



Monterey County Zoning Administrator

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

Agenda Item No. 4

September 29, 2022

Legistar File Number: ZA 22-050

Introduced: 9/22/2022

Current Status: Agenda Ready

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Matter Type: Zoning Administrator

PLN210233 - HASTINGS JUSTIN

Public hearing to the after-the-fact approval to allow a 594 square foot detached two-story accessory dwelling exceeding 16 feet in height and a 207 square foot shed with a 250 square foot covered patio to clear Code Enforcement violation (18CE00527), and the construction of a 258 square foot one-story addition to the ADU and a breezeway connecting the shed and covered patio to the existing single family dwelling.

Project Location: 227 Salsipuedes Rd, Carmel Valley

Proposed CEQA action: Find the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301(a) and (e)

RECOMMENDATIONS

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

- a. Find that the alteration and addition to existing structures qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301(a) and (e), and there are no exceptions pursuant to Section 15300.2;
- b. Approve after the fact permits to clear Code Enforcement violation (18CE00527) consisting of a:
 1. Use Permit and Design Approval for a 594 square foot detached two-story accessory dwelling unit (ADU) exceeding 16 feet in height; and
 2. Design Approval for 207 square foot shed with a 250 square foot covered patio; and
- c. Approve a Design Approval to allow a 258 square foot one-story addition to the ADU (total of 852 square feet) and a breezeway attaching the shed and covered patio to the existing single family dwelling.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 7 conditions of approval.

PROJECT INFORMATION

Agent: Angie Phares

Property Owner: Justin Hastings

APN: 189-541-027-000

Parcel Size: 4.27-acres (186,001 square feet)

Zoning: Low Density Residential, two and a half acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning District overlays or "LDR/2.5-D-S-RAZ" and Low Density Residential, one acre per unit with Design Control, Site Plan Review and Residential

Allocation Zoning District overlays or “LDR/1-D-S-RAZ”.

Plan Area: Carmel Valley Master Plan

Flagged and Staked: Yes

SUMMARY

The subject property is a 4.27 acre lot located at 227 Salsipuedes Rd, Carmel Valley off Carmel Valley Road within the Robles Del Rio Carmelo Subdivision #1. The project includes after-the-fact permits to clear Code Enforcement violation (18CE00527) and legalize a detached two-story accessory dwelling unit (ADU) exceeding the 16 foot height limit and a detached shed with a covered patio. The project also includes a permit to allow a 258 square foot one-story addition to the ADU and a breezeway to structurally connect the shed and covered patio to the main dwelling.

The parcel is split zoned with existing development occurring on the southern portion of the property within Low Density Residential, two and a half acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning District overlays or “LDR/2.5-D-S-RAZ”, which allows for a single family dwelling and accessory structures per legal lot of record. The northern portion of the property, which does not contain any structures is zoned Low Density Residential, one acre per unit with Design Control, Site Plan Review and Residential Allocation Zoning District overlays or “LDR/1-D-S-RAZ”. This portion of the property is subject to a 30 foot setback from Carmel Valley Road Per Carmel Valley Village Development Criteria (3.1). 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, Carmel Valley Master Plan, and Zoning Ordinance (Title 21).

DISCUSSION

Development Standards

The development standards for the LDR zoning district are identified in Title 21 Section 21.14.060. Required setbacks for main dwelling units are 30 feet (front), 20 feet (rear), and 20 feet (sides). The maximum allowed height is 30 feet. As proposed, the existing single family dwelling meets and exceeds all setback requirements.

Required setbacks for non-habitable accessory structures are 50 foot (front), 6 feet on front one-half of property and one foot on rear one-half of property (side), and one foot (rear). Minimum distance between main and accessory structures is 10 feet. As proposed, the non-habitable accessory structure meets and exceeds all front, side and rear setbacks with a 4 foot 2 inch distance between the single family dwelling. The project proposes a breezeway to connect the accessory structure to the main residence to comply with development standards. As discussed below, the ADU meets the setback requirements and with approval of the Use Permit, it will comply with the height requirement. Therefore, the project complies with all setback and height requirements pursuant of the Monterey County Code.

Pursuant to Title 21 Section 21.14.060.E, the maximum building site coverage is 25 percent. The property is 4.27 acres or approximately 186,001 square feet, which allows site coverage of 35,695.38 square feet. The proposed project results in site coverage of 3,561 square feet which

equals 2.06 percent. Therefore, as proposed, the project meets the required coverage limitations.

Design Review

The proposed exterior colors and materials are consistent with the area's setting and surrounding residences. The existing single family dwelling is designed to reflect a Vernacular style architecture which includes dark brown board and batten wood siding with "Class A" fire rated brown composite shingle roof that blends with the surrounding natural environment. The project has been conditioned to include a formal exterior lighting plan to ensure the project complies with the Monterey County Lighting Ordinance (**Exhibit B**). There are no proposed changes to the existing landscape. All detached accessory structures will be designed to match the main structure. 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 approximately 900 feet from Carmel Valley Road. Although the property is within a visually sensitive area, the structures cannot be seen from Garland Ranch Regional Park or Carmel Valley Road due to the thick vegetation that surrounds the parcel. 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 an ADUs is 16 feet with 4-foot side and rear setbacks. Pursuant to Section 21.64.030.E.5, any ADU which does not comply with height regulations for the zoning district in which it is proposed, and that exceeds 16 feet in height, shall require a Use Permit. The project proposes legalizing a two-story ADU with a height of 17 feet 10 inches, and therefore is subject to a Use Permit. The left-side setback is 5 feet 4 inches from the property line. The right-side and rear setbacks meet and exceed the 4-foot requirement.

Health and Safety

Necessary public facilities currently serve the existing development. Potable water is provided to the property by the California American Water Company (CalAm). A water bill from CalAm for the month of December 2021 was submitted to EHB showing proof of water service. The project site is served by an on-site waste water treatment system (OWTS). On January 10, 2022, a Performance Evaluation was received which showed existing 2,500-gallon septic tank is in good working condition after receiving minor repairs and has the capacity for the development. On May 18, 2022, a Percolation and OWTS feasibility study was received to support reassessment of dispersal system capacity in accordance with LAMP Section 4.4.3. The report confirmed that existing system (tank + dispersal field) are sized appropriately to receive wastewater from the main dwelling and accessory dwelling unit. Future OWTS expansion area was verified by in person site visit performed on June 14, 2022 (**Exhibit B**).

The subject parcel is located within a State Responsibility Area classified as having a very high fire hazard. Monterey County Regional Fire reviewed the planning application and did not apply any conditions to the project. Construction of the accessory dwelling unit and non-habitable accessory

structure are designed to be a fire-resistant to meets current fire and building code standards (**Exhibit B**). Additionally, Roughly two-thirds of the subject parcel is located within the Carmel Valley floodplain and aquifer recharge area. All development on the property is located on the other one-third of the parcel which is outside of the floodplain and separated by slopes in excess of 30 percent. Therefore, a Use Permit to allow development within the floodplain is not warranted for this project.

The project has been reviewed by the HCD-Planning, 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.

Historical Assessment

On August 2, 2019, Seth Bergstein performed a site visit to analyze potential historical significance of the existing single family dwelling (**Exhibit B**). The residence was built 1927 and has undergone multiple alterations over the years. The architecture was originally designed to reflect a vernacular style. That assessment concluded the structure is not historically significant, and therefore, is not eligible for listing on any national, state, or local Historic Resources registry.

Environmental Review

California Environmental Quality Act (CEQA) Guidelines Section 15301(a) and (e) for a Class 1 categorical exemption allows for interior alterations and additions to existing structures. The project includes after-the-fact permits to legalize a detached two-story accessory dwelling unit (ADU) exceeding height limitations and a detached shed with a covered patio. The project also includes a permit to allow a one-story addition to the ADU and a breezeway to structurally connect the shed and covered patio to the main dwelling. Therefore, the proposed development is consistent with CEQA Guidelines Section 15301. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway and does not cause any unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact. On June 28, 2019, a preliminary archeological report was conducted by EMC Planning Group Inc., since the project is located in a high archeological sensitivity area. The report concluded no evidence of cultural resources on the property. A standard condition of approval has been incorporated to assure construction work be halted if archaeological resources are accidentally uncovered (**Exhibit B**). As such, staff recommends the Zoning Administrator find the project categorically exempt.

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, the project was referred to the Carmel Valley LUAC for review on

August 15, 2022. No concerns or contentions regarding the proposed development were raised. The LUAC reviewed the project and recommended for approval as proposed by a vote of 6-0.

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 and Elevations
- Colors and Materials

Exhibit C - Vicinity Map

Exhibit D - Carmel Valley LUAC Minutes

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Kayla Nelson, Planner; Anna Quenga, AICP, Principal Planner; Angie Phares, Agent; Justin Hastings, Property Owner; The Open Monterey Project; LandWatch (Executive Director); Planning File PLN210233