



# Monterey County Zoning Administrator

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

## Agenda Item No. 3

Legistar File Number: ZA 22-048

September 29, 2022

Introduced: 9/21/2022

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

### PLN210275 - ROSCH FRANCIS C & MANTICA ALFREDO TRS

Public hearing to consider a construction of a new two-story 6,212 square foot single family dwelling, 771 square foot detached two-car garage, 798 square foot accessory dwelling unit, 1,234 square foot pool, 666 square foot pool house, 2,671 square feet of decks and patios, and new on-site septic system; development on slopes in excess of 30 percent and removal of three Coast live oak trees. Grading consists of approximately 2,850 cubic yards of cut and 350 cubic yards of fill.

**Project Location:** 16 Potrero Trail, Carmel, Santa Lucia Preserve Phase C

**Proposed CEQA action:** Consider an Addendum together with a previously certified EIR for the Santa Lucia Preserve Subdivision (EIR No. 94-005/Resolution No. 96-059) pursuant to CEQA Guidelines Section 15164

### RECOMMENDATIONS

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

- a. Consider an Addendum together with a previously certified EIR for the Santa Lucia Preserve Subdivision (EIR No. 94-005/Resolution No. 96-059) pursuant to CEQA Guidelines Section 15164; and
- b. Approve a Combined Development Permit consisting of:
  1. Administrative Permit and Design Approval to allow the construction of a new two-story 6,212 square foot single family dwelling, a 771 square foot detached two-car garage, a 798 square foot detached accessory dwelling unit, a 666 square foot pool house, and 2,671 square feet of decks and patios. The project includes grading of approximately 2,850 cubic yards of cut and 350 cubic yards of fill, new on-site wastewater treatment system, and a 1,234 square foot pool;
  2. Use Permit to allow development on slopes in excess of 30 percent; and
  3. Approve Tree Removal Permit to allow removal of 3 Coast live oak trees.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 11 conditions of approval.

### PROJECT INFORMATION

**Agent:** Aine Le

**Property Owners:** Francis Rosch and Alfredo Mantica

**APN:** 239-111-003-000

**Parcel Size:** 33.67-acres with a buildable homeland area of 3.87-acres (168,577.2 square feet)

**Zoning:** Resource Conservation with a maximum gross density of one unit/40 acres with Design

Control and Site Plan Review Zoning District overlays or “RC/40-D-S”

**Plan Area:** Greater Monterey Peninsula Area Plan

**Flagged and Staked:** Yes

### SUMMARY

The subject property is 33.67-acres with a buildable homeland area of 3.87-acres located at 16 Potrero Trail, Carmel, within the Santa Lucia Preserve. The project proposes construction of a new two-story 6,212 square foot single family dwelling, 771 square foot detached two-car garage, 798 square foot accessory dwelling unit, 1,234 square foot pool, 666 square foot pool house, 2,671 square feet of decks and patios, and new on-site septic system; Use Permit to allow development on slopes in excess of 30 percent and Administrative Permit for removal of three Coast live oak trees. Grading consists of approximately 2,850 cubic yards of cut and 350 cubic yards of fill. The project proposes site improvements including a new driveway, 1,500-gallon septic system, as well as a pool, outdoor patios and a meandering walking trail through the property. (**Exhibit B**).

The parcel is zoned Resource Conservation with a maximum gross density of one unit/40 acres with Design Control and Site Plan Review zoning overlays (RC/40-D-S) which allows one single family dwelling and accessory dwelling unit per legal lot of record. The Design Control zoning overlay requires the granting of a Design Approval for the proposed development and the Zoning Administrator is the appropriate authority in this case. Therefore, the project is an allowed land use for this site.

Based on staff analysis, the proposed project is consistent with all rules and regulations pertaining to zoning uses and any other applicable provisions of the 2010 Monterey County General Plan, Greater Monterey Peninsula Area Plan, and Zoning Ordinance (Title 21).

### DISCUSSION

#### *Development Standards*

The project meets the development standards for the RC zoning district identified in Title 21 Section 21.36.060. Required setbacks for main dwellings are 30 foot (front), 20 foot (sides), and 20 foot (rear) and the minimum distance between accessory and main structures is 10 feet. The maximum allowed height is 30 feet. As proposed, the two-story single family dwelling with detached two-car garage meets and exceeds all setbacks. The height of the dwelling (21 feet 9 1/2 inches) is below the maximum allowed.

Required setbacks for non-habitable accessory structures are 50 foot (front), 6 feet on front one-half of property, one foot on rear one-half of property (sides), and one foot (rear) and the distance between accessory structures is 6 feet. The maximum allowed height is 35 feet. As proposed, the detached pool house and garage meet and exceed all required setbacks. Height of the pool house is 12 feet 8 inches, and the garage is 11 feet which both are below the maximum allowed. See ADU discussion below on relative site development standards.

Pursuant to Title 21 Section 21.36.060.E, the maximum allowed site coverage is 25 percent. The property is 33.67-acres with a buildable homeland area of 3.87-acres or approximately 168,577.2 square feet, which allows site coverage of 42,144.25 square feet. The proposed project results in site

coverage of 12,664 square feet which equals 7.51 percent of 8,447 square feet or 5.01 percent. Thus, the project coverage is within the maximum thresholds allowed.

#### *Design Review*

The exterior colors and materials are consistent with the area's setting and surrounding residences. The single family dwelling is designed to reflect a contemporary style architecture that matches the surrounding neighborhood. Proposed color and materials of the main structure include vertical blackened cedar plank siding with accents of grey horizontal textured stone cladding, as well as dark grey and black aluminum clad windows and doors. Screen walls and solid entry door will consist of red cedar slats with a light stain finish. Roofing material consists of dark grey metal fascia and sill flashing with a gravel ballast roof. A blacked steel wall paneling is proposed at the exterior fireplace. Site retaining walls will be rough natural board-formed concrete walls. Decking will consist of light brown wood planks and grey large stone tiles. All detached accessory structures will be designed to match the main structure. Exterior lighting consists of metal downlit directional and bollard path light fixtures which complies with the Monterey County lighting ordinance. The project also includes a formal landscape plan and fuel management plan (**Exhibit B**). The proposed exterior finishes described above are designed to be fire resistant to ensure building safety, blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and other dwellings in the neighborhood.

The subject parcel is located in the Santa Lucia Preserve and not within an area of visual sensitivity. As proposed, the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

#### *Accessory Dwelling Unit*

Title 21 Section 21.64.030.C.1.b allows detached ADUs to be no more than 1,200 square feet. Height limit for ADUs is 16 feet with 4-foot side and rear setbacks. The project proposes a 798 square foot ADU with a height of 9 feet 6 inches at average natural grade. The dwelling unit is within the buildable homeland area which meets and exceeds all setbacks. Therefore, the project meets height and setback requirements.

#### *Health and Safety*

Necessary public facilities will be provided. The applicant submitted a letter from the Santa Lucia Community Services District (CSD) dated March 22, 2022, indicating sufficient water flow and pressure to serve the subject parcel. The CSD General Manager also reviewed and approved the proposed landscape and outdoor water use design. The parcel will be served by an on-site wastewater treatment system which was reviewed and approved by the Environmental Health Bureau on July 1, 2022 (**Exhibit B**).

The subject parcel is located within a State Responsibility Area classified as having a very high fire hazard. The construction of the new single family dwelling is designed to be a fire-resistant structure that meets current fire and building code standard. The project also includes a Fuel Management Plan to ensure fire safety regulations are met for the proposed construction. Additionally, the parcel has a designated building envelope referred to as the homeland boundary that was established when the subdivision was created for the purpose of minimizing oak tree removal and potential impacts from

debris flow (Planning Commission Resolution No. 96-060). The purpose of this boundary is to ensure future development would not encroach within the conservation easement over sloped areas surrounding the parcel. The project has been reviewed by the HCD-Planning Division 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.

#### *Development on Slopes*

The project proposes to excavate soil for required driveway improvements to meet fire access standards, a portion of the detached garage and kitchen patio and small segments of a walking trail on slopes in excess of 30 percent. The property is within Rancho San Carlos, and Policy GMP-1.6 establishes Rancho San Carlos as a Special Treatment Area to follow policies of the Santa Lucia Preserve Comprehensive Plan which identifies slopes at 30 percent. In accordance with applicable policies of the 2010 General Plan and Title 21, a Use Permit is required for development on slopes exceeding 500 square feet. Due to the sloped nature of the subject parcel, the project involves approximately 3,930 square feet of development on slopes with the majority of impacts for driveway improvements as required by the Monterey County Regional Fire Protection District and Santa Lucia Preserve to meet fire code standards. The County has reviewed the project plans and visited the site to analyze possible development alternatives. Based on site topography, there is no alternative to avoid slope development for the driveway. Relocating the structures to avoid slopes would potentially result in additional tree removal. As such, the proposed project adheres to required development standards and better meets the goals and objectives of the 2010 General Plan.

#### *Tree Removal*

The project proposes to remove three Coast live oak trees (tree #57 at 9 inches DBH, #58 at 19 inches, and #56 at 34 inches). Two of the oak trees (#56 and #58) are located within the footprint of the proposed single family dwelling and will be impacted by construction. The other tree (#57) is proposed for removal since the canopy is thinning and the tree may be impacted by construction. The project requires an addendum to the Santa Lucia Preserve EIR (**Exhibit C**). Though the tree removal amount proposed exceeds what was approved for the lot, it is consistent with what was analyzed in the Santa Lucia Preserve EIR (Resolution No. 94-005). Tree replacement will be at a ratio of 3:1 for non-landmark and 5:1 for landmark trees. The removal of 3 trees (8", 18", and 34" DBH) will be replaced by 11 trees. Tree protection and maintenance measures found in the Santa Lucia Forest Management Plan have been applied as conditions to the project (**Exhibit B**). The project is consistent with all tree removal conditions pursuant to Use Permit PC94067 (Resolution No. 96-060) for the Santa Lucia Preserve Subdivision.

#### *Environmental Review*

An Addendum to a previously certified environmental Impact Report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164 to reflect changes or additions in a project that do not cause substantial changes or new information that would require major revisions to the certified EIR. An Environmental Impact Report for the Santa Lucia Preserve Subdivision of the Santa Lucia Preserve was prepared and certified by the Board of Supervisors February 6, 1996 (EIR #94-005/Resolution #96-059).

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. The proposed structures are within a designated building envelope, and the proposed tree removal is within the overall tree removal analyzed for the subdivision (**Exhibit C**). As such, staff recommends the Zoning Administrator consider the Addendum together with a previously certified EIR .

OTHER AGENCY INVOLVEMENT

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

- HCD-Engineering Services
- HCD-Environmental Services
- Environmental Health Bureau
- Monterey County Reginal Fire Protection District

LAND USE ADVISORY COMMITTEE (LUAC)

Based on the Land Use Advisory Committee (LUAC) procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application does not meet any of the criteria in the guidelines requiring LUAC review because the project was reviewed by the Santa Lucia Preserve.

- Prepared by: Kayla Nelson, Associate Planner, x6408
- Reviewed by: Anna Quenga, AICP, Principal Planner
- Approved by: Craig Spencer, HCD Chief of Planning

The following attachments are on file with HCD:

- Exhibit A - Project Data Sheet
- Exhibit B - Draft Resolution, including:
  - Recommended Conditions of Approval
  - Site Plans, Floor Plans, Elevations, Colors and Materials
- Exhibit C - Addendum to Rancho San Carlos EIR
- Exhibit D - SLP FEIR
- Exhibit E - Arborist Report
- Exhibit F - Vicinity Map

cc: Front Counter Copy; Monterey County Reginal Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Kayla Nelson, Planner; Anna Quenga, AICP, Principal Planner; Francis Rosch and Alfredo Mantica, Property Owners; Aine Le, Agent; The Open Monterey Project; LandWatch (Executive Director); Planning File PLN210275