



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Legislation Details (With Board Report)

**File #:** ZA 17-060 **Name:**  
**Type:** Zoning Administrator **Status:** Agenda Ready  
**File created:** 12/4/2017 **In control:** Monterey County Zoning Administrator  
**On agenda:** 12/14/2017 **Final action:**  
**Title:** PLN160815 - ANTHONY G DAVI JR.  
Public hearing to consider construction of a 3,770 square foot three level single family dwelling with roof deck, car and entry porch.  
Project Location: 4033 Los Altos Drive, Pebble Beach, Del Monte Forest Land Use Plan  
CEQA Action: Categorically Exempt per Section 15303 (a) of the CEQA Guidelines

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Draft Resolution, 4. Exhibit C - Vicinity Map, 5. Exhibit D - LUAC Minutes, 6. Exhibit E - Fremont Bank letter date October 25, 2017

Date	Ver.	Action By	Action	Result
12/14/2017	1	Monterey County Zoning Administrator		

### PLN160815 - ANTHONY G DAVI JR.

Public hearing to consider construction of a 3,770 square foot three level single family dwelling with roof deck, car and entry porch.

**Project Location:** 4033 Los Altos Drive, Pebble Beach, Del Monte Forest Land Use Plan

**CEQA Action:** Categorically Exempt per Section 15303 (a) of the CEQA Guidelines

### RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

- Find that the project is a single family residence in a residential zone which qualifies as a Class 3 Categorical Exemption per Section 15303 (a) of the CEQA Guidelines; and does not meet any exceptions under Section 15300.2; and
- Approve a Coastal Administrative Permit and Design Approval to allow the construction of a 3,770 square foot three level single family dwelling with a 1,550 square foot roof deck, 596 square foot car entry porch, and 1,264 square feet of patios and steps.

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

Staff recommends approval subject to 13 conditions of approval.

### PROJECT INFORMATION:

**Agent:** Eric Miller Architects (Luyen Vu)

**Property Owner:** Anthony G Davi, Jr.

**APN:** 008-112-035-000

**Parcel Size:** .24 acres

**Zoning:** "MDR/4-D (CZ)" Medium Density Residential/4 units per acre - Design Control in the Coastal Zone

**Plan Area:** Del Monte Forest Land Use Plan

**Flagged and Staked:** Yes

## SUMMARY/DISCUSSION:

### Project Summary

This application was originally set for Administrative approval on November 1, 2017, as a Coastal Administrative Permit and Design Approval to allow the construction of a 3,770 square foot three level single family dwelling with a 1,550 square foot roof deck, 596 square foot car entry porch, and 1,264 square feet of patios and steps. The Director of Planning is the Appropriate Authority to consider Coastal Administrative Permits. On October 26, 2017, staff received a letter of objection from Fremont Bank, the owner of the single-family residences at 4029 Los Altos Drive (next to the proposed project) and at 4036 Sunset Lane (above the proposed project). Per Section 20.76.060 of Monterey County Code (Title 20), if there is evidence of public controversy or public opposition to the proposed use or development, the project shall be referred to public hearing and the appropriate authority shall be the Zoning Administrator.

### Design Review

The property is zoned Medium Density Residential, 4 units per acre, with a Design Control Overlay, in the Coastal Zone [MDR/4-D(CZ)]. Single family dwellings are a principally permitted use in the MDR zoning district. The proposed project meets all required site development standards for the MDR zoning district including height, setbacks, lot coverage, and floor area. The property is located between two developed parcels with older structures that are uniquely designed. In 1998, when the lots were subdivided, an easement access was recorded through the neighboring parcel to provide access to this parcel. This was necessary because of the topography of site. The parcel is located approximately 10 feet above the road with a 50% slope which prohibits direct access from Los Altos Road. The access occurs via a driveway easement recorded in a Grant Deed from Macolm P. Branch and Nancy W. Branch, husband and wife to Jeffrey J. Deeter and Carol R. Deeter, Trustees of the Deeter Family Trust dated August 1, 1998. Across the street is the Huckleberry Hill protected habitat area.

Chapter 20.44 of the coastal zoning ordinance (Title 20) contains standards for development in the “D” district including review of the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The proposed exterior colors and materials consist of desert beige stucco walls with stone veneer accents, metal framed glass windows and doors, stainless steel guardrails and garage door with pervious interlocking pavers, also of a mixed beige. Colors and materials proposed are of a neutral color using natural materials (Carmel stone) which will blend into the existing neighborhood of Los Altos Road and Sunset Lane; and specifically, consistent with a home located two parcels down that was previously approved. There is an eclectic style of homes within this particular neighborhood, each one unique to its own parcel. There are other dwellings with second stories, however, there are no below grade levels. The garage is located below grade with the exception of the garage doors. However, because of the height of the parcel over Los Altos Road, the garage and most of the main level will not be visible from the road. Lastly, there is no fencing proposed as part of this project; which is consistent with the known habitat across the street. For all these reasons, the proposed project will not disrupt the overall character of the neighborhood. Therefore, the project as proposed and conditioned, assures protection of the public viewshed and is consistent with neighborhood character.

### Project Issues

Through correspondences, the bank claims that there are substantive issues that can be identified and further issues that may come to light as the matter is researched further. They asked for a 30 day extension of time in order present a full list of concerns before the RMA Planning Department gives any consideration to the proposed project. Staff has contacted the Bank and informed them that the project has been set for the Zoning

Administrator hearing on December 14, 2017, to give them opportunity to express their concerns. The preliminary list of substantive concerns, along with staff responses include:

Concern: The proposal contemplates the construction of a sizeable three-story single family dwelling, with a roof deck, large car porch and additional patio space. The height of the project may block the views from the Sunset Lane property and block substantial natural light to the Los Altos property;

- Response: The project is being built into the natural grade rather than building the site up to allow for a level construction pad. There are also site retaining walls on both sidelines to best match the existing contours and to accommodate the site improvements. With an approximate rise of approximately 20 feet over the length of the site, the structure is measured from the average natural grade. At average natural grade, the structure has a total height of 27 feet, which is consistent with the site development standards required of the zoning designation. Except for the garage doors, the lower level is completely below grade and cannot be seen from the street. Within the Del Monte Forest Land Use Plan, there are no policies that protect private views. However, Sunset Lane is above the parcels located on Los Altos and visibility would not be affected by this bi-level single family dwelling.

Concern: The project contemplates the construction of retaining walls and the natural slope on the property which raises potential drainage issues which might affect either or both of the Banks's parcels;

- Response: The retaining walls/site walls associated with this project are not being constructed to build up the site, but rather to create tiered stair landings and planting areas as the house cuts into the hill. Due to the sloping lot, the foundation will be stepped up at the rear, first with a foundation wall (approx. 10') to a lower patio area and then with a separate site retaining wall (approx. 8') to match the existing ground. Most of these two walls are located below grade and will not be visible. There are also site retaining walls on both sidelines to best match the existing contours and to accommodate the site improvements. These walls range in height from three to six feet. A geotechnical report prepared by Landset Engineers, Inc., dated March 2017, has completed a soil engineering investigation for the proposed structure based on field investigations and laboratory testing. The report states that the proposed development is feasible from a geotechnical perspective, if the recommendations are followed, including: having a soil engineer on-site for site preparation and grading of cuts in the building areas that exceed depths of 2.0 feet. Recommendations shall be adhered to for structural fill, foundations, retaining walls and utility trenches. A drainage and erosion control plan has been prepared for the project and is attached to the site plans (Exhibit B2). The plan includes installation of earth drainage swales that shows pvc piping with catch basins to keep all drainage onsite as required by code. Drainage is efficiently collected by area drains and drainage swales which are conveyed via conduit down to the subsurface dispersion trench located underneath the auto court, thereby promoting infiltration and reducing the runoff from leaving the site. Other conditions of approval from RMA Environmental Services have been added to the project that will ensure these plans and recommendations from the geotechnical report are followed.

Concern: The project involves an access easement across the driveway of the bank's Los Altos property. What are the parties required or allowed to do?

- Response: The Davi property has been granted a legal right of way for driveway purposes over the neighboring parcel which is spelled out in a Grant Deed from Macolm P. Branch and Nancy

W. Branch, husband and wife to Jeffrey J. Deeter and Carol R. Deeter, Trustees of the Deeter Family Trust dated August 1, 1998, Recorded July 17, 2006 in Official Records under Recorder's Series Number 2006062671 and the legal description of the Davi property. The easement is for access to the applicant's parcel only. The applicant cannot park within the driveway, nor can they neighboring parcel park in the driveway.

Concern: There is limited parking space at the Bank's Los Altos property and there may not be room to allow access to additional vehicles using the driveway. Traffic impacts need to be studied. What alternative forms of access not relying on an easement have been considered.

- Response: A traffic impact report is not required for one single family dwelling, unless there is a significant impact as stated in CEQA Section 15300.2. Generally, a new single family dwelling on a legal lot of record would have already been analyzed in a previous subdivision. The bank cannot prohibit the Davi property owner the right to use the legal right of way for purposes of entering their property. There is no other feasible alternative for access onto their property. A steep grade over 50% between the property and Los Altos road does not allow for any other access way. The applicant has reached out to the Pebble Beach Company with regard to the construction activities. They intend to park vehicles on Los Altos Road just below the lot for loading and unloading of materials and not use the access road. Trucks will be required to be moved after loading or unloading, and no trucks will be allowed to remain overnight. Flagmen will be used on the road for safety purposes. Staff has added a Condition of Approval requiring a construction management plan to show a construction schedule for the trucks.

#### CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15303 (a) categorically exempts one single family residence, or a second dwelling unit in a residential zone. The project proposes construction of a new single family residence in a residential zone, and therefore, meets the exemption. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.

#### OTHER AGENCY INVOLVEMENT:

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

- ✓ RMA-Planning
- ✓ RMA-Environmental Services
- ✓ Water Resources Agency

The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. Staff felt that this application warranted referral to the LUAC because of its unique three level design with a large roof deck. There was the potential for noise that could be an issue with neighbors. On July 20, 2017, the LUAC recommended approval (5-0 vote) as proposed. They suggested mitigating dust during construction and were happy to see no trees were being removed. At the LUAC, a neighbor submitted a letter requesting a 30" pine tree be removed. However, it was explained to the neighbor that the tree is a healthy protected tree that not be affected by the construction, and therefore, cannot be removed. There were no issues raised with the three level structure or the roof deck, and no neighbors showed up to address the proposal.

Prepared by: Elizabeth Gonzales, Associate Planner x5102

Reviewed by: Brandon Swanson, RMA Planning Manager, x5334

Approved by: Carl Holm, AICP, RMA Director

The following attachments are on file with the RMA:

Exhibit A	Project Data Sheet
Exhibit B	Draft Resolution including:
B1	Recommended Conditions of Approval
B2	Site Plan, Floor Plan, and Elevations
B3	Revised Grading, Drainage & Erosion Control Plan
Exhibit C	Vicinity Map
Exhibit D	LUAC Minutes
Exhibit E	Fremont Bank letter dated October 25, 2017

cc: Front Counter Copy; Zoning Administrator; Pebble Beach Community Services District; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Jacqueline R. Onciano, Chief of RMA-Planning; Brandon Swanson, RMA Services Manager; Elizabeth Gonzales, Project Planner; Anthony G. Davi, Jr., owner; Eric Miller Architects (Luyen Vu), Agent; The Open Monterey Project; LandWatch; Planning File PLN160815.