



# County of Monterey Zoning Administrator

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

**Agenda Item No. 1**  
**Legistar File Number: ZA 23-002**

February 09, 2023

**Introduced:** 1/30/2023

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Zoning Administrator

## **PLN180523-AMD1 - ISABELLA 2 LLC**

Public hearing to consider an amendment to reduce the size of an approved project resulting in the construction of an 1,837 square foot two-story single-family dwelling, and associated site improvements including 484 square feet of decks, removal of 4 Coastal live oaks, and 114 cubic yards of grading; development within 750 feet of known archaeological resources; modification of parking standards; and increase to the allowed floor area from 45 percent to 51 percent.

**Project Location:** 26308 Isabella Avenue, Carmel, Carmel Area Land Use Plan, Coastal Zone

**Proposed CEQA Action:** Consider a previously adopted Mitigated Negative Declaration.

### RECOMMENDATION:

It is recommended that the Zoning Administrator:

- a. Considering a previously adopted Mitigated Negative Declaration (SCH No. 2020029094), and finding that the preparation of a subsequent environmental document is not required, pursuant to Section 15162 of the CEQA Guidelines; and
- b. Approve a Minor and Trivial Amendment to a previously approved Combined Development Permit (PLN180523, Board of Supervisors Resolution 21-273) consisting of:
  1. Coastal Administrative Permit and Design Approval to allow construction of a 1,837 square foot single-family dwelling and associated site improvements;
  2. Coastal Development Permit to allow development within 750 feet of known archaeological resources;
  3. Coastal Administrative Permit to allow the modification of parking standards;
  4. Variance to allow an increase to the allowed floor area from 45 percent to 51 percent; and
  5. Coastal Development Permit to allow the removal of four (4) Coast live oak trees.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**). Staff recommends approval subject to twenty-two (22) conditions, including three (3) mitigation measures.

### PROJECT INFORMATION:

**Property Owner:** Isabella 2 LLC

**Agent:** Rob Carver, Studio Carver Architects

**APN:** 009-451-015-000

**Zoning:** Medium Density Residential, 2 units per acre, Design Control Overlay, 18-foot height limit (Coastal Zone) [MDR/2-D (18)(CZ)]

**Flagged and Staked:** No

SUMMARY:

The subject property is a vacant lot located on Isabella Avenue, near the intersection of Isabella Avenue and 16th Avenue in the unincorporated area of Carmel Point. The surrounding residential neighborhood has been developed with dwellings and accessory structures.

On November 13, 2018, the applicant submitted a project (PLN180523) that involved construction of a 2,968 square foot three-story single-family dwelling, inclusive of a 1,250 square foot basement level and garage; removal of 4 Coast live oak trees, and development within an area of known archaeological resources. Subsequent to a California Coastal Commission decision regarding excavation within the Carmel Point area, the applicant submitted a revised project in October 2020 to eliminate the basement level and garage (thereby reducing the total amount of excavation by over 600 cubic yards), reduce the overall size of the residence and garage by 653 square feet (from 2,968 to 2,315 square feet), to modify the parking standards to allow a required parking space within the front setback, reduce the front setback from 20 feet to 14 feet to accommodate the grade-level garage, and increase the allowed site coverage from 35 percent to 37.5 percent and floor area from 45 percent to 64.4 percent to accommodate the garage and an upper level bedroom relocated from the previously-proposed basement level.

The Planning Commission considered the revised design, dated October 2020, on April 28, 2021. On April 28, 2021, the Planning Commission, after hearing public testimony, continued the item to May 26, 2021, with direction to reduce the overall site coverage and square footage of the proposed development. On May 26, 2021, the Planning Commission considered a revised scope of work which included removing the 1-car garage thus reducing lot coverage by 133 square feet and floor area by 215 square feet (2,100 square foot single family dwelling). Removing the garage required additional modification to the parking standard to allow both required parking spaces within the front setback and no covered parking space. The revised scope of work also eliminated the Variances for the front setback and site coverage reductions. The revised project additionally reduced the Variance amount for floor area from 64.4 percent to 58.4 percent. The number of trees being removed did not change in the revised project scope (4). On May 26, 2021, at a duly-noticed public hearing at which all persons had the opportunity to be heard, the Planning Commission voted 8 - 0 to adopt a Mitigated Negative Declaration and approve the revised project scope (Planning Commission Resolution No. 21-015; **Exhibit D**). The Planning Commission approved scope of work is referred to as the “previously proposed project” throughout this staff report.

The Planning Commission’s decision (Planning Commission Resolution No. 21-015; **Exhibit D**) was subsequently appealed to the Monterey County Board of Supervisors by The Open Monterey Project. The Appellant’s contentions related to the interior and exterior design of the proposed residence, neighborhood character, the amount of grading, tribal representative receipt of draft mitigation measure language, privacy of neighbors, the County’s history regarding Variances, the adequacy of the Initial Study and Mitigated Negative Declaration, and comparable development lots at Carmel Point. Staff reviewed the contentions and determined that the project was adequately designed and mitigated to minimize potential impacts to resources at the site. On August 24, 2021, the Board of Supervisors considered the appeal and the Planning Commission’s decision to adopt a Mitigated Negative Declaration and approve a Combined Development Permit to allow construction of 2,100 square foot single family dwelling and associated site improvements. The Board of Supervisors voted

6-0 to deny the appeal of The Open Monterey Project, adopt a Mitigated Negative Declaration, and approve the Combined Development Permit (Board of Supervisors Resolution No. 21-273; **Exhibit E**).

The County sent a Final Local Action Notice (FLAN) to the California Coastal Commission (CCC) on September 13, 2021 [FLAN No. 3-MCO-21-0855 (PLN180523/Isabella 2)]. The Board of Supervisor's decision was appealed to the California Coastal Commission on September 28, 2021 (Commission Appeal No. A-3-MCO-21-0064; **Exhibit F**) by The Open Monterey Project contending that the development does not conform to the Local Coastal Program, "does not meet the requirements for an FAR [Floor Area Ratio] Variance," the FAR Variance "would give this site preferential treatment," "excessive excavation," and interior staircase to roof is for a foreseeable use of a roof deck. Prior to the appeal being scheduled before the Coastal Commission, the applicant notified the County and the Coastal Commission staff of their desire to modify certain portions of the project contested during the appeal. As a result, in coordination with Coastal Commission staff, County staff requested a withdrawal the Final Local Action Notice on October 21, 2022. Withdrawing the FLAN does not rescind the Board's adoption of the Negative Declaration or the Board's approval of the original Combined Development Permit (PLN180523). The Coastal Commission accepted the County's request and notified the appellants of the withdrawn status.

On October 19, 2022, the applicant submitted a minor and trivial amendment to the previously proposed project (PLN180523) in efforts to satisfy appeal contentions. The proposed project (PLN180523-AMD1) involves the construction of a 1,837 square foot two-story single-family dwelling and associated site improvements including 484 square feet of decks, removal of 4 Coast live oaks, and 114 cubic yards of grading. The project also involves development within an area of known archaeological resources, modification of parking standards to allow both required parking spaces to within the front setback (uncovered) and increase the allowed floor area from 45 percent to 51 percent.

In comparison to the previously proposed project (PLN180523), the proposed amendment reduces the residence's floor area by 263 square feet, thereby reducing the required floor area ratio Variance from 58.4 percent to 51 percent (45 percent is allowed) and minimizing grading (114 cubic yards compared to 304 cubic yards). Additionally, the proposed amendment increases the square footage of decking from 318 to 484 and eliminates the previously proposed 6-foot chimney. All other project components are the same: development with 750 feet of a known archaeological resource, removal of 4 Coast live oaks, modification to required parking standard to allow both required parking spaces within the front setback and no covered parking. All necessary public facilities are available to the project site; sewer service will be provided by the Carmel Area Wastewater District while potable water service will be provided by a California American Water Company.

**DISCUSSION:**

*Public Viewshed and Design.*

The project, as proposed, is consistent with the Carmel Area LUP policies regarding Visual Resources (Chapter 2.2) and will have no impact on the public viewshed. The project site is located in a residential neighborhood, and the adjacent parcels have been developed with single-family dwellings. The Applicant proposes exterior colors and materials that are consistent with the residential setting.

The primary colors and materials include grey metacrylics (solid membrane) roofing, Carmel stone veneer and cedar siding, and bronze aluminum windows and doors. The proposed exterior colors and finishes would blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other dwellings in the neighborhood. The proposed residence is also consistent with the size and scale of surrounding residences, and the proposed bulk and mass would not contrast with the neighborhood character. Therefore, as proposed, the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

#### *Cultural Resources*

County records identify that the project site is within an area of high sensitivity for cultural resources, and the project includes a Coastal Development Permit to allow development within 750 feet of known archaeological resources. Archaeological survey and testing reports (LIB180439, LIB190047, and LIB190293) prepared for the project determined that the potential for impacts to archaeological resources on this particular site is low; however, given the parcel's location in the archaeologically sensitive Carmel Point area, the reports recommended the presence of a monitor during all excavation activities. No significant archaeological resources were found during auger and ground penetrating radar testing; yet given the site's location in Carmel Point and within the assumed boundary of CA-MNT-16, the potential for resources to be uncovered during construction could not be ruled out. The County prepared an Initial Study and mitigation measures were included to minimize potential impacts to resources if discovered during construction, including a requirement for the presence of both an archaeological monitor and a tribal monitor during excavation activities.

#### *Variiances*

Pursuant to Monterey County Code (MCC) Section 20.78.040, the granting of a Variance requires three findings:

- 1) it is an authorized use for the zoning regulations governing the parcel;
- 2) due to special circumstances applicable to the subject property, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under identical zoning classification; and
- 3) the Variance shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

The subject property has a zoning classification of Medium Density Residential, 2 units per acre; with a Design Control Overlay and 18-foot height limit (Coastal Zone) [MDR/2-D (18)(CZ)], which allows main dwellings and accessory structures with the granting of a Coastal Administrative Permit pursuant to MCC Sections 20.12.040.A and H. Therefore, the project involves an authorized or allowed land use for this site.

Pursuant to MCC and as proposed, the project would conform to applicable development standards regarding front, side and rear setbacks, height, and site coverage. However, the proposed development would result in a floor area ratio that does not conform to the allowed development standards. The proposed single-family residence is designed with a floor area of 1,837 square feet (51 percent); this is 219 square feet or 6 percent over the allowed maximum (1,618 square feet, 45

percent).

Through processing of the previous proposed project, PLN180523, the applicant revised the project to eliminate the basement level and garage, thereby reducing the total amount of excavation by over 600 cubic yards. The applicant also reduced the overall size of the residence and garage by 653 square feet. The applicant has now submitted the proposed minor and trivial amendment to PLN180523 in effort to better conform to required Monterey County Code and satisfy concerns raised to the California Coastal Commission. The proposed project now consists of a 1,837 square foot single family dwelling and 114 cubic yards of grading. Compared to the previously proposed project (PLN180523), this amendment (PLN180523-ADM1) represents a project scope reduction of approximately 260 square feet and 190 cubic yards of grading. However, even with these additional revisions and reductions, the project would still require approval for an increased floor area.

Special circumstances exist on the subject property and may warrant approval of the requested floor area ratio Variance. At 3,595 square feet, the project parcel is the smallest property on Isabella Avenue. The other lots along the same side of Isabella Avenue range in size from 3,716 square feet to 32,000 square feet, with an average lot size of 11,207 square feet. Allowed floor area ranges from 1,672 to 14,400 square feet, with an average of 5,043 square feet. Existing development on these lots ranges from 865 to 6,520 square feet, with an average floor area of 2,798 square feet. The lots on the opposite side of Isabella Avenue are similar in range of size and existing development.

Staff also researched County records to assess if any similar Variances were granted in the vicinity and under identical zoning classification. The results of this records search demonstrate that other property owners in the vicinity and under identical zoning classification have been afforded the same privilege sought by the property owner of this revised application.

The following projects (not an exhaustive listing for either Carmel Point or the County), all located in the immediate and general vicinity of Carmel Point, and all under identical zoning classification, include approved Variances to increase the allowed floor area:

ZA093062/Depree (coverage/floor area)  
PC07841/Berner (floor area)  
PLN970555/Eckles (floor area)  
PLN020284/Johnson (floor area/coverage)  
PLN040559/Cooper (coverage and floor area)  
PLN120101/DeYoung (floor area)

*Modification of Parking Standards*

Per MCC Section 20.58.050.F, main residential dwellings in MDR zoning districts are required to provide 2 off-street parking spaces, with at least one space covered (e.g., either a carport or garage). However, provided a Coastal Development Permit was granted, MCC Section 20.58.050.C allows the modification of parking standards where appropriate due to the unusual characteristics of a use or its immediate vicinity, etc. As proposed, the project would provide two uncovered parking spaces within the front setback, and would not provide a covered parking space within a garage or carport. The presence of documented cultural resources within the area of the

project site presents an obstacle to excavating a subterranean garage. Therefore, modification of the parking standards better achieves the goals and objectives of the Carmel Area Land Use Plan in that it results in the avoidance and preservation of cultural resources.

*Tree removal*

Forest resource policies of the Carmel Area LUP and development standards contained in Section 20.146.060 of the Coastal Implementation Plan provide for protection of native forest areas and require development to be sited to minimize the amount of tree removal to the greatest extent feasible.

Eleven Coast live oak trees are present on the project site, four of which are proposed to be removed. The previously proposed project (PLN180523) included relocating these four trees to a nearby property and monitoring their survival. The applicant has informed Staff that due to budgeting constraints, relocating these trees is no longer feasible. None of the trees proposed for removal are considered landmark trees, as they range from 10 to 16 inches in diameter at breast height. The four Coast live oaks proposed for removal are located within the footprint of the proposed residence. Efforts to minimize development footprint have been made. Due to the limited size of the property and location of existing trees, the proposed tree removal is the minimum number necessary and there is no feasible alternative which would result in the removal of less than four native trees. Therefore, as proposed, the project minimizes tree removal in accordance with the applicable goals, policies, and regulations of the Carmel Area LUP and the associated Coastal Implementation Plan. Condition No. 20 requires the Applicant/Owner to replant on-site at a 1:1 ratio.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW:

On August 24, 2021, the Monterey County Board of Supervisors adopted a Mitigated Negative Declaration for the construction of the Isabella 2 LLC residence (SCH No. 2020029094; **Exhibit H**), pursuant to Resolution No. 21-273. The adopted Mitigated Negative Declaration contemplated the construction of a 2,315 square foot two-story single family residence within 750 feet of a known archaeological resource, approximately 300 cubic yards of grading, and the relocation of four Coast live oaks. The Mitigated Negative Declaration identified potentially significant impacts to biological resources, cultural resources, geology and soils, land use and planning, and tribal cultural resources. Four mitigation measures were adopted to reduce the identified impacts to a level of less than significant. The proposed project involves the construction of a 1,837 square foot two-story single-family dwelling and site improvements including removal of four Coast live oak trees and approximately 114 cubic yards of grading. In the aggregate, the proposed project description remains stable with the scope analyzed in the adopted Mitigated Negative Declaration - the development of a single-family dwelling.

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, when an EIR has been certified or a negative declaration has been adopted, no subsequent EIR or negative declaration shall be prepared for the project unless the agency determines that substantial changes are proposed, or substantial changes occur with respect to the circumstances under which the project is undertaken. 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. Mitigation Measure No. 1 (Tree Relocation) does not apply the proposed project as relocation of four Coast live oaks is no longer incorporated into the

project scope. Therefore, only Mitigation Measures 2, 3 and 4 have been carried forward to this Amendment. Consideration of the proposed amendment does not delete or alter Mitigation Measure No. 1 from the adopted Mitigated Negative Declaration.

OTHER AGENCY INVOLVEMENT:

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

Environmental Health Bureau  
HCD-Engineering Services  
HCD-Environmental Services  
Cypress Fire Protection District

LAND USE ADVISORY COMMITTEE:

Staff referred the previously proposed project (PLN180523) to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the previously proposed project on April 5, 2021, and voted 4 - 0 (4 yes, 0 no, and 2 absent) to support the project with a recommendation to revise the plans to reduce the number of proposed Variances. The LUAC and interested members of the public raised concerns related to privacy, tree relocation, drainage, and neighborhood character. The proposed amendment satisfies the LUAC's recommendation to reduce the number of Variances. See **Exhibit G**.

Prepared by: Fionna Jensen, Associate Planner, x6407  
Reviewed by: Anna Quenga, AICP, Principal Planner  
Approved by: Craig Spencer, Chief of Planning

The following attachments are on file with HCD:

- Exhibit A - Project Data sheet
- Exhibit B - Draft Resolution, including:
  - Conditions of Approval
  - Project Plans, elevations, and colors and materials
- Exhibit C - Vicinity Map
- Exhibit D - Planning Commission Resolution No. 21-015 (PLN180523 - Isabella 2 LLC)
- Exhibit E - Board Order Resolution No. 21-273 (PLN180523/Isabella 2 LLC)
- Exhibit F - California Coastal Commission Appeal No. A-3-MCO-21-0064 (PLN180523/Isabella 2 LLC)
- Exhibit G - Carmel Highlands LUAC minutes for April 5, 2021 and December
- Exhibit H - Adopted Mitigated Negative Declaration (SCH No. 2020029094)

cc: Front Counter Copy; California Coastal Commission; Anna Quenga, AICP, Principal Planner; Craig Spencer, Chief of Planning; Fionna Jensen, Associate Planner; HCD Engineering Services; Environmental Health Bureau; Environmental Services; Cypress Fire Protection District; Isabella 2 LLC, Applicant/Owner; Anthony Lombardo and Associates, Agent; Studio Carver Architects, Agent;

The Open Monterey Project; LandWatch (Director); Project File No. PLN180523-AMD1