

10/27/16 Hearing Submitted #1

Dear Ms. Onciano, Zoning Administrator,

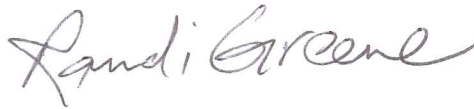
October 26, 2016

While investigating the likelihood that my 40 year old cypress would survive the excavation of its root system as proposed by the project at 1030 Marcheta, I was told by arborist Nigel Belton on 10/25, that there would likely be an eventual slow death of the tree and the ideal way to protect it is to eliminate any excavation within the dripline. Nigel went on to say that it is horrible that someone would propose a driveway that slopes down to the basement causing excavation of the root systems of trees bordering the property. Nigel gave me permission to relay his sentiments since he did not have time to get to my property and write up a report on such short notice.

Please do not allow any excavation within the dripline of my beautiful 40 year old cypress tree.

Thank you for your consideration.

Randi Greene
1028 Marcheta



10/27/16

Hearing Submittal

Agenda
Item # 1

Zoning Administrator
October 27, 2016

..Title

PLN160253/GARIBALDI

Public hearing to consider action on a Design Approval to allow the construction of a single family dwelling.

Proposed CEQA Action: Categorically Exempt per CEQA Guidelines Section 15303(a) of the CEQA Guidelines.

1030 Marcheta Lane, Pebble Beach, Greater Monterey Peninsula Area Plan.

..Body

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution:

- 1) Finding the project Statutorily Exempt per Section 15303(a) of the CEQA Guidelines; and
- 2) Approving a Design Approval to allow construction of a 3,671 square foot single family dwelling.

A resolution with findings and evidence supporting approval of this project (**Exhibit A**). Staff recommends approval subject to four (4) conditions.

PROJECT INFORMATION:

APN: 007-342-002-000

Agent: Eric Miller, Architect

Plan Area: Greater Monterey Peninsula Area Plan

Parcel Size: 0.24 acre

Flagged and Staked: Yes

Planner: Bob Schubert, AICP, Senior Planner

DISCUSSION:

On September 29, 2016, the Zoning Administrator continued the public hearing requesting the applicant to submit revised plans. The applicant agreed to continue the hearing to October 13, 2016.

Revised plans were submitted showing the removal of the roof over the rear yard ground level patio, a reduction in the size of the second floor deck on the south side and realignment of the retaining wall along the southern property line to protect the roots of an 18-inch Monterey cypress tree located on the neighboring property. On October 13, 2016 the Zoning Administrator reviewed the revised plans. Although the project meets development standards of the Zoning Code, the Zoning Administrator provided direction relative to meeting policies of Greater Monterey Peninsula Area Plan. Staff was directed to return on October 27, 2016 with a resolution approving the revised project.

Staff has provided a draft resolution for consideration by the Zoning Administrator. Conditions 2 and 3 are intended to address concerns relative to impact of the neighboring cypress tree.

FINANCING:

**EXHIBIT A
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

GARIBALDI (PLN160253)

RESOLUTION NO. ____

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project Categorical Exempt per Section 15303(a) of the CEQA Guidelines; and
- 2) Approving the Design Approval to allow the construction of a single family dwelling.

[1030 Marcheta Lane, Pebble Beach, Greater Monterey Peninsula Area Plan (APN: 007-342-002-000)]

The Garibaldi Design Approval application (PLN160253) came on for public hearing before the Monterey County Zoning Administrator on September 8, 2016, September 29, 2016, October 13, 2016 and October 27, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** - The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) The proposed entitlement is a Design Approval to allow the construction of a two-story single family dwelling. The property is located at 1030 Marcheta Lane, Pebble Beach (APN 007-342-002-000), Greater Monterey Peninsula Area Plan.
The proposed colors and materials consist of beige exterior stucco walls, clay tile roof, brown wood and bronze gates.
b) An application for a Design Approval was submitted on April 5, 2016. Public notices of the application were sent to neighboring property owners, published in the newspaper and posted at the site.
c) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Greater Monterey Peninsula Area Plan; and
 - Monterey County Zoning Ordinance (Title 21).
d) The property at 1030 Marcheta Street (APN 007-342-002-000) is designated as Medium Density Residential in the Greater Monterey

Peninsula Area Plan and is zoned MDR/B-6-D-RES (Medium Density Residential/Building Site-Design Control-Parking and Use of Major Recreational Equipment Storage in Seaward Zone) which allows a single family dwelling unit subject to a Design Approval.

2. **FINDING:**

DESIGN - The design of the ~~proposed~~ revised, as conditioned, project assures protection of the public viewshed, consistency with the existing neighborhood character, and preserves visual integrity without imposing undue restrictions on private property.

- a) The subject property is in an established neighborhood east of the Pebble Beach Golf Course. Existing development within the vicinity includes a mix of one and two story homes varying in size, age and architectural styles. It is a neighborhood in transition with ~~the~~ newer homes building to the minimum setbacks and maximum coverage and the older homes with greater setbacks, less coverage and more open space. The newer homes tend to be larger estate style homes compared to the older existing houses, including a 4,059 square foot home under construction directly across the street from the subject property. The purpose of the D District is to “... *assure protection of the public viewshed, neighborhood character and to assure the visual integrity of certain developments without imposing undue restrictions on private property.*”
- b) One issue raised by the neighbors and Del Monte Forest Land Use Advisory Committee (DMFLUAC) is that the proposed interior courtyard becomes private open space and pushes the house toward the rear perimeter of the property. This results in the mass of the proposed structure being pushed closer to the rear property line. The applicant feels that this is consistent with the design of the newer homes in the neighborhood.
- c) When viewed from the street, the design is consistent with the neighborhood character which is a diverse mix of architectural styles and building massing. Although the proposed layout with an interior courtyard makes the structure appear more massive from the rear yards of the neighbors, this is not considered part of the public viewshed. The proposed colors and materials are similar to the existing materials and colors and are consistent with those in the neighborhood.

3. **FINDING:**

NEIGHBORHOOD CHARACTER: The design of the revised project, as conditioned, better achieves the intent of the Design Control regulations (Chapter 21.44) relative to location, size (mass) and configuration to assure protection of the neighborhood character without imposing undue restrictions on private property owner.

- a) On August 4, 2016, the DMFLUAC voted 5-1-1 to recommend denial of the project because the massing of the structure is out of proportion with the neighborhood. The project includes an interior unroofed area (referred to as “exterior courtyard patio” on the plans) which pushes the mass of the structure into the rear yard area.

b) On September 28, 2016, the Zoning Administrator conducted a site visit to asses if the proposed revised project fit the character of the neighborhood and found that the mass of the proposed two-story residence did not blend with neighborhood. At the September 29, 2016 hearing the Zoning Administrator requested that the applicant work with staff to revise the proposed residence by reducing the mass and addressing the driveway location in relation to the 18 inch Monterey Cypress on the neighboring property. A condition has been added to address the mass of the residence and the driveway location. Conditions numbers 3, 4 &5.

4. **FINDING:** **CEQA (Exempt):** - The project is Categorically Exempt per Section 15303(a) and no unusual circumstances were identified to exist for the proposed project.
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303(a) exempts the construction of new structures, including the first single-family dwelling per lot.
- b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.

5. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: Section 21.44.070 Monterey County Zoning Ordinance (Title 21).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project ~~Statutorily~~ Categorically Exempt pursuant to CEQA Guidelines Section 15303(a); and
 2. Approve the Garibaldi Design Approval Application (PLN160253) to allow the construction of a ~~3,671 square foot~~ single family dwelling
- Approval is subject to four conditions, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 27th day of October, 2016.

Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON ____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE ____.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN160253

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Design Approval (PLN160253) allows the construction of single family home. The property is located at 1030 Marcheta Lane, Pebble Beach (Assessor's Parcel Number 007-342-002-000), Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Design Approval (Resolution Number ***) was approved by the Zoning Administrator for Assessor's Parcel Number 007-342-002-000 on October 27, 2016. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PDSP002 - REVISED PLANS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to submittal of construction plans, the applicant shall reduce the center exterior courtyard by 50% and reduce the square footage of the rear portion of the proposed residence, to the satisfaction of the Director of the Resource Management Agency; thereby reducing the mass of the two-story single family dwelling to more appropriately blend with the character of the neighborhood in relation to the lot size and mass. (RMA Planning)

Compliance or Monitoring Action to be Performed: Prior to submittal of construction plans, the applicant shall submit revised plans for review and approval by the Director of the Resource Management Agency.

4. PDSP-001 GRADING NEAR TREES ON ADJACENT PROPERTY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The plans shall be modified to protect and minimize negative impacts to the 18 inch Cypress tree on the adjacent property at 1028 Marcheta Lane. No grading shall take place within the dripline of the tree. This will require relocating the retaining wall for the proposed driveway outside the dripline of the tree.

Compliance or Monitoring Action to be Performed: These requirements shall be shown on the construction plans. Grading shall be done under the supervision of a Certified Arborist. A completion report shall be submitted by a Certified Arborist to RMA-Planning stating that all work was done in compliance with this condition prior to final occupancy.

5. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The recommendations contained in the arborist's report by Maureen Hamb dated March 2016 shall be followed. This shall include either relocating the proposed bocce court outside the Critical Root Zone of the 48 inch Monterey pine tree or placing it on natural grade with no excavation. Trees which are located close to 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, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

6. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.