

CALIFORNIA COASTAL COMMISSION

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F11a

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

CORRESPONDENCE

Daryl & Rhonda Huff
1484 Pollard Road #151
Los Gatos, CA 95032

August 17, 2022

California Coastal Commission
Central Coast District
725 Front Street # 300
Santa Cruz, CA 95060

RE: Commission Appeal No. A-3-MCO-22-0039
Location / Local Permit #: 1125 Spyglass Woods Drive, Pebble Beach, CA / PLN210231

Dear California Coastal Commission Central Coast District:

On Monday, August 15, 2022, we received notice the appeal referenced above had been filed. As the owners of the above referenced property, we would like to respond with required factual rebuttal to the now fifth appeal that has been filed by the Krupica's against our plans and which continue to erroneously raise the same objections and mischaracterize the facts of this case. At each level of appeal, these complaints have been unanimously rejected by each governing body who has received and considered them. Those same governing bodies have unanimously supported our home and driveway plans.

1. Brief Historical Context of Del Monte Forest | Pebble Beach Company Lots Released in 2012 | Both Neighboring Lots purchased in 2020.

Both the Krupica's lot at 1121 Spyglass Woods Drive and our lot represent two of the 90 lots created by the historic agreement between the California Coastal Commission and the Pebble Beach Company announced in 2012.

We and the Krupica's both purchased our respective lots in 2020. Both lots are located within a Medium Density Residential zone (see Figure H1 below) and surrounded on three sides by open space forest preserved as per the Del Monte Forest LCP plans. The Krupica's lot already had a set of building plans completed, however, they significantly expanded their footprint in their re-design. Their new design revisions included siting the bedroom wing of their house directly on and parallel to the 10' setback line with our shared property line.

The Krupica's finished floor height is 10-1/2 feet above the finished floor height of our design. That means that an average adult at 5'7" in height standing at the primary bedroom window, would have a sightline 15+ feet above our finished floor height. This means they would be viewing through tree branches at and over the top of our roof.

The Krupica's also designed an expansive driveway. Their plan in no way minimized their driveway length but rather has a curving approach from the street to the garage and includes both a "motor court" and a large paved "guest parking" area. We did not object as their plans were approved by the Pebble Beach Company Architectural Review Board (PBC ARB) and fell within their guidelines. The Krupica's are now building their new house.

Fig. H1



2. Lot 4 Design Begins 2021 | Submitted to PBC ARB and MC Planning August 2021

In early 2021, we began working with our architect, Adam Jeselnick, to design our new home from the ground up. Our goals and direction to Adam from the beginning were to design a modest, single-story home; that sits lightly on the land; minimizes the impact to the surrounding forest and neighbors; complies with all Pebble Beach Company and Monterey County codes, regulations, and guidelines including the Monterey County Local Coastal Program (LCP); while meeting our family's lifestyle needs of a one-level, single story home.

The design created by Adam met each of these goals and on Aug 1, 2021, we submitted our plans to the PBC ARB and the Monterey County Planning Department for design approval.

3. Rebuttal to "Attachment to Appeal of Local Coastal Development Permit Decision - Item 4 'Grounds for this Appeal'."

Appellant claim #1: "1. The Del Monte Forest Land Use Plan Prohibits the Huffs' Proposed Driveway"

The above statement is incorrect.

The location of our home and driveway balance multiple and at times competing Del Monte Forest, Monterey County and LCP guidelines. The [Del Monte Forest Architectural Standards and](#)

[Residential Guidelines state on page 13](#),¹ “The garage should be located to minimize the length of the driveway and, wherever possible without constraining design, should not be the focus of the street elevation.”

As shown in Figure H2 below, our driveway is simple and directly communicates passage to the garage from the street and fully complies with all Monterey County (MC), Del Monte Forest (DMF) AND Local Coastal Plan (LCP).

[The Local Coastal Plan](#) adopted by the Board of Supervisors May 22, 2012, states on Page 17, Paragraph 35:

“Development, including driveways and parking areas, shall be sited and designed to minimize removal of trees...” and goes on to state in the same paragraph, “The clustering of single family homes in order to maintain the forested character of the Del Monte Forest shall be encouraged, and shall be required in subdivisions where topographic and habitats constraints allow.”

Fig. H2



Our home and driveway designs comply with both the letter and intent of all LCP guidelines balancing the need for minimizing length while preserving trees and honoring the DMF guidelines for minimizing grading and runoff-drainage concerns as well as minimizing the street-view prominence of the garage. Our driveway has the shortest possible route to the garage

¹ (Please note the footnoted link in Mr. Lorca’s 8/9/2022 document to purported DMF Guidelines is broken returning a “404: Page Not Found” error message when clicked. The correct link to DMF Guidelines is embedded above and again [here for your convenience.](#))

while allowing a minimal area for car turn-around and area for emergency vehicle access. Our unique practical need for loading/unloading a wheel chair to access our front-door for a family member who requires this accessibility accommodation is also addressed with this design.

Further, the reader will note the much closer topographic lines as you move south and west on the property denoting significant increased slope in those areas. This means significant additional grading, vastly more complicated drainage issues, loss of ability to build a single story one-level home, etc. This is not a flat lot. Note also in Fig. H2 above the increased density toward the south and west of the property of existing trees that are preserved in this plan.

Finally, the Monterey County Planning Department's Board Report dated July 12, 2022 states²:
"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."

Appellant claim #2: "II. The LUAC Requested a Project Redesign"

The above statement is inaccurate.

On Dec 16, 2021, the Del Monte Forest Land Use Advisory Committee (DMF LUAC) dismissed the Krupica's second appeal giving unanimous support of our plans with a request that we consider shifting the building in response to the Krupica's complaint. A suggestion to **"consider" is not a "request for Redesign"** as asserted in Appellant's August 9, 2022 document. After the LUAC approval and suggestion, we not only considered but undertook, in the interests of neighborliness, and at additional time and expense, a significant amount of redesign with our architect who was able to both shift the building farther from the front property line, and also added an additional rotation away from it.

Mr. Lorca's characterization of these revisions as merely a "token" and the "Project a mere 1.75 feet away from the mutual property line" is also factually incorrect.

These revisions required new architectural drawings, grading and drainage plans. After making these changes, no part of our home touches the front setback line. In fact, the vast majority of the house sits well behind, the property line (between 21.5' to 68' away), a courtesy the Krupica's did not reciprocate in their own home design wherein they sited their bedroom wing directly on and parallel to the 10' setback line overlooking our property. (Please refer again to Figure H2 above showing Krupica's siting of their new build related to property line.)

Lorca's *Figure 2* in the August 9, 2022 document is incomplete and could be misleading as it shows only a small portion of our design.

² Page 3 Paragraph 1 of [Board Report dated July 12, 2022](#) (Legistar File #: RES 22-131) full report appended below

The full view in Figure H3 below shows the complete before/after of our redesign. One LUAC member’s suggestion (who admitted readily to not being an architect or expert) to “simply flip” the house design belies the months of thought, planning and actual constraints presented by the sloped conditions and tree density areas of this unique lot. It also dismisses the building complexities and loss of additional trees such a “flip” would have required.

This is not a “modular” home nor is this a flat lot. The unique characteristics of this lot are complex when looking at it’s natural sloped topography and siting the home as drawn minimizes the amount of grading and drainage issues, while maintaining the single-level requirement.

As Figure H3 further shows, the driveway was moved substantially back and further away from the shared property line as a result of this re-design.

Fig. H3



To address design suggestions that continue in the appellant’s document, some have suggested the Krupica’s could simply swap the location of their primary bedroom and their primary closet which would solve their alleged concerns. As currently drawn, the Krupica’s primary closet enjoys the best and most private views of the entire home. Perhaps an oversight in their original major redesign process, a simple redesign could be easily accomplished even now, in consultation with their architect. Submission for a requested plan change to PBC ARB and

Monterey County Planning Department or whatever is required in such matters would be appropriate and we would fully support such a reasonable plan change/alteration.

The 8/9/22 appeal document further suggests a 90-degree rotation of our plan (perhaps not realizing it would result in the master bedroom approaching 3 stories tall above ground level at the slope where that would occur. (See again in Fig. H3 the topographic lines on the west/south areas of the lot.) This purported “simple” solution would require numerous additional tree removals³, and many other consequences unacceptable to the property owners or those with filtered views of the property through the trees who would now stare at a 3-story height structure completely inconsistent with the surrounding neighborhood. This purported solution would also violate the 30’ height restriction contained in the DMF ARB Guidelines as well their directive to minimize Grading, etc.). Mr. Lorca suggests further with this simple solution the *“Project’s guest bedrooms (instead of the driveway and garage) would be closest to the Krupica residence.”* The guest bedrooms as currently drawn are and remain the closest part of the Project to the Krupica’s master bedroom.

Appellant’s ill-conceived suggestion illustrates perfectly why the siting and design of residential structures is left to the technical experts and professionals who understand the unique complexities and challenges of each property and project.

Appellant claim #3: “III. The Project’s Proposed Garage and Driveway Violate the Guidelines” (A. Driveway length is inconsistent with the Guidelines; B. Driveway Exceeds Setback Limits; and C. Driveway location is not ‘as unobtrusive as possible’)”

Each of these statements above are mis-characterizations.

There are no restrictions for driveways existing in setbacks either in DMF, Monterey County or LCP guidelines. In Paragraph III, B., of the 8/9/22 appeal document, Lorca mis-characterized the Guidelines, referring to older versions that the December 15, 2021 PBC ARB Member’s letter directly addressed, saying the word driveways should never have been included in the paragraph to which Lorca (incorrectly) refers as a current controlling guideline.

The simple and direct driveway from street to the garage as designed in our plan complies with and balances between all guidelines including Del Monte Forest, Monterey County and the LCP.

At the December 16, 2021 DMF LUAC meeting, at which both the Krupica’s and Mr. Lorca were present, the letter from Bart Bruno (voting member of both the PBC ARB and the LUAC) was read aloud into the record and submitted in writing to the LUAC. The letter in part said,

“In Section 2 he [Mr. Lorca] has asked the DMFLUAC to invoke an obviously erroneous term in the ARB guidelines. The term driveway does not realistically apply in this

³ Page 3, Paragraph 1 [Board Report dated July 12, 2022](#) (Legistar File #: RES 22-131) full report appended below

*sentence. Appl[y]ing [sic] this requirement as such would mean that every approved driveway in Pebble Beach could be in violation of this guideline. This[sic] I must disagree with him that this should be used to change this [the Huff's] project. However, I thank him for making us aware of the error and we are making the appropriate changes to the guidelines.*⁴

Mr. Lorca claims that the April 2020 revision of the DMF Architectural Standards and Residential Guidelines is the “current” version. This is factually incorrect. All individuals dealing with land issues in the DMF should be fully aware there have been multiple revisions since that date and the CURRENT version was effective April 1, 2022.

Figure H4 below shows an actual screen shot of the “Foundations” section of the current DMF Architectural Standards and Residential Guidelines effective April 1, 2022 and [linked here](#)⁵ for your convenience. Please note there is NO MENTION of Driveways in this section as claimed in the 8/9/22 document.

Fig. H4

FOUNDATIONS Wherever possible, continuous footings shall be located outside the dripline of all trees that are to remain after construction of the new residence or addition. If it is necessary to locate a building foundation inside the drip line of a tree, a pier and grade beam type of foundation shall be used. Extreme care shall be taken to avoid the cutting of tree roots. Bay windows, cornices, eaves, canopies, fireplaces, and similar architectural features may be allowed to extend into any required setback up to 2 feet 6 inches subject to ARB approval. However, no foundation will be permitted to extend into any setback, and no architectural feature will be permitted to encroach into the setback if there is a foundation in the setback area.

Allowing driveways in property setback areas has always been and remains obvious as there would be no other way to route a driveway from any street to any garage without existing in a setback.⁶

The Board Report dated July 12, 2022 prepared by the Monterey County Planning Department reiterates⁷:

“The County has no required setbacks for driveways.”

⁴ Bart Bruno’s letter stamped “received” on 12-15-2021 and read aloud at 12-16-21 LUAC meeting is attached in full at the end of this document

⁵ DMF Architectural Standards and Residential Guidelines effective April 1, 2022 PDF link is: https://dmfpo.org/wp-content/uploads/2022/07/ARB_ResidentialGuidelines-4-1-22.pdf

⁶ Mark Cristofalo’s undated letter that was submitted along with Lorca’s 8/9/22 appeals document was previously submitted and dismissed by the Zoning Administrator during the April 14, 2022 appeals hearing. Mr. Cristofalo also mis-states what the correct DMF Guidelines actually are. Since he is a working contractor with multiple projects within the DMF, perhaps appellant can provide him with the latest copy or simply forwarded an electronic copy of this letter so he can update his files.

⁷ Page 3, Paragraph 2 [Board Report dated July 12, 2022](#) (Legistar File #: RES 22-131) full report appended below

That same Board Report on Page 4 beginning at the top in the “County Response” portion of Paragraph 3, thoroughly debunks the appeal claims that noise or fumes would negatively impact the neighbors. Please read the full section,⁸ appended at the end of this document, to appreciate the extent to which the County Planners went to thoroughly research each claim.

The County recommendation to deny the appeal and approve the proposed project in the 2nd paragraph on page 4 states:

“Based on the above Staff recommends that the Board deny the appeal and approve the proposed project. Staff has concluded that project would be consistent with the certified Final Environmental Impact Report for the Del Monte Forest Local Coastal Program Amendment and the Pebble Beach Company (PBC) Concept Plan. Additionally, staff has concluded that the project does not require subsequent or additional review pursuant to CEQA Guidelines section 15162.”⁹

Appellant claim #4: “IV. The Krupicas’ Residential Development Project Complied With all Regulations”

This statement falls well outside the scope of this proceeding.

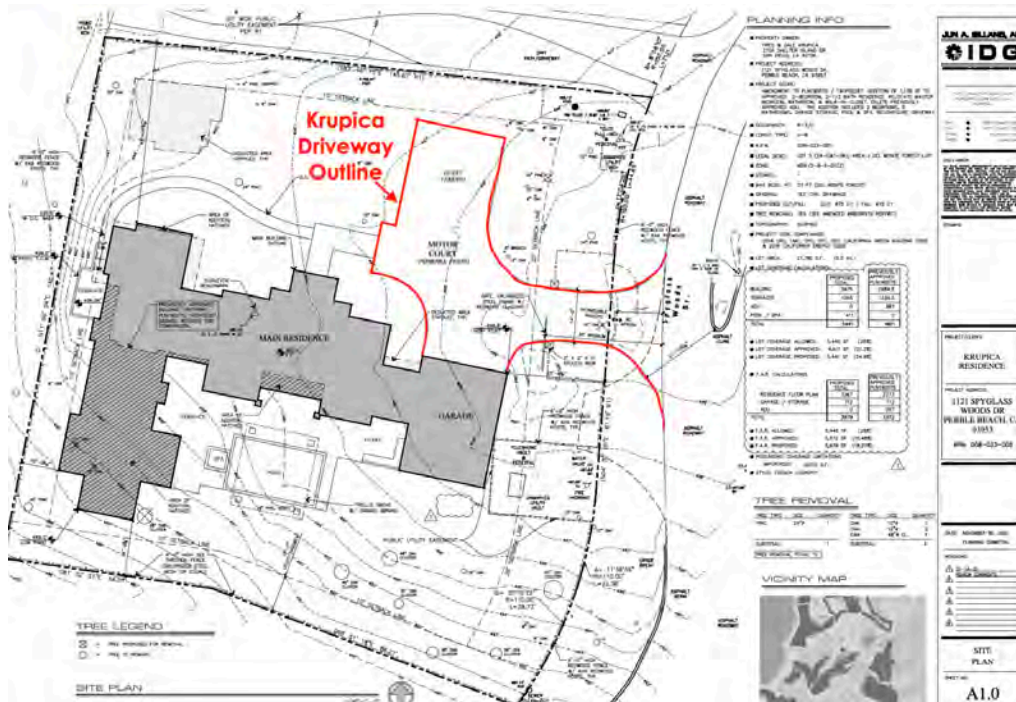
Our driveway design complies with all Guidelines and regulations in the same way that the Krupica’s driveway complies. The Krupica’s chose to design a spacious driveway and parking area that does not “minimize” their driveway length with a “simple, direct” road-to-garage driveway (See Figure H5 below). Rather, they chose, received approval and have installed a driveway that arcs to garage doors facing the front of their property (rather than garage doors facing Spyglass Woods Drive).

The Krupica’s also added a large motor court and an even larger guest parking area. Their design in no way “minimized” the total length of their own driveway, yet without apparent appreciation of irony, continue to protest our plan that contains far less discretionary parking space.

⁸ Page 4 Paragraph 1 of [Board Report dated July 12, 2022](#) (Legistar File #: RES 22-131) full report appended below

⁹ Page 4, 2nd paragraph of [Board Report dated July 12, 2022](#) (Legistar File #: RES 22-131) full report appended below

Fig. H5



Mr. Bart Bruno’s 12-15-21 letter¹⁰ referenced earlier included a detailed and specific response to the Krupica’s driveway design woes for their property.

PBC ARB denied the Krupica’s original driveway design and required them to comply with DMF parking restrictions that do not allow visible Recreational Vehicle(RV) parking anywhere within the Del Monte Forest.

The Krupica’s were instructed to remove the very large paved RV parking area (taking up nearly their entire front yard) and then after their re-design, PBC ARB still allowed the Krupica’s “much more than the minimum” for their final approved driveway plans.

The relevant paragraph from Mr. Bruno’s letter reads:

In Section 1 he [Mr. Lorca] question[s] the approval of the length of the driveway and that a standard had been violated. On his client’s, the Krupicas, project the ARB eliminated a portion of their proposed huge asphalt area, but still allowed them much more than a minimum [underlined emphasis added]. Using Mr. Lorca’s standard, as he suggests be apply [sic] to this project, the ARB should have insisted that the Krupica’s garage be turned 90 degrees to the street and eliminated all the excess pavement for turn around and parking. However, as is the normal ARB’s approach, they allowed the Krupica project as much leeway

¹⁰ Bart Bruno’s letter dated stamped “received” on 12-15-2021 and read aloud at 12-16-21 LUAC meeting is attached in full at the end of this document

as was reasonable. In keeping with that approach, that is what they have approved for this [the Huff's] project.

Appellant Claim #5: The Krupicas Offered to Help Underwrite Efforts to Redesign the Project

The Krupica's offer to redesign our home to meet their preferences could be considered the highest level of hubris.

Individual private property rights and ones ability to design and develop a home to meet ones own requirements and esthetic standards, while complying with all governing rules and regulations, are concepts seemingly lost on Appellant for anyone other than themselves.

4. Summary of Denied Appeals and Request for Unsubstantial Finding

These plans have been thoughtfully considered and reviewed no less than seven (7) times by governing bodies, advisory committees, County Staff, and County agencies. At each level of review those governing bodies and County Staff have fully supported¹¹ and approved our plans.

Through 4 separate appeals (PBC ARB; LUAC; ZA; MCBOS) over 13 months, our plans have been unanimously supported and the appellant's challenges have been dismissed. As demonstrated and explained fully above, our new home and driveway design fully balance and comply with all Del Monte Forest, Monterey County, and LCP codes and guidelines.

We respectfully ask the members of the California Coastal Commission to expeditiously review the materials provided by Monterey County Planning Department Staff, Coastal Commission Staff, and, coupled with the foregoing facts, find the Krupica's appeal to be unsubstantial and patently frivolous¹² and approve our plans forthwith so we may at long last build our home.

Best regards,

Daryl and Rhonda Huff

CC: Laurie Hardison; Adam Jeselnick; Son Pham Gallardo
Attachments: PBC ARB and LUAC Member Bart Bruno's letter dated stamped 12-15-2021 (Page 11)
Monterey County Planning Department Board Report dated July 12, 2022 (Pages 12-16)

¹¹ See [Monterey County Planning Department Report](#) dated July 12, 2022 presented at the Monterey County Board of Supervisors hearing held on July 12, 2022 (Legistar File Number: RES 22-131) fully appended below

¹² California Coastal Commission Appeal Information Sheet under the "Is there a fee for appeals?" Subheading, the Executive Director may assess a fee of \$300 if the appeal is deemed "patently frivolous" <https://documents.coastal.ca.gov/assets/cdp/Appeal-Information-Sheet.pdf>

Del Monte Forest Land Use Advisory Committee
County of Monterey
c/o Michele Friedrich
1441 Shilling Place
Salinas, Ca 93901



Re: 1125 Spyglass Woods Drive (PLN210231)

As a member of the Del Monte Forest Architectural Review Board, I wish to comment on Mr. Lorca's letter of December 3rd, 2021 to the Del Monte Forest LUAC concerning the above project. In that letter he has expressed issues with respect to the Architectural Review Board's actions on that project which require a response.

With respect to his lead-in where he addresses his opinion as to our duties I would note the majority of words used in that letter as well as within our guidelines;

Careful design.....Harmony.....surrounding environment.....compatibility.....esthetic quality
overly assertive.....size.....enhance.....disturbance.

As can be seen, there are no definitive terms, no firm numbers, only words that require an opinion and thus no "right or wrong", just "his and ours". He also infers that an exception was not granted. I would submit that none was necessary

In Section 1 he questions the approval of the length of the driveway and that a standard had been violated. On his client's, the Krupicas, project the ARB eliminated a portion of their proposed huge asphalt area, but still allowed them much more than a minimum. Using Mr. Lorca's standard, as he suggests be apply to this project, the ARB should have insisted that the Krupica's garage be turned 90 degrees to the street and eliminated all the excess pavement for turn around and parking. However, as is the normal ARB's approach, they allowed the Krupica project as much leeway as was reasonable. In keeping with that approach, that is what they have approved for this project.

In Section 2 he has asked DMFLUAC to invoke an obviously erroneous term in ARB guidelines. The term driveway does not realistically apply in this sentence. Applying this requirement as such would mean that every approved driveway in Pebble Beach could be in violation of this guideline. Thus I must disagree with him that this should be used to change this project. However, I thank him for making us aware of the error and we are making the appropriate changes to the guidelines.

In Section 3 he expresses his concern for the closeness of the new home to his client's home. As can be seen, both the new home and his client's home are at the setback limit. Is there a reason that one home be "unobtrusive as possible" while the abutting home does not? Should his client thought about the fact that a home would be built on the vacant lot next door and located their bedroom so as to not be affect by visual or sound issues?

The ARB goal is to allow uses for each applicant equally and in a manner that fits the needs of each property owner while taking into consideration the reasonable concerns of their neighbors. That was done in this case.

Thank you

Signed copy to be submitted at the meeting

Bart J. Bruno
Member of Del Monte Forest Architectural Review Board

For ease of reference, blue outlines and underlines below represent those specific portions of the Board Report referenced in 8-17-22 Rebuttal Response letter above



Monterey County

Board Report

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

Legistar File Number: RES 22-131

July 12, 2022

Introduced: 6/24/2022

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Public hearing to consider:

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

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

RECOMMENDATION:

Staff recommends that the Board of Supervisors adopt a resolution:

- a. Denying an appeal by Fred and Gail Krupica of the Zoning Administrator's April 14, 2022, approval of the Huff application (PLN210231);
- b. Finding that the project is consistent with the certified Final Environmental Impact Report for the Del Monte Forest Local Coastal Program Amendment and the Pebble Beach Company (PBC) Concept Plan, and that CEQA Guidelines section 15162 does not require additional, project-level environmental review.
- c. Approving a Coastal Administrative Permit and Design Approval to construct a 3,951 square foot single family dwelling and 677 square foot attached garage. The project includes associated grading of 300 cubic yards of cut & fill and removal of 49 protected trees.

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

PROJECT INFORMATION:

Project No: PLN210231/Huff

Agent: Alex Lorca/Fenton & Keller

Property Owner: Daryl & Rhonda Huff

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

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

Zoning: Light Commercial or "LC"

Plan Area: Del Monte Forest Land Use Plan

Flagged and Staked: Yes

SUMMARY:

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

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

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

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

No changes have been made and no new issues have arisen since the Zoning Administrator's approval. However, this hearing on appeal is de novo. Staff has reviewed the appeal's contentions and has provided responses for the Board's consideration. Overall, staff recommends that the Board find that the project is consistent with applicable regulations.

DISCUSSION:

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

Administrator heard and the neighbors' objections and applicants' responses and approved the project as proposed.

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

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

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

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

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

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

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

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

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

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

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

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

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

OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau
- Pebble Beach Community Services District

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

FINANCING:

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

Legistar File Number: RES 22-131

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:


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

Check the related Board of Supervisors Strategic Initiatives:

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

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

Reviewed by: Craig Spencer, Chief of Planning

Approved by: Erik Lundquist, AICP, HCD Director 

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

- Attachment A - Project Data Sheet
- Attachment B - Board Resolutions, including:
 - o Conditions of Approval
 - o Site Plan, Floor Plans, Elevations
- Attachment C - Vicinity Map
- Attachment D - Zoning Administrator Resolution No. 22-013
- Attachment E - Notice of Appeal
- Attachment F - MBARD Response
- Attachment G - Correspondence from Huff, Lorca & Pebble Beach
- Attachment H - Pebble Beach Architectural Review Letter
- Attachment I - LUAC Minutes
- Attachment J - Arborist Report

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