



RAVEN PLN150755

BOARD OF SUPERVISORS HEARING
JULY 10, 2018
AGENDA ITEM NO. 21

Property Location:
3213 Whitman Lane
Del Monte Forest LUP

- Combined Dev Permit
- CAP for 4,359 sf SFD
- CDP for 750 foot arch buffer
- Variance to exceed Lot coverage by 3.9%
- Variance to exceed FAR by 5.3%

Negative Declaration

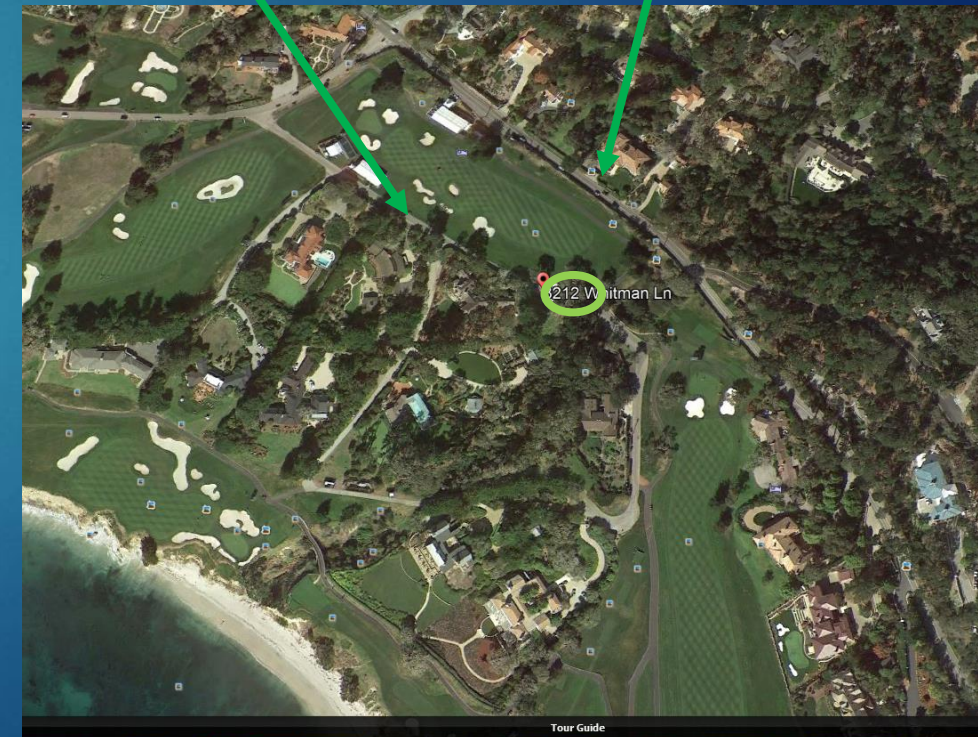
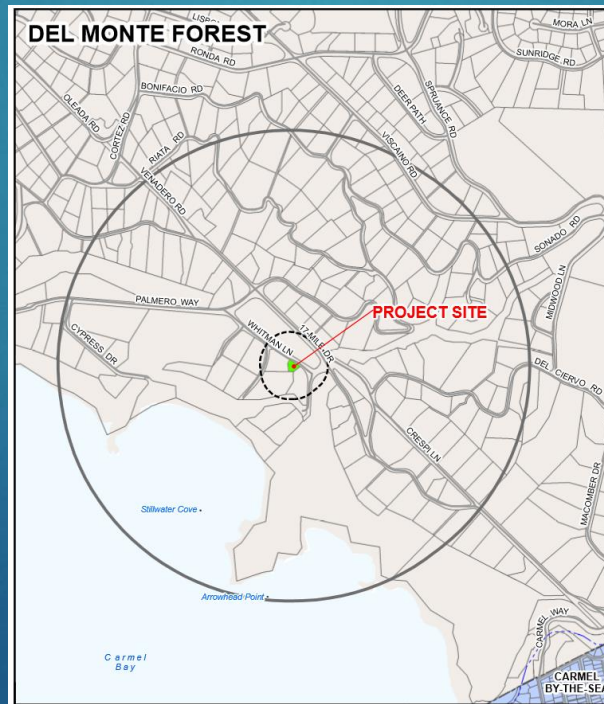
LDR/1.5-D-S (CZ)

9/21/17 - LUAC approval
(4-2 vote)



Whitman Lane

17 Mile Drive



HISTORIC USE

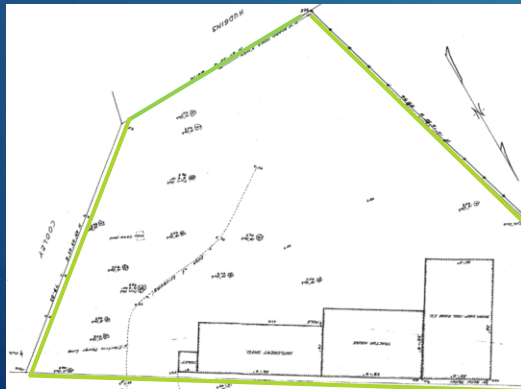
Site of former Pebble Beach golf course maintenance facility

- a 2,700 square foot maintenance building
- lean-to shed, a concrete pad and asphalt concrete yard area
- fueling facility and underground storage tanks

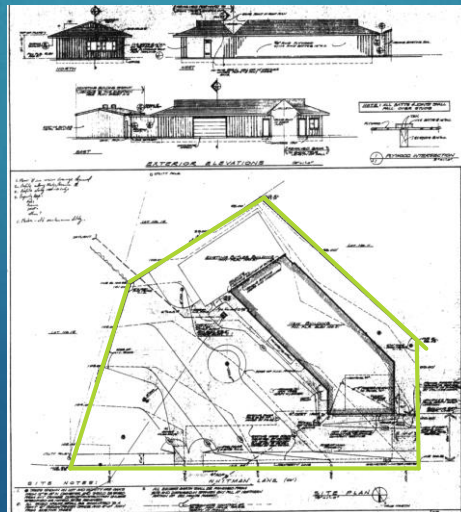
Inactive around October 2003

Fueling facility and tanks were properly removed in early 2004
(Monterey County Department of Health letter from Director of Env. Health)

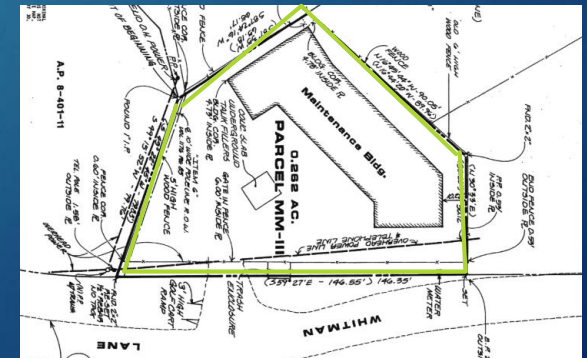
1946



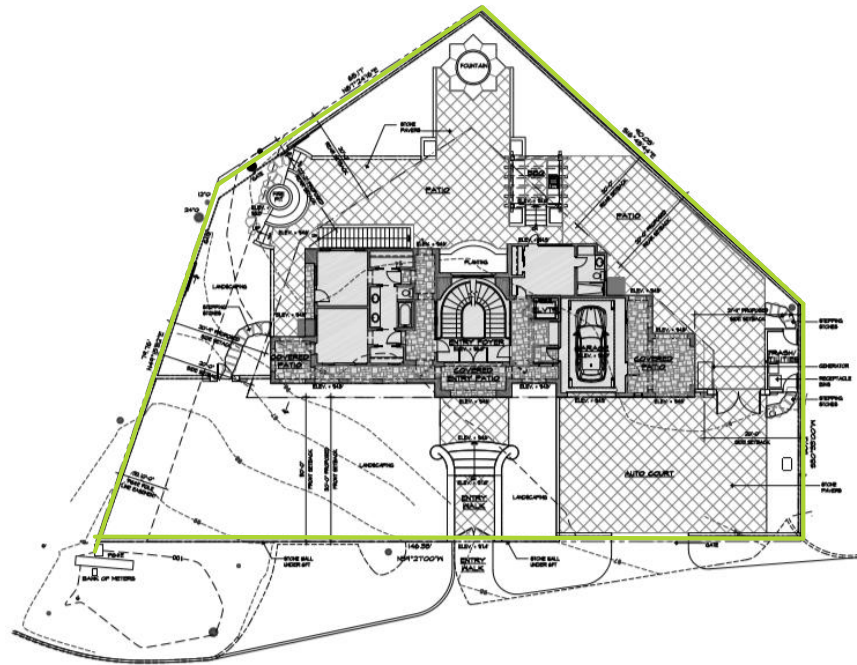
1975



1975+

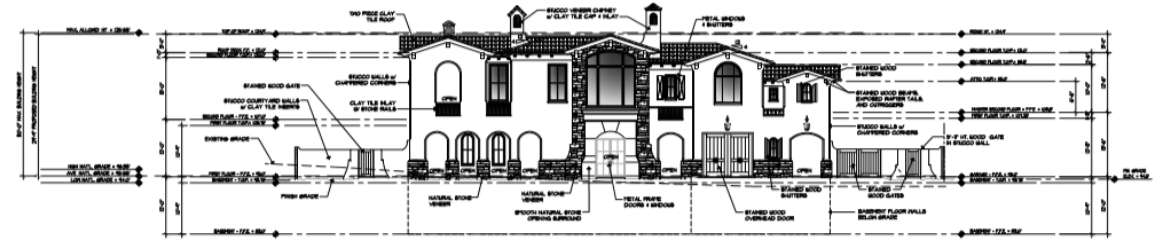


Site Plan and Elevations



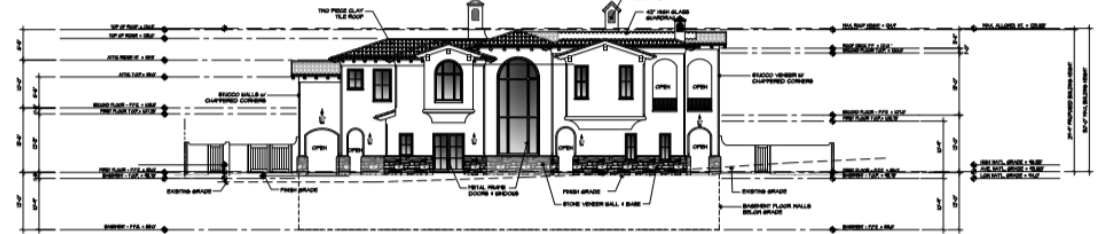
WHITMAN LANE

PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



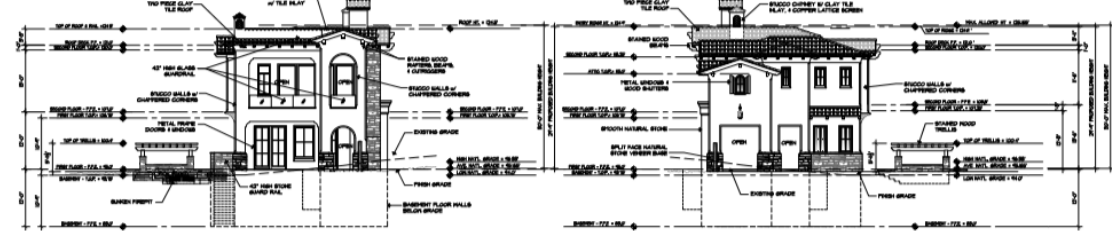
1 NORTH ELEVATION

SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



3 EAST ELEVATION

SCALE: 1/8" = 1'-0"

4 WEST ELEVATION

SCALE: 1/8" = 1'-0"

Lot coverage /Floor Area Ratio



10 METAL GATE



LAMP - 25 WATT
FINISH - BROWN RUST
GLAZING - HEAVY SEEDY
LIGHT SHIELD ON TOP PANELS

7 EXTERIOR WALL SCONES



FOND-DU-LAG RUSTIC

4 STONE VENEER



CLAY TILE

1 CLAY TILE ROOF



CLAY TILE - FLAT LAY

11 CHIMNEY CAP TILES
GUARD RAIL DETAIL



PATH LIGHT - 25W
COPPER FINISH



SIDE WALL LIGHT - 25W
COPPER FINISH

8 LANDSCAPE LIGHTING



5 WOOD WINDOWS
& DOORS



2 COPPER GUTTER &
DOWNSPOUT



DRAIN COVER
URBAN ACCESSORIES-OT



TRENCH GRATE
URBAN ACCESSORIES-OT

12 -

9 DRAINAGE GRATES



WOOD - BROWN STAIN

6 GARAGE DOOR



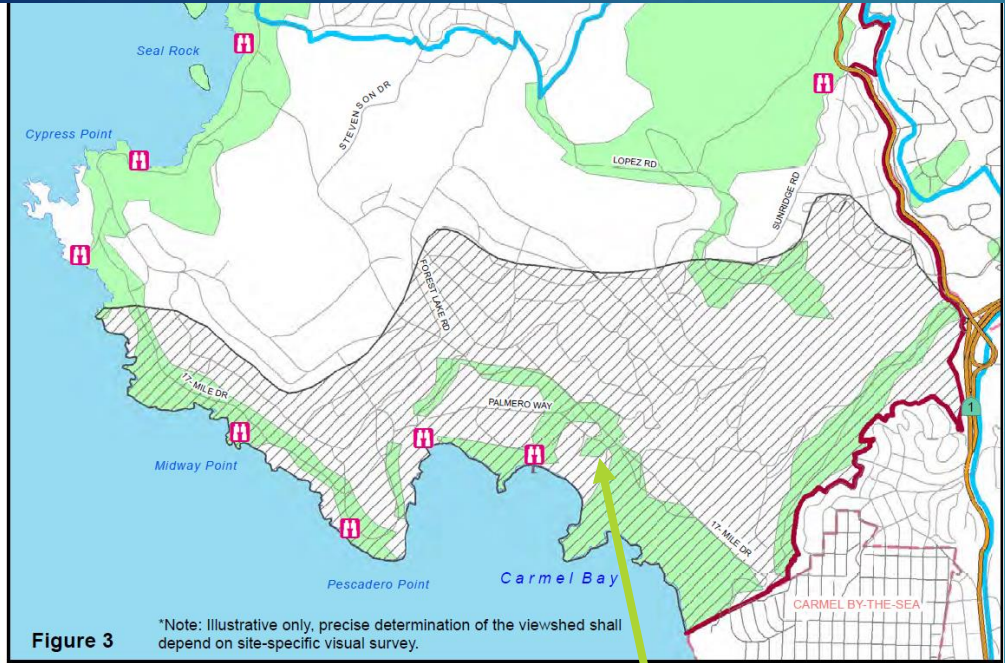
STUCCO - MEDIUM CAT FACE

3 EXTERIOR COLORS

FOR REFERENCE ONLY

Colors and materials

Visual Resources: Figure 3 – DMF LUP



Parcel
location



CEQA

CEQA Guidelines 15064.1 requires environmental review for a potential impact

- No sensitive biological resources on site
- Long history of golf maintenance facility
- Stillwater Creek (riparian corridor easterly of the site)
- No California red legged frog found in creek

Negative Declaration circulated March 16 – April 16, 2018



Stillwater Creek



VARIANCE

LDR/1.5

Lot Coverage Allowed: 15%
Proposed: 18.8% (Exceeds by 3.9%)

Floor Area Ratio Allowed: 17.5%
Proposed: 22.8% (Exceeds by 5.3%)

Three Findings need to be made:

- Expressly Authorized Use
- Because of Special Circumstances due to size, shape, location, strict application found to deprive
- Not constitute a Special Privilege



THREE APPELLANT CONTENTIONS

Contention #1

1) Appellant contention: There was a lack of fair and impartial hearing. The applicant's representatives misrepresented the facts before the Zoning Administrator, which prejudiced the ZA's decision, including the following:

- a. *CEQA Baseline –CEQA baseline should be vacant land, not the pre-existing maintenance building*
- b. *The facts do not support the variance findings - applicant can and should design a project that does not require a variance*
- c. *The facts do not support a “hardship” finding for the variance.*
- d. *Biological impact analysis under CEQA: CEQA analysis is flawed, specifically that it did not analyze the project's cumulative biological impacts or impacts to migratory birds.*
- e. *Contamination: Applicant did not properly answer questions specific to the potential contamination resulting from the prior maintenance yard activities*
- f. *Drainage –Applicant is withholding key information that would affect the drainage analysis and that the proposed complex drainage system could result in flooding of neighbors.*
- g. *Location of the discharge area: Location of the drainage discharge area is not shown on the plans and is not clear*

Contention #2

2) Appellant contention: The Findings and Decision are not supported by the Evidence.

- a. *Finding 1 – The Raven property is not suitable for the development proposed; the Project would pose significant health and safety impacts; and the Project is inconsistent with the Del Monte Forest Land Use Plan/Local Coastal Program (LCP).*
- b. *Finding 2 – The Project design does not assure protection of public viewshed and is inconsistent with neighborhood character.*
- c. *Finding 3 – The Project will have a significant effect on the environment.*
- d. *Findings 5, 6, 7 – Variance approval is not supported by the findings, and the findings are not supported by substantial evidence in the record.*
 - 1) *The variance approval would not deprive the Raven property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*
 - 2) *The granting of the variances would grant the Applicant special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated*

Contention 3:

3) Appellant Contention: The Decision was Contrary to the Law

The Zoning Administrator abused its discretion by failing to proceed in the manner required by law and failing to support its decision to:

- a. *adopt the Negative Declaration with substantial evidence in the record. The Project's Initial Study fails to adequately describe the environmental setting, analyze environmental impacts and mitigate significant impacts.*
- b. *grant Applicant Variances with substantial evidence in the record. Instead of denying the variances based clearly on the inability to make the required findings and support the findings with substantial evidence in the record, the ZA granted special privileges to the Applicant by approving the variances, which is prohibited.*

RECOMMENDATION

- 1) Deny the Appeal of Ted Muhs and Elizabeth McGinnis, Glen and Angela Charles, Richard and Kathleen Doerr, Charles and Helen Schwab and Sally Lucas from the April 26, 2018 decision of the Zoning Administrator approving the application (PLN150755);
- 2) Adopt a Negative Declaration; and
- 3) Approve a Combined Development Permit consisting of a
 - Coastal Administrative Permit and Design Approval to allow the construction of a 2,604 square foot two story single family dwelling with 1,244 square feet of covered patios, and 1,755 square foot basement;
 - Coastal Development Permit to allow development within 750 feet of an archaeological resource; and
 - Variance to exceed lot coverage by 3.9% (totaling 18.9%); and
 - Variance to exceed floor area ratio (FAR) by 5.3% (totaling 22.8%)

Subject to 19 Conditions of Approval