



Legislation Details (With Board Report)

File #: RES 22-131 **Name:** PLN210321 - Huff
Type: BoS Resolution **Status:** Scheduled PM
File created: 6/24/2022 **In control:** Board of Supervisors
On agenda: 7/12/2022 **Final action:**

Title: Public hearing to consider:
a. Denying an appeal by Fred and Gail Krupica of the Zoning Administrator’s April 14, 2022, approval of the Huff application (PLN210231);
b. Finding that the project is consistent with the certified Final Environmental Impact Report for the Del Monte Forest Local Coastal Program Amendment and the Pebble Beach Company (PBC) Concept Plan, and that CEQA Guidelines section 15162 does not require additional, project-level environmental review; and
c. Approving an application for a Coastal Administrative Permit and Design Approval to allow construction of a 3,951 square foot one-story single-family dwelling with a 677 square foot attached garage. The project includes associated grading of 300 cubic yards of cut and fill and removal of 49 protected trees.
1125 Spyglass Woods Drive, Del Monte Forest Land Use Plan (APN: 008-023-004-000, PLN210231 - Huff.)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Project Data Sheet, 3. Attachment B - Draft Resolution, 4. Attachment C - Vicinity Map, 5. Attachment D - Zoning Administrator Resolution No. 22-013, 6. Attachment E - Notice of Appeal, 7. Attachment F - MBARD Response, 8. Attachment G - Correspondence from Huff, Lorca & Pebble Beach, 9. Attachment H - Pebble Beach Architectural Review Letter, 10. Attachment I - LUAC Minutes, 11. Attachment J - Arborist Report, 12. Presentation item No. 35 (Fenton & Keller), 13. Presentation Item No.pdf, 14. Huff BOS Presentation - July 12 - Agenda item 35, 15. BOS Owner Letter July 12, 2022 Meeting Item 35 PLN210231, 16. Huff BOS Presentation - July 12 - Agenda item 35, 17. BOS Owner Letter July 12, 2022 Meeting Item 35 PLN210231, 18. Completed Board Order Item No. 35, 19. Completed Resolution Item No. 35

Date	Ver.	Action By	Action	Result
7/12/2022	1	Board of Supervisors		

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RECOMMENDATION:

Staff recommends that the Board of Supervisors adopt a resolution:

- a. Denying an appeal by Fred and Gail Krupica of the Zoning Administrator’s April 14, 2022, approval of the Huff application (PLN210231);

- b. Finding that the project is consistent with the certified Final Environmental Impact Report for the Del Monte Forest Local Coastal Program Amendment and the Pebble Beach Company (PBC) Concept Plan, and that CEQA Guidelines section 15162 does not require additional, project-level environmental review.
- c. Approving a Coastal Administrative Permit and Design Approval to construct a 3,951 square foot single family dwelling and 677 square foot attached garage. The project includes associated grading of 300 cubic yards of cut & fill and removal of 49 protected trees.

The Board hearing on the appeal is de novo. A draft resolution with findings and evidence supporting this recommendation is attached for consideration (**Attachment B**). Staff recommends approval subject to 13 conditions.

PROJECT INFORMATION:

Project No: PLN210231/Huff

Agent: Alex Lorca/Fenton & Keller

Property Owner: Daryl & Rhonda Huff

Location: 1125 Spyglass Woods Drive, Pebble Beach (APN: 008-023-004-000)

Parcel Size: 26,210 sq. ft. (Approx. 0.6 acre)

Zoning: Light Commercial or "LC"

Plan Area: Del Monte Forest Land Use Plan

Flagged and Staked: Yes

SUMMARY:

On October 22, 2021, an application was submitted for the construction of a 3,951 square foot, one story single-family dwelling with a 677 square foot attached garage on a vacant parcel located approximately 0.75 miles east from 17 Mile Drive and 1.4 miles west from Highway 68 Scenic Corridor in the Del Monte Forest coastal zone. The project site is identified as Lot 4 of the Spyglass 3 Subdivision, which is in a densely forested rural area of Del Monte Forest. Forty-eight trees are proposed for removal, all of which are covered under a permit (PLN100138, Board Resolution Nos. 12-148 and 12-149) issued by thin association with the Pebble Beach build-out project that created the lot. The property is zoned for residential use and the site has been found suitable for the proposed residential construction.

On April 14, 2022, the Zoning Administrator approved the Huff project. At the Zoning Administrator hearing, Mr. Alex Lorca (the attorney representing neighboring property owners Mr. and Mrs. Krupica) and Mrs. Krupica requested that the Zoning Administrator deny the project and require the Huffs to redesign the project. They cited the potential noise and light coming from cars using the proposed driveway, which is near the exiting Krupica residence and bedroom. Specific alleged inconsistencies provided by Mr. Lorca and Mrs. Krupica include:

1. The garage does not, but should minimize the length of the driveway.
2. The driveway does not meet setback requirements.
3. The driveway location is intrusive and creates unhealthy exhaust fumes and noise.

The applicant has been aware of the neighbors' concerns with the driveway since the time the Del Monte Forest Land Use Advisory Committee (LUAC) hearing on the matter. Following the LUAC hearing, the applicant made minor revisions to the driveway, but those revisions did not address the neighbors' concerns regarding the driveway location. The applicants are not willing to revise the design beyond the revisions already made due to time, cost, and their belief that revisions would cause more environmental impacts.

No changes have been made and no new issues have arisen since the Zoning Administrator's approval.

However, this hearing on appeal is de novo. Staff has reviewed the appeal's contentions and has provided responses for the Board's consideration. Overall, staff recommends that the Board find that the project is consistent with applicable regulations.

DISCUSSION:

Daryl and Rhonda Huff propose a new 4,000 square foot house on their vacant property in Pebble Beach. The property was created as part of the Pebble Beach build out project (Area J) and designated for residential use. The build out project analyzed tree removal for residential development of the lot w. Absent objection to the proposed residential construction, an administrative permit would have been required for proposed construction. During project review project, the neighbors, represented by Alex Lorca, expressed concerns and requested a public hearing. HCD staff scheduled the project for review by the Zoning Administrator on April 14, 2022. On April 14, 2022, the Zoning Administrator heard and the neighbors' objections and applicants' responses and approved the project as proposed.

The neighbors timely appealed. Staff has summarized the appeal, and staff responses to each contention, below:

1. Concern: "The garage should be located to minimize the length of the driveway".

The neighbors contend that the proposed driveway design does not meet Pebble Beach's "Design and Construction" guidelines or the Del Monte Forest Land Use Policy. The neighbors note that the driveway would be over approximately 2/3 of the entire length of the lot, far more than a "minimal length."

County Response: Pursuant to Part 5 of the Monterey County Coastal Implementation Plan in the Del Monte Forest (CIP), section 20.147.090A.2, new residential driveways and other vehicular surfaces shall be sited and designed to minimize surface length and width as much as possible and provide simple and direct property access. However, the regulation does not prescribe a specific requisite length. The Huff property can be categorized as a "flag lot" with a narrow strip of land (the base or pole) extending from Spyglass Woods Drive to the building site (the flag). The driveway must extend from the road to the building site. Here, the driveway runs along the base of the buildable area (along the shared property line) before entering a proposed garage. The alternative would be to place the garage on the other side of the proposed home which would result in a driveway that runs straight at the garage. Based on the proposed location of the single-family dwelling, removal of additional protected trees would be required if the structure is rotated 90 degrees (horizontally) to flip the home and place the garage on the side of the house nearest the access point.

The CIP prohibits circular driveways and other types of extraneous impervious vehicular surfaces, limiting reconfiguration options. The current design meets applicable topography, fire access, and minimization of tree requirements. The design balances driveway length with tree protection and design considerations consistent with the relevant policy.

2. Concern: The driveway does not meet setback requirements.

Appellants argue that the driveway would violate Pebble Beach Design and Construction Standards because it would extend into a setback more than 10 feet, well exceeding the 2-foot permitted maximum.

County Response: The County does not enforce Pebble Beach ARB standards. The County has no required setbacks for driveways.

3. Concern: "The driveway location is intrusive and creates unhealthy exhaust fumes and noise".

Mr. Lorca, representing the neighbor, contends that the proposed design would create intrusive noise at the Krupicas' bedroom windows from car and garage door operation and would introduce unhealthy exhaust

fumes from vehicles requiring the Krupicas to keep their bedroom windows closed.

County Response: As designed and sited, the distance between the proposed garage and the Krupica's bedroom is approximately 38 feet. Noise over 85 decibels in the A scale (dBA) for extended periods can cause permanent hearing loss. Therefore, Monterey County Code (MCC) section 10.60.030 - Operation of Noise-Producing Devices Restricted, prohibits operation of any machine, mechanism, device, or contrivance that produces a noise level that exceeds 85 dBA when measured 50 feet therefrom. Examples of decibel levels of common sounds reaching 90 dBA are lawnmowers, power tools, and blenders. Garage door operation would not reach 85 dBA. Staff contacted the Monterey Bay Air Resources District (MBARD) to evaluate whether fumes from the neighbor's garage would unsafely impact the neighboring property. MBARD stated that it does not ordinarily comment on single-family residential projects as these projects do not have significant air quality impacts, or expose sensitive receptors to substantial pollutant concentrations, or cause odors that would adversely affect a significant number of people. Unless there is some other use of the garage, such as a commercial body shop, MBARD does not anticipate an excessive emissions issue. Typical residential vehicle use associated with a single-family dwelling would not cause noise or pollution that would adversely impact neighbors. Car speeds are low at the entrance and exit to a garage and the number of trips for residential use is minimal.

Based on the above Staff recommends that the Board deny the appeal and approve the proposed project. Staff has concluded that project would be consistent with the certified Final Environmental Impact Report for the Del Monte Forest Local Coastal Program Amendment and the Pebble Beach Company (PBC) Concept Plan. Additionally, staff has concluded that the project does not require subsequent or additional review pursuant to CEQA Guidelines section 15162.

Staff prepared a draft resolution denying the appeal, finding the Project consistent with the certified Final Environmental Impact Report for the Del Monte Forest Local Coastal Program Amendment and the Pebble Beach Company (PBC) Concept Plan, finding that the project does not require subsequent or additional review pursuant to CEQA Guidelines section 15162, and approving the new use. If the Board disagrees, it could adopt a motion of intent and continue the hearing to a date certain with direction for staff to prepare a resolution with modified findings.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau
Pebble Beach Community Services District

The Del Monte Forest Land Use Advisory Committee (LUAC) unanimously recommend approval of the project with direction to have the applicant shift the building to address the neighbor's concern. The applicant made a minor shift in location, as illustrated in the revised plans submitted January 11, 2022, but this has not addressed the neighbors' concerns.

FINANCING:

Funding for staff time associated with this project is included in the FY 22-23 Adopted Budgets for -Planning. No fee for the appeal has been collected because the project is in the Coastal Zone.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Son Pham-Gallardo, Senior Planner ext. 5226

Reviewed by: Craig Spencer, Chief of Planning

Approved by: Erik Lundquist, AICP, HCD Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Project Data Sheet

Attachment B - Board Resolutions, including;

- Conditions of Approval
- Site Plan, Floor Plans, Elevations

Attachment C - Vicinity Map

Attachment D - Zoning Administrator Resolution No. 22-013

Attachment E - Notice of Appeal

Attachment F - MBARD Response

Attachment G - Correspondence from Huff, Lorca & Pebble Beach

Attachment H - Pebble Beach Architectural Review Letter

Attachment I - LUAC Minutes

Attachment J - Arborist Report

cc: Front Counter Copy; Anna Quenga, AICP, Principal Planner; Son Pham-Gallardo, Project Planner; Daryl & Rhonda Huff, Property Owners; Adam Jeselnick, Architect/Agent; Fred & Gail Krupica, neighbors, Alex Lorca (Krupica's attorney) The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Project Files PLN210231.