



County of Monterey

Item No.2

Zoning Administrator

Legistar File Number: ZA 24-007

February 29, 2024

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Current Status: Agenda Ready

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Matter Type: Zoning Administrator

PLN230128 - COOPER DAVID TREVOR

Public hearing to consider construction of a 2,283 square foot one story single family dwelling with a 624 square foot attached garage, a 68 square foot covered porch, and a 294 square foot wood deck. Associated site improvements include grading consisting of 61 cubic yards of cut and 90 cubic yards of fill.

Project Location: 26131 Laureles Grade, Carmel Valley

Proposed CEQA action: Find the project Categorical Exemption pursuant to CEQA Guidelines section 15303 and that none of the exceptions to the exemption in section 15300.2 can be made.

RECOMMENDATION:

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

1. Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 and that none of the exceptions to the exemption in section 15300.2 can be made; and
2. Approve an Administrative Permit and Design Approval to allow construction of a 2,283 square foot one story single family dwelling with an attached 624 square foot garage, a 68 square foot covered porch, and a 294 square foot wood deck. Associated site improvements include grading consisting of 61 cubic yards of cut and 90 cubic yards of fill.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 10 conditions of approval.

PROJECT INFORMATION:

Agent: Darren Davis

Property Owner: Copper David Trevor

APN: 416-051-015-000

Parcel Size: 1.086 Acres

Zoning: Rural Density Residential with Building Site 6 and Visual Sensitivity zoning district overlays or "RDR/B-6-VS."

Plan Area: Toro Area Plan

Flagged and Staked: Yes

SUMMARY:

The project is located off of Laureles Grade, Carmel Valley, approximately 1.6 miles from Highway 68 and 2.5 miles from Carmel Valley Road. The proposed project includes the construction of a 2,283 square foot one story single family dwelling, an attached 624 square foot garage, a 68 square

foot covered porch, and associated site improvements including a 294 square foot wood deck. This project is consistent with applicable regulations and policies of Title 21, and Toro Area Plan (TAP). Necessary public facilities will be provided with domestic water service provided by California American Water and a proposed onsite wastewater treatment system to service the single family dwelling.

DISCUSSION:

Land Use & Development Standards

The project is consistent with the allowed uses and development standards of the RDR zoning district, which are identified in Title 21 section 21.16.060. Structures within RDR are limited to setbacks of 30 feet for the front setback and 20 feet for the side and rear setback. As proposed, the structure is sited with two front setbacks approximately 155 feet from Laureles Grade and 20 feet from the shared private access road, a side setback of 34 feet, and a rear setback of 28 feet. The positioning of the parcel classifies it as a corner lot, and pursuant to Title 21 section 21.62.040.J, in the case of a corner lot adjacent to a key lot, the required side setback on the street side for any structure within 25 feet of the side line of the key lot shall be equal to the front setback required on the key lot, and if more than 25 feet from such side line, the required side setback shall be 50 percent of the front yard required on the key lot. In this case, the side line is 320 feet which would allow a front setback from the access road of 15 feet. The maximum allowed height for main structures in this RDR district is 30 feet above average natural grade. As proposed, the structure is 21 feet 6 inches above average natural grade. The total building site coverage for the proposed single family dwelling and garage is 7%, which is below the limit of 35%. Therefore, as proposed, the project meets all required development standards of the RDR district.

Design

The project includes consideration of a Design Approval and pursuant to Title 21 section 21.44.010, regulation of the location, size, configuration, materials, and colors through design review is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property. TAP aesthetic resource policy T-3.1 states that in visually sensitive areas, development may be permitted if it is located and designed (building design, exterior lighting, and siting) in such a manner that will enhance the scenic value of the area and that architectural design consistent with the rural nature of the Plan area shall be encouraged. As discussed below, the location of the dwelling is setback sufficiently from Laureles Grade. The one story dwelling has a height of 21 feet and 6 inches, when measured from average natural grade, which is below the 30 foot maximum. The architectural design is simple and colors and materials consist of beige board and batten siding with off-white trim, white vinyl windows and a grey/brown mix composition shingle roof. Altogether, the dwelling is keeping within the rural nature of the area and would be subordinate to the character of the neighborhood.

Visual Resources

The subject property is not shown to be located in an area designated as “Sensitive”, “Highly Sensitive”, or “Critical Viewshed” as illustrated in TAP Figure 16 - Scenic Highway Corridors & Visual Sensitivity map. However, zoning includes a Visually Sensitive or “VS” overlay. Pursuant to Monterey County Code, a Use Permit shall be required for any development in a "VS" District if any

portion of that development, after flagging, staking and an on-site inspection, is determined to have the potential to create a substantial adverse visual impact when viewed from a common public viewing area. An Administrative Permit shall be required for all other development.

In this case, a site visit was conducted on September 14, 2023, to view the staking and flagging from Laureles Grade. The proposed project is set back over 150 feet from Laureles Grade, in an area where the proposed development is screened from the roadway by a mix of oak and pine trees. However, while driving along Laureles Grade, portions of the structure would be visible through the tree canopy, for less than a second. Based on the distance of the viewing public, rate of speed while traveling, and the amount of time the structure would be seen, it was determined that the project would not result in creating an adverse visual impact and will require an Administrative Permit. In addition, the project staking was not visible from the Scenic Vista illustrated on TAP Figure 16, Highway 68 and Carmel Valley Road. In accordance with the visual resource policies of the TAP and applicable regulations, the project has been conditioned to require submittal of final landscape and exterior lighting plans. Further, a standard condition of approval has been applied to the project requiring the owner/applicant install tree protection measures during construction to ensure the trees on the property, located between the development and Laureles Grade, are not inadvertently damaged during construction.

CEQA:

The project is categorically exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines, “New Construction or Conversion of Small Structures”. This exemption applies to new construction of one single family residence, within residential zoned areas. This project qualifies for a Class 3 exemption because involves the construction of a new single family dwelling with an attached garage within a residential zoned area. All of the necessary reports have been obtained and have determined that it is unlikely there will any impacts to archaeological resources. There are no exceptions pursuant to Section 15300.2. The project does not involve a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, or development that would result in a cumulative significant impact. Development located near and within view of a scenic route; however, as discussed above, the project as sited, designed and conditioned would not result in a significant impact on scenic resources.

OTHER AGENCY INVOLVEMENT:

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

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

LUAC AND PUBLIC COMMENT:

During the review process of the Project, staff received a comment letter from a neighboring property owner (see **Exhibit E**), requesting that the project be heard by the Zoning Administrator to consider their comments. They listed concerns regarding privacy, landscape and maintenance requirements, protection of private views, and variations between the design of the proposed project and the project

proposed on the adjacent lot, which share similar designs and are owned by the same owners. The project as proposed is consistent with the site development standards of RDR zone and a Landscape and Maintenance Plan condition has been added requiring the applicant to submit landscape plans to HCD - Planning for review and approval prior to issuance of a building permit.

With the project now going before the Zoning Administrator, the project was referred to the Toro Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project at a duly noticed public meeting on January 22, 2024. The proposed project was an agenda item separate from the neighboring lot (PLN230129), however during the meeting, the LUAC members discussed the two projects together and passed recommendations under one vote. The LUAC voted 5-0, with three absent members, to support the projects with changes. Changes included adding more Coast live oak trees on Laureles Grade for screening and redesigning the two structures to have more variation architecturally. See **Exhibit C**. The project does not include tree removal and the existing oaks and pines located between the development and Laureles Grade provide sufficient screening. Therefore, there isn't a nexus to require planting of 20 oak trees. The applicant did not elect to redesign the structure and although the siting, design and massing is similar to the project proposed on the neighboring parcel, as demonstrated in the discussion above, the project meets the policies and regulations for visual sensitivity and design.

Prepared by: Christina Vu, Assistant Planner

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- Conditions of approval
- Site Plans & Colors and Material

Exhibit C - Toro LUAC Minutes

Exhibit D - Vicinity Map

Exhibit E - Public Comment

cc: Front Counter Copy; Zoning Administrator; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Christina Vu, Planner, Anna Ginette Quenga, AICP, Principal Planner; Cooper David Trevor, Property Owner; Darren Davis, Agent; Interested Party List: The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Laborers International Union of North America (Lozeau Drury LLP); Laborers International Union of North America (Lozeau Drury LLP); Project File PLN230128