



# Monterey County

## Planning Commission

### Agenda Item No. 12

Legistar File Number: PC 17-009

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
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February 22, 2017

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Matter Type: Planning Item

#### **PLN160253 - GARIBALDI (CONTINUED FROM JANUARY 25, 2017)**

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

**Project Location:** 1030 Marcheta Lane, Pebble Beach, Greater Monterey Peninsula Area Plan.

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

#### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution:

- 1) Finding the project Categorically Exempt per Section 15303(a) of the CEQA Guidelines; and
- 2) Approve the Design Approval to allow construction of a single family dwelling.  
A resolution with findings and evidence supporting approval of this project is attached (**Exhibit C**). Staff recommends approval subject to 5 conditions.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**).

Staff recommends approval subject to 5 conditions.

#### PROJECT INFORMATION:

**Agent:** Eric Miller, Architect

**Owner:** Todd & Barbara Garibaldi

**Plan Area:** Greater Monterey Peninsula Area Plan

**APN:** 007-342-002-000

**Zoning:** Medium Density Residential (MDR/B-6-D-RES)

**Parcel Size:** 0.24 acre

**Flagged and Staked:** Yes

**Planner:** Bob Schubert, AICP, Senior Planner

#### SUMMARY:

The applicant seeks to demolish an existing 2,254 square foot two-story single family dwelling to be replaced by an approximately 3,500 square foot two-story single family dwelling at 1030 Marcheta Lane in the Country Club (non-coastal) area of Pebble Beach,. The parcel is zoned MDR/B-6-D-RES (Medium Density Residential with Building Site-Design Control-Parking and Use of Major Recreational Equipment Storage in Seaward Zone overlays), which allows single family dwellings with a Design Approval. The project is consistent with the 2010 General Plan, Greater Monterey Peninsula Area Plan and Title 21 (Zoning Ordinance).

The Del Monte Forest Land Use Advisory Committee (LUAC) 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.

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.

Since the application was referred to the PC by the ZA, the applicant has submitted an additional arborist report (**Exhibit L**) 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.

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 ZA. 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. Based on the arborist report and the revised plans, staff is recommending approval of the project.

#### FINANCING:

Funding for staff time associated with this project is included in the FY2016/17 Adopted Budget for RMA-Planning.

Prepared by: Bob Schubert, AICP, Senior Planner, Ext. 5183  
Reviewed by: Jacqueline R. Onciano, RMA-Services Manager  
Approved by: Carl P. Holm, RMA Director

The following attachments are on file with the RMA:

- Exhibit A Project Data Sheet
- Exhibit B Discussion
- Exhibit C Draft Resolution
- Exhibit D Vicinity Map
- Exhibit E Proposed Colors
- Exhibit F LUAC Minutes
- Exhibit G Comparison of nearby lot development
- Exhibit H Arborist Report by Frank Ono dated January 27, 2016
- Exhibit I Arborist Report by Maureen Hamb dated March 2016
- Exhibit J Arborist Report by Frank Ono dated November 2, 2016
- Exhibit K Arborist Report by Maureen Hamb dated November 2, 2016
- Exhibit L Arborist Report by Maureen Hamb dated January 13, 2017
- Exhibit M Comments from Neighbors
- Exhibit N Neighborhood Areal Plan, South Neighbor Viewshed, East Neighbor Viewshed,  
Shadows on March 20th, Shadows on June 20th, Shadows on September 20th  
and Shadows on December 20.

cc: Front Counter Copy; Planning Commission, Zoning Administrator; Jacqueline Onciano, RMA-Planning Services Manager; Eric Miller, architect, Todd and Barbara Garibaldi, property owners, Randi Green, neighbor, The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN160253