

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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SANTA CRUZ, CA 95060
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F11a

A-3-MCO-22-0039 (HUFF SFD) OCTOBER 14, 2022 HEARING EXHIBITS

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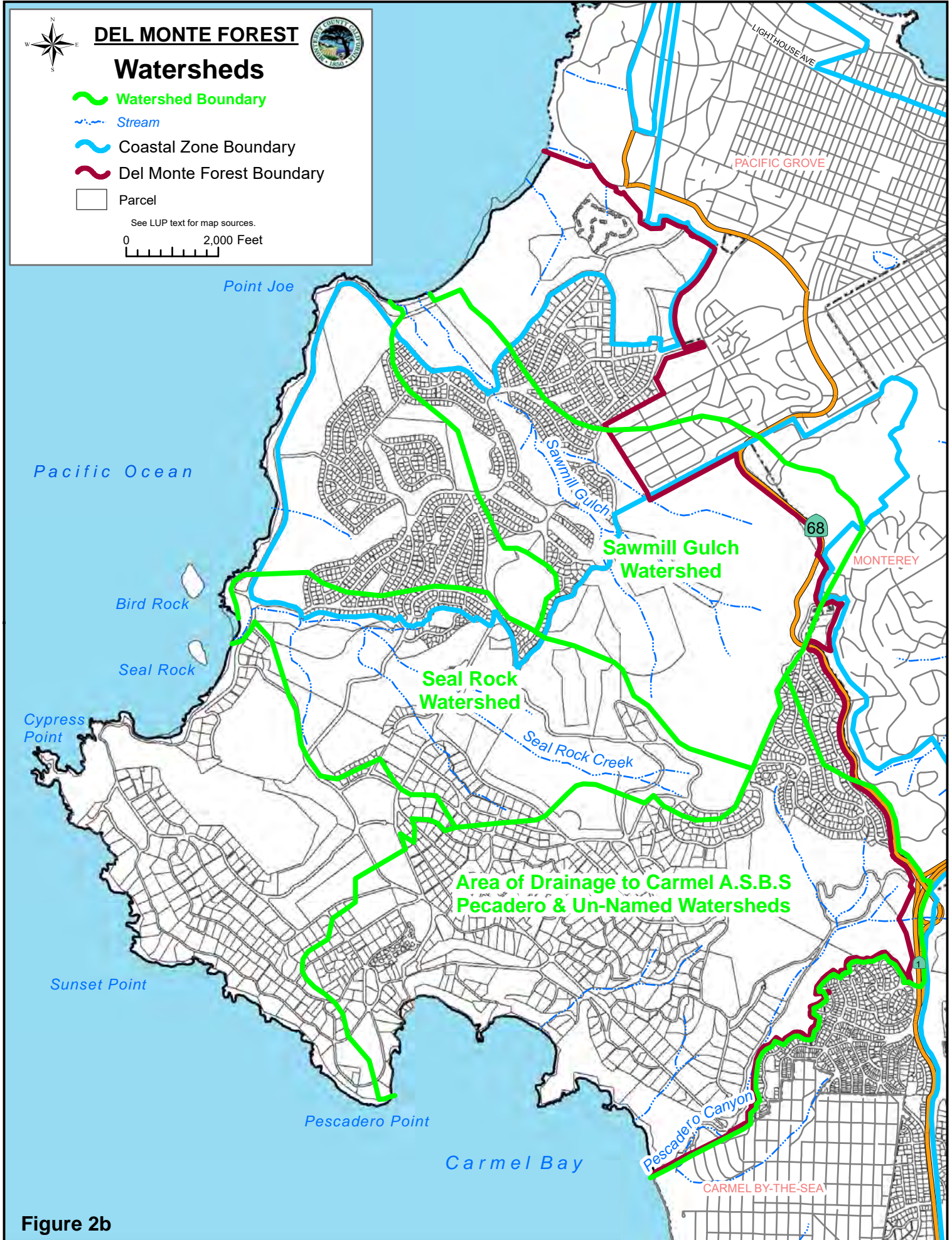


Figure 2b

MONTEREY COUNTY

HOUSING AND COMMUNITY DEVELOPMENT

Erik V. Lundquist, AICP, Director

HOUSING, PLANNING, BUILDING, ENGINEERING, ENVIRONMENTAL SERVICES

1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

JUL 26 2022



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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

FINAL LOCAL ACTION NOTICE

Date: July 21, 2022
To: California Coastal Commission, Central Coast District Office
Owner/Applicant: Huff Daryl & Rhonda Trs C/O The Lexrupe Living Trust
Representative: Adam Jeselnick
From: County of Monterey Housing & Community Development
Subject: Final Local Action on Coastal Permit Application PLN210231

**FINAL LOCAL
ACTION NOTICE**

REFERENCE # 3-MCO-22-0634

APPEAL PERIOD 7/27-8/9/22

Please note the following **Final Monterey County Action** for the following coastal development permit type:

- ☒ CDP/CAP ☐ CDP Amendment ☐ Extension ☐ Emergency CDP
☐ Exemption ☐ Exclusion ☐ LCP Amendment ☐ Other: _____
☒ all local appeals processes have been exhausted for this matter
☐ The project includes an amendment to the LCP

Project Information

Resolution #: 22-253
Project Applicant: Huff Daryl & Rhonda Trs C/O The Lexrupe Living Trust, 1484 Pollard Rd Ste 151, Los Gatos, CA, 95032
Applicant's Rep: Adam Jeselnick, 24398 Portola Ave, Carmel, CA, 93923
Project Location: 1125 Spyglass Woods Drive, Pebble Beach; Assessor's Parcel Number 008-023-004-000
Project Description: Coastal Administrative Permit and Design Approval for the construction of 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 51 protected trees.

Final Action Information

Final Action Date: July 12, 2022 **Local Appeal Period Ends:** Not Applicable
Final Action: ☒ Approved w/conditions ☐ Approved w/o conditions ☐ Denied
Final Action Body: ☐ Zoning Administrator ☐ Planning Commission ☒ Board of Supervisors ☐ Dir. of Planning

For Coastal Commission Use Only

MCO

Reference #:

FLAN received:

Appeal period:

Exhibit 4
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Final Local Action Notice Attachments Included

Required Materials Supporting the Final Action	Enclosed	Previously Sent (date)	Notes/Comments
Staff Report	X		Included on CD
Adopted Findings	X		
Adopted Conditions	X		
Site Plans	X		
Elevations	X		
Location/Vicinity Map	X		Included on CD
Additional Materials Supporting the Final Action	Enclosed	Previously Sent (date)	Notes/Comments
Arborist Report		4/7/22	Included with Staff Report for Zoning Administrator hearing

Coastal Commission Appeal Information

Monterey County has determined that this Final Local Action is:

- ☐ **NOT APPEALABLE** to the California Coastal Commission. The Final Monterey County Action is now effective.
- ☒ **APPEALABLE** to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Monterey County Action. The Final Monterey County Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission Central Coast District Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

Submitted by

Signature:


Name: Son Pham-Gallardo
Title: Senior Planner
Phone/Fax: (831) 755-5226/(831) 757-9516
email: pham-gallardos@co.monterey.ca.us

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

In the matter of the application of:

HUFF (PLN210231)

RESOLUTION NO. 22-253

**Resolution by the Monterey County Board of
Supervisors to:**

- 1) Deny an appeal filed by Fred and Gail Krupica challenging the Zoning Administrator's approval of a Coastal Administrative Permit and Design Approval for a single-family dwelling and attached garage (Resolution No. 22-013 dated April 14, 2022);
- 2) Find 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 California Environmental Quality Act Guidelines section 15162 does not require additional, project-level environmental review; and
- 3) Approve a Coastal Administrative Permit and Design Approval for a construction of 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 51 protected trees.

[PLN210231, Huff, 1125 Spyglass Woods Drive, Pebble Beach, Del Monte Forest Land Use Plan (APN: 008-023-004-000)]

The Huff application (PLN210231) came on for a public hearing before the Monterey County Board of Supervisors on July 12, 2022. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROCESS** – The County has processed the Coastal Administrative Permit and Design Approval application (HCD-Planning File No. PLN210231/Huff) (“project”) in compliance with all applicable procedural requirements.
EVIDENCE: a) On April 25, 2022, pursuant to Monterey County Code (MCC) Section 20.76, Daryl and Rhonda Huff, TRS (Applicant) applied for a

Coastal Administrative Permit and Design Approval to allow the construction of a 3,951 square foot single family dwelling and 677 square foot attached garage located at 1125 Spyglass Woods Drive, Pebble Beach (APN: 008-023-004-000), Del Monte Forest Land Use Plan, Coastal Zone.

- b) The project was deemed complete on December 12, 2021.
- c) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on January 11, 2022. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the project on January 11, 2022 and recommended approval with direction to the applicant to revise the design to address the neighbors' concerns regarding the driveway location. Minor changes to the driveway have been made following the LUAC meeting however, those changes did not address the neighbors' concerns.
- d) The Monterey County Zoning Administrator held a duly-noticed public hearing on the Huff application on April 14, 2022. Notices for public hearing were published in the Monterey County Weekly on March 31, 2022. Three notices were posted at and near the project site on April 4, 2022. Notices were mailed to property owners and tenants with 300 feet of the property and to interested parties on March 29, 2022.
- e) On April 14, 2021, at a duly-noticed public hearing at which all persons had the opportunity to be heard, the Zoning Administrator approved a Coastal Administrative Permit and Design Approval to allow the proposed development (Monterey County Zoning Administrator Resolution No. 22-013).
- f) Pursuant to MCC sections 20.86.030.C and E, an appeal may be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority (i.e., Monterey County Zoning Administrator Resolution No. 22-013) has been mailed to the Applicant, and no appeal shall be accepted until the notice of decision has been given (i.e., mailed). The County mailed the written notice of the decision on April 14, 2022, and said appeals were filed with the Clerk of the Board of Supervisors on April 25, 2022, within the 10-day timeframe prescribed by MCC section 20.86.030.C. The appeal hearing is de novo. A complete copy of the appeal, including the additional contentions, is on file with the Clerk of the Board, and is attached to the July 12, 2022, staff report to the Board of Supervisors as Attachment E.
- g) This appeal was timely brought to a duly-noticed public hearing before the Monterey County Board of Supervisors on July 12, 2022. Notice of the Board of Supervisors hearing was published on June 30, 2022 in the Monterey County Weekly; notices were mailed on June 24, 2022, to all property owners and occupants within 300 feet of the project site, and to persons who requested notice; and at least 3 notices were posted at and near the project site on or before July 2, 2022.

- h) The application, plans, and supporting materials submitted by the Applicant to Monterey County HCD-Planning for the proposed development found in HCD-Planning File No. PLN210231.

2. FINDING:

CONSISTENCY/ SITE SUITABILITY – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development and the site is suitable for the proposed use.

EVIDENCE:

- a) Project Description. 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 at 1125 Spyglass Woods Drive, Pebble Beach. The project site is identified as Lot 4 of the Spyglass 3 Subdivision, which is in a densely forested rural area of the coastal portion of Del Monte Forest. Fifty-one trees are proposed for removal, all of which have been assessed as part of the Pebble Beach build-out project.
- b) Consistency Review. During review of this application, staff evaluated the project for consistency with the text, policies, and regulations in:
- 1982 Monterey County General Plan;
 - Del Monte Forest Land Use Plan (DMF LUP);
 - Monterey County Coastal Implementation Plan, Part 5, for Del Monte Forest (CIP); and
 - Monterey County Zoning Ordinance (Title 20).

Communications were received during review of the project indicating inconsistencies with the text, policies, and regulations in these documents. Comments were fully analyzed and addressed where appropriate.

- c) Allowed Use. The property is located at 1125 Spyglass Woods Drive, Pebble Beach (Assessor's Parcel Number 008-023-004-000), DMF LUP, Coastal Zone. The property is zoned Medium Density Residential with Building Site 6 and Design Control overlays in the Coastal Zone (MDR/B-6-D (CZ)), part of the Area J of Del Monte Forest build out project. Residential uses and accessory structures are all allowed uses within the MDR zoning district (Title 20, Sections 20.12.040 A & H) subject to a Coastal Administrative Permit. The proposed project involves construction of a one-story single-family dwelling with an attached garage and is therefore an allowed use with a Coastal Administrative Permit.
- d) Lot Legality. The subject parcel, Assessor's Parcel Number (APN) 008-023-004-000, is identified as Lot 4 on the Final Map, Del Monte Forest Spyglass 3 Subdivision, Tract 1534 (Volume 24, Cities & Towns, Page 56. Therefore, County recognizes the subject property as a legal lot of record.
- e) Design. Pursuant to MCC Chapter 20.44, the project site and surrounding area are designated with a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character.

Proposed colors and materials are consistent with the surrounding area and neighborhood character. The project has been designed to retain the forested character surrounding the home consistent with other homes in the Del Monte Forest. The proposed structures are not visible from any public viewing area. Colors and materials of the primary dwelling will be tan & beige siding with asphalt shingle roofing, stone veneer, stucco walls with aluminum clad wood dark bronze windows. The proposed dwelling design is consistent with other homes built in the area including being of a similar size, mass, and aesthetic treatment. Additionally, the design was reviewed and approved by the Pebble Beach Architectural Review Board on October 14, 2021.

- f) Visual Resources. The project, as proposed, is consistent with the DMF LUP policies regarding Scenic and Visual Resources. As depicted on DMF LUP Figure 3, Visual Resources, the project site is not visible within the public viewshed or from 17-Mile Drive due to location, existing topography, and tree screening.
- g) Review of Development Standards. As proposed, the project meets all required development standards for the MDR zoning district identified in MCC Section 20.12.060 and the required setbacks for main structures as identified on the recorded Final Map (front setback of 20 feet, and 10 feet for the side and rear setbacks). The proposed single-family dwelling would have a front setback of 21 feet 4 inches, a rear setback of 90 feet 8 inches, and side setbacks of 10 feet 1 inch and 15 feet 11 inches. The maximum allowed height in the Del Monte Forest (Coastal Zone) MDR district is 27 feet, and the height of the proposed residence will be approximately 21 feet 6 inches from average natural grade. The allowed site coverage maximum and floor area ratio (FAR) maximum are 25 percent. The property is 26,210 square feet, which would allow site coverage of 9,174 square feet and floor area of 6,553 square feet. As proposed, the project would result in coverage of 5,351 square feet (20.4 percent) and floor area of 4,628 square feet (17.7 percent).
- h) Advisory Committee. The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on November 12, 2021. The LUAC unanimously recommended approval (6-0) with a recommendation to have the Applicant shift the building to address the neighbors' concerns. A small shift in the building and driveway design were made as reflected in the attached plans dated January 11, 2022. This revision has not resolved the neighbors' concerns.
- i) Impervious Surface. The project is located within Seal Rock Watershed, a designated watershed shown on the DMF LUP Figure 2b. Within this watershed, impervious surface coverage is limited to 9,000 square feet (Policy 77 of the DMF LUP). As proposed, the project would result in of 6,638 square feet of impervious area, which is below the maximum allowed under Policy 77.

- j) Driveway. DMF LUP Policy 1 and CIP Section 20.147.090.A.2 (Land Use and Development) require new residential driveways to minimize surface length and width and provide simple and direct access. Based on topography, fire access requirements, and minimization of tree removal on the parcel, the proposed driveway and parking area meet these requirements. As configured, the development provides simple and direct access to the property and minimizes impacts to trees and other vegetation on the project site. Locating the proposed garage at the house's entrance would require redesigning the project. The Applicant is not willing to redesign as this would result in additional time, cost, and potentially impact a greater number of trees on the property. In addition, a redesign would produce a less desirable arrival to the home/property.
- k) Tree Removal. The approved Pebble Beach Company Concept Plan (HCD-Planning File No. PLN100138; Board Resolution Nos. 12-148 and 12-149) created the half acre property on which the Huffs propose to build a home (Lot 4 in Area J). The approval of the Concept Plan included a Coastal Development Permit to allow tree removal (244 Pine Trees and 136 Oak trees). The tree removal proposed as part of the Concept Plan was also analyzed in the Final EIR (SCH#2011041028) and mitigated by off-site tree preservation areas. The Final EIR analysis presumed a development impact area on each residential lot of up to 15,000 square feet. Additionally, the DMF Coastal Implementation Plan (CIP), section 20.147.050.C.4 (Forest Resources), requires proposed development projects to be sited and designed to minimize the removal of trees. As proposed, the Applicant has designed the proposed development within the most open areas of the site and the removal of 51 trees conforms with both the certified Final EIR and the previously approved PBC Concept Plan. Therefore a subsequent Coastal Development Permit to allow tree removal is not required.
- l) Cultural Resources. The project site is in an area identified in County records as having a high archaeological sensitivity. An archaeological report was prepared for Area J (LIB100404), for the PBC Concept Plan. That report concluded that there is no surface evidence of potentially significant archaeological resources. There is no evidence that any cultural resources would be disturbed, and the potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County's standard project condition (Condition No. 4), which requires the contractor to stop work if previously unidentified resources are discovered during construction.
- m) Site Suitability. The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, Pebble Beach Community Services District (Fire Protection District), HCD-Engineering Services, HCD-Environmental Services, and Environmental Health Bureau. County staff reviewed the application materials and plans, as well as the County's GIS database, to verify that the project conforms to the applicable plans, and that the subject

property is suitable for the proposed development. There has been no indication from these departments/agencies that the site is unsuitable for the proposed development. Conditions recommended by HCD-Planning, HCD-Engineering Services and HCD-Environmental Services have been incorporated.

- n) Public Access. As demonstrated in Finding 5, the development is consistent with public access policies of the DMF LUP.
- o) Site Visit. The project planner conducted a site inspection on November 12, 2021 to verify that the proposed project on the subject parcel conforms to the applicable plans and MCC.
- p) Application, plans, and materials. The application, plans, and supporting materials submitted by the Applicant to Monterey County HCD-Planning for the proposed development found in HCD-Planning File No. PLN210231.

3. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, Pebble Beach Community Services District (Fire Protection District), HCD-Engineering Services, HCD-Environmental Services and Environmental Health Bureau and conditions have been recommended, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) All necessary public facilities are available to serve the project. Sewer service will be provided by the Pebble Beach Community Services District (PBCSD) under agreement with the Carmel Area Wastewater District (CAWD) and water will be provided by the California American Water Company (CalAm). The wastewater collection and treatment system have adequate remaining capacity for sewage disposal. The proposed residence will use water credits purchased from Pebble Beach Company (PBC), which were allocated for development of properties approved under the PBC Concept Plan (HCD-Planning File No. PLN100138). The proposed development would also include required storm water drainage facilities.
 - c) The application, plans, and supporting materials submitted by the Applicant to Monterey County HCD-Planning for the proposed development found in HCD-Planning File No. PLN210231.

4. FINDING: CEQA / Previously-Certified Environmental Impact Report (EIR) - The project is consistent with the previously-certified Final Environmental Impact Report for the Del Monte Forest Local Coastal Program Amendment and the Pebble Beach Company Concept Plan. Pursuant to Section 15162 of the CEQA Guidelines, the Board of

Supervisors finds that the project does not require a subsequent EIR based on the following findings:

- 1) No substantial changes are proposed by the project which will require major revisions to the previous EIR due to new significant environmental effects;
- 2) No substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions to the previous EIR due to the involvement of new significant environmental effects; or
- 3) No new information of substantial importance has been provided which was not known at the time of the previous EIR.

- EVIDENCE:**
- a) Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, when an EIR has been certified, no subsequent EIR shall be prepared for the project unless the agency determines that substantial changes are proposed which require major revisions or substantial changes occur with respect to the circumstances under which the project is undertaken due to new significant environmental effects. In this case, no new information has been presented to warrant further environmental review. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.
 - b) The Del Monte Forest (DMF) Agreement between the California Coastal Commission (CCC) and Pebble Beach Company (PBC) formed the basis for the associated Local Coastal Program (LCP) Amendment and development proposal, known as the PBC Concept Plan. The LCP Amendment was required to establish the regulatory framework for the development proposal, consisting of the build-out development and preservation of the remaining undeveloped PBC properties located within the Coastal Zone of the DMF. The subject parcel was part of the PBC Concept Plan development proposal.
 - c) On May 9, 2012, the CCC unanimously certified the amendment as submitted.
 - d) On May 22, 2012, the Monterey County Board of Supervisors acknowledged receipt of the CCC resolution certifying the LCP Amendment and adopted the LCP Amendment by adopting a resolution to amend the DMF Land Use Plan and adopting an ordinance to amend the Monterey County Coastal Implementation Plan.
 - e) On June 19, 2012, the Board of Supervisors certified the Final EIR (SCH# 2011041028) prepared for DMF LCP Amendment and PBC Concept Plan development proposal, pursuant to Board Resolution Nos. 12-148 and 12-149. The LCP Amendment became effective on June 22, 2012.
 - f) The project proposes residential development on a 0.60-acre lot identified in the Del Monte Forest Spyglass 3 Subdivision (Area J) as Lot 4, which was part of the certified EIR for the LCP Amendment and the PBC Concept Plan development proposal. The Final EIR

identifies the lot to be impacted by up to 15,000 square feet of structural, hardscape, and landscape residential development. Tree removal proposed as part of this project was analyzed in the Final EIR and mitigated for off-site replacement. No mitigation measures from the Final EIR are required to be applied to this project.

- g) The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a new significant effect, or development that would result in a new cumulative significant impact.
- h) No adverse environmental effects were identified during staff review of the development application, and there are not any significant adverse impacts associated with this project that have not been adequately mitigated in the conditions of the PBC Concept Plan.
- i) Final Environmental Impact Report (SCH# 2011041028) prepared for DMF LCP Amendment and PBC Concept Plan development proposal found in the project file PLN110138.
- j) No adverse environmental effects were identified during staff review of the development application, and there are not any significant adverse impacts associated with this project that have not been adequately mitigated in the conditions of the PBC Concept Plan.

5. FINDING:

PUBLIC ACCESS – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

EVIDENCE:

- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.147.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over the project site.
- c) The subject project site is not described as an area where the Local Coastal Program requires physical public access (Figure 8, Major Public Access and Recreational Facilities, in the Del Monte Forest Land Use Plan).
- d) The subject project site is identified as an area where the Local Coastal Program may require visual public access (Figure 3, Visual Resources, in the Del Monte Forest Land Use Plan). See Evidence e below.
- e) Based on the project location, and its topographical relationship to visual public access points in the area, the development proposal will not interfere with visual access along 17-Mile Drive or from Point Lobos. Consistent with Del Monte Forest Land Use Plan Policies 123 and 137, the proposed development will not block significant public views toward the ocean and will not adversely impact the public viewshed or scenic character in the project vicinity.

6. **FINDING:** **APPEAL** - On April 25, 2022, Mr. & Mrs. Krupica, appellant, represented by attorney Alex Lorca, timely filed an appeal from the Zoning Administrator's April 14, 2022 decision approving the Huff application (PLN210231). Issues addressed in the appeal submitted by the appellant are summarized below. The Board of Supervisors has considered the appeal contentions prior to its decisions on the appeal and permit application.

EVIDENCE: a) **Contention 1: “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.

b) **Contention 2: The driveway does not meet 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.

c) **Contention 3: “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.

**7. FINDING:
EVIDENCE:**

APPEALABILITY -

Title 20 section 20.86.080 states that the proposed project is subject to appeal to the California Coastal Commission because it involves development between the sea and the first public road. The Del Monte Forest contains private roads and is west of Highway 1 (a public road).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- A. Deny an appeal filed by Fred and Gail Krupica challenging the Zoning Administrator's approval of a Coastal Administrative Permit and Design Approval for a single-family dwelling and attached garage (Resolution No. 22-013 dated April 14, 2022);
- B. Find 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. Approve 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 51 protected trees.

All work must be in general conformance with the attached plans (Attachment 2) and are subject to the attached conditions of approval (Attachment 1), all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED on this 12th day of July 2022, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew, and Adams

NOES: None

ABSENT: None

(Government Code 54953)

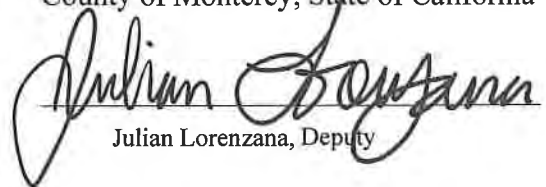
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting July 12, 2022.

Dated: July 13, 2022

File ID: RES 22-131

Agenda Item No.: 35

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Julian Lorenzana, Deputy

Monterey County HCD Planning

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

PLN210231

1. PD001 - SPECIFIC USES ONLY

Responsible Department: HCD-Planning

Condition/Mitigation Monitoring Measure: This Coastal Administrative Permit and Design Approval permit (PLN210231) allows construction of 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 51 protected trees. The property is located at 1125 Spyglass Woods Drive, Pebble Beach (Assessor's Parcel Number 008-023-004-000), Del Monte Forest Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - 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 authorities. To the extent that the County has delegated any condition compliance or 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. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: HCD-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Coastal Administrative Permit and Design Approval (**Resolution Number 22-253**) was approved by Board of Supervisors for Assessor's Parcel Number 008-023-004-000 on July 12, 2022. The permit was granted subject to 13 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior 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 HCD - Planning.

3. LANDSCAPE LIMITATION (NON-STD)

Responsible Department: HCD-Planning

Condition/Mitigation Monitoring Measure: Pursuant to the EIR certified for the Pebble Beach Company Concept Plan and the Del Monte Forest Local Coastal Plan Amendment (HCD-Planning File No. PLN100138), the environmental analysis is based on a total development footprint of 15,000 square feet per lot - comprised of 9,000 square feet of structural and hardscape coverage, and 6,000 square feet of landscaping. Therefore, landscaping on the subject lot shall be limited to no more than 6,000 square feet. Aside from the 15,000 square feet of allowed development footprint, all areas of the lot shall remain as native Monterey pine forest habitat.

Non-native landscaping shall be placed around the terrace and front of the property. Native landscaping shall be placed at the rear of the lot, 10 feet from terrace to property line.

(HCD-Planning)

Compliance or Monitoring Action to be Performed: On an on-going basis, landscaping on the subject lot shall be limited to no more than 6,000 square feet.

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

Responsible Department: HCD-Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or 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 qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register 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.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

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 HCD - 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. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: HCD-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

6. PD011 - TREE AND ROOT PROTECTION

Responsible Department: HCD-Planning

Condition/Mitigation Monitoring Measure: 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 HCD - Director of Planning. If there is any potential for damage, all work must stop in the 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. (HCD - 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 HCD - 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 HCD-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

7. PD011(A) - TREE REMOVAL

Responsible Department: HCD-Planning

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

8. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: HCD-Planning

**Condition/Mitigation
Monitoring Measure:**

All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of HCD - Planning, prior to the issuance of building permits.

(HCD - Planning)

**Compliance or
Monitoring
Action to be
Performed:**

Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to HCD - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

9. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: HCD-Public Works

**Condition/Mitigation
Monitoring Measure:**

Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

**Compliance or
Monitoring
Action to be
Performed:**

Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the HCD-Engineering Services.

10. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: HCD-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD - Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project.

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the HCD-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

11. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: HCD-Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County HCD-Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to HCD-Engineering Services.

12. STORMWATER CONTROL PLAN – AREA J

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a stormwater control plan with supporting calculations, prepared by a licensed civil engineer, that includes closed stormwater detention facilities designed to limit the 100-year post-development runoff rate to the 10-year pre-development runoff rate. The stormwater control plan shall include metered release and overflow with erosion control at the outlet. Improvements shall be constructed in accordance with plans approved by HCD-Environmental Services. (HCD-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or construction permits, the applicant shall submit a stormwater control plan and supporting calculations, prepared by a registered civil engineer, to HCD-Environmental Services for review and approval.

13. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: HCD-Planning

**Condition/Mitigation
Monitoring Measure:**

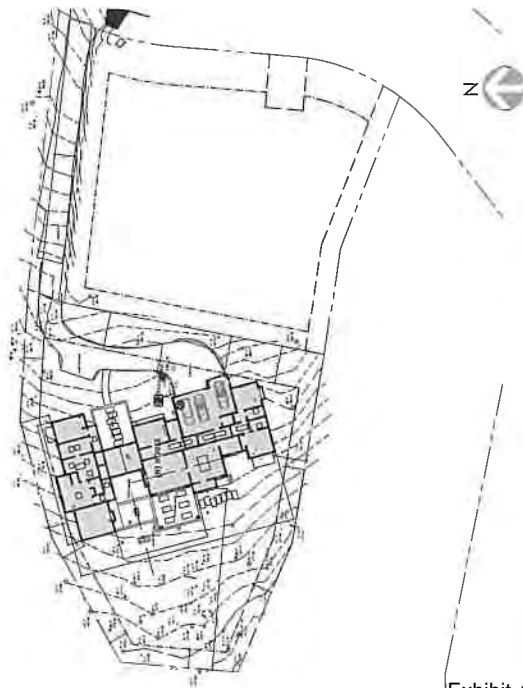
Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (HCD - Planning)

**Compliance or
Monitoring
Action to be
Performed:**

No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to HCD -Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

SHEET INDEX

- A1 TITLE SHEET AND SITE DATA
- A2 SITE SURVEY
- A3 ARCHITECTURAL SITE PLAN
- A4 PROPOSED 1ST FLOOR PLAN
- A5 PROPOSED 2ND FLOOR PLAN
- A6 PROPOSED EXTERIOR ELEVATIONS - NORTH AND EAST
- A7 PROPOSED EXTERIOR ELEVATIONS - SOUTH AND WEST
- A8 EXTERIOR COLORS AND MATERIALS
- A9 EXTERIOR RENDERINGS



1 PROPOSED PLOT PLAN
SCALE: 1"=30'-0"

SITE INFORMATION

SCOPE OF WORK:
NEW SINGLE-FAMILY RESIDENCE WITH ATTACHED 3-CAR GARAGE
EXTERIOR PATIOS, SITE RETAINING WALLS, AND DRIVEWAY

CONSTRUCTION TYPE: V-B

OCCUPANCY: R-3 / U

FIRE SPRINKLERS: YES

WATER: CAL-AM (E)

SEWER: CARMEL AREA WASTE WATER DISTRICT (E)

PROPERTY AREA: 26,210 SQUARE FEET (6 ACRES)

TREE REMOVAL: AS NOTED ON ARBORIST REPORT:
48 MONTEREY PINE TREES

GRADING: 300 CUBIC YARDS CUT/FILL +/-

PARKING: 3 COVERED PARKING SPACES

SITE COVERAGE

RESIDENCE AND GARAGE: 4,628 SF
UPPER TERRACE: 300 SF
COVERED LANAI: 423 SF
TOTAL: 5,351 SF (20.4%)

FLOOR AREA CALCULATIONS:

(P) HOUSE, 1 FLOOR: 3,951 SF
(P) GARAGE: 677 SF
TOTAL (P) SF: 4,628 SF (17.7% FAR)

*NOTE: MAX. ALLOWABLE FLOOR AREA = 23%

IMPERVIOUS AREA CALCULATIONS

(P) HOUSE, MAIN LEVEL: 3,951 SF
(P) GARAGE: 677 SF
(P) DRIVEWAY: 722 SF
(P) TERRACES, PATIOS: 1,288 SF
TOTAL (P) AREA: 6,638 SF

PERVIOUS AREA: 2,772 SF
D.G. DRIVEWAY



2 PARCEL MAP
N.T.S.

PROJECT DATA

PROPERTY ADDRESS: 1125 SPYGLASS WOODS ROAD / LOT 4
PEBBLE BEACH, CA 93953

A.P.N.: 008-023-004
ZONING: MDR/2-B-4-D (CZ)
SINGLE FAMILY RESIDENTIAL

OWNER: LEXRUPE LIVING TRUST
1484 POLLARD ROAD #151
LOS GATOS, CA 95032

ARCHITECT: ADAM JESELNICK ARCHITECT
24398 PORTOLA AVENUE
CARMEL, CA 93923
PHONE: (831) 620-5164 M
CONTACT: ADAM JESELNICK AIA
EMAIL: adajarch@gmail.com

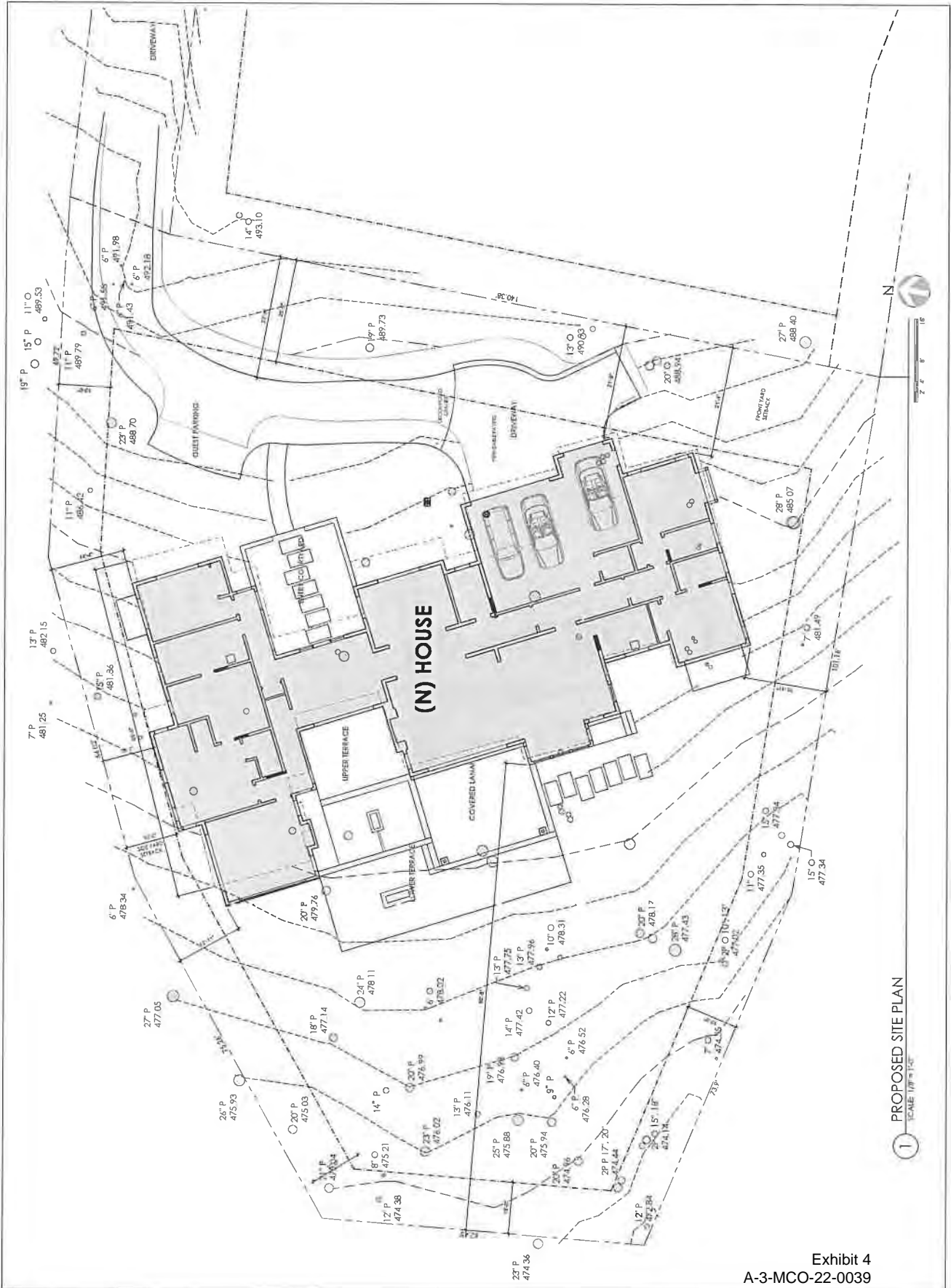
SURVEYOR: LANDSET ENGINEERS, INC.
520-B CRAZY HORSE CANYON ROAD
SALINAS, CA 93907
PHONE: (831) 443-6970
CONTACT: GUY GIRAUDDO
EMAIL: ggiraud@landseteng.com

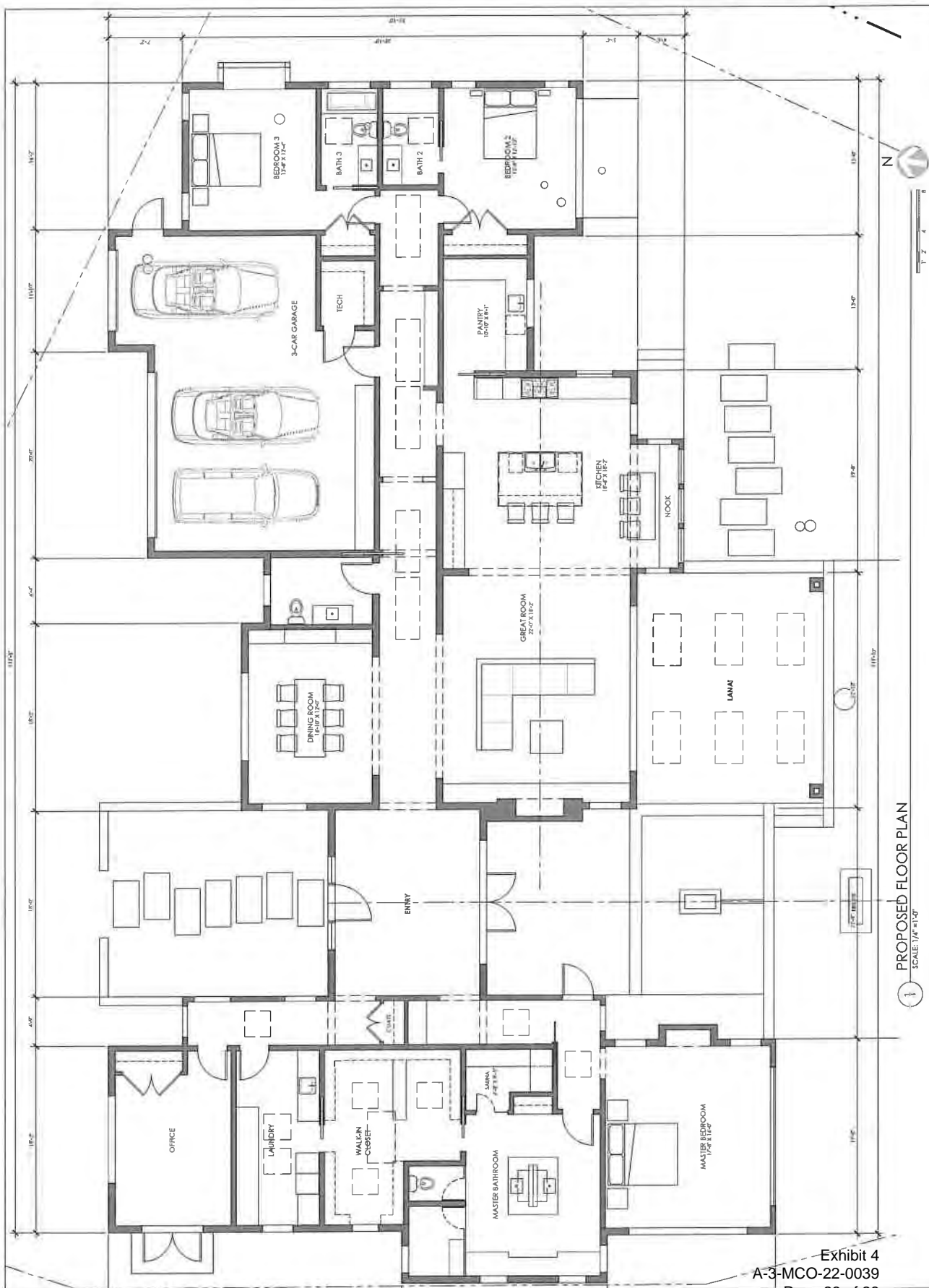
CONTRACTOR: TBD.

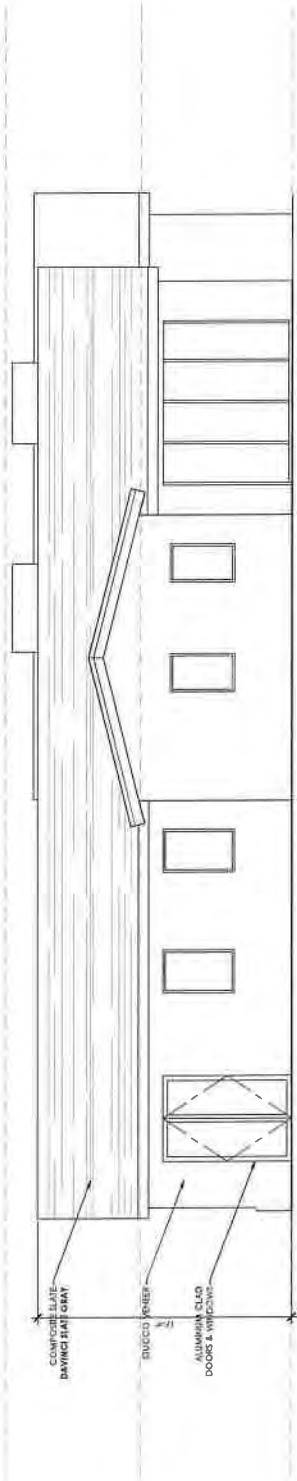


3 VICINITY MAP
N.T.S.

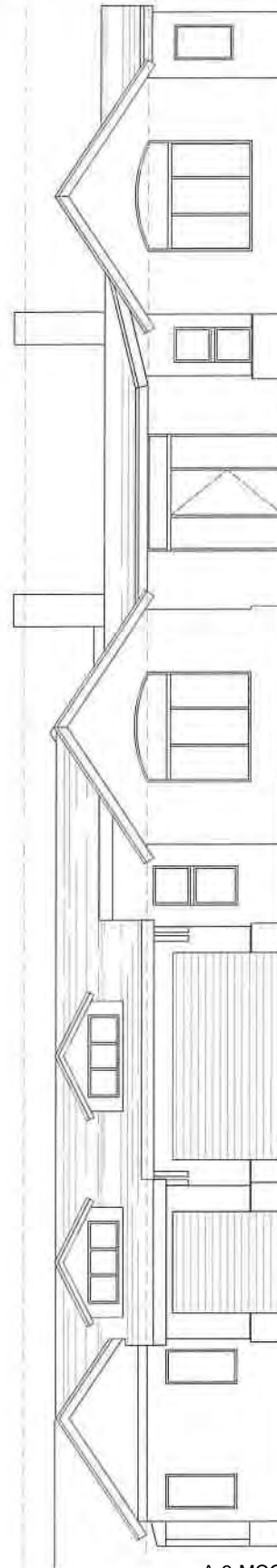




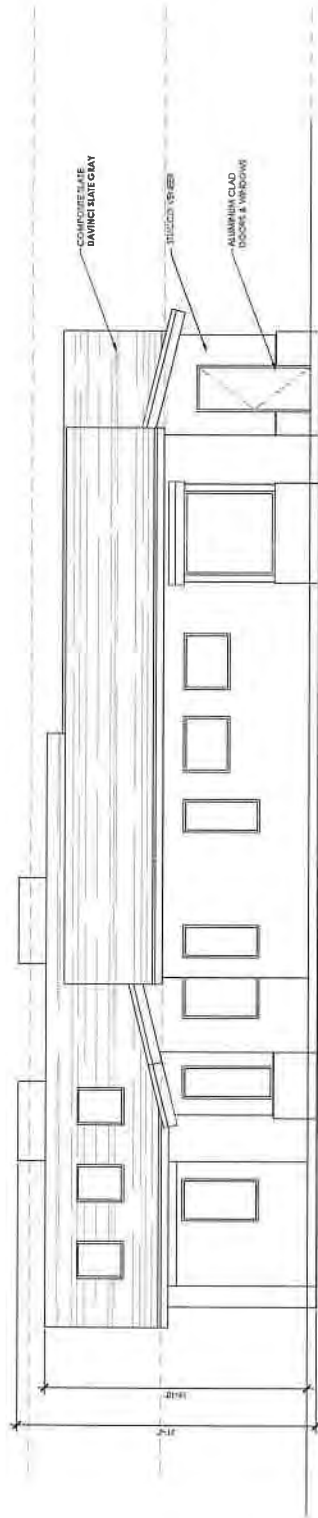




2 PROPOSED SIDE (NORTH) ELEVATION
SCALE: 1/4" = 1'-0"

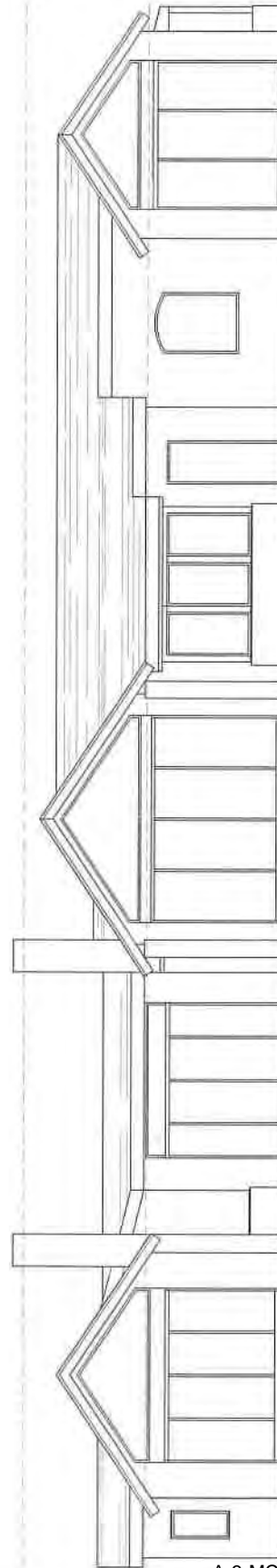


1 PROPOSED FRONT (EAST) ELEVATION
SCALE: 1/4" = 1'-0"



4 PROPOSED SIDE (SOUTH) ELEVATION

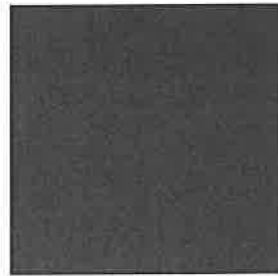
SCALE: 1/4" = 1'-0"



3 PROPOSED REAR (WEST) ELEVATION

SCALE: 3/16" = 1'-0"





7 ALUMINUM CLAD WINDOWS

MARTIN OR SIMILAR ALUMINUM CLAD WOOD
DARK BRONZE MATTE FINISH



4 METAL GARAGE DOOR



1 STUCCO WALLS

INTEGRAL COLOR 3-COAT STUCCO PLASTER
BENJAMIN MOORE GOTHIC ARCH CSP-80



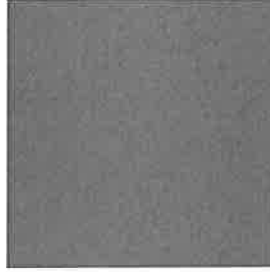
8 PERMEABLE CONCRETE PAVERS

BEGLARD CONCRETE PAVERS
DUBUN COBBLE BLEND



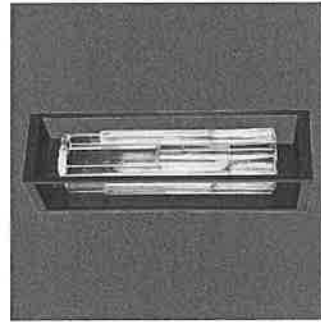
5 THIN STONE VENEER

ASHLAR PATTERN, 1-1 1/2" THICK, NATURAL STONE VENEER
MOCHA SPLIT FACE



2 PAINTED WOOD FASCIA AND TRIM

PRESERVATIVE TREATED, PRIMED AND PAINTED EXTERIOR GRADE TRIM
BENJAMIN MOORE CONCHMANT CURE CSP-70



9 EXTERIOR LIGHTING

HAMMERTON STUDIO
MASON OUTDOOR SCONCE 27"H.

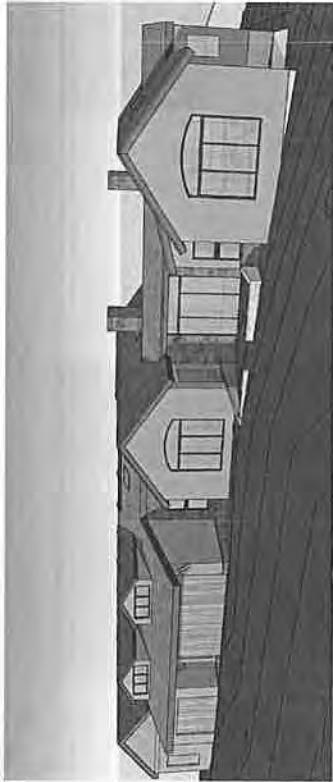


3 PAINTED METAL GUTTERS



6 COMPOSITE ASPHALT SHINGLE ROOF

CERTANTINO PRESIDENTIAL SHAKETL
AUTUMN BLEND



1 EXTERIOR VIEW FROM FRONT



2 EXTERIOR VIEW FROM BACK



3 EXTERIOR VIEW FROM BACK

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT ST., SUITE 300
SANTA CRUZ, CA 95060-4508
(831) 427-4863
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-MCO-22-0039Date Filed: August 9, 2022Appellant Name(s): Fred and Gale Krupica C/O Alex J. Lorca, Esq**RECEIVED****AUG - 9 2022****CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA****APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted **ONLY** at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is CentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: _____

Mailing address: _____

Phone number: _____

Email address: _____

How did you participate in the local CDP application and decision-making process?

Did not participate Submitted comment Testified at hearing Other

Describe: _____

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: _____

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: _____

Local government approval body: _____

Local government CDP application number: _____

Local government CDP decision: CDP approval CDP denial³

Date of local government CDP decision: _____

Please identify the location and description of the development that was approved or denied by the local government.

Describe: _____

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Page 4

Applicant name(s): _____

Applicant Address: _____

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

[illegible]

Exhibit 5
A-3- MCO-22-0039
Page 4 of 15

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so. **

☐

Interested persons identified and provided on a separate attached sheet

**We are not aware of anyone else who participated other than the applicant and the appellant.

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name FRED J. KRUPICA Gale Krupica
[Signature] Gale Krupica
Signature
Date of Signature 8-8-2022

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☒

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Fred Krupica and Gale Krupica

CDP Application or Appeal Number Monterey County Coastal Permit Application PLN210231

Lead Representative

Name Alex J. Lorca, Esq. / Fenton & Keller

Title Attorney

Street Address. 2801 Monterey-Salinas Hwy.

City Monterey

State, Zip CA, 93940

Email Address alorca@fentonkeller.com

Daytime Phone 831-37 312 41

Your Signature


Fred Krupica

Gale Krupica

Date of Signature

8-8-2022

Additional Representatives (as necessary)

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature _____

Date of Signature _____

August 9, 2022

Attachment to Appeal of Local Coastal Development Permit Decision - Item 4 “Grounds for this Appeal.”

Appellants Fred and Gale Krupica own the real property located at 1121 Spyglass Woods Drive in Pebble Beach (“Krupica Property”). The Krupica Property is adjacent to the development that is the subject of this Appeal located at 1125 Spyglass Woods Drive, Pebble Beach, CA (APN 008-023-004) (“Huff Property”). As designed, the development (“Project”) cannot be approved because it is inconsistent with the Del Monte Forest Land Use Plan (“LUP”), the Del Monte Forest Land Use Advisory Committee’s (“LUAC”) comments on the Project, and the Del Monte Forest Architectural Standards and Residential Guidelines (“Guidelines”).¹

I. The Del Monte Forest Land Use Plan Prohibits the Huffs’ Proposed Driveway

The LUP, at Freshwater and Marine Resource Policy #1, provides, “[n]ew residential driveways and other vehicular surfaces shall be kept to the minimum length and width to provide simple, direct access....” As can be seen by the submitted plans, the proposed driveway is inconsistent with this policy because it runs nearly the entire length of the property in a north/south alignment. (See Figure 1.)² In fact, the portion of the driveway running north/south, as proposed, would run nearly the entire length of the parcel:

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¹ The Guidelines may be found at: https://dmfpo.org/wp-content/uploads/2020/03/ARB_ResidentialGuidelines-4-1-20.pdf

² Note that Appellants do not object to the portion of the driveway running east/west that connects the Huff Property to Spyglass Woods Drive.

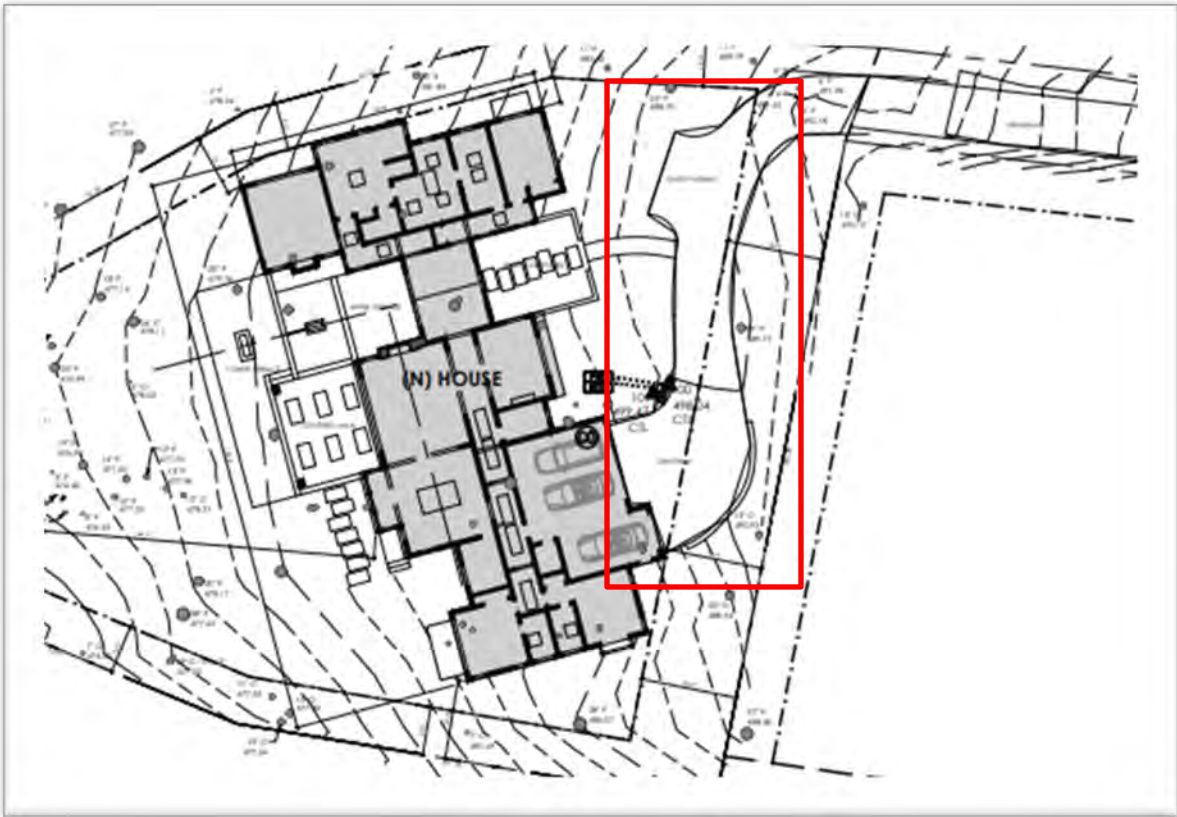


Figure 1.

II. The LUAC Requested a Project Redesign

The Project was reviewed by the LUAC on December 16, 2021. After much deliberation, the LUAC voted to support the Project, but with changes. The LUAC instructed the Project architect to “consider shifting the building to address the [Krupicas’] concern.”

Unfortunately, the Project architect made only a token revision to the plans: shifting the Project a mere 1.75 feet away from the mutual property line. This change was inconsistent with the LUAC’s direction because it did not address the Krupicas’ concerns regarding noise, aesthetics, and privacy.

The following demonstrates the token realignment over the original plans (in red):

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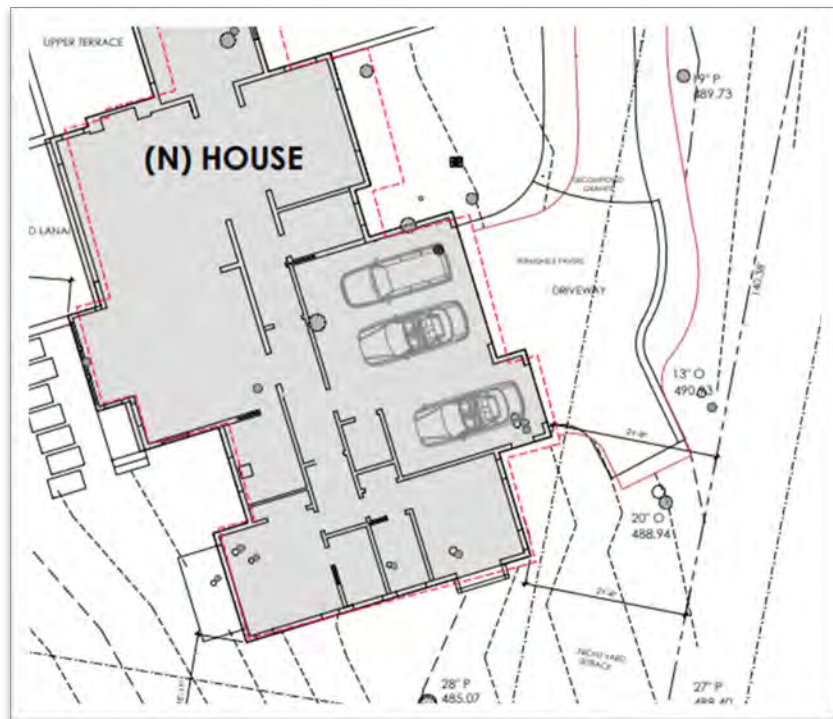


Figure 2.

This realignment is a far cry from the suggestion of LUAC member Bart Bruno, who suggested the Project be “flipped” to place the driveway and motor court at the north end of the site. Such design would bring the Project into compliance with the LUP, the Guidelines, and would meaningfully address the Krupicas’ concerns.

Alternatively, the Project could be oriented on an east/west alignment since the Project site is a “pie” shaped lot.

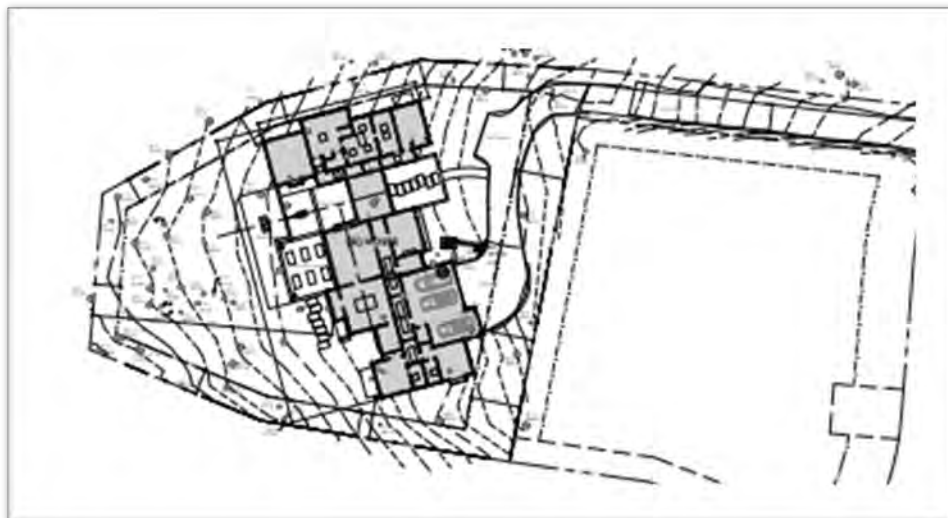


Figure 3.

If the Project was rotated 90 degrees counterclockwise, the Huffs' home would better fit on the lot, the driveway length would be minimized, and the Project's guest bedrooms (instead of the driveway and garage) would be closest to the Krupica residence.

III. The Project's Proposed Garage and Driveway Violate the Guidelines

Pursuant to the covenants, conditions, and restrictions applicable to properties in the Del Monte Forest, all residential development in Pebble Beach is subject to the Guidelines. While the Guidelines were not binding on the County of Monterey, they provide guidance to all projects in the Del Monte Forest to "foster careful design and harmony between structures and the surrounding environment and to enhance the overall desirability of living within the Del Monte Forest." In short, the Guidelines ensure a project's consistency with the neighborhood.

A. The Project's proposed driveway length is inconsistent with the Guidelines

The Guidelines, in the section entitled, "The Design and Construction Standards," provide guidance for garage and driveway placement on page 13, "Garages and Parking," as follows: "The garage should be located to minimize the length of the driveway...."

As shown in Figure 1 above, the Project's proposed garage is located at the far eastern end of the Huff Property, with the proposed driveway running approximately 2/3 of the entire length of the north-south direction of the lot. Such design fails to comply with the requirement that the driveway length be minimized. A compliant design would place the driveway and motor court at the north end of the Huff Property.

B. The Project's proposed driveway exceeds setback limits

The Design and Construction Standards at "Foundations,"³ states, "... driveways ... may be allowed to extend into any required setback up to *two feet* subject to ARB approval." (Emphasis added.)

Notwithstanding this regulation, Page A2 of the Project plans entitled, "Proposed Site Plan," shows the Project's proposed driveway impermissibly encroaching into the Huff Property's front setback by more than 10 feet, far exceeding the permitted maximum of two feet. (See Figure 4.)

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³ Guidelines at page 13.

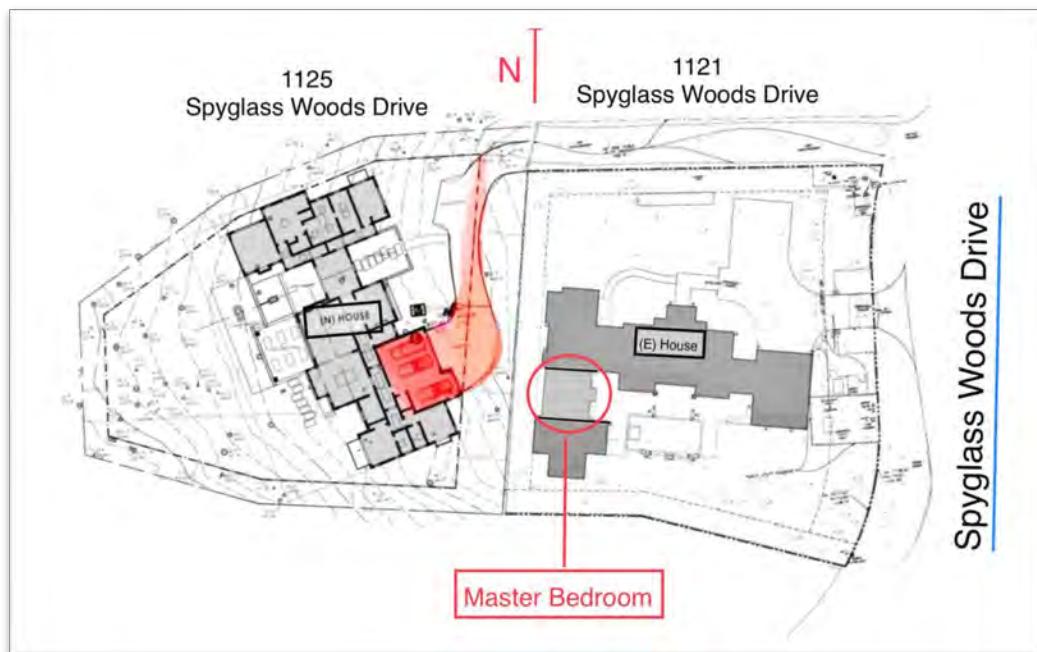


Figure 4.

Unfortunately, at its meeting on October 7, 2021, the Architectural Review Board (“ARB”) ignored the Guidelines’ setback requirements in order to approve the Project. In doing so, the ARB Board presented no evidence suggesting the drafters of the Guidelines inadvertently included “driveways” in this guideline. Rather, the inclusion of “driveways” under Foundations is identical in the current (April 2020) and previous (January 2002) versions of the Guidelines. Moreover, the current language in the Guidelines was specifically reviewed, intended, and approved as written, as the April 2020 version was further restricted by the modifier, “may be allowed ... subject to ARB approval.”

Importantly, the findings necessary to support an exception to the required setback cannot be met here. In order to show an exception should apply, the Guidelines, at page 8, place the burden of proof on the project applicant to show that an exception is warranted. Criteria for an exception include, “saving significant trees, vegetation or environmentally sensitive habitat, avoiding unnecessary cuts and fills, or because a design, though desirable and compatible, is so unique in concept that it is beyond the scope of such standards.”

Here, none of the applicable criteria for an exception exist. No significant trees, vegetation, or environmentally sensitive habitat would be saved by allowing the driveway as currently planned, nor would any cutting, filling, or grading be avoided because the entire eastern side of the Huff Property will be developed. In fact, more trees would be saved, and cut/fill reduced, by redesigning and constructing a shorter driveway to the garage located at the north end of the Huff Property. Also, the Huff’s proposed home is not so unique in design or concept that the Guidelines should not be applied. Rather, the proposed home is of a single-story common design.

Finally, excepting the driveway would not be consistent with the intent of the Guidelines. To the contrary, while the Guidelines speak in terms of goals and policies of the ARB, with respect to setbacks, they are clear: driveways may only extend into a setback up to two feet. Even then, such intrusion is “subject to ARB approval.” (Guidelines at p. 13, “Foundations.”)

C. The Project’s proposed driveway location is not “as unobtrusive as possible”

The Design and Construction Standards reference “Pools, Spas, Etc., Building Siting” on page 13 provides as follows, “The location of the main structure (or structures) and the driveway should be as unobtrusive as possible to neighboring properties in particular and the community in general.”

The Project is sited at the very front edge of the lot, noticeably crowded up next to the Krupicas’ home, with the long driveway positioned in the front setback. Of particular concern is the proposed garage directly across from the Krupicas’ master bedroom and bathroom windows at the west end of their home.

The Project’s current design will create intrusive noise at the Krupicas’ bedroom windows from car and garage door operation, as well as unhealthy exhaust fumes. This will require the Krupicas to keep their bedroom windows closed.

IV. The Krupicas’ Residential Development Project Complied With all Regulations

The Project and the Krupica residence are located in the “Spyglass Woods” neighborhood as seen below. The Krupicas’ home is on Lot 5 and the Project is on Lot 4.

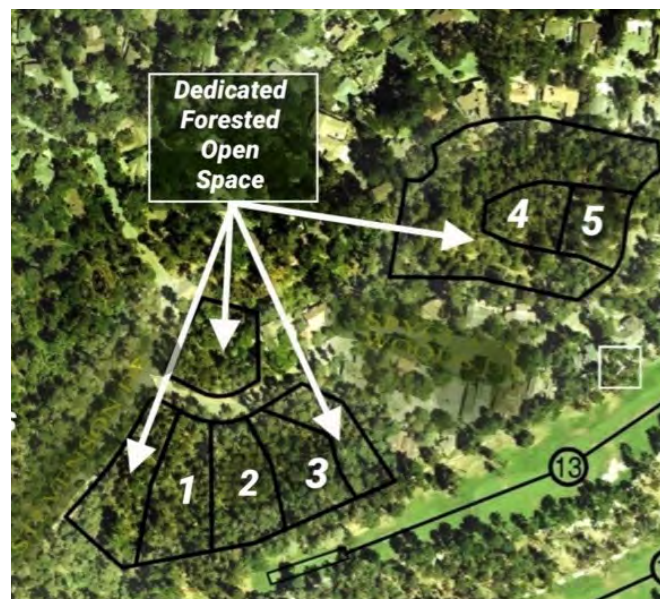


Figure 5.

As can be seen in Figure 5, the outstanding feature of the “Spyglass Woods” neighborhood is its scenic and private nature surrounded by forest.

When designing their home, the Krupicas abided by the requirements of the LUP and Guidelines to have the shortest driveway possible. And, as noted, the Krupicas redesigned a patio area to ensure privacy and setback requirements were met.

Figure 6 shows the driveway the Krupicas initially wished to install, but that was rejected due to its length. It also shows the original location of a patio that was to be installed on the western side of the Krupica Property.

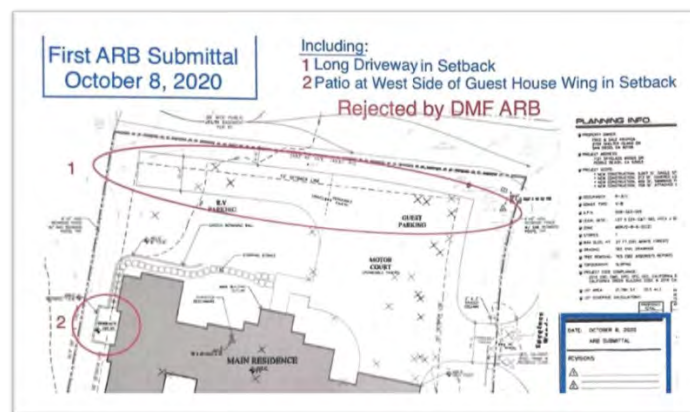


Figure 6.

Figure 7 shows the eventual location of the driveway and patio, per the direction of the ARB.

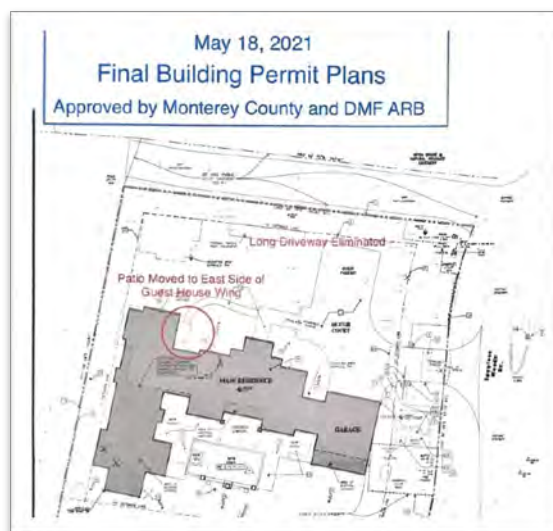


Figure 7.

In contrast, the Project not only violates the LUP and Guidelines, it also disregards the privacy that is foundational to the Spyglass Woods neighborhood. The Krupicas never imagined a project next door would place a driveway and motor court mere feet from their bedroom.

V. The Krupicas Offered to Help Underwrite Efforts to Redesign the Project

Consistent with LUAC member Bart Bruno's recommendation, the Project could be "flipped" to place the driveway and motor court at the north end of the lot. This would render the Project consistent with the LUP, as well as the Guidelines, and address the Krupicas' concerns. Importantly, the Krupicas have offered to contribute to the architect's redesign of the Project to bring it into compliance with all regulations, and to address the Krupicas' concerns.

In summary, because the Project does not meet the requirements of the LUP and Guidelines, and because it ignores the LUAC's direction, it cannot be said to be consistent with the surrounding neighborhood.⁴ When building their home, the Krupicas were required to follow all regulations and did so willingly; all they are requesting is that the Huffs do the same.

Very truly yours,

FENTON & KELLER
A Professional Corporation



Alex J. Lorca

AJL:kmc
Enclosure
cc: Clients (via email)

⁴ Please find enclosed a letter from long-time local builder Mark Cristofalo regarding the Project's inconsistencies with the applicable regulations.