

Exhibit B

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Discussion

DISCUSSION:

Proposed Project

The project consists of the demolition of an existing two story 2,254 square foot single family dwelling with an attached garage and the construction of an approximately 3,500 square foot home with a 3,560 square foot basement including a below grade garage.

The subject property is in an established neighborhood east of the Monterey Peninsula Country Club Shore Golf Course. Lots in the neighborhood are fairly uniform in size (approximately 10,000 sq. ft.), shape (rectangular) and width (approximately 90 ft.). The subject property is consistent with this; it is rectangular in shape and slightly over 10,000 square feet in area. The blocks in this area are tiered sloping down toward the coast. The subject lot is at approximately the same elevation as the lots to the north and south. The lots to the east (to the rear) are approximately six feet higher in elevation.

The existing house has a Cape Code Revival style of architecture with a steeply pitched roof and two dormers facing the street. The foot print is compact with a 24 front yard setback and 58.4 foot rear yard setback.

The proposed home has a Spanish Colonial architectural influence, including an interior courtyard. Site planning has moved the structure up to the 20 foot front yard setback and back to a 22 foot rear yard setback for a single story element with the second story of the proposed house is being approximately 28 feet from the rear property line. Materials and colors consist of beige exterior stucco walls, clay tile roof, brown wood trim and bronze gates. The height of the building would be 27 feet above grade. The design also includes a series of decks located either at the level of the second story or above the second story.

Access to the below grade garage would be by a driveway along the southern (side) property line. This sloping driveway results in a 15 foot setback along the side with a minimum 22 foot setback for second story elements, the side setback on the other side of the house would be 10 feet for single story elements and 20 feet for two story elements. In addition to a garage, the basement contains a family room, laundry area, office/gym and mechanical room.

Construction of the driveway would require a retaining wall (up to 10 feet tall) along the southern (side) property line. Grading would require 2,281 cubic yards of cut and 4 cubic yards of fill (net 2,577 cubic yards export). Two existing 12-inch ornamental trees would be removed.

The proposed landscaping plan shows new plant materials in the front, rear and side yards. An existing 48-inch Monterey pine in the rear yard and a 10-inch Oak as well as a 12 inch ornamental tree in the front yard would be preserved. A gravel path with a stone border is proposed along the front of the site leading to the northern side yard.

Revised plans were recently submitted by the applicant which reintroduced a green deck above the below grade driveway and eliminated a proposed bocce court in order to provide additional landscaping in the both side yards. The green deck above the driveway was shown on the plans submitted with the application but was subsequently eliminated at the suggestion of staff.

Therefore, the green deck was not shown on the plans that were reviewed by the LUAC or the Zoning Administrator. The green deck will be covered with dirt and will have several raised planters which will provide trees in the south side yard, which will soften the bulk of the proposed residence as viewed from south. In addition, the applicant has eliminated a bocce court that was previously proposed in the north side yard to the rear yard in order to provide additional landscaping, which will soften the bulk of the proposed residence as viewed from north.

The applicant has also submitted a lighting plan. Exterior lighting consists of 25 watt wall mounted scones with a brown rust finish. Landscape lighting includes 25 watt side wall lights with a copper finish and 25 watt pole mounted path lights with a copper finish.

Site Design

The style and design of the house with the interior courtyard, moves the house to the front and rear yard setbacks. Normally neighborhood light, air and open space between houses is provided by a combination of setbacks and Floor Area Ratio (FAR). Setbacks typically provide the envelope in which the building can be placed, but the actual foot print and mass of the building is limited by the FAR. In this case the FAR is being maximized, and the open space normally provided around the house (in the rear or front yards) is placed into an interior court yard which forces the building to the outer edges of the setbacks. The proposed side yard setbacks (10 feet and 15 feet) provide some separation between structures. The house does not crowd the side property lines.

Architectural Design

The proposed architecture uses a mixture of roof lines, single story and two story elements, and changing lines within the building elevation to provide visual interest. The Spanish Colonial Architectural influence is appropriate for this location. The proposed colors for the house are consistent with the building architecture and are muted and will not detract from the neighborhood.

Neighborhood Character

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.*” Existing development within the immediate vicinity of the subject site includes a mix of homes varying in size, age and architectural styles. There is about a 50-50 mix of one and two story homes nearby (i.e., of the 13 closest houses, six are single story and seven are two stories). It is a neighborhood in transition with the newer homes essentially 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 which are a change in the character of the neighborhood. **Exhibit G** is a comparison of the existing house, proposed project and two nearby houses that are currently under construction at 1033 Marcheta Lane (PLN140209), and 1034 Marcheta Lane (PLN130612).

The new home across the street at 1033 Marcheta Lane has similar size, FAR, coverage and setbacks as the proposed project. It was designed by the same architect and has a similar architectural style. In addition, it is also designed with an interior courtyard.

As viewed from the street, the proposed house is consistent with the neighborhood character, particularly the two newer homes across the street and the house under construction next door. The front elevation has an articulated roofline, recessed entry and balconies which break up the mass of the structure. The proposed colors and materials are similar to the existing materials and colors and are consistent with those in the neighborhood, particularly the house under construction across the street (1033 Marcheta Lane).

Tree Protection

The driveway requires excavation to provide access to the below grade garage. The grading is proposed within the root zone of an 18-inch Monterey Cypress tree on the neighboring property at 1028 Marcheta Lane. The neighbor at 1028 Marcheta Lane submitted two arborist's reports dated January 27, 2016 and November 2, 2016 prepared by Frank Ono (see **Exhibit H and Exhibit J**) which addresses proposed grading adjacent to three Monterey cypress trees. The reports recommend that the roots of the Monterey cypress tree on the adjacent property not be severed closer than a distance four times the trunk diameter. The applicant subsequently submitted revised plans meeting this criteria. The applicant submitted three arborist reports prepared by Maureen Hamb dated March 2016, November 2, 2016 and January 13, 2017. The January 13, 2017 report consists of a root exploration report for the 18-inch Monterey cypress that was prepared by Maureen Hamb and is dated January 17, 2017. The excavation did not reveal any structural root development in the area of where grading is proposed within the drip line of the Cypress tree. The report concludes that the excavation required to construct the proposed driveway will not impact structural roots or destabilize the Monterey cypress tree. Prior to submittal of the January 17, 2017 arborist report, staff had recommended that the applicant relocate the proposed driveway to the opposite (northern) side of the lot in order to insure the protection of the Monterey cypress tree. Staff is no longer recommending that the driveway be relocated because it does not appear that the proposed excavation would impact structural roots of the tree.

Archeology

The parcel is located within a high sensitivity area for archaeological resources. An Archaeological Assessment (LIB160140) dated April 29, 2016 was prepared by Archaeological Consulting. That report did not include subsurface testing. A subsurface testing report dated June 8, 2016 was subsequently prepared. No cultural materials were discovered during the subsurface testing. The reports conclude that the project should not be delayed for archaeological reasons. If the project is approved, a condition of approval should identify steps to be taken if archaeological resources are unexpectedly discovered during construction.

Issues Raised by Neighbors

Staff conducted two site visits and met with the neighbors on both occasions. The neighbors expressed concerns that due to the size and bulk of the proposed structure, it is not in keeping with the neighborhood character. In addition, the Zoning Administrator conducted a site visit. Three neighbors submitted a letter (see **Exhibit L**) stating:

“The proposed project is massive in scale butting up to all of the property boundary lines and putting what should be backyard space into an interior patio, using covered patios and walkways with roof lines and designing atrium like rooms which are 2 stories tall and labeled ‘open to below’ on the plans.”

In addition, the neighbor to the south (1028 Marcheta Lane) has also expressed concerns regarding potential impacts of grading on three mature Monterey Cypress trees located on her property.

Pebble Beach Architectural Review Board

The project was reviewed by the Pebble Beach Architectural Review Board (ARB). In response to comments from the ARB, the architect removed a covered patio on the second story at the rear of the structure. The ARB approved the revised plans.

Land Use Advisory Committee (LUAC) Recommendation

On August 4, 2016 the Del Monte Forest LUAC reviewed the proposed project. The committee reviewed the revised plans that were approved by the Pebble Beach ARB. Several neighbors attended the meeting and expressed concerns regarding the project. The committee voted 5-1-1 to recommend denial of the project (see **Exhibit F**, LUAC minutes). The LUAC minutes state:

“The County rules for lot coverage leave a loophole for the interior unroofed area and patio area under a roof structure which is as massive as the house roof to go uncounted. Yet the apparent coverage and massing from neighboring lots is enormous, way out of proportion for the neighborhood. For this reason, the LUAC recommends the project be denied as submitted.”

Zoning Administrator

The application came before the Zoning Administrator (ZA) on September 8, September 29, October 13, October 27, 2016 and November 10, 2016. On September 8, 2016, the Zoning Administrator continued the hearing on the project as staff was working with the applicant’s agent regarding the proposed development. On September 28, 2016, the ZA conducted a site visit to review the proposed project relative to the policies of the Greater Monterey Peninsula Area Plan and compare the proposed design with the character of the neighborhood, and found that the mass of the proposed two-story residence did not blend with character of the neighborhood. At the September 29, 2016, after hearing testimony from the applicant and the neighbor in additions to reviewing two conflicting Arborist reports, the ZA 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. The applicant agreed to continue the hearing to October 13, 2016 and made minor modifications to the plans.

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 the Monterey cypress tree located on the neighboring property. On October 13, 2016 the ZA reviewed the revised plans.

Although the project meets development standards of the Zoning Code, the ZA 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.

At the October 27, 2016 ZA meeting, staff presented a revised staff report, resolution and conditions of approval. A non-standard condition was added requiring the applicant to submit revised plans reducing the center exterior courtyard by 50% and reducing the square footage of the rear portion of the proposed residence to the satisfaction of the Director of the Resource Management Agency (RMA), thereby reducing the mass of the home to more appropriately blend with the character of the neighborhood in relation to the lot size and mass. The ZA moved to approve the Design Approval as conditioned. At that hearing the Agent requested an opportunity to speak with property owner. The ZA continued the hearing on the project to November 10, 2016, to allow the agent time to discuss the approved plan revisions with the property owner.

On November 10, 2016, the applicant's Architect returned and stated that they would not be making any of the previous modifications to the plans. Thus, the ZA rescinded the approval and referred the application to the Planning Commission (PC) per Monterey County Zoning Ordinance (Title 21), specifically Section 21.04.030.F. 1, 3&4. Section 21.04.030.F states:

"In addition to those items designated in the zoning districts (ZA) to be heard by the Zoning Administrator, the Director of Planning may also designate the Zoning Administrator as the Appropriate Authority to consider other Use Permits provided said permits do not involve the following factors:

- 1. Significant public policy issues;*
- 2. Unmitigatable significant adverse environmental impacts;*
- 3. Significant changes in the nature of a community;*
- 4. Establishment of precedents or standards by which other projects will be measured.*

If at any point in the consideration of the permit application, the Director of Planning or the Zoning Administrator finds that an application before the Zoning Administrator involves any of the listed factors, the Zoning Administrator shall refer the application to the Planning Commission. In such case, the Planning Commission shall become the Appropriate Authority."

On January 11, 2017, the PC continued the public hearing at the request of the applicant. The applicant subsequently submitted revised plans and an additional arborist report. Staff determined that with a few minor modifications, the policy issues raised by the original design could be resolved. On January 25, 2017, staff recommended that the PC refer the application back to the ZA. Based on testimony at the meeting, the PC decided that the application should not be referred back to the ZA and continued the public hearing to February 22, 2017.

Conclusion

Since the application was referred to the Planning Commission by the Zoning Administrator, the applicant has submitted an additional arborist report and revised plans. The arborist report consists of a root exploration report for the 18-inch Monterey cypress that was prepared by Maureen Hamb and is dated January 17, 2017. The excavation did not reveal any structural root

development in the area of where grading is proposed within the drip line of the Cypress tree. The report concludes that the excavation required to construct the proposed driveway will not impact structural roots or destabilize the Monterey cypress tree. Prior to submittal of the January 17, 2017 arborist report, staff had recommended that the applicant relocate the proposed driveway to the opposite (northern) side of the lot in order to insure the protection of the Monterey cypress tree. Staff is no longer recommending that the driveway be relocated because it does not appear that the proposed excavation would impact structural roots of the tree.

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