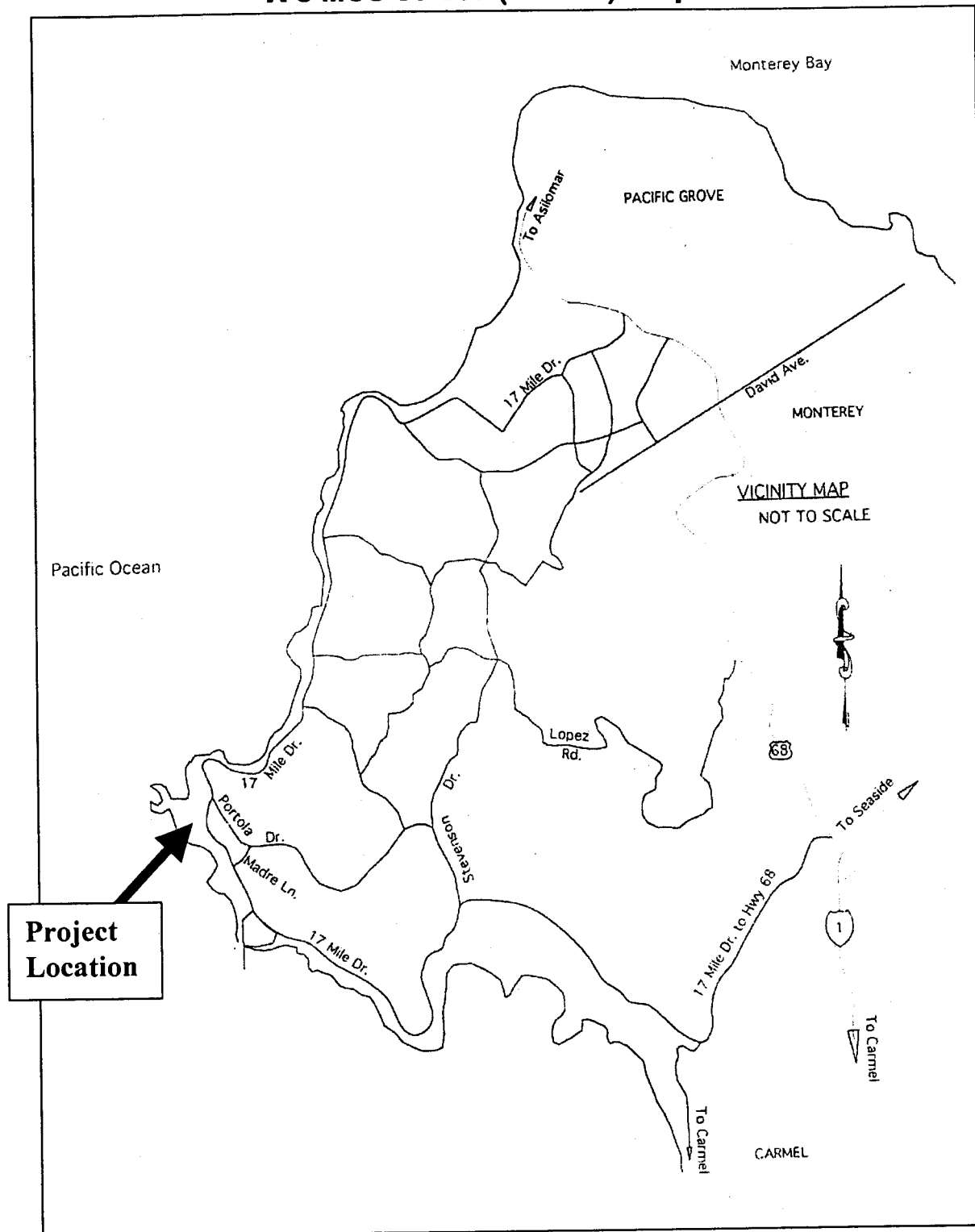
## Exhibit A

### Regional Location Map

A-3-MCO-05-067  
Barrett

**California Coastal Commission**



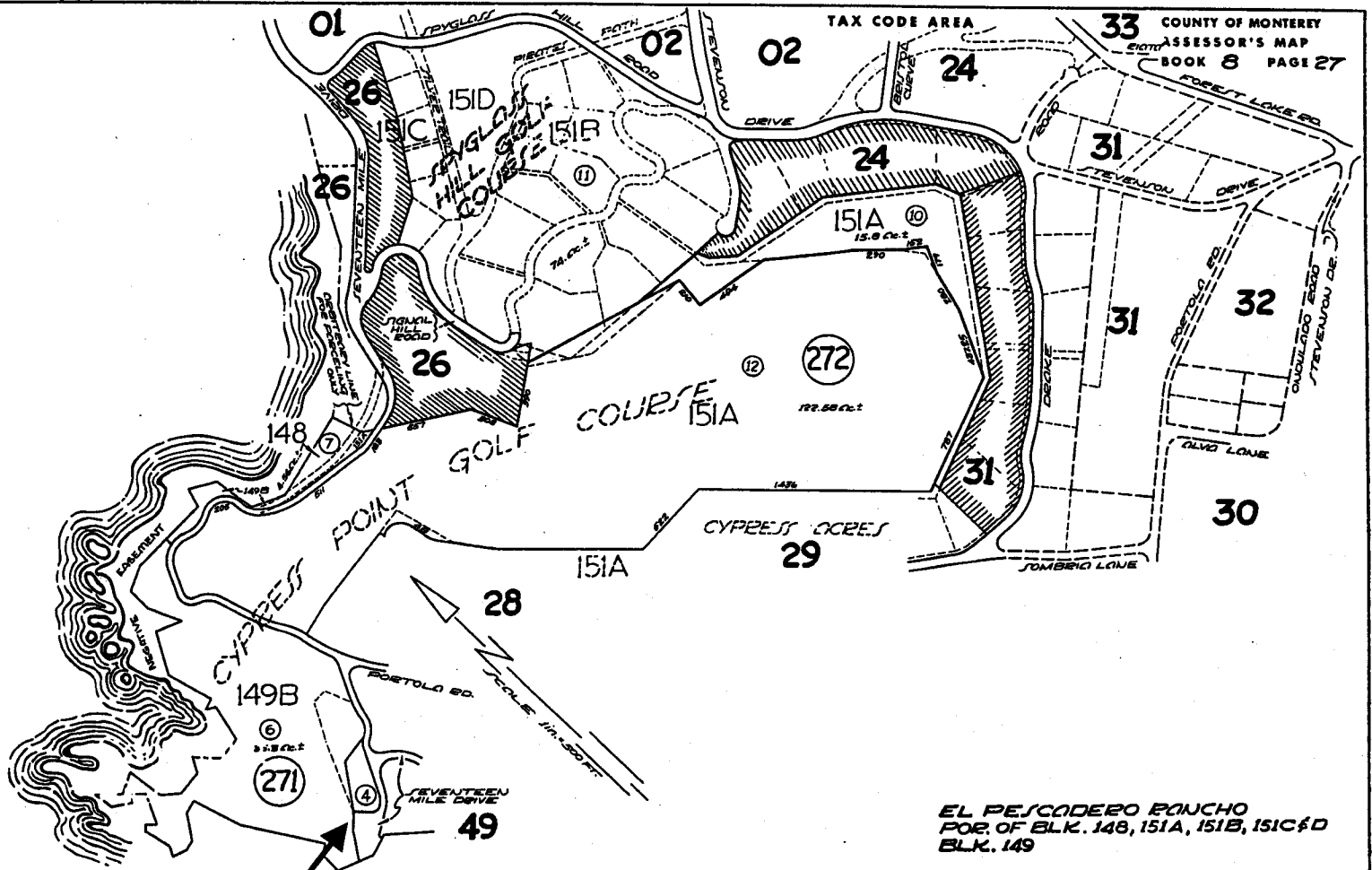


**Exhibit B**  
Project Vicinity Map

A-3-MCO-05-055  
Barrett



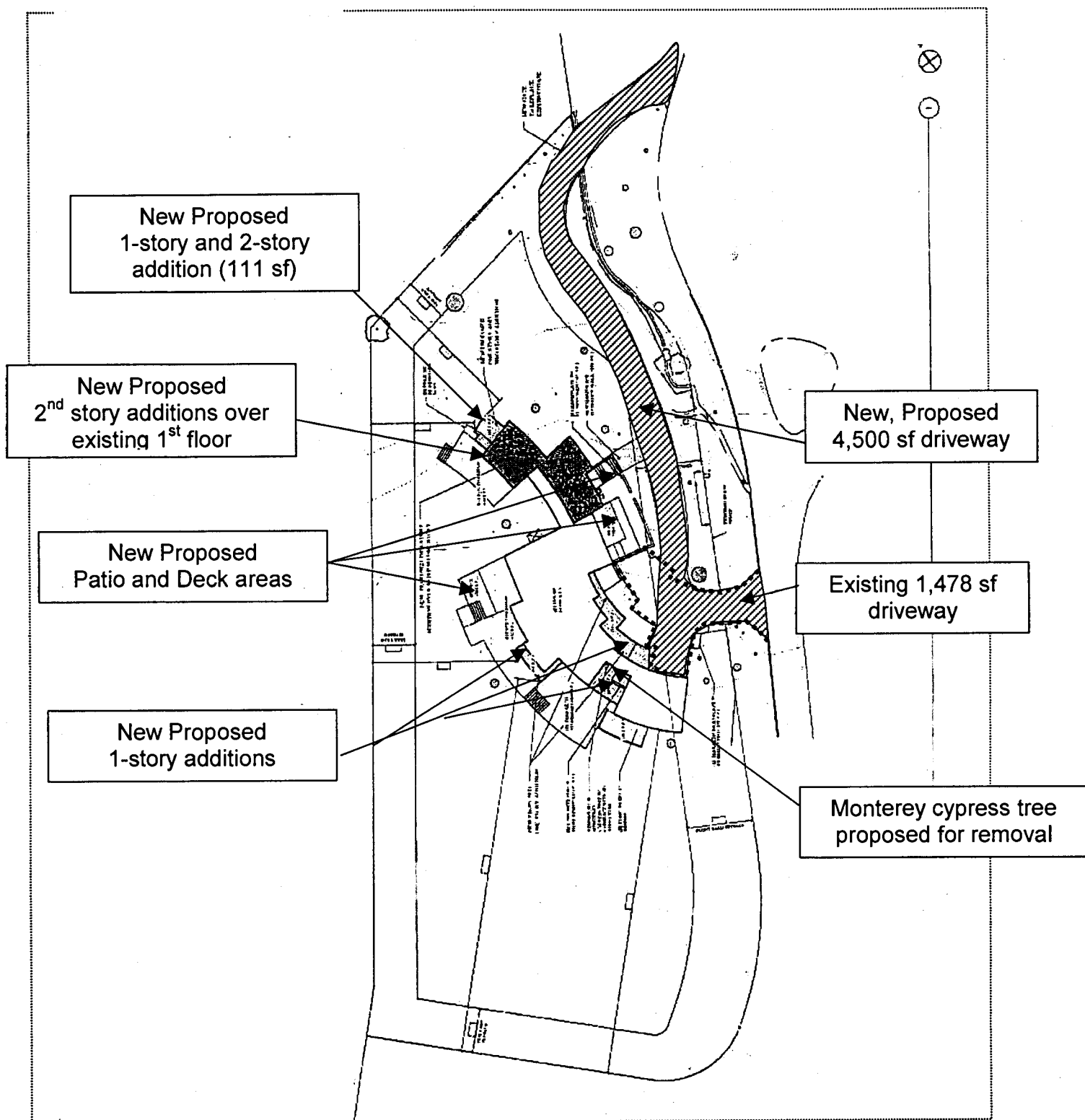
California Coastal Commission



Project Location  
Barrett  
APN 008-271-004

Exhibit C  
Parcel Map

A-3-MCO-05-055  
Barrett

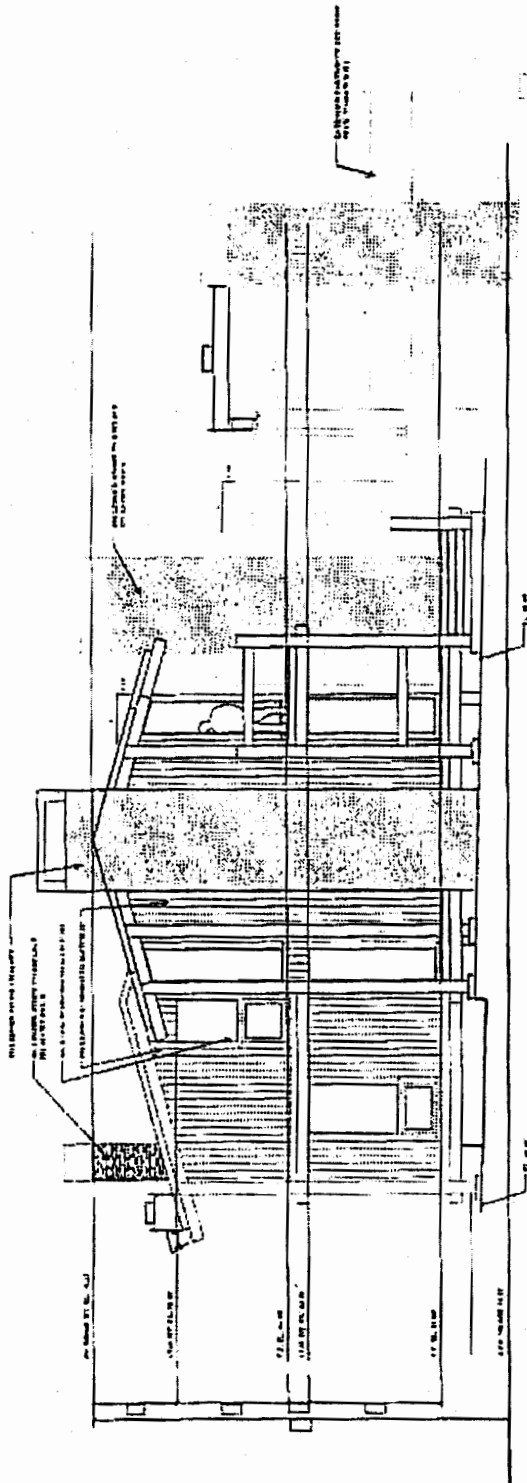


**Exhibit D**  
Site Plans – Showing Footprint of Proposed New Additions and  
New Driveway Alignment.

A-3-MCO-05-055  
Barrett



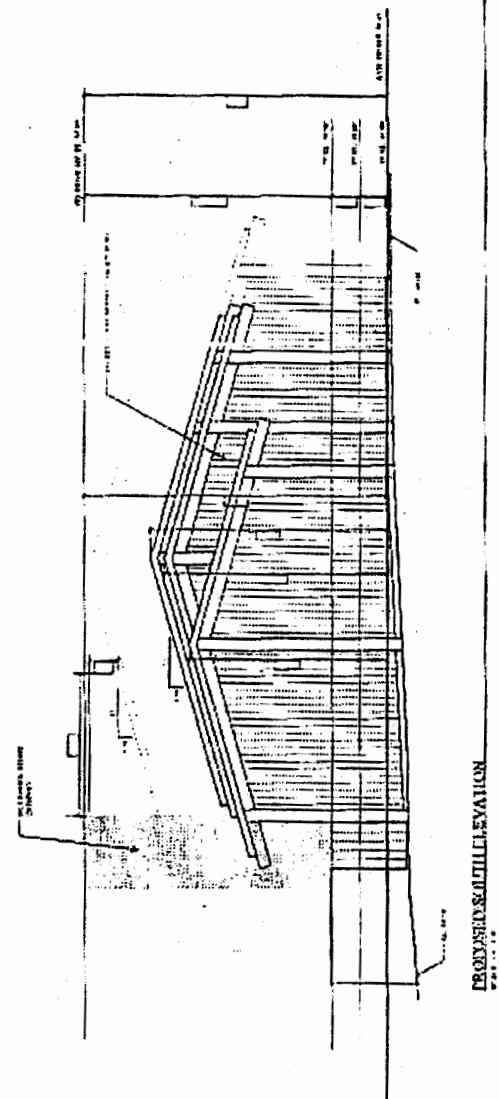
California Coastal Commission



1

PROPOSED NORTH ELEVATION

WITH CONSTRUCTION



2

PROPOSED SOUTH ELEVATION

WITH CONSTRUCTION

Exhibit E – pg. 1 of 2  
Elevations of Proposed New Additions

A-3-MCO-05-055  
Barrett



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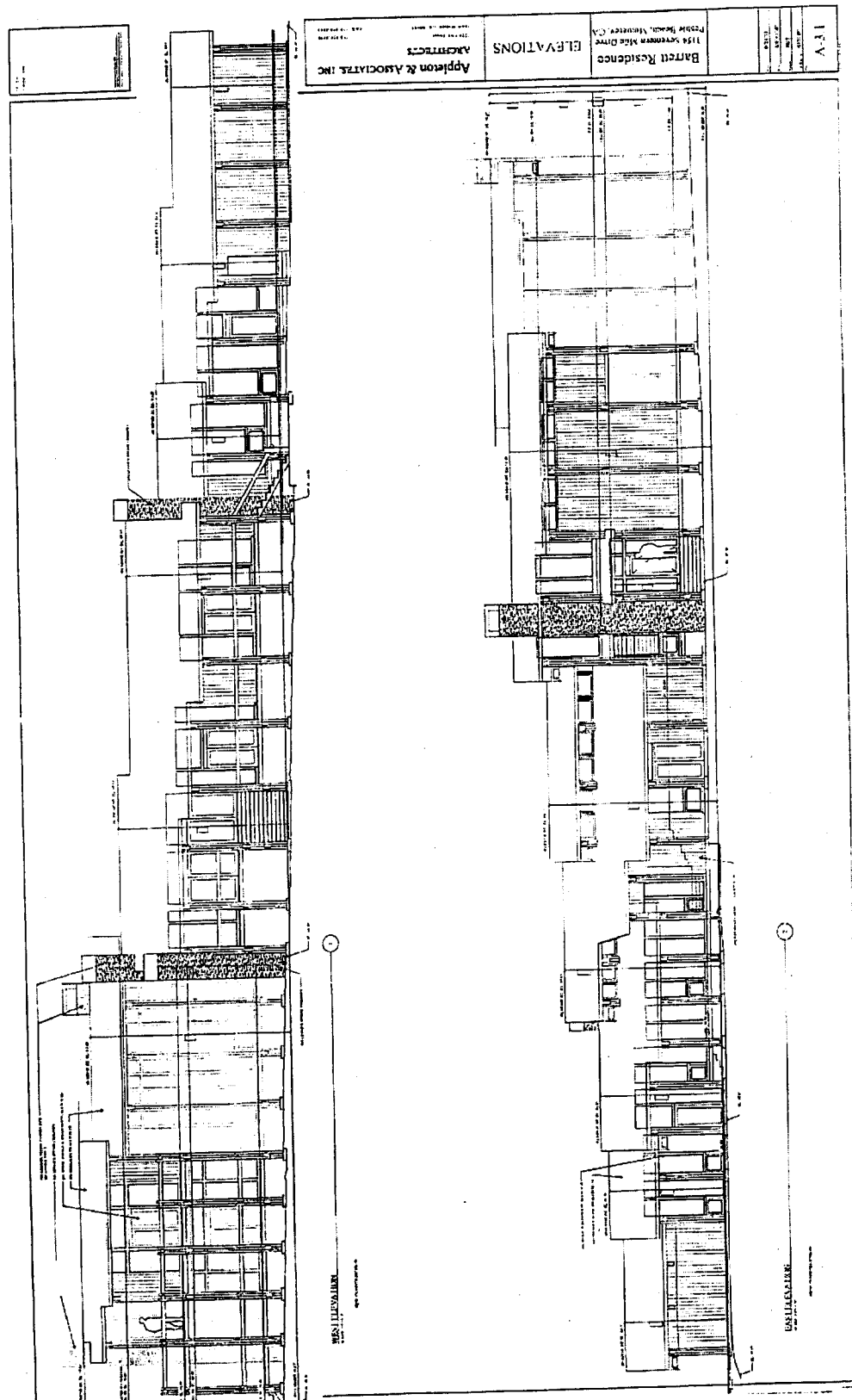
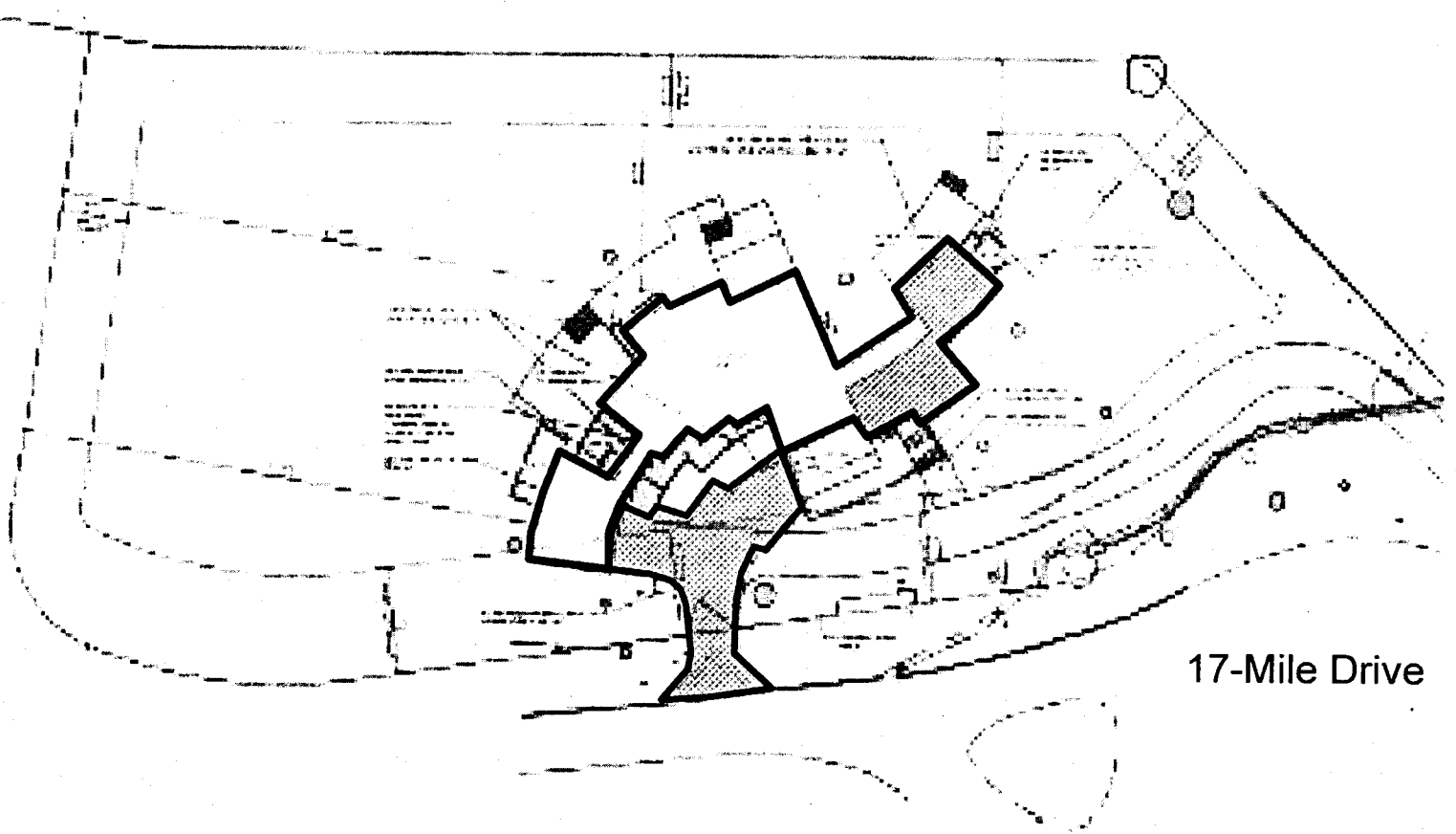


Exhibit E – pg. 2 of 2  
Elevations of Proposed New Additions

A-3-MCO-05-055  
Barrett



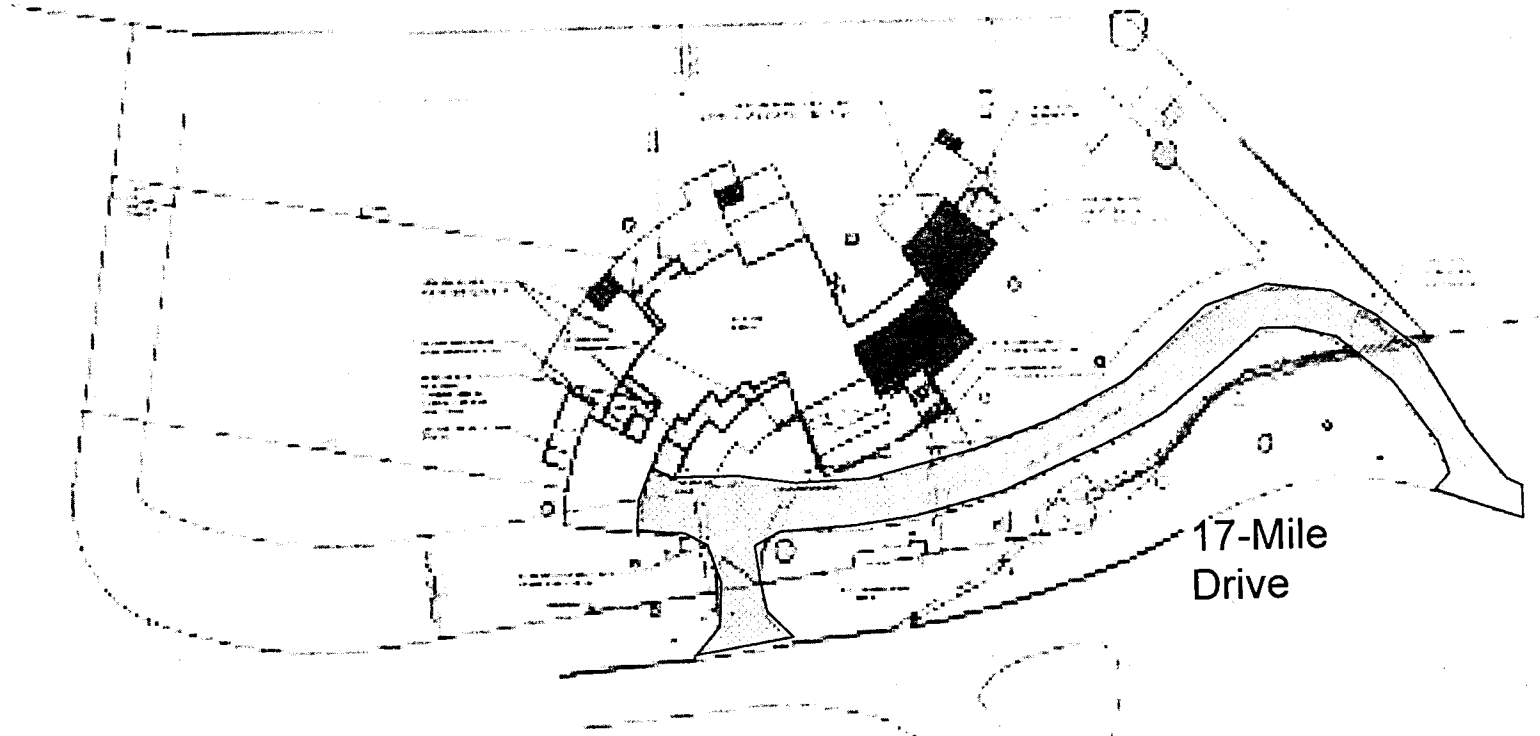
## EXISTING DRIVEWAY AND BUILDING FOOTPRINT

Exhibit F – pg. 1 of 2  
Site Plan showing Existing Driveway and Building Footprint

A-3-MCO-05-055  
Barrett



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## PROPOSED NEW DRIVEWAY

Exhibit F – pg. 2 of 2  
Site Plan showing Proposed New Driveway Alignment.

A-3-MCO-05-055  
Barrett



California Coastal Commission



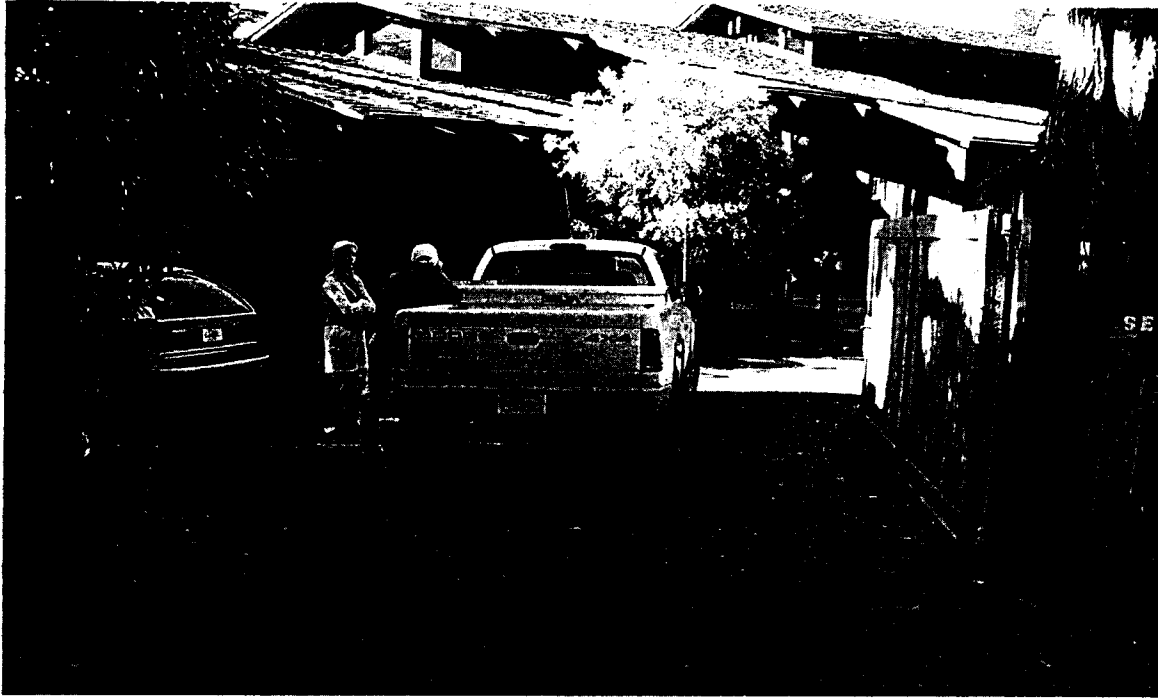


Photo 1. Existing driveway entrance from Scenic Point. Station wagon on left is parked in front of garage.



Photo 2. Photo of approach to existing entrance off of Scenic Point.

**Exhibit G - pg 1 of 6**  
**Applicant's Photos of Project Site**



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Photo 3. Photo of vehicles on existing driveway. Blue Volvo is parked in front of 2-car garage. Driveway appears to provide sufficient room for turnaround in either direction.



Photo 4. Photo of vehicles parked on existing driveway.

Exhibit G - pg 2 of 6  
Applicant's Photos of Project Site



Photo 5. Photo of proposed new driveway alignment across yard. Note that new driveway alignment would be located within dripline of existing cypress trees on site.

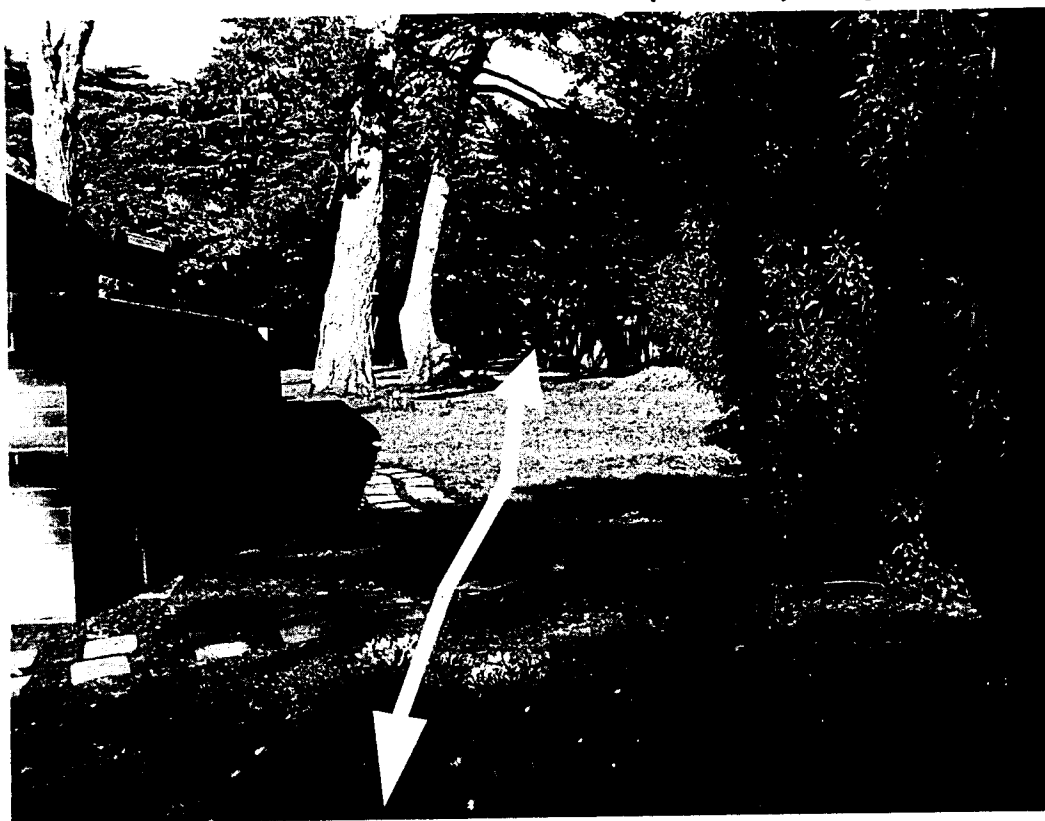


Photo 6. Photo of proposed new driveway alignment in yard.



Photo 7. Photo of existing gate along 17-Mile Drive and proposed new driveway alignment across yard. Note that driveway alignment would be located within the dripline of existing cypress trees.



Photo 8. Photo of cypress tree proposed for removal – located adjacent to existing structure.



Photo 9. Photo of base of existing cypress tree proposed for removal due to proximity to existing structure – note buckling of foundation.

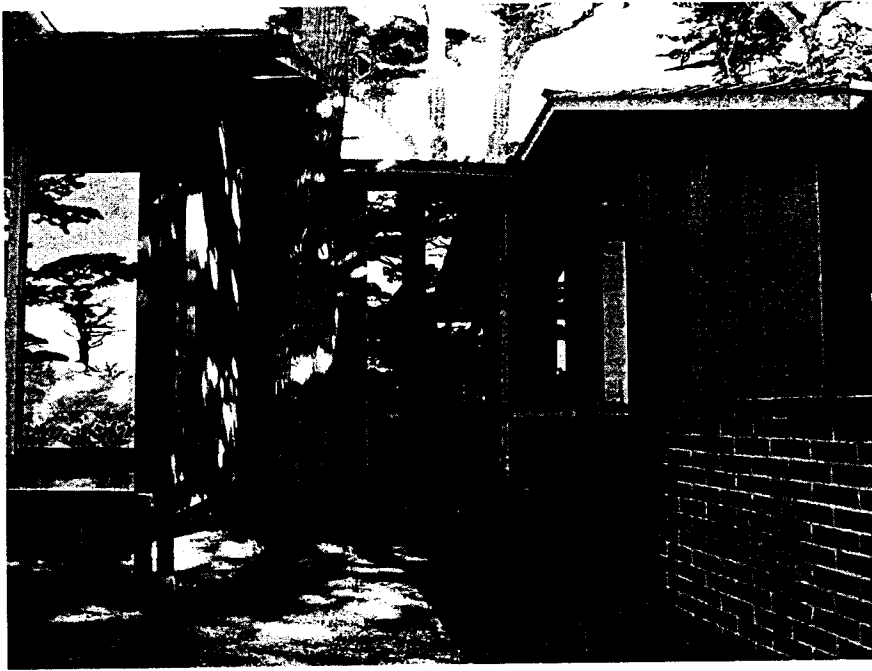


Photo 10. Photo of cypress tree proposed for removal – showing proximity of existing structure, apparently built around tree when it was much smaller.



Photo 11. Photo of base of existing cypress tree proposed for removal due to proximity to existing structure.

**Exhibit G - pg 6 of 6**  
Applicant's Photos of Project Site

Before the Board of Supervisors in and for the  
County of Monterey, State of California

Resolution No. 05-216

Finding that the project is Categorical Exempt from CEQA and approving a Combined Development Permit (PLN040727/Barrett) consisting of a Coastal Administrative Permit and Design Approval for the remodel and first and second story additions totaling 1,758 square feet to a 4,409 square foot one-story single family dwelling; a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (native Monterey cypress habitat); a Coastal Development Permit to remove one 30-inch Monterey cypress tree; and a Coastal Development Permit for development within 750 feet of known archaeological resources. The property is located at 3154 Seventeen Mile Drive, Pebble Beach (assessor's parcel number 008-271-004-000), Del Monte Forest area, coastal zone.

0602.200

**FINAL LOCAL  
ACTION NOTICE**

REFERENCE # 3-MCO-05-197  
APPEAL PERIOD 9/2-9/16/05

**RECEIVED**

SEP 01 2005

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

APN 008-271-004

The above-captioned matter came on for hearing before the Board of Supervisors of the County of Monterey on June 28, 2005 and was continued to August 23, 2003 with direction from the Board supporting the applicant's proposed design. Having considered all the written and documentary information submitted, the staff reports, oral testimony, and other evidence presented before the Board of Supervisors, the Board of Supervisors hereby finds and decides as follows:

**FINDINGS**

1. **FINDING – PROCESS:** The subject Combined Development Permit (PLN040727/Barrett) complies with all applicable requirements.

**EVIDENCE:**

- (a) On November 23, 2004, Gail and Richard Barrett filed an application for a Combined Development Permit and Design Approval (PLN040727) requesting to remodel an existing house and create a circular driveway at 3154 17-Mile Drive, Pebble Beach, Del Monte Forest Land Use Plan (Assessor's Parcel Number: 008-271-004-000), Coastal Zone.
- (b) On December 16, 2004, the Del Monte Forest Land Use Advisory Committee voted 4-0 to recommend denial of the proposed Combined Development Permit and Design Approval (PLN040727/Barrett).



- (c) On March 31, 2005, the Zoning Administrator held a duly noticed public hearing on the proposed project (PLN040727/Barrett) and voted to deny the project as presented by staff (Resolution #: 040727).
- (d) On May 18, 2005, Ms. Sue Snow, representing Mr. and Mrs. Richard Barrett, filed an appeal of the March 31, 2005 action of the Zoning Administrator, denying the Barrett Combined Development Permit (PLN040727) on the grounds that (1) the findings, conditions, included in the decision to deny by the Zoning Administrator were not supported by the evidence; and (2) that the decision was contrary to law.
- (e) Said appeal was timely filed with the Clerk of the Board of Supervisors on May 18, 2005 and was timely brought to public hearing before the Board of Supervisors on June 28, 2005 within the time prescribed by Monterey County Coastal Implementation Plan - Part 1 (Zoning Ordinance) Chapter 20.86.
- (f) On June 28, 2005, the Monterey County Board of Supervisors pursuant to regulations established by local ordinance and State law, has considered, at a public hearing, an application for a Combined Development Permit (PLN040727) to remodel an existing house and create a circular driveway at 3154 17-Mile Drive, Pebble Beach, Del Monte Forest Land Use Plan (Assessor's Parcel Number: 008-271-004-000), Coastal Zone.
- (g) On August 23, 2005, the Monterey County Board of Supervisors considered findings and conditions approving a Coastal Development Permit (PLN040727/Barrett) in the Big Sur Coastal Land Use Plan area.

2. **FINDING - COMPLIANCE WITH REGULATIONS:** The Project, as proposed, is consistent with applicable plans and policies, Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

**EVIDENCE:**

- (a) **Site Description.** The subject lot is 1.39 acres in size and the zoning designation requires a minimum of 2.0 acres for parcels in this district. The parcel is a legal lot of record located west of Seventeen Mile Drive in the Pebble Beach area, approximately 2.5 miles west of Highway 1 and about six (6) miles southwest of Monterey (APN: 008-472-004-000). Although the property is addressed on Seventeen Mile Drive, most of the frontage of this rectangular parcel is located on Sunset Point.
- (b) **Land Use.** The site is designated for Low Density Residential, 1 unit per 2 acres [LDR/2-D (CZ)] in the Del Monte Forest Land Use Plan. Properties abutting the subject site are designated as Outdoor Recreation/Golf Course (OR) and Resource Constraint (RC).
- (c) **Plan/Code Conformance.** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with the:
  - (1) Del Monte Forest Land Use Plan

- (2) Monterey County Coastal Implementation Plan - Part 5 (Regulations for Development in the Del Monte Forest Land Use Plan Area - Chapter 20.147);
- Chapter 20.147.040. Environmentally Sensitive Habitat.
  - Chapter 20.147.050. Forestry and Soil Resource.
  - Chapter 20.147.070. Scenic and Visual Resources.
  - Chapter 20.147.080. Cultural Resources.
- (3) Monterey County Coastal Implementation Plan - Part 1 (Zoning Ordinance - Title 20).
- Chapter 20.14. Principal Uses Allowed in the LDR zoning district.
  - Chapter 20.44. Design Guidelines for projects located within the coastal zone.
  - Chapter 20.66.020. Standards for Development in Environmentally Sensitive Habitat
  - Chapter 20.66.050. Standards for Archaeological Resource Areas
  - Chapter 20.82. Combined Development Permits.
- (d) Permits. The LDR zone allows the first single family dwelling (Section 20.14.040.A CIP) with a Coastal Administrative Permit. Section 20.147.050 CIP requires the Planning Commission to consider Coastal Development Permits for tree removal. Development within 100 feet of environmentally sensitive habitat and within 750 feet of a known archaeological site are considered non-exempt development and also requires a Coastal Development Permit in each case (Section 20.14.030 CIP).
- (e) 17-Mile Drive. Section 20.147.070.C.9 CIP requires development on parcels fronting 17-Mile Drive to maintain a 100-foot setback from the centerline of the street. Although the property is addressed on 17-Mile Drive, it is situated with frontage on Sunset Point. The front set back from Sunset Point is 30 feet and there is an existing single family home on the site that has a portion of the structure set back only 20 feet. The proposed addition has been designed to meet set back requirements. A 6-foot tall wood fence exists along the entire front property line with vehicle gates at both ends.
- (f) Environmentally Sensitive Habitat (ESHA). Chapter 2 of the LUP and Section 20.147.040 of the Coastal Implementation Plan (CIP) provide policies and regulations to protect the Del Monte Forest's ESHA. The subject parcel is located within one of only two remaining habitat areas where the Monterey cypress (*Cupressus macrocarpa*) naturally occurs. As such, Monterey cypress habitat is identified as ESHA in the Del Monte Forest land Use Plan. The project site is located adjacent to a golf course where the individual cypress trees are routinely maintained (trimming of dead branches) and the understory has been replaced with turf. This condition has been continued from the golf course onto the subject site. Proposed plans include removal of one, 30-inch Monterey cypress tree located in a niche where the original home was built around and over time this tree has grown to where is uprooting the foundation. Therefore, the Board of Supervisors determines this to be the minimal disturbance necessary to accommodate development (Policy 14 LUP). A new gravel driveway is designed

in an area that has been historically disturbed and therefore no increase in impact to the cypress habitat area is expected (Policy 21 LUP).

- (g) Forestry. Chapter 2 of the LUP and Section 20.147.050 of the Coastal Implementation Plan (CIP) provide policies and regulations to protect the Del Monte Forest's forestry and soil resources. The following assessments were prepared for the subject site:

- Forest Management Plan. Prepared by Robert Cain (Certified Arborist, WC-ISA #1557A). Report dated January 24, 2005.
- Amendments to Forest Management Plan. Prepared by Robert Cain (Certified Arborist, WC-ISA #1557A). Letters dated March 9 and June 22, 2005.
- Site Observation of Possible Structural Damage from Tree Roots. Prepared by Mike Wold, Monterey County Building Inspector Supervisor. Memorandum dated January 21, 2005.

In addition to habitat value, the cypress and pine forest provides scenic value to the area. Siting of the driveway using a prior access alignment avoids requirement to cut any limbs or trees. The house was originally designed around the subject tree when it was smaller; however, it has grown to a point where retaining the tree creates structural damage and creates a long term hazard (Section 20.147.050.A.1.b CIP). Conditions require the applicant to replace the tree removed at a 1:1 ratio (Policy 36 LUP). Reports from an arborist and a County Building Official conclude that removal of the one 30-inch cypress tree threatens life and property (Policy 32 LUP). The Board determines that removing one 30-inch cypress tree that grew adjacent to the footing of the exiting home is the minimum necessary to accommodate development (Policy 34 LUP).

- (h) Scenic and Visual. Chapter 2 of the LUP and Section 20.147.070 of the Coastal Implementation Plan (CIP) provide policies and regulations to protect the Del Monte Forest's scenic and visual resources. Figure 2C of the Del Monte Forest Land Use Plan (LUP) designates Seventeen Mile Drive as a public viewing area within the forest. Staking and flagging of the project site determined that the proposed development would be visible from Point Lobos and Seventeen Mile Drive. Although the project would not be visible from Point Lobos (Policy 51 LUP). This application includes removing one Monterey cypress tree that has grown adjacent to the foundation of the existing house (Policy 54). This tree would be disturbed in any case since they are so close to the exiting developed area where a foundation is to be removed. Parking would largely occur in its current location with a driveway extension that would use a prior configuration and be located behind and existing 6-foot all wood fence (Policy 58 LUP). The circular design and length of driveway are the minimum necessary to provide safe access given unique constraints of the property relative to location and habitat (Section 20.147.040.B.8 CIP). The design of the structure uses minimal 2-story features to retain adequate visual spacing that meets the intent of Policy 55 LUP.

- (i) Archaeology. Chapter 2 of the LUP and Section 20.147.080 of the Coastal Implementation Plan (CIP) provide policies and regulations to protect the Del Monte Forest's archaeological resources. County resource maps identify this area to be highly sensitive to archaeology finds. The following archaeological assessment was prepared for the subject site by Archaeological Consulting, Inc. in accordance with Section 20.147.080.B CIP:

- Preliminary Archaeological Reconnaissance of Assessor Parcel 008-271-004, Pebble Beach, Monterey County, California. Prepared by Mary Doane (B.A.) and Gary S. Breschini (Ph.D., RPA) of Archaeological Consulting. Dated September 23, 2004.
- Supplemental Archaeological Report. Prepared by Gary S. Breschini (Ph.D.) of Archaeological Consulting. Dated January 20, 2005.

These reports found several areas of obvious midden deposits, there was no potentially significant cultural resources within the immediate impact area. Areas of development have been previously disturbed and areas where new development occurs have been designed around midden areas to avoid potential impact to cultural resources (Policies 62 and 63 LUP).

- (j) Land Use Advisory Committee: This application was reviewed by the Del Monte Forest Land Use Advisory Committee (LUAC) on December 16, 2004. The LUAC recommended denial of the project by a 4-0 vote stating that removal of the one cypress tree conflicts with the Del Monte Forest LUP and County Codes.
- (k) Site Visits. Project planners conducted on-site inspections to verify that the project on the subject parcel conforms to the plans and reports listed above.
- (l) Application. The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN040727.

3. **FINDING - SITE SUITABILITY:** The site is suitable for the use proposed.

**EVIDENCE:**

- (a) Agency Review. The project has been reviewed by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Pebble Beach Community Services District.
- (b) Professional Reports. Technical reports by outside archaeology, biology, forestry, and geotechnical consultants indicate that although there are physical or environmental constraints, the site is suitable for developing a single family home and caretaker unit. The applicant has modified the design to better meet the policies of the Del Monte Forest Land Use Plan. All technical reports are in Project File PLN040727.

4. **FINDING - HEALTH AND SAFETY:** The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in

the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:**

- (a) Agency Review. The project was reviewed by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and the Pebble Beach Community Services District. The respective departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to these conditions as evidenced by the application and accompanying materials.
- (b) Professional Reports. Recommended conditions and modifications from consulting forester, biologist, archaeologists, and engineers provide additional assurances regarding project safety. These technical reports are in Project File PLN040727.
- (c) Services. The project would utilize existing public services as a site that had been previously developed with a residence. It does not change emergency access routes.

5. **FINDING - TREE REMOVAL:** The subject project minimizes tree removal in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (Part 5).

**EVIDENCE:**

- (a) A Forest Management Plan and subsequent revisions assess potential impacts to native trees close to the proposed development. As proposed, the driveway is in the best location and the surrounding trees have adapted to prior driving use.
- (b) The tree proposed for removal is growing within two feet of the house and is causing damage to the foundation on two walls as well as the roof. This tree was originally built around but has grown to a size that is affecting the long-term structural integrity of the house (Section 20.147.050.A.1.b CIP).
- (c) Conditions for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots Section 20.147.050.D.3 CIP).
- (d) A condition has been added that the applicant record a notice stating that a Forest Management Plan has been prepared and any tree removal be in accordance with the approved plan.
- (e) Also see Finding 1.

6. **FINDING - NO VIOLATIONS:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

**EVIDENCE:**

- (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on the subject property.

7. **FINDING - CEQA (Exempt):** The project is exempt from environmental review.

**EVIDENCE:**

- (a) CEQA Guidelines categorically exempts new construction or conversion of small structures (CEQA Guidelines §15303, Class 3). Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. One single-family residence, or a second dwelling unit in a residential zone may be constructed or converted under this exemption.
- (b) A new 2-story home would replace an existing 1-story home on generally the same footprint and the proposed driveway would extend through an area that has historically been disturbed.

8. **FINDING - PUBLIC ACCESS:** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Section 20.70.050.B.4 CIP). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

**EVIDENCE:**

- (a) The subject property is not described as an area where the Local Coastal Program requires separate public access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Staff site visits found no evidence of informal public trails on the subject property.

9. **FINDING - APPEAL:** Upon consideration of the documentary information in the files, the staff reports, the oral and written testimony and other evidence presented before the Board of Supervisors, the Board denies the appeal and approves the project (PLN040727/Barrett), based on the following responses to appellant's contentions:

**APPELLANT CONTENTION: *DECISION NOT SUPPORTED BY EVIDENCE AND THE DECISION IS CONTRARY TO LAW***

**Appellant's Statement:**

*Richard and Gail Barrett appeal the March 31, 2005 decision of the Zoning Administrator to deny a Combined Development Permit (PLN040727/Barrett) consisting of a Coastal Administrative Permit and Design Approval for the remodel and first and second story additions totaling 1,758 sq. ft. to a 4,409 sq. ft.*



one-story single family dwelling; a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (native Monterey cypress habitat); a Coastal Development Permit to remove one 30-inch Monterey cypress tree; and a Coastal Development Permit for development within 750 feet of known archaeological resources. The property is located at 3154 Seventeen Mile Drive, Pebble Beach (assessor's parcel number 008-271-004-000), Del Monte Forest area, coastal zone. This appeal is brought on the basis that the Zoning Administrator's Findings and Decisions are not supported by the evidence (Resolution No. 040727) and the decision was contrary to law in that:

- There is no feasible alternative location for the driveway (Finding 1 - Section 20.147.040.B.1 CIP).
- The area proposed for the driveway was historically an entry driveway onto the property (Finding 1 - Section 20.147.040.C.1.e CIP).
- The subject tree is growing into the existing house and has caused damage to the foundation and roof (Finding 1 - Section 20.147.050.D.2 CIP).
- The Archaeological report found no evidence of potentially significant cultural resources (Finding 1 - Section 20.147.080.D.1 CIP)
- The proposed design reduces runoff by reducing the amount of impervious surfaces (Finding 1 - Section 20.147.090.A.1 CIP).

A complete copy of the appeal as it was filed with the Clerk to the Board on May 13, 2005 is hereby incorporated herein to this resolution by reference as **Exhibit B**.

#### **EVIDENCE (RESPONSE):**

- (a) Driveway Alternatives. On June 28, 2005, staff presented the Board with multiple alternative driveway designs. The Board selected the applicant's proposed design with a reduced width (10 feet maximum) finding that:
  - this alignment has been historically disturbed and therefore no increase in impact to the cypress habitat area is expected (Section 20.147.040.B.4 CIP).
  - the circular design and length of driveway are the minimum necessary to provide safe access given unique constraints of the property relative to location and habitat (Section 20.147.040.B.8 CIP).
- (b) Tree Damage. The house was originally designed around the subject tree when it was smaller. However, this tree has grown to a point where continuing to trim limbs and roots to protect the house negatively impacts the tree and avoiding trimming creates a safety hazard for the house. Reports by the consulting arborist as well as the County Building Department confirm that retaining the tree would likely create structural damage and create a long term hazard. Therefore, the Board finds adequate evidence to allow removal of this one tree per Section 20.147.050.A.1.b CIP.
- (c) Archaeological Resources. See Finding 1(i).

10. **FINDING – APPEALABILITY:** The project is appealable to the Board of Supervisors and California Coastal Commission.

#### **EVIDENCE:**



- (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan (Part 1).
- (b) Section 20.86.080 of the Monterey County Coastal Implementation Plan (Part 1).
  - The project is located between the sea and the first through public road paralleling the sea (Highway One).
  - The project involves development that is permitted in the underlying zone as a conditional use (Tree Removal).

### **DECISION-PROJECT**

**NOW, THEREFORE, BE IT RESOLVED THAT** the Monterey County Board of Supervisors hereby:

- 1) Finds that Combined Development Permit (PLN040727/Barrett) is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303(a) (Class 3); and
- 2) Approves a Combined Development Permit (PLN040727/Barrett) that includes entitlements to remodel an existing house and create a circular driveway at 3154 17-Mile Drive, Pebble Beach based on findings and evidence contained herein and subject to conditions attached hereto and incorporated herein by reference (Table 1).

**PASSED AND ADOPTED** on this 23<sup>rd</sup> day of August 2005, upon motion of Supervisor Potter, seconded by Supervisor Calcagno, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Lindley, Smith, and Potter

NOES: None

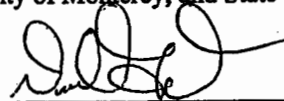
ABSENT: None

I, Lew Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book 72, on August 23, 2005.

Dated: August 26, 2005

Lew Bauman, Clerk of the Board of Supervisors,  
County of Monterey, and State of California.

By



Darlene Drain, Clerk to the Board

**RESOLUTION - TABLE 1****Monterey County Planning and Building Inspection  
Condition Compliance and Mitigation Monitoring  
and/or Reporting Plan**Project Name: Barrett SFRFile No: PLN040727APNs: 008-472-004-000Approval by: Board of SupervisorsDate: August 23, 2005

\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
PLANNING AND BUILDING INSPECTION 831-755-5025						
1		<b>PBD029 - SPECIFIC USES ONLY</b> <i>This Combined Development Permit (PLN040727/Barrett) allows: a Coastal Administrative Permit and Design Approval for the remodel and first and second story additions totaling 1,758 sq. ft. to a 4,409 sq. ft. one-story single family dwelling; a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (native Monterey cypress habitat); a Coastal Development Permit to remove one 30-inch Monterey cypress tree; and a Coastal Development Permit for development within 750 feet of known archaeological resources.. The property is located at 3154 Seventeen Mile Drive, Pebble Beach (assessor's parcel number 009-572-003-000), Del Monte Forest Area, coastal zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)</i>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

		<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution [REDACTED]) was approved by the Board of Supervisors for Assessor's Parcel Number 008-271-004-000 on August 23, 2005. The permit was granted subject to 20 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		<b>PBD011 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)	1) Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
			2) Evidence of compliance with the Implementation Schedule shall be submitted to PBI during the course of construction until project completion as approved by the Director of PBI.	Owner/ Applicant	Prior to Final Inspection	
4		<b>PBD014 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)	None	Owner/ Applicant	Ongoing	

		<b>PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</b> The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
6		<b>PBD021 - LIGHTING - EXTERIOR LIGHTING PLAN</b> All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	

7		<b>PBD026 – NOTICE OF REPORT (ARCHAEOLOGY)</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "An Archaeological Assessment has been prepared for this parcel by Archaeological Consulting, dated September 23, 2004 with a supplemental letter dated January 20, 2005 and is on record in the Monterey County Planning and Building Inspection Department. All current and future development shall be in accordance with this report unless amended." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
8		<b>PBD026 – NOTICE OF REPORT (FOREST MANAGEMENT)</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Rob Cain, dated March, 2004 with amendments dated June 22, 2004 and March 9, 2005 and is on record in the Monterey County Planning and Building Inspection Department. All current and future development shall be in accordance with this report unless amended." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
9	Exhibit H pg 13 of 18	<b>PBD032(B) – TREE AND ROOT PROTECTION</b> Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	

		<b>PBD034 - UTILITIES - UNDERGROUND</b> All new utility and distribution lines shall be placed underground. (Planning and Building Inspection; Public Works)	None	Applicant/ Owner	Ongoing	
		<b>PBD040 - HEIGHT VERIFICATION</b> The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (Planning and Building Inspection)	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to Issuance of Grading or Building Permits	
MONTEREY COUNTY WATER RESOURCE AGENCY						
12		<b>WR1 - DRAINAGE PLAN</b> The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	

1		<b>WR40 - WATER CONSERVATION MEASURES</b> The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
14		<b>WR43 - WATER AVAILABILITY CERTIFICATION</b> The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
CALIFORNIA DEPARTMENT OF FORESTRY (CDF)/ PEBBLE BEACH COMMUNITY SERVICE DISTRICT						
15 Exhibit H pg 15 of 18		<b>FIRE007 - DRIVEWAYS</b> Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	



		<p>shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Pebble Beach CSD.</p>	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
16	Exhibit	<p><b>FIRE008 - GATES</b> Where gates are to be locked, the installation of a key lock is required. Pebble Beach CSD.</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

		<b>FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)</b> Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. Pebble Beach CSD.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
19		<b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b> The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Pebble Beach CSD.	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
20		<b>FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD &amp; PEBBLE BEACH CSD)</b> All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. Pebble Beach CSD.	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**COMMISSION NOTIFICATION OF APPEAL**

**DATE:** September 19, 2005

**TO:** Jeff Main, Planning & Building Services Manager  
County of Monterey, Planning Department  
168 W. Alisal St., 2nd Flr.  
Salinas, CA 93901

**FROM:** Steve Monowitz, District Manager

**RE:** Commission Appeal No. A-3-MCO-05-067

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

**Local Permit #:** PLN040727

**Applicant(s):** Richard J. & Gail Barrett

**Description:** Remodel to and a first- and second-story additions totaling 1,758 sq.ft. to an existing 4,409 sq.ft. one-story single family residence; construction of a 4,500 sq.ft. gravel driveway; allow development within 100 ft. of ESHA and within 750 ft. of known archaeological resources; and remove one 30' Monterey Cypress tree.

**Location:** 3154 Seventeen Mile Drive, Pebble Beach (Monterey County) (APN(s) 008-271-004)

**Local Decision:** Approved w/ Conditions

**Appellant(s):** California Coastal Commission, Attn: Mary Shallenberger; Sara J. Wan

**Date Appeal Filed:** 9/16/2005

The Commission appeal number assigned to this appeal is A-3-MCO-05-067. The Commission hearing date has been tentatively set for October 12-14, 2005 in San Diego. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Monterey's consideration of this coastal development permit must be delivered to the Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Kelly Cuffe at the Central Coast District office.

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Commissioner Shallenberger	Commissioner Wan
California Coastal Commission	California Coastal Commission
45 Fremont Street, Suite 2000	45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219	San Francisco, CA 94105-2219
(415) 904-5200	(415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

Monterey County

2. Brief description of development being appealed:

PLN040727 - Remodel and first and second story additions totaling 1,758 square feet to a 4,409 square foot one-story single family dwelling; construction of a new 4,500 square foot gravel driveway. Project also involves development within 100 feet of environmentally sensitive habitat (native Monterey cypress habitat); removal of one 30-inch Monterey cypress tree; and development within 750 feet of known archaeological resources.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

APN 008-271-004; located at 3154 Seventeen Mile Drive, Pebble Beach, Monterey County.

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_  
b. Approval with special conditions: xx  
c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-05-067  
DATE FILED: 9/16/05  
DISTRICT: Central Coast District

RECEIVED

SEP 16 2005

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA  
Exhibit I pg 2 of 9

A-3-MCO-05-067 (Barrett)

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)**

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator      c. ☐ Planning Commission  
b. ☒ City Council/Board of Supervisors      d. ☐ Other

6. Date of local government's decision: August 23, 2005

7. Local government's file number: PLN040727 (Resolution No. 05-216)

**SECTION III Identification of Other Interested Persons**

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Richard and Gail Barrett (owners)  
242 North Carmelina Avenue  
Los Angeles, CA 90049

Sue Snow (consultant)  
24571 Silver Cloud Court, Suite 101  
Salinas, CA 93940

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Jeff Main / Carl Holm

Monterey County Planning & Building Inspection  
168 W. Alisal St., 2<sup>nd</sup> Floor, Salinas, CA 93902

(2) Robert Cain

Certified Arborist  
768 Elston Circle  
Woodland, CA 95776

(3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION IV. Reasons Supporting This Appeal**

**See attached "Reasons for Appeal"**

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT  
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mary K Schallenberger  
Appellant or Agent

Date: September 16, 2005

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

(Document2)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT  
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

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Signed:   
Appellant or Agent

Date: September 16, 2005

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

(Document2)



**Reasons for Appeal of Monterey County Coastal Development Permit -  
PLN040727 (Barrett remodel/addition and new driveway)**

Monterey County Coastal Development Permit PLN040727 authorizes the remodel and first and second story additions totaling 1,758 square feet to a 4,409 square foot one-story single family dwelling, and new 4,500 square foot circular driveway on the ocean side of 17-Mile Drive in Pebble Beach, Monterey County. According to the County's approval, the project involves development within 100 feet of environmentally sensitive habitat (i.e., within native Monterey cypress habitat), removal of one 30-inch Monterey cypress tree, and development within 750 feet of known archaeological resources.

The locally approved project is inconsistent with the Monterey County certified Local Coastal Program (LCP) for the following reasons:

1. The project is inconsistent with LCP ESHA policies protecting Monterey Cypress Habitat.

The project is located within the Monterey Cypress Forest, native only at Point Lobos Reserve State Park and along 17-Mile Drive between Cypress Point and Pescadero Point. The Monterey County LCP notes the rarity of this habitat type and lists the Monterey cypress forest community as environmentally sensitive habitat area (ESHA). Del Monte Forest LUP Figure 2 shows this parcel as being located within areas mapped as environmentally sensitive habitat. LCP policies require that ESHA be protected against any significant disruption of habitat values, that only resource dependant development be allowed in ESHA, and that development adjacent to ESHA be compatible with the long-term maintenance of the resource and be sited and designed to prevent impacts that would significantly degrade the protected habitat (Del Monte Forest LUP Policy #8). Del Monte Forest Policy #21 refers specifically to protecting indigenous Monterey Cypress habitat, and requires that improvements such as structures and driveways be carefully sited and designed to avoid potential damage or degradation of the micro-habitat of these trees (i.e., the area within the perimeter the driplines of the outer-most indigenous Monterey cypress trees on site). Policy #21 prohibits removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering within this environmentally sensitive habitat area, and requires scenic or conservation easements be secured prior to issuance of coastal development permits in order to assure protection of the Monterey cypress habitat. LCP policies also require that in areas near environmentally sensitive habitat areas, removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc) shall be restricted to the minimum amount necessary to accommodate development (Del Monte Forest Policy #14). As part of specific policies for maintaining environmental quality, the Del Monte Forest LUP Policy #75 also requires that within their indigenous range, Monterey cypress trees be protected to "the maximum extent possible."

As approved by Monterey County, the proposed project conflicts with these policies because it will convert and degrade the environmentally sensitive Monterey cypress forest habitat. The significant expansion in site coverage from first floor expansion and new circular driveway (which combined is over 4,500 square feet) inappropriately encroaches into sensitive Monterey cypress habitat, in conflict with Policy 8 and 21. Proposed first floor additions in areas not previously occupied by patio or terrace areas and additional driveway site coverage with gravel and continuous use of the new driveway will damage the habitat value of the site and surrounding area by reducing the

amount of land available for forest regeneration, and by extending the impacts associated with residential development further into the forest (e.g., light, noise, fire clearance needs, etc.), in conflict with Policy #8. It also appears that the new driveway will encroach within the dripline of existing cypress trees, in conflict with Policy #21

Moreover, since the property already has an existing 4,409 square foot house and driveway access to the existing home from Scenic Point, expanding the driveway to cover 4,500 square feet of habitat area conflicts with LCP policies requiring development in areas adjacent to Monterey cypress ESHA to be restricted to the minimum amount necessary to accommodate development.

Additionally, since the County approval did not require a scenic or conservation easement of the project as a condition of approval, the County failed to protect the sensitive Monterey cypress habitat on site as required by Del Monte Forest Land Use Plan policies # 21 and #13.

2. The project is inconsistent with General Development standards for residential driveways.

The current project site includes an existing single family dwelling with direct driveway access to and from the road that leads to the Cypress Point overlook, referred to previously in County staff report as Scenic Point. The County approved project allows the construction of a new 4,500 square foot circular gravel driveway to provide driveway access from both 17-Mile Drive and Scenic Point. The project essentially lengthens and reroutes the existing driveway, and thus replaces the direct access (with a site coverage of approximately 1,478 sf) with a larger, circular driveway of 4,500 square feet. General Development Standards of CIP Section 20.147.090.A.1 require that new residential driveways and other road surfaces be designed to be the minimum length and width required to provide simple and direct access, and specifically prohibit circular driveways. While the driveway in question is proposed to be constructed with gravel rather than impervious pavement, the increased site coverage of the circular driveway will occupy land otherwise available for Monterey cypress forest regeneration, and thus even if not paved, will serve to degrade the overall quality of the coastal zone environment and the natural resources of the coastal zone environment, in conflict with the basic goals of the development standards, as described under section 20.147.090. Thus approval of a new, 4,500 square foot circular driveway conflicts with CIP Section 20.147.090.A.1.

3. The project is inconsistent with LCP policies protecting scenic and visual resources in Del Monte Forest and along 17-Mile Drive.

The project is located along and seaward of 17-Mile Drive, and is within a highly prominent scenic area just south of the Cypress Point Golf Course and immediately inland of the Cypress Point overlook. County findings note that staking and flagging of for the project is visible from 17-Mile Drive, but are inconsistent regarding site visibility from Point Lobos, noting that the project is both visible and not visible from Point Lobos (Finding 2h). Del Monte Forest LUP Figure 2c (Visual Resources Map) shows this parcel as being located within areas visible from 17-Mile Drive and view points. Del Monte Forest LUP Policy #51 requires development within such visually prominent settings to be sited in a manner that maximizes opportunities to screen buildings and

access roads from view, and to minimize tree removal and visually obtrusive grading. Policy #55 requires structural setbacks from scenic corridors, such as those along 17-Mile Drive, and requires that development be designed to harmonize with the natural setting and not be visually intrusive, among other ways by minimizing the need for tree removal and alteration of natural landforms. CIP Section 20.147.070.C.6 and C.9 further implement these Land Use policies, by prohibiting development within a 100-foot setback from the centerline of 17-Mile Drive, and requiring that land within the setback be placed in scenic easement. Additionally, Del Monte LUP Policy #36 requires that native trees which are removed shall be replaced on the site at a rate of one tree of the same variety for each tree removed, except where it is demonstrated that this would result in an overcrowded, unhealthy environment.

Contrary to these requirements, the project approved by the County increases the amount of development that will intrude within these significant view corridors by allowing additional development (first and second story additions and new driveway) into the 100-foot setback. While a 6-foot high wooden fence already surrounds the site, second floor additions will be more visible from 17-Mile Drive and so more visually intrusive to views from 17-Mile Drive. Thus it appears that the proposed development has not been designed to maximize screening opportunities, and does not harmonize with the surrounding natural environment, in conflict with Policies 51 and 55.

The project also involves the removal of one Monterey cypress tree. Earlier construction was built around the tree when it was smaller, but the tree has since grown in size (with a consequent increase in trunk diameter, height, and root structure), resulting in potential hazard to the existing structure due to uplifting of the foundation near the base of the tree and proximity to the roof during storm or high wind events. Del Monte Forest LUP Policy #32 allows removal of indigenous cypress trees in such cases where life, property, or existing access is immediately threatened. Since the project is proposed to redesign the existing house, removing the portion of the structure around this tree should be considered.

If removal of this cypress tree is necessary to avoid immediate hazards to life, property, or access, replacement planting should be provided to help the project maintain the forested character of the site and aid in screening the new additions from view from 17-Mile Drive. County approval of the project does not provide for such planting and therefore conflicts with Del Monte Forest LUP Policy #36.

4. The project is inconsistent with LCP provisions protecting archaeological resources.

The Del Monte Forest Land Use Plan requires new land uses to incorporate site planning and design features necessary to avoid impacts to archaeological resources. On sites where significant archaeological resources are identified, Land Use Plan Policy #62 requires the consideration of all available measures to avoid development on significant prehistoric or historic sites, including open space easements, dedication of scenic easements, and purchase of development rights. When there are such constraints that do not permit avoiding construction on archaeological or other types of cultural sites, Policy 65 requires preservation measures designed by qualified archaeologists.

The preliminary archaeological report prepared for the project (dated September 23, 2004) indicates that a recorded archaeological site is located on the project parcel (as well

as on the adjacent Cypress Point golf course) and that areas which would be subject to direct project impacts appear to be located between the more significant midden deposits. The archaeological report also notes that because of the possible presence of buried cultural materials on site, an archaeological monitor should be present during construction activities that may involve earth moving or soil disturbance. Given that the development has the potential to impact significant archaeological resources, and the applicants already have access to the site via the existing driveway, the proposed driveway expansion conflicts with the requirements of Land Use Policy #62 to avoid development in sensitive archaeological areas when possible.

**Monterey County Local Coastal Program policies and regulations referred to in the Appeal (includes policies from the Del Monte Forest Land Use Plan and Coastal Implementation Plan).**

**1. Monterey cypress habitat.**

The Del Monte Forest Land Use Plan (on pg 14 of Land Use Plan):

*Environmentally sensitive habitat areas are those in which plant or animal life or their habitats are rare or especially valuable due to their special role in an ecosystem. These include rare, endangered, or threatened species and their habitats; other sensitive species and habitats such as species of restricted occurrence and unique or especially valuable examples of coastal habitats; riparian corridors; rocky intertidal areas; nearshore reefs; offshore rocks and islets; kelp beds; rookeries and haul-out sites; important roosting sites; and Areas of Special Biological Significance (ASBS). The California Coastal Act provides unprecedented protection for environmentally sensitive habitat areas and within such areas permits only resource-dependent uses (e.g., nature education and research, hunting, fishing, and aquaculture). The Act also requires that any development adjacent to environmentally sensitive habitat areas be properly sited and designed to avoid impacts, which would degrade such habitat areas.*

*In the Del Monte Forest Area, examples of terrestrial, aquatic, and riparian habitats which have been determined to be entirely or in part environmentally sensitive include: the rare Monterey cypress and endangered Gowen cypress forest communities, the endemic Monterey pine/Bishop pine association, remnants of the indigenous coastal sand dunes, riparian corridors, wetlands, and sites of rare and endangered plants and animals associated with these and other habitats. A complete listing is included as Appendix A of this Plan. The locations of these are shown in Figure 2. [Implemented through similar CIP Section 20.157.020.H.)*

**Del Monte Forest Land Use Policy #8:**

*8. Environmentally sensitive habitat areas that are not designated as rehabilitation areas shall be protected against any significant disruption of habitat values. Within environmentally sensitive habitat areas, new land uses shall be limited to those that are dependent on the resources therein. Land uses immediately adjacent to environmentally sensitive habitat areas shall be compatible with long-term maintenance of the resource; development shall be sited and designed to prevent impacts, which would significantly degrade the protected habitat. In designated open space areas, conformance to the applicable OSAC Plan maintenance standards shall be considered the test of consistency with this policy.*

**Del Monte Forest Land Use Policy #12:**

*12. Where development of any type, including subdivision of land for development purposes, is proposed in or near documented or expected locations of environmentally sensitive habitats, field surveys by qualified individuals shall be required in order to determine precise locations and to recommend mitigating measures to ensure protection of any sensitive species or habitat(s) present. Where OSAC maintenance standards have been prepared, these shall be observed in the preparation of such recommendations.*

**Exhibit J - pg 1 of 4**  
**LCP Policies and Regulations**



**Del Monte Forest Land Use Policy #13:**

*13. The protection of environmentally sensitive habitats shall be provided through deed restrictions or permanent conservation or scenic easements granted to the Del Monte Forest Foundation. Where developments are proposed within or near areas containing environmentally sensitive habitat, such restrictions or easements shall be established through the development review process. Where development has already occurred in areas supporting environmentally sensitive habitat, property owners should be encouraged to voluntarily grant conservation or scenic easements to the Del Monte Forest Foundation. Except in the case of voluntary easements, each instrument for effecting such restriction or easement shall be subject to approval by the County as to form and content; shall provide for enforcement, if need be, by the County or other appropriate enforcement agency; and shall name the County as beneficiary in event the Foundation ceases or is unable to adequately manage these easements for the intended purpose of natural habitat preservation.*

**Del Monte Forest Land Use Policy #14:**

*14. Near environmentally sensitive habitat areas, the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate development. This policy shall not restrict the activities of the Del Monte Forest Foundation in implementing OSAC Plan maintenance standards.*

**Del Monte Forest Land Use Policy #21:**

*21. Land uses on existing legal lots of record supporting indigenous Monterey Cypress habitat shall be compatible with the objective of protecting this environmentally sensitive coastal resource. Improvements such as structures and driveways shall be carefully sited and designed to avoid potential damage or degradation of the microhabitat of these trees. Within the perimeter of the habitat area 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, or where driveways are consolidated to service more than one lot. Underground residential utilities and fences shall be allowed in this area on the inland side of 17-Mile Drive. Scenic or conservation easements shall be secured prior to transmittal of coastal development permits in order to assure the protection of the Monterey Cypress habitat. [Implemented through similar CIP Section 20.147.040.C.1.d-f.]*

**Del Monte Forest Land Use Policy #75:**

*75. Within their indigenous range, Monterey cypress trees shall be protected to the maximum extent possible. This shall be accomplished by design review during the development review process.*

2. Land Use and Development Standards for Driveways

CIP Section 20.147.090.A.1:

*A. General Development Standards*

*1. New residential driveways and other road surfaces are required to be designed with the minimum length and width required to provide simple and direct access. Circular driveways; parking spaces above the number needed for the specific application in question and other types of extraneous impervious surfaces shall not be allowed. Other paved areas are limited to a minimum required to meet daily parking needs. Development shall be modified as necessary for location and siting where such modifications will result in reduction of driveway length, road surfaces, and other impervious surfaces. This development standard shall not be read to preclude safe bicycle lanes nor adequate parking for commercial visitor serving development and access points. (Ref. Policy #1, Del Monte Forest Area Land Use Plan).*

3. Scenic and Visual Resources Protection

Del Monte Forest LUP Policy #51:

*51. Areas within visually prominent settings identified on the LUP Visual Resources Map, when proposed for development, should be developed so that the lots and/or buildings are situated to allow the highest potential for screening from view the development and its access roads. Lots and access roads should also be sited to minimize tree removal and visually obtrusive grading.*

Del Monte Forest LUP Policy #55:

*55. Areas within the viewshed of scenic corridors identified on the LUP Visual Resources Map shall be zoned with a district, which requires adequate structural setbacks (generally a minimum of 50), the siting and design of structures to minimize the need for tree removal and alterations to natural landforms. New structures shall be designed to harmonize with the natural setting and not be visually intrusive.*

CIP Sections 20.147.070.C.6, 20.147.070.C.8 and 20.147.070.C.9:

20.147.070.C. General Development Standards...

*6. A minimum setback of 50 feet shall be maintained for all structures located in all scenic corridor viewsheds, as identified on the Del Monte Forest Area Land Use Plan Visual Resources Map. Siting and design of structures shall be such that only the minimum tree removal and alteration to natural landforms is required for development of the dwelling and an adequate area for safe off-street parking and turnaround. New structures shall be designed to harmonize with the natural setting and not be visually intrusive (Ref. Policy #55 Del Monte Forest Area Land Use Plan).*

*8. New development, including accessory structures such as fences, constructed between 17-Mile Drive and the sea. (Pacific Grove Gate to Cannel Gate portion) shall be designed and sited so that views from the road to the sea remain intact. The impact of development upon visual access shall be determined on a case-by-case [basis and] shall be made on a site visit by the project planner. Examples of methods to reduce obstruction, which may be imposed on the proposed project include, but are not limited to the following:*



*a. height limits, use of see-through materials fences:*

*b. limitations on types and amounts of landscape materials which would block views:*

*c. location of proposed developments. (Ref Policy #59)*

*9. Development on parcels fronting on 17-Mile Drive shall maintain a minimum setback of 100 feet from the centerline of 17 Mile Drive. An exception may be allowed by the decision-making body upon a finding that the new development may be screened from view of travelers on 17-Mile Drive by existing vegetation or terrain. In Area B, the required setback shall be 200 feet. As a condition of approval, the required setback shall be placed in scenic easement in accordance with Section 20.142.130 (LUP Policy #84).*

#### **4. Archaeological Resources.**

##### **Del Monte Forest Land Use Plan Policy #62:**

*62. Where significant archaeological resources are identified, all available measures including open space easements, dedication of scenic easements, and purchase of development rights shall be considered to avoid development on significant prehistoric or historic archaeological sites.*

##### **Del Monte Forest Land Use Plan Policy #65:**

*65. When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate preservation measures shall be required. Preservation measures shall be designed by a qualified archaeologist in accordance with current accepted guidelines.*

