



## Board Report

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**File #:** ZA 18-024, **Version:** 1

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### **PLN150755 - SCOTT AND CHARLYSE RAVEN**

Public hearing to consider the construction of a single family dwelling and attached garage within 750 feet of an archaeological resource. The application also includes a request for Variances to exceed lot coverage by 3.9% (totaling 18.9%) and Floor Area Ratio (FAR) by 5.3% (totaling 22.8%).

**Project Location:** 3213 Whitman Lane, Pebble Beach, Del Monte Forest Land Use Plan.

**CEQA Action:** Negative Declaration

#### **RECOMMENDATION:**

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

- a. Adopt a Negative Declaration; and
- b. Approve a Combined Development Permit consisting of a
  - Coastal Administrative Permit and Design Approval to allow the construction of a single family dwelling consisting of 2,306 square foot two story, 1,690 square foot basement and a 298 square foot garage;
  - 2) Coastal Development Permit to allow development within 750 feet of an archaeological resource; and
  - 3) Variance to exceed lot coverage by 3.9% (totaling 18.9%); and
  - 4) Variance to exceed floor area ratio (FAR) by 5.3% (totaling 22.8%).

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

Staff recommends approval subject to 18 conditions of approval.

#### **PROJECT INFORMATION:**

**Agent:** Anthony Lombardo, Attorney

**Property Owner:** Scott and Charlyse Raven

**APN:** 008-401-010-000

**Parcel Size:** .262 acres (11,413 square feet)

**Zoning:** "LDR/1.5-D (CZ)" Low Density Residential/1.5 units per acre-Design Control in the Coastal Zone

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

**Flagged and Staked:** Yes

#### **SUMMARY:**

Located in a small residential enclave bounded by the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> holes of the Pebble Beach Golf Links, the site will be accessed directly from Whitman Lane adjacent to the 15<sup>th</sup> hole. The overall property consists of a relatively small, quasi-triangular shaped parcel of about 0.26 acres in area, sloping very gently (approximately 5%) to the southwest. Although vacant right now, the site was heavily disturbed prior to this ownership as the former location of the Pebble Beach Golf Links maintenance yard. The lot is located in the midst of a number of substantially larger developed lots averaging between 1.5 acres and 2 acres, all surrounded by the Pebble Beach Golf Links. Due to constraints posed by the size and shape of the lot, development of this project also requires the approval of Variances to exceed both lot coverage and floor area ratio.

## DISCUSSION:

### History:

The approximately 0.26 acre parcel was the site of the former Pebble Beach golf course maintenance facility, but has since been cleared of all structures and other features (including underground storage tanks). The site was covered by a 2,700 square foot maintenance building, a lean-to shed, a concrete pad and asphalt concrete yard area. In addition, a fueling facility and underground storage tanks were also located in the central part of the yard. The fueling facility was inactive around October 2003 and staff has confirmed that the tanks were properly removed according to all County regulations in early 2004. Demolition activities and interim uses for materials and equipment stockpiling and storage have eliminated any sustainable habitat for native populations of plants or animals. Although located within 750 feet of a known archaeological resource, an archaeological survey has determined no resources are located on site.

### Project overview:

The applicants are proposing a 3,996 square foot, two story home, with a subterranean level on an 11,413 square foot parcel as follows: 2,306 square foot two stories, 1,690 square foot basement and a 298 square foot garage. Staff supports the basement level as the site has previously been significantly disturbed with underground storage tanks. The original design of the project would have necessitated three additional Variances for setback requirements. Staff has worked with the applicant on design, and after multiple revisions, the project has been reduced so that the request requires only two Variances rather than five.

### Development Standards/Variance:

The project is located on the edge of the Del Monte Forest Watershed Boundary, within an un-named watershed. Pursuant to MCC 20.147.030, A.b., "Impervious surface coverage for residential development shall be limited to a maximum of 9,000 square feet". Impervious coverage for the proposed project of 7,002 square feet (including covered patios), is well under the maximum allowed. Although Variances are being requested, the structure meets all other site development standards (i.e., setbacks, height) within the MDR zoning district.

The applicants are requesting Variances to exceed lot coverage and Floor Area Ratio (FAR) as the lot is abnormally shaped, and relatively small. These special circumstances, including size, shape, topography, location or surroundings, create a situation where the strict application of Title 20 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone. There are approximately 10 developed parcels in this residential enclave averaging between 1 to 2 acres, with houses that average between 4,013 to 10,951 square feet. The proposed project has a substantially smaller lot size of 11,413 square feet (.26 acres) with two stories of proposed development of 2,306 square feet above ground and 1,690 square feet below ground. The irregular, and small triangular shaped lot also restricts designing a structure that would be visually consistent with the other homes in the neighborhood. When shape and size of the lot are combined, the required setbacks would create a narrow building envelope that would greatly restrict development on the lot and force a design that is inconsistent with the surrounding neighborhood. The allowed site coverage maximum in the LDR/1.5 zoning district is 15 percent, and the allowed floor area ratio maximum is 17.5 percent. To allow for a design conducive to this small triangular shaped site, applicants are proposing 18.9% lot coverage (exceeds by 3.9%) and 22.8% floor area (exceeds by 5.3%). Setbacks required for this lot include a 30 foot front setback, 20 foot side setback and 20 foot rear setback. The applicants meet all setback requirements, including allowable height of 30 feet. There is a sunken BBQ and fire pit within the setbacks but this does not count as lot coverage according to Monterey County code.

In summary, a single family dwelling is an authorized use; however, the shape and size of the lot make create a unique situation that restricts development. Therefore, staff supports granting Variances to exceed lot coverage and floor area ratio (see Variance Findings 7, 8, and 9 in Resolution - **EXHIBIT B**).

#### Design Review:

The Project is located within a Design Control District, pursuant to Chapter 20.44, Design Control Zoning Districts. This zoning requires design review of structures to assure protection of the public viewshed, neighborhood character, and to assure visual integrity. The proposed exterior colors and materials are consistent with the residential setting and other dwelling units in the immediate vicinity. The primary colors and materials include tan stucco and natural wood doors and windows, copper accents, a metal gate and clay tile roofing materials. The second story is setback from the first story so as to prevent the feeling of a box-type structure. A variety of roof pitches also help to aesthetically soften the visual height of the structure. Exterior finishes include several openings along with shutters, stained wood beams, rafter tails and outriggers, which allow the structure to blend with the environment, the residential character of the neighborhood, and remain consistent with other dwellings in the neighborhood.

#### Visual Resources.

The subject property is located in an area where the Local Coastal Program may require visual public access (Figure 3, Visual Resources, Del Monte Forest Land Use Plan). Portions of the Whitman Drive enclave are visible from Point Lobos Reserve at a distance of over three miles. However, the subject property is in the northernmost portion (rear) of the enclave and is fully shielded from Point Lobos from the existing development and trees. The project site and the Whitman Drive enclave are also visible from Seventeen Mile Drive across the 15<sup>th</sup> fairway of the Pebble Beach Golf Course. At the closest point, the site is about 300 feet from Seventeen Mile Drive. That portion of Seventeen Mile Drive is two lanes with minimal shoulders. While there are clear views towards the site, there is ample screening along Seventeen Mile Drive, the 15<sup>th</sup> hole, and along the parcel itself to minimize the view of the project to the public. The proposed home will also be subject to County lighting conditions to prevent light pollution and intrusion into the public viewshed. In addition to screening, due to the speed of traffic, and the length of the visible window to the project site, there is only a short duration that the project site is visible at all. Therefore, as sited and designed the proposed house will not have a significant visual impact on the area's scenic resources, and is therefore consistent with Del Monte Forest Land Use Plan Policies 123 and 137. It will not block public views toward the ocean and will not adversely impact the public viewshed or scenic character in the project vicinity.

#### CEQA:

Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.

A Biological Assessment was prepared for the site to determine potential impacts to any environmentally sensitive habitat which could be located on the project site. The Biological Assessment concluded there are no sensitive biological resources on the subject property. There is a riparian corridor easterly of the site called Stillwater Creek. The creek meanders through residential neighborhoods and golf course fairways until it outfalls into Stillwater Cover near the 5<sup>th</sup> tee at the Pebble Beach Golf links. Some natural habitat remains in certain areas of the creek, notably just upstream of the Whitman Lane crossing northeasterly of the site. Just downstream of this crossing location and directly adjacent to the site, the canopy opens up and the vegetation is a mix of native and non-native species of trees, shrubs and herbaceous plants.

As a result, staff prepared an Initial Study to address any potential impacts from development in relation to Stillwater Creek. In summary, the site is a vacant lot in the context of an existing residential neighborhood surrounded on all sides by the fairways, tees and greens of the Pebble Beach Golf Links. A long history of use as a golf course maintenance facility, demolition activities and interim uses for materials and equipment stockpiling and

underground storage have eliminated any sustainable habitat for native populations of plants or animals on the pre-disturbed site. The site does not provide cover, shelter or movement corridors for native resident or migratory wildlife. No rare, threatened, endangered or otherwise special status species occur on the site. Therefore, a Negative Declaration was prepared for the project and circulated from March 16, 2018 to April 16, 2018. Comments were received from the neighbors' attorney on April 16, 2018.

On April 16<sup>th</sup>, staff received a letter from Pamela Silkwood with the law offices of Horan & Lloyd, representing neighbors of the property. The letter was in response to the Initial Study prepared and circulated by staff.

Comments received from Neighbors' attorney:

- 1) ESHA - Wetlands, Riparian Woodland, and Riverine Habitats that flow to ASBS require protection and a 100-foot setback:

Response: Since the site is within close proximity of the Creek, there is no alternative to developing outside of the 100 foot setback. There are other residences that have been built along the Riverine. Engineered drainage plans were prepared for the site and designed to retain storm water on site, erosion control plans, and pre- and post- construction inspections to ensure that the site is stabilized and erosion control measures are effective. Site runoff will be detained onsite and released slowly into an existing storm drain system so that no drainage impacts on the adjacent Riverine or adjacent properties are anticipated. Therefore, development on the site will not affect the Creek.

- 2) Evidence of Hazardous Waste Contamination:

Response: The Biological Assessment determined there was no appreciable subsurface fuel contamination detected at the site just prior to tank removal. Demolition of the structures and hard surface areas on the site occurred by permit in September 2009. Since then and prior to the sale of the property in June 2015, the Pebble Beach Company used the site for storage and stockpiling of materials and equipment. A Soil Sampling and Analysis Report prepared by D & M Consulting Engineers, Inc. dated October 20, 2003 concluded that the site does not have any subsurface contamination issues. The investigated work was pursued as a precursor for removal of the underground storage tanks prior to the sale of the property. On September 2, 2004, the Monterey County Environmental Health Department confirmed the completion of a site investigation and remedial action for the underground storage tanks formerly located at the site.

- 3) Viewshed: Located in an area designated by the Del Monte Forest Land Use Plan visually sensitive both from distant views from Point Lobos and from Seventeen Mile Drive

Response: The project is not visible from Pt. Lobos, however, the project site and the Whitman Drive enclave are visible from Seventeen Mile Drive across the 15<sup>th</sup> fairway of the Pebble Beach Golf Course. At the closest point, the site is about 300 feet from Seventeen Mile Drive. That portion of Seventeen Mile Drive is two lanes with minimal shoulders and while there are clear views of the site, there is ample screening both along Seventeen Mile Drive and in the enclave to minimize the view of the project to the public. As sited and designed, the proposed house will not have a significant visual impact on the area's scenic resources. A standard lighting condition will not allow up-lighting on the roof deck.

- 4) Archaeological Resources - Consultation Required:

Response: In May 2009, a "Preliminary Archaeological Reconnaissance" was prepared for the project site to evaluate potential resources on or within the vicinity of the site, which could be impacted by the proposed residential development on the project site. At the time of the reconnaissance, the parcel contained the existing maintenance building, asphalt pavements, a small pesticide shed and piles of various plastic pipes, plywood, vehicles, etc. Based upon on the background research and field

reconnaissance, it has been concluded that there is not surface evidence of potentially significant archaeological resources on the project parcel. The project was deemed complete prior to AB-52 which implemented a State requirement for tribal consultation on projects which were processed with Initial Studies or Environmental Impact Reports.

5) Variances: See discussion above.

#### LUAC:

The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on April 7, 2016, August 17, 2017 and September 21, 2017, in which a site visit occurred on September 21, 2017. At the September meeting, the Del Monte Forest LUAC recommended approval of the project (4-2 vote) as it was a reduction of the previous project. Attorney representing the neighbors attended the LUAC meetings, voicing concerns about size and visibility of the project, the noise potential from the roof deck and impacts to the adjacent estuarine. Staff stated an Initial Study would be prepared to identify impacts, if any, to the adjacent creek. The LUAC agreed. The Initial Study fully addresses the neighbors' concerns.

#### OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project and have no recommended conditions:

- ✓ RMA-Planning
- ✓ RMA-Environmental Services
- ✓ RMA Public Works
- ✓ Environmental Health Bureau
- ✓ Water Resources Agency
- ✓ Pebble Beach Community Services District

Prepared by: Elizabeth Gonzales, Senior Planner x5102

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

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| Exhibit A | Project Data Sheet                    |
| Exhibit B | Draft Resolution including:           |
| B1        | Recommended Conditions of Approval    |
| B2        | Site Plan, Floor Plan, and Elevations |
| Exhibit C | Negative Declaration for PLN150755    |
| Exhibit D | LUAC Minutes 9.21.17                  |
| Exhibit E | Vicinity Map                          |
| Exhibit F | Comments on Initial Study             |

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; Scott and Charlyse Raven, Owners; Anthony Lombardo, Attorney, Agent; Eric Miller, Architect; Pam Silkwood, Interested Party; The Open Monterey Project; LandWatch; Planning File PLN150755.