



# County of Monterey

Item No.1

## Zoning Administrator

Legistar File Number: ZA 24-005

February 29, 2024

Introduced: 2/22/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

### PLN220360 - FLUHRER GARY TR

Public hearing to consider demolition of a 425 square foot garage and construction of a 3,350 square foot two-story single-family dwelling, inclusive of a 465 square foot attached two-car garage, within 750 feet of a known archaeological resource.

**Project Location:** 26317 Scenic Drive, Carmel, (Assessor's Parcel Number 009-442-019-000), Carmel Area Land Use Plan, Coastal Zone

**Proposed CEQA Action:** Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Article 19 Section 15303, and there are no exceptions pursuant to Section 15300.2.

### RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a Resolution:

1. Finding the project exempt from CEQA pursuant to section 15303, new structures; and
2. Approving a Combined Development Permit consisting of a:
  - a. Coastal Administrative and Design Approval to allow demolition of a 425 square foot garage, and construction of a 3,350 square foot two-story single-family dwelling inclusive of a 465 square foot attached two-car garage; and
  - b. Coastal Development Permit to allow development within 750 feet of a known archaeological resource.

### PROJECT INFORMATION:

**Agent:** Laura Lawrence, The Law Office of Aengus Jeffers

**Property Owner:** Fluhrer Gary Tr

**APN:** 009-442-019-000

**Parcel Size:** 7,496 Square Feet (0.17 Acres)

**Zoning:** Medium Density Residential with a density of 2 unit acres with a Design Control overlay district and a maximum height of 18 feet, Coastal Zone or "MDR/2-D(18)(CZ)"

**Plan Area:** Carmel Area Land Use Plan

**Flagged and Staked:** Yes

### SUMMARY:

The project is located at 26317 Scenic Dr., Carmel and is subject to the policies of the Carmel Area Land Use Plan. The proposed project includes demolition of a 425 square foot garage, and construction of a 3,350 square foot two-story single-family dwelling, inclusive of a 465 square foot attached two-car garage, and development within 750 feet of a known archaeological resource. The project is consistent with applicable goals and policies in the 1982 General Plan and Carmel Area

Land Use Plan (Carmel Area LUP), and regulations and development standards contained in the Carmel Area Coastal Implementation Plan (Carmel Area CIP) and Zoning Ordinance, Title 20.

The subject parcel is located within 750 feet of known archaeological resources, therefore Archaeological Subsurface Testing was prepared to assess any potential impacts to significant archaeological or cultural resources. The report concluded redevelopment of the lot would not have an adverse impact on archaeological or cultural resources.

## DISCUSSION:

### Land Use & Development Standards

The property is zoned Medium Density Residential, 2 units per acre with Design Control overlay district and an 18 foot structure height limitation in the Coastal Zone or “MDR/2-D(18)(CZ)”. This zoning allows the first single family dwelling on a plot of land and development within 750 feet of known archaeological resources pursuant to discretionary planning permits. The proposed project is consistent with the applicable development standards for MDR zoning. The applicant proposes a height of 16 feet and 6 inches from the average natural grade, consistent with the allowable 18 foot maximum height. The proposed structure meets all the required setbacks for a back to back corner lot: exceeding the required 20-foot front setback and 5-foot northern side setback and meeting the 5-foot southern side and 10-foot rear setbacks. The property is allowed a 35% (2,623 square feet) site coverage and a 45% (3,373 square feet) floor area ratio (FAR). The proposed development will result in a 35% (2,621 square feet) site coverage, a 44.7% (3,350 square feet) FAR.

### Health and Safety

The property receives water via public utilities:

- The applicant provided can and will serve letters from both Carmel Area Wastewater District and California American Water. They also included their proposed fixture count (20.2 acre feet per year) which is below their current water credit amount (23.4 acre feet per year).
- The Cypress Fire Protection District reviewed the site plans and application materials for compliance with the fire safety regulations and found the project consistent.

### Design Review

The proposed development is subject to the regulations of the Design Control “D” zoning district, which establishes design review requirements to assure protection of the public viewshed and neighborhood character. The development’s design, size and placement are consistent with the goals and policies of the Monterey County General Plan and the surrounding neighborhood character:

- The proposed colors and materials include natural, light colored vertical wood paneling for the exterior walls of the structure, exposed board-formed concrete retaining walls, grey aluminum exterior door and window frames, grey metal panels to accent the window frames, angled weathered steel landscape retaining walls and grey vertical metal rods for the fencing and deck guardrails.
- The modern style of the proposed home will fit in with existing neighborhood character and is similar in style to existing nearby houses.
- The size and massing of the proposed 3,350 square foot structure is comparable to those in the neighborhood, with the existing homes ranging from 4,385 square feet to 1,600 square

feet.

- Condition No. 7 requires an exterior lighting plan be provided and approved before the issuance of building permits; this condition shall ensure compliance with the Carmel Area LUP, Carmel Area CIP and Title 20.

#### Cultural Resources

The project site is within 750 feet of known archaeological resources; therefore, an archaeological survey (File No. LIB180067) was prepared for the property. Over the years, this site has undergone extensive surface and subsurface testing due to its high archaeological sensitivity. The 2017 report was completed for the demolition of the previous single family dwelling on the property and to assess potential impacts for future development including the proposed single family dwelling. The testing done in 2017 included eleven hand auger test probes that extended to a depth of 5 feet below the surface of the modern improvements. The results from these tests increased confidence that future development would not likely have an adverse impact to significant archaeological or cultural resources. The archaeologist did include recommendations within their report to ensure any future development would be monitored by an archaeologist. The recommendations within this report have been added as a condition of approval.

#### CEQA:

The project is categorically exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines, "New Construction". This project qualifies for a Class 3 exemption because it includes the construction of a single family dwelling on a vacant lot. 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 there are no exceptions pursuant to Section 15300.2.

#### OTHER AGENCY INVOLVEMENT:

The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and Cypress Fire Protection District (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 Area Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project at a duly noticed public meeting on November 6, 2023 and voted unanimously to support the project as proposed (**Exhibit C**). Public comments were made at this meeting by the next door neighbor's attorney, which included potential privacy concerns. The project applicant has worked with the next door neighbors to implement additional privacy screening to their satisfaction.

#### PUBLIC COMMENT:

Letters of support were submitted to staff by the applicant (**Exhibit D**), these letters are from two neighbors who live adjacent to the project parcel. These neighbors are in support of the project and appreciate the applicant's flexibility with the design and for lowering the height of the structure to allow them to retain the majority of their ocean views.

Prepared by: Zoe Zepp, Assistant Planner

Reviewed by: Anna Ginette Quenga, AICP, Principal Planner

Approved by: Melanie Beretti, AICP, Acting 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 - LUAC Minutes

Exhibit D - Public Comment

Exhibit E - Vicinity Map

cc: Front Counter Copy; Planning Commission; Pebble Beach Community Services District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Planner, Anna Ginette Quenga, AICP, Principal Planner; Fluhrer Gary Tr, Property Owner; Laura Lawrence, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Project File PLN220360