Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of: GARIBALDI (PLN160253) RESOLUTION NO. 17-004 Resolution by the Monterey County Planning Commission:

- 1) Finding the project Categorically Exempt per Section 15303(a) of the CEQA Guidelines; and
- 2) Approving the Design Approval to allow the construction of a two-story 3,520 square foot 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 Planning Commission on February 22, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission 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 appropriate for development.
 - **EVIDENCE:** a) The proposed entitlement is a Design Approval to allow the construction of a two-story 3,520 square foot two story single family home. 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:
 - 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 project, as conditioned, 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 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 the 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.
 - 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. 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 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. At the October 27, 2016 Zoning Administrator 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, 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 Zoning Administrator continued the item to November 10, 2016 to allow the agent to discuss the required plan revisions with the property owner. On November 10, 2016, the Zoning Administrator referred the application to the Planning Commission because the applicant did not agree with the recommended plan revisions. On January 11, 2017, the Planning Commission 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 afew minor modifications, the policy issues raised by the original design could be resolved. On January 25, 2017 staff recommended that the Planning Commission refer the application back to the Zoning Administrator. Based on testimony at the meeting, the Planning Commission decided that the application should not be referred back to the Zoning Administrator and continued the public hearing to February 22, 2017. 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. In addition, 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.

- 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 Planning Commission does hereby:

1. Find the project Categorically Exempt pursuant to CEQA Guidelines Section 15303(a); and

2. Approve the Garibaldi Design Approval Application (PLN160253) allow the construction of a two-story 3,520 square foot two story single family home, in general conformance to the attached plans and subject to six (6)conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 22nd day of February, 2017, upon motion of Commissioner Duflock, seconded by Commissioner Padilla, and passed by the following vote:

AYES: Ambriz, Diehl, Duflock, Getzelman, Hert, Mendez, Padilla, Rochester
NOES: None
ABSENT: Roberts
ABSTAIN: Vandevere

Jacqueline R. Onciano, Planning Commission Secretary

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 **VAR 12 2017**.

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.

<u>NOTES</u>

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

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

PLN160253

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation This Design Approval (PLN160253) allows the construction of a two-story 3,520 **Monitoring Measure:** square foot two story single family home on property located at 1030 Marcheta Lane, (Assessor's Parcel Pebble Beach Number 007-342-002-000), Greater Monterev Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in Neither the uses nor the construction allowed by this permit shall the project file. 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 To the extent that the County has delegated any condition compliance or authorities. 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: Compliance or Monitoring Action to be Performed: Compliance or Monitoring Action to be Performed:

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

"A Design Approval (Resolution Number 17-004) was approved by the Planning Commission for Assessor's Parcel Number 007-342-002-000 on February 22, 2017. 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
MonitoringPrior 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. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation The recommendations contained in the arborist's report by Maureen Hamb dated Monitoring Measure: 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 -If there is any potential for damage, all work must stop in the Director of Planning. 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.

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

Responsible Department: RMA-Planning

Condition/Mitigation cultural, lf, during the course of construction, archaeological, historical or Monitoring Measure: 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 gualified Monterey County RMA - Planning and a professional archaeologist can evaluate it. qualified archaeologist (i.e., an archaeologist registered with the Reaister 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 Monitorina

The Owner/Applicant shall adhere to this condition on an on-going basis.

Action to be Performed:

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.

5. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

Condition/Mitigation The property owner agrees as a condition and in consideration of approval of this Monitoring Measure: discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

6. PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)

Responsible Department: RMA-Planning

Condition/Mitigation The site shall be landscaped. Prior to the issuance of building permits, three (3) Monitoring Measure: copies of a landscaping plan shall be submitted to the Director of RMA - Planning . A landscape plan review fee is required for this project. Fees shall be paid at the time of The landscaping plan shall be in sufficient detail to identify landscape plan submittal. the location, species, and size of the proposed landscaping materials and shall include The plan shall be accompanied by a nursery or contractor's an irrigation plan. 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 RMA - Planning. 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. (RMA - Planning)

Compliance or Prior to issuance building permits, Owner/Applicant/Licensed of the Landscape Monitoring Contractor/Licensed Landscape Architect shall submit landscape plans and Action to be Performed: contractor's estimate to RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

> Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of RMA-Planning, Maximum Applied Water Allowance approved by а (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.

> Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPWMD to RMA-Building Services.

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the 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 Monterey County RMA - Planning.

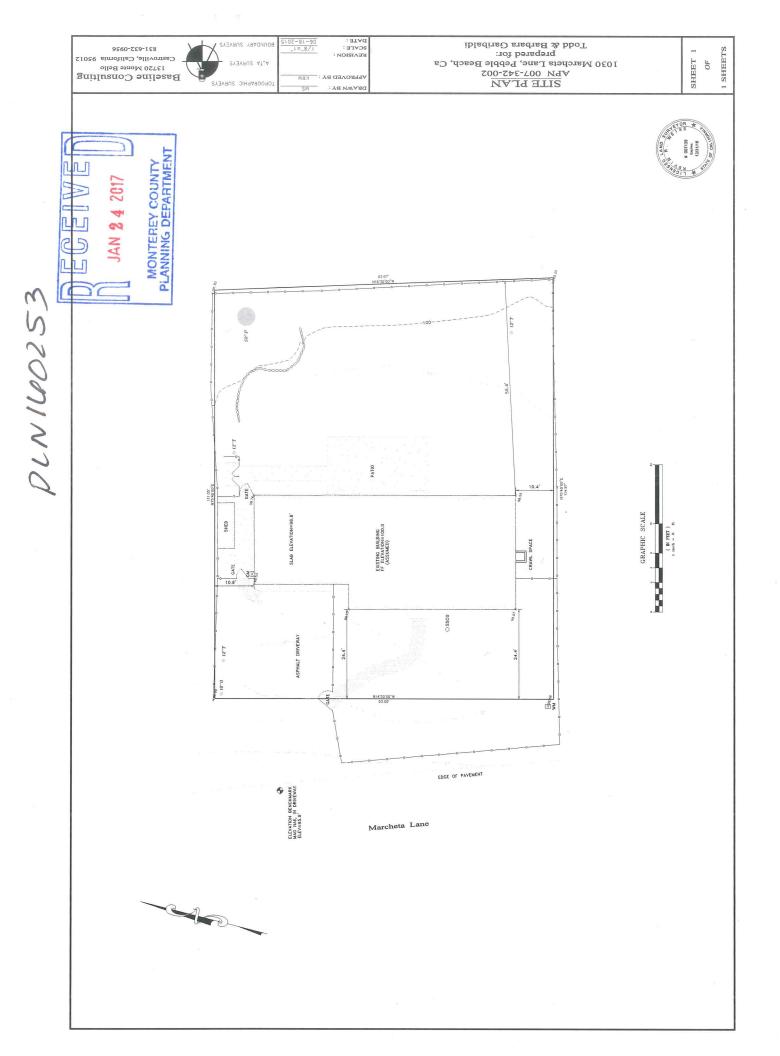
On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

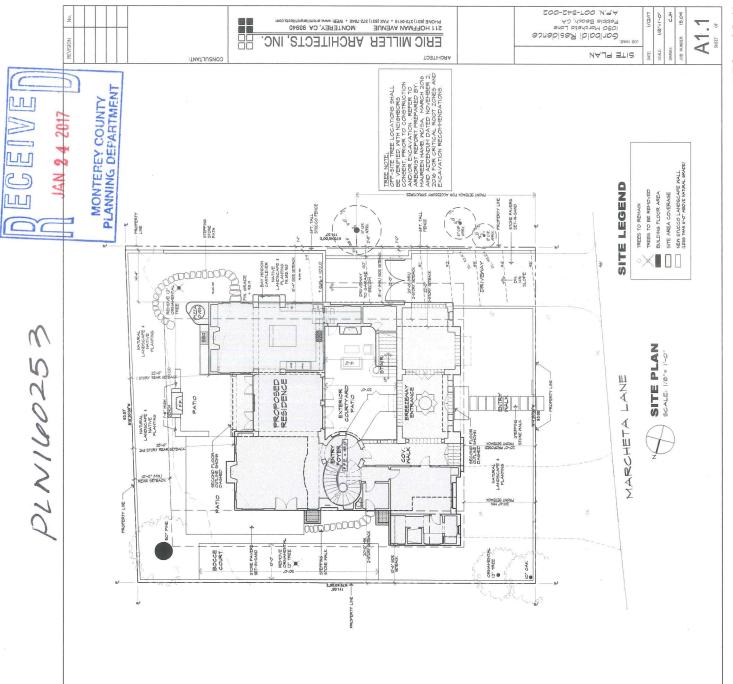
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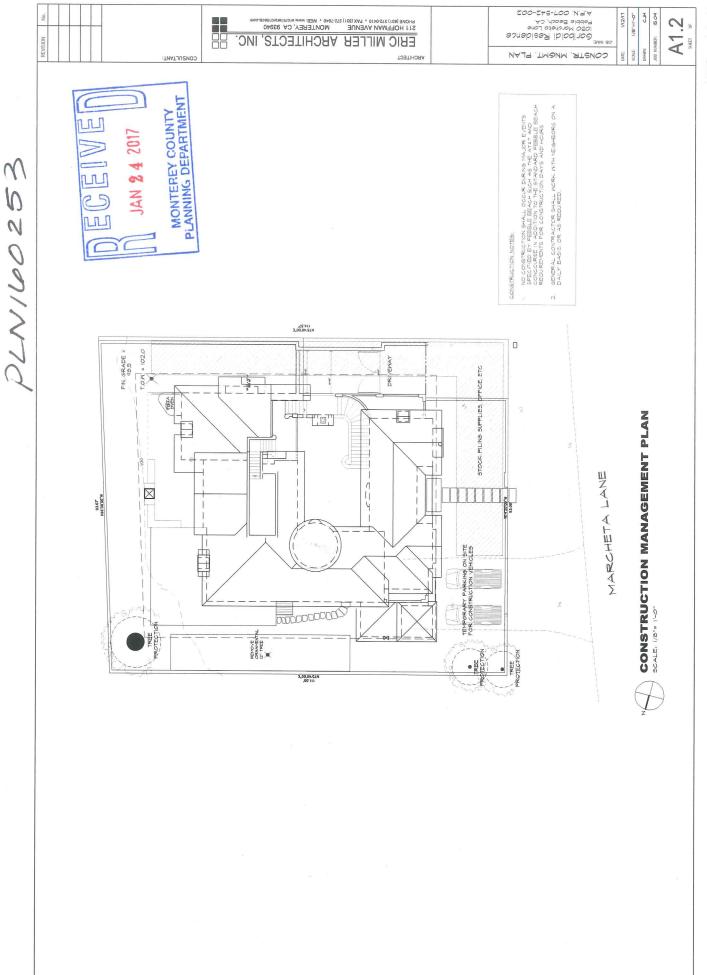
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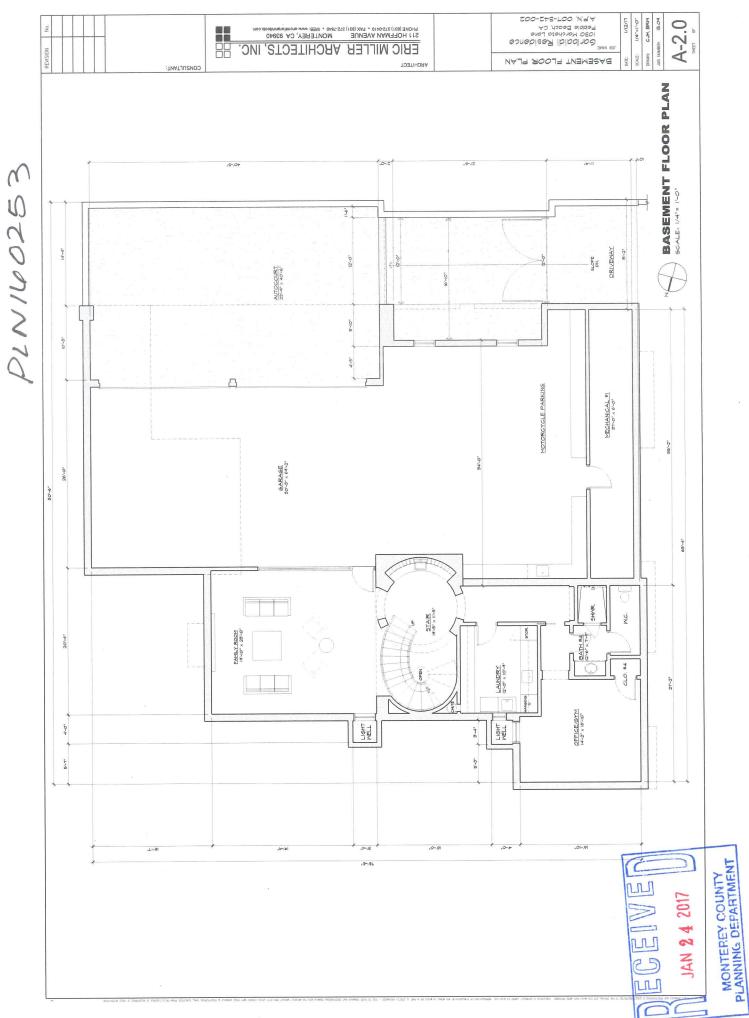


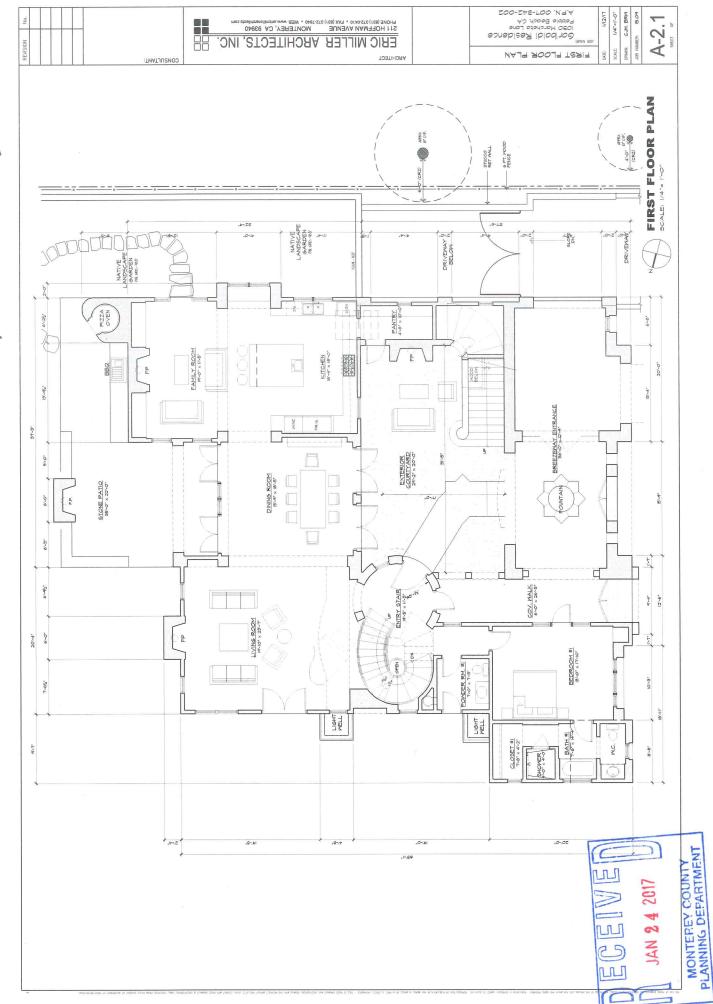


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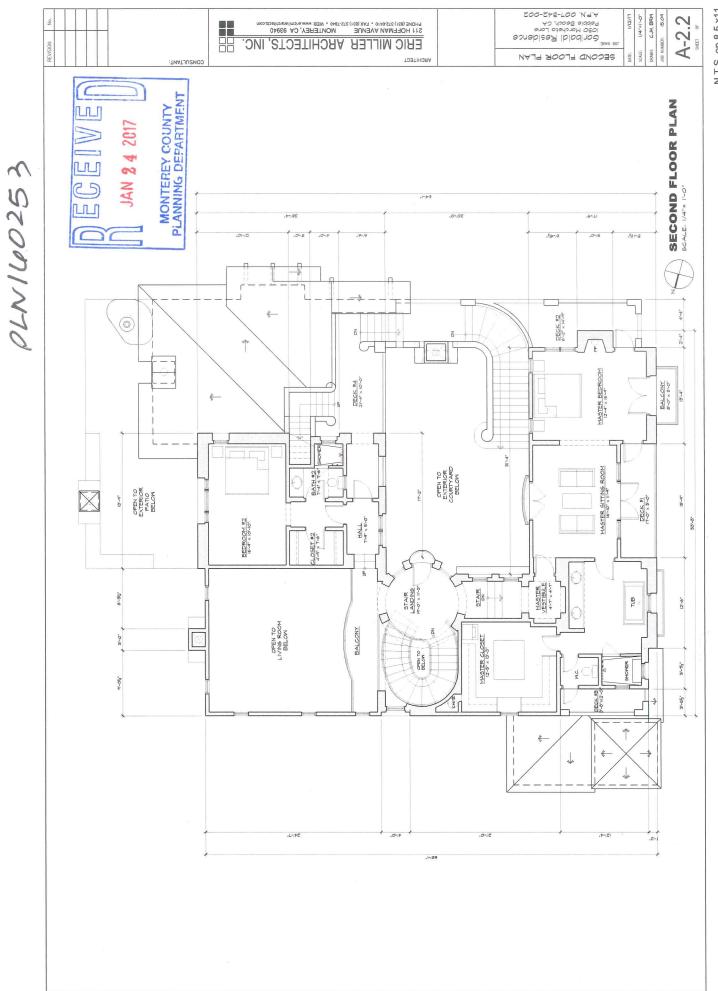


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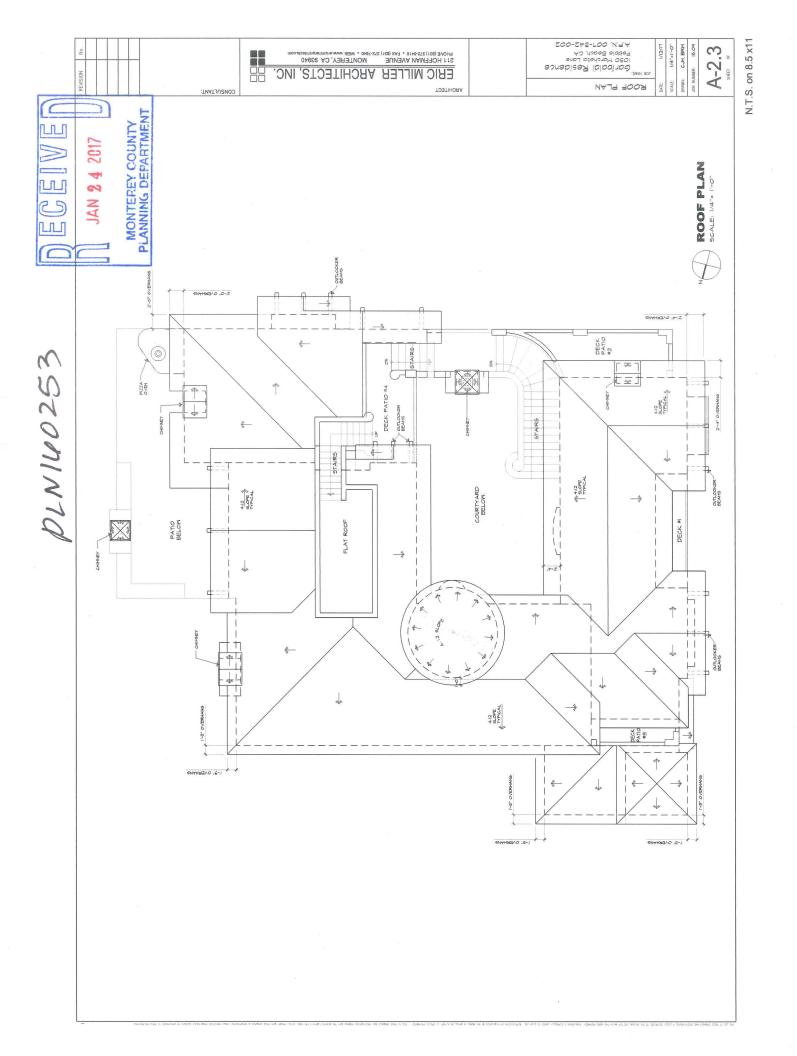


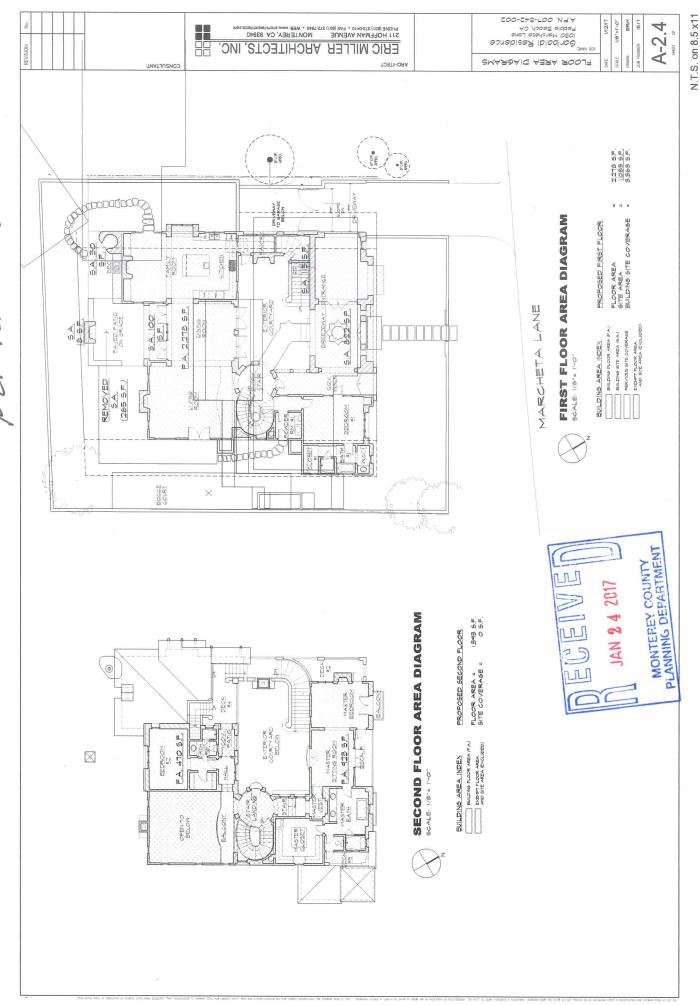


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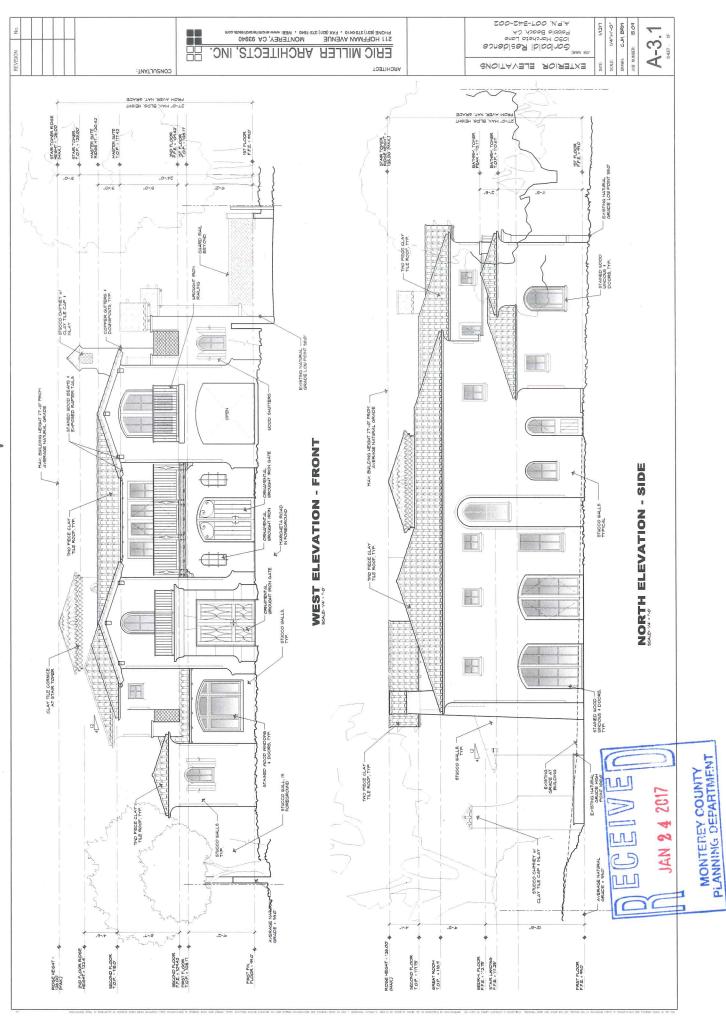
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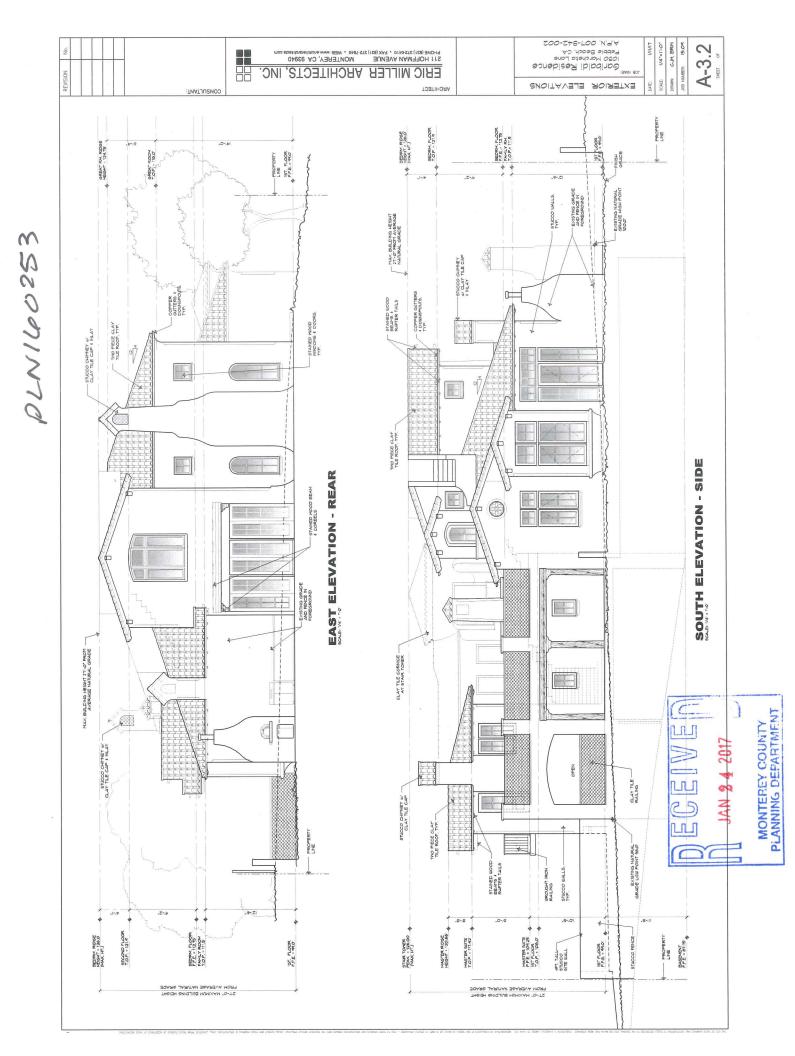


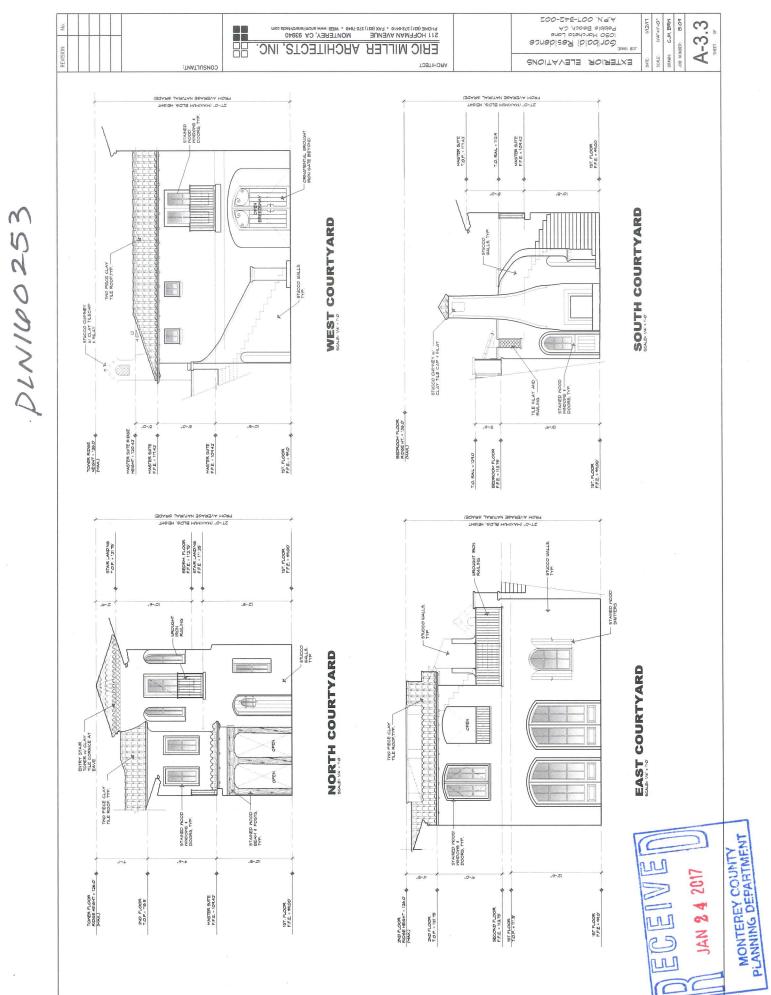


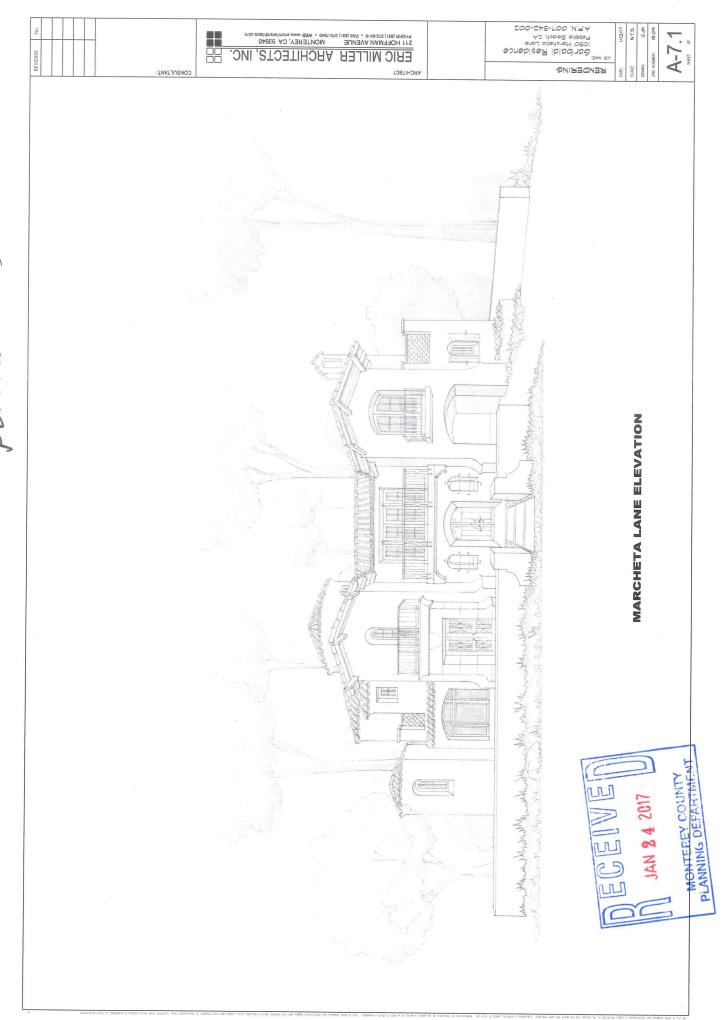
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REVISION







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MONTEREY COUNTY PLANNING DEPARTMENT



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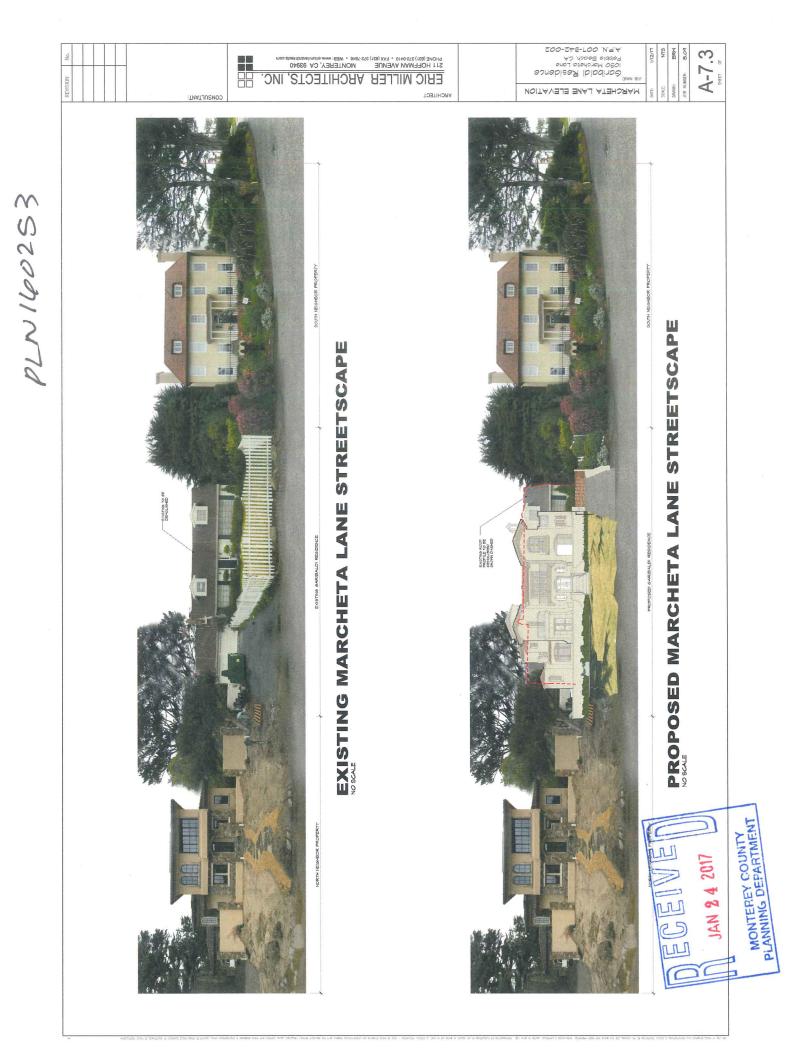
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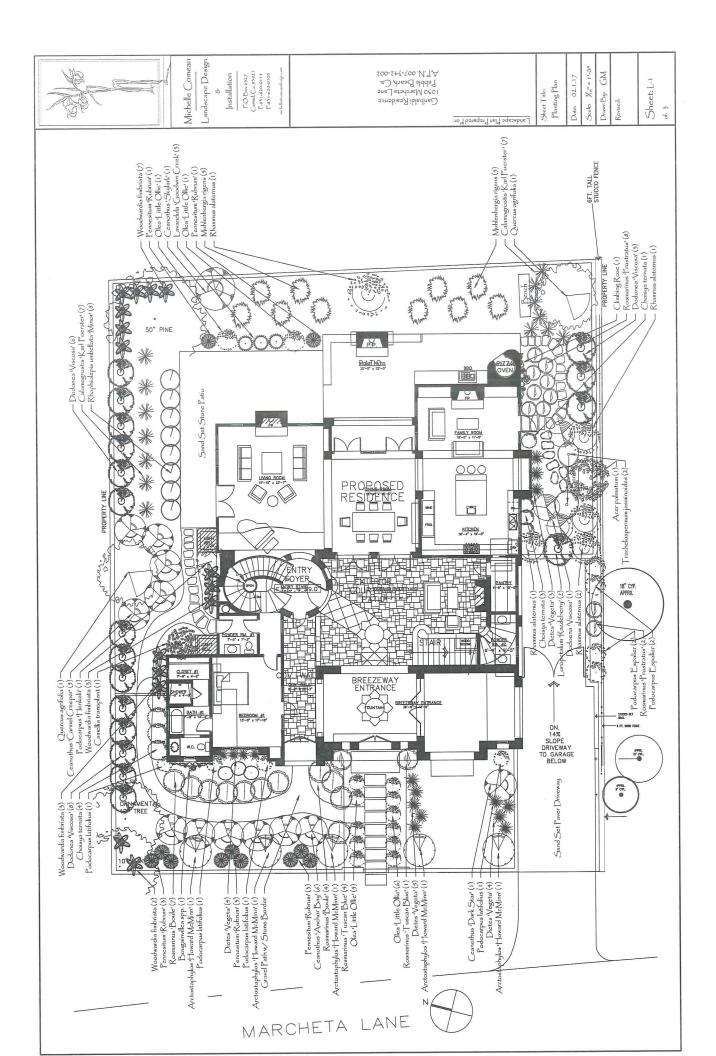
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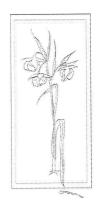
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211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (831) 372-0410 + FX (831) 372-7840 - WeB: www.endmilleds.com

ERIC MILLER ARCHITECTS,







MICHELLE COMEAU LANDSCAPE DESIGN & INSTALLATION P.O. BOX 6327
CARMEL, CA 93921 831.620.0111
FAX 831.620.0105 www.comeaudesign.com LICENSE NO. 582326

Plant List - Garibaldi Residence

OTY	Size	Botanical Name	Common Name
1	24"	Acer palmatum	Japanese Maple
5	1g	Arctostaphylos 'Howard McMinn'	Howard McMinn's Manzanita
1	15g	Bougainvilla 'San Diego Red'	San Diego Red Bougainvilla
14	1g	Calamagrostis 'Karl Forster'	Feather Reed Grass
6	5g	Ceanothus 'Anchor Bay'	Anchor Bay Ceanothus
5	5g	Ceanothus 'Carmel Creeper'	Ceanothus Carmel Creeper
1	5g	Ceanothus 'Dark Star'	Dark Star Ceanothus
1	5g	Ceanothus 'Skylark'	Skylark Ceanothus
8	5g	Choisya ternata	Mexican Mock Orange
16	5g	Dietes vegeta	Fortnight Lily
18	15g	Dodonaea viscosa atropurpurea	Purple Hopseed Bush
3	5g	Lavandula "Goodwin Creek'	Goodwind Creek Lavender
3	5g	Loropetalum 'Razzleberri'	Fringe Flower
10	5g	Muhlenbergia rigens	Deer Grass
13	5g	Olea' Little Ollie'	Dwf. Olive Shrub
11	1g	Pennisetum rubrum	Pennisetum rubrum
4	15g	Podocarpus Espalier	Fern Pine
1	24"	Podocarpus Henkelii	long Leafed Yellow-Wood
4	15g	Podocarpus Latifolius	Yellowwood
2	36"	Quercus agrifolia	Coast Live Oak
5	15g	Rhamnus alaternus	Italina Buckthorn
8	5g	Rhaphiolepis umbellata 'Minor'	Dwarf Yeddo Hawthorn
1	5g	Rosa 'Sally Holmes'	Sally Holmes Rose
11	5g	Rosmarinus 'Boule'	Boule Rosemary
11	5g	Rosmarinus 'Prostratus'	Creeping Rosemary
2	5g	Rosmarinus 'Tuscan Blue' Topiary	Rosemary Topiary
2	5g	Trachelospermum jasminoides	Star Jasmine
15	5g	Woodwardia fimbriata	Woodwardia fern

A CONTRACTOR	Michelle Comeau Landscape Design Installation Post-size To Ban size Comet (c. 5751) Post-size				cape Plan Prepared Fon Canhaldi Residence 1030 Marcheta, Lane Cable Beach, Ca. AP.N. 007-5+2-002			Lander Sheet Tale Notes Dates 0331.16 Scale No.Scale Dates Str. No.Scale Revied Revied		
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