



Monterey County Zoning Administrator

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

Agenda Item No. 2

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September 29, 2022

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Matter Type: Zoning Administrator

PLN210178 - DODSWORTH JOHN A & SHERYL S TRS ET AL

Public hearing to consider allowing the demolition of an existing single-family dwelling and attached carport (Approx. 2,146 sq. ft.) and construction of a new single-family dwelling and attached garage (Approx. 2,851 sq. ft.) and porch and deck (Approx. 525 sq. ft.) in the floodway fringe of the Carmel Valley floodplain.

Project Location: 33 De Los Helechos, Carmel Valley, Carmel Valley Master Plan, (APN: 189-311-003-000)

Proposed CEQA action: Finding the project qualifies for a Class 2 Categorical Exemption pursuant to CEQA Guidelines Article 19 Section 15302

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a Resolution:

1. Finding that the project qualifies for a Class 2 Categorical Exemption pursuant to Section 15302 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2 and;
2. Approving a Combined Development Permit consisting of:
 - a. An Administrative Permit and Design Approval to allow the demolition of the existing 1,476 square foot single-family dwelling, 216 square foot attached carport, 454 square foot attached storage and replace with a new 2,323 square foot single-family dwelling, an additional 528 square foot attached garage, 141 square feet of covered porch & 384 square feet of deck. The colors and materials match the existing residence, they include pale green vertical siding for the exterior walls, light beige wood trim and dark brown asphalt composite shingles and;
 - b. A Use Permit to allow development within the floodway fringe of the Carmel Valley Floodplain.

PROJECT INFORMATION:

Agent: Luke Ingram

Property Owner: Dodsworth John A & Sheryl S Trs Et Al

APN: 189-311-003-000

Parcel Size: 16,502 Square Feet (0.378 Acres)

Zoning: Low Density Residential, 1 unit per 2.5 acres, it has overlay zones including a Design Control, a Site Plan Review and a Residential Allocation Zoning District overlay (LDR/2.5-D-S-RAZ)

Plan Area: Carmel Valley Master Plan

Flagged and Staked: Yes

SUMMARY:

The project is located at 33 De Los Helechos, Carmel Valley, in the Robles Del Rio Carmelo subdivision No. 2, and is subject to the policies of the Carmel Valley Master Plan. The proposed project includes demolition of a single-family dwelling with an attached carport and attached storage room, and the construction of a single-family dwelling with an attached garage, a covered porch, and a deck. The project is consistent with applicable development standards and necessary public facilities are available to serve the development. The project site is within the Carmel Valley floodplain fringe for which a Use Permit has been applied. The elevation plans show the first habitable floor of the home is one foot above the 100-year floodplain. The proposed development is near the Carmel River riparian corridor but will have no impact on any environmentally sensitive habitat areas. The project has been conditioned to fence off the backyard area to ensure there is no impact to the riparian corridor, and to instruct the construction workers to check for California Red-Legged Frogs before beginning work each morning, as a prudent best practice.

DISCUSSION:

Land Use & Development Standards

LDR/2.5-D-S-RAZ zoning allows a single-family dwelling (21.14.030.A.), a garage (21.14.030.F) and development within the Carmel Valley floodway fringe pursuant to a Use Permit (21.64.130.D.2), therefore, the proposed uses are allowable. The development standards for the LDR zoning district are identified in Title 21 Section 21.14.060, and the proposed project is consistent with the applicable development standards. The height maximum for a main structure is 30 feet, the proposed main dwelling will have a height of 20 feet 6 inches. The proposed single-family dwelling meets the minimum required setbacks of 30 feet (front), 10% of the total parcel width, or 7 feet 5 inches (side), and 20 feet (rear). The proposed structure will have a front setback of 30 feet, side setbacks are both 7 feet 6 inches, and the rear setback is over 200 feet. The roof eave of the main structure runs along the entire roof, extending into the setbacks by 2 feet and 6 inches; however, this is allowable by Title 21 section 21.62.040.C, which allows eaves and similar architectural features to extend into setbacks to a maximum of 2 feet 6 inches. The existing detached shed will remain on the property, but it will be moved 4 feet north to meet the 10-foot setback regulation between main structures and accessory structures. The property is 0.378 acres (16,502 square feet). The maximum allowed site coverage for a lot zoned LDR/2.5 which is less than 20,000 square feet is 35% (5,775 square feet). The proposed site coverage is 21.60% (3,568 square feet), this includes the existing shed (192 square feet) and the proposed single-family dwelling (3,376 square feet).

Health and Safety

The property receives water via public utilities, and has an onsite wastewater system:

- The property currently has a Cal Am water connection and sufficient credits to support the proposed project.
- The property has an onsite septic system which was evaluated by 831 Septic Services on February 15th, 2022. The evaluation was reviewed by the Environmental Health Bureau and the system deemed acceptable to support the proposed development.

Visual Resources and Design Review

The site is subject to the policies of the Design Control "D" zoning district, which establishes design review requirements to assure protection of the public viewshed and neighborhood character. The

project is consistent with these policies and the surrounding neighborhood character:

- The proposed structure is consistent with the development standards of the zoning district and is in character with the height and massing of other houses in the neighborhood.
- The colors and materials match the existing residence, they include pale green vertical siding for the exterior walls, light beige wood trim and dark brown asphalt composite shingle. These have a natural appearance and harmoniously blend into the site's surroundings. Additionally, the property has existing drought tolerant landscaping that will remain in the front yard to help shield the development from the public road. No additional landscaping is proposed.
- Condition No. 5 requiring an exterior lighting plan has been applied, which shall ensure compliance with Monterey County's Design Guidelines for Exterior Lighting.

Development with the Carmel Valley Floodway Fringe

The project includes development within the Carmel Valley Floodway Fringe, Section 21.64.130.D.2 of the Monterey County Code states this is allowed pursuant to a Use Permit. In addition to acquiring a Use Permit, the proposed development must also adhere to the regulations including; the first habitable floor of any structure shall be located at least one foot above the 100-year flood level, and the onsite septic system shall be located and constructed in a way to minimize or eliminate infiltration of flood waters into the system or vice versa. The proposed project complies with the policies listed above.

Development within 100 feet of ESHA

Being in such a close proximity to the river, the development takes place within 100 feet of the Carmel River riparian corridor which is considered an Environmentally Sensitive Habitat Area. A biological report was prepared for this project and the biologist was able to determine that the proposed development would not have an impact to the nearby ESHA. The riparian corridor does not extend into the project site and will be fenced off from all development. The California Natural Diversity Database identifies the Carmel River as a potential habitat for California Red Legged Frogs (CRLF). A qualified biologist was able to confirm that there is no suitable habitat for CRLF on the property and determined the proposed development would not impact the species. A condition has been applied to ensure all of the biologist's recommendations will be followed to prevent any impacts to the nearby ESHA.

CEQA:

The project is categorically exempt from environmental review pursuant to Section 15302 of the CEQA Guidelines, "Replacement or Reconstruction". This exemption applies to the replacement or reconstruction of an existing structure where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. This project qualifies for a Class 2 exemption because it is a demo/rebuild of a single-family dwelling in which the proposed development will be constructed over the existing main dwelling's footprint.

None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project:

- The location of a project site is not considered for Class 2 exemptions.
- Successive projects of the same type and in the same place (demolition of a single-family dwelling and construction of a new single-family dwelling in substantially the same footprint) would not contribute to a significant cumulative impact.

- There are no unusual circumstances regarding this project that would cause a significant effect to the environment (See Findings 1, 2, 5 and 6).
- The project site is not visible from any scenic highways, and the proposed development would not result in damages to scenic resources.
- The project site is not located on or near any hazardous waste sites listed in Section 65962.5 of the Government Code.

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OTHER AGENCY INVOLVEMENT:

The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and Cypress FPD. The respective agencies have recommended conditions, 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.

LUAC:

The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project at a duly noticed public meeting on August 15th, 2022 and voted to recommend approval of the project as proposed.

Prepared by: Zoe Zepp, Assistant Planner

Reviewed by: Anna Quenga, AICP, Principal Planner

Approved by: Craig Spencer, Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, Elevations & Colors and Materials

Exhibit C - Biological Report

Exhibit D - Vicinity Map

cc: Front Counter Copy; Zoning Administrator; California Coastal Commission; Cypress Community Services District; HCD-Engineering Services; HCD-Environmental Services; Zoe Zepp, Planner, Anna Quenga, AICP, Principal Planner; Dodsworth John A & Sheryl S Trs Et Al Property Owner; Luke Ingram, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN210178