

Attachment A

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DISCUSSION

Project Background

On April 28, 2021, the Planning Commission considered Planning File No. PLN180523, which consisted of construction of a 2,315 square foot single family dwelling, modification of the parking standards to allow a required parking space within the front setback, variances to reduce the front setback from 20 feet to 14 feet, increase the allowed site coverage from 35 percent to 37.5 percent, and increase the floor area ratio from 45 percent to 64.4, and associated site improvements including the relocation of 4 native trees. After public testimony, the Planning Commission 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 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, the Planning Commission voted 8 - 0 to adopt a Mitigated Negative Declaration and approve the revised project scope (Planning Commission Resolution No. 21-015; **Attachment E**).

The Planning Commission's decision 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; **Attachment F**).

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 Open Monterey Project appealed the Board of Supervisor's decision to the California Coastal Commission on September 28, 2021 (Commission Appeal No. A-3-MCO-21-0064; **Attachment G**) by contending that the development does not conform to the Local Coastal Program, "does not meet the requirements for a 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 including reducing the floor area ratio and grading quantities, and eliminating the internal stairway to the roof and a 6 foot chimney. As a result, in coordination with Coastal Commission staff, County staff withdrew the Final Local Action Notice on October 21, 2022. Withdrawing the FLAN does not rescind the Board's adoption of the Negative Declaration. A new FLAN will be sent to the CCC reflecting the revised design if and when the County approves the revised project.

Project Analysis

Staff reviewed the application and found the project, as proposed, consistent with the Carmel Area Land Use Plan, 1982 General Plan, Coastal Implementation Plan (CIP) Part 4, and Title 20.

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 proposed Amendment does not alter the previously approved colors and materials, consisting of 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 adopted Mitigated Negative Declaration includes mitigation measures to minimize potential impacts to resources if discovered during construction activities.

Development Standards

With the granting of the proposed variance to increase the maximum allowed floor area ratio to 51% (see below), staff has found the project is consistent with the applicable development standards.

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 the 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 resolve 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 48 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 granted Variances for Floor Area Ratio.

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. 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 and the small size of the parcel limits the lot coverage or Floor Area Ratio to the extent that a garage or carport would significantly reduce the potential habitable space of a residence. 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

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, including the costs of appeals and plan revisions, relocating these trees is no longer financially practical. 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.

In conclusion, staff recommends denial of the appeal and approval of the project as described in the attached resolution and subject to the attached conditions.