



Zoning Administrator

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March 28, 2024

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Version: 2

Current Status: Agenda Ready

Matter Type: Zoning Administrator

PLN230141 - BREIDENBACH

Public hearing to consider the construction of a detached two-story structure with a 754 square foot lower-level garage and a 786 square foot accessory dwelling unit on the upper level.

Project Location: 7650 Mills Road, Monterey, Greater Monterey Peninsula Area Plan

Proposed CEQA Action: Find that the project qualifies as a Class 3 Categorical Exemption pursuant to section 15303 of the CEQA Guidelines, 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 and that none of the exceptions from section 15300.2 apply; and
2. Approving Design Approval to allow the construction of a detached 754 square foot lower-level garage and a Use Permit to allow a 786 square foot accessory dwelling unit on the upper level, which exceeds the 16 feet in height requirements.

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

PROJECT INFORMATION:

Agent: Franshisca Delgado with Claudio Ortiz Design Group Inc

Property Owner: BREIDENBACH FRED

APN: 259-111-028-000

Parcel Size: 2.33 acres, inclusive of a 1.29 acre Building Envelope

Zoning: RDR/B-6-UR-D-S or Rural Grazing, Rural Density Residential with a Building Site 6, Urban Reserve, Design Control and Site Plan Review zoning district overlays.

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: Yes

SUMMARY:

The 2.43 acre parcel is located at 7650 Mills Road, Monterey, (Assessor's Parcel Number 259-111-028-000), within the Greater Monterey Peninsula Area Plan. The parcel is zoned Rural Density Residential with a Building Site 6, Urban Reserve, Design Control and Site Plan Review zoning district overlays or "RDR/B-6-UR-D-S". The construction of accessory structures to residential uses are principally allowed uses within the RDR zoning district pursuant to Monterey County Zoning Ordinance (Title 21) Chapter 21.16 (Rural Density Residential). The proposed project includes construction of a 1,547 square foot detached two-story structure that exceeds 16 feet in height, inclusive of a 793 square foot accessory

dwelling unit on upper the level and a 754 square foot garage on the lower level. Therefore, the project is an allowed land use for this site, subject to the granting of a Design Approval and Use Permit.

DISCUSSION:

Design Review

The property is subject to the Design Control “D” zoning overlay district, which requires review of proposed development to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on a private property, see Title 21 Chapter 21.44. The project includes a Design Approval and the requirements to grant the Design Approval are met in this case. HCD staff has reviewed the proposal and determined that the development has been appropriately sited and designed consistent with viewshed policy and the neighborhood character. The architecture design is consistent with the existing single family dwelling, and the proposed structure is not visible from any public viewing area. Enhancing the architecture style, the structure incorporates earth tone colors and materials that consist of aged white plaster siding at exterior walls, window frame and color to match existing main structure and slate roof. All structures incorporate natural looking materials that blend well with the surrounding environment. As shown on the exterior main house lighting plan, all proposed site lighting is downlit, shielded, and unobtrusive.

Development Standards

The project is consistent with the development standards of RDR/B-6-UR-D-S. Pursuant to Title 21 section 21.16.060, development standards for the RDR zoning district, in a subdivision where a lot or lots have a designated building envelope, the two-story structure inclusive of a garage at lower level and an accessory dwelling unit at lower level as proposed shall be located wholly within the building envelope unless otherwise approved in the subdivision process. The proposed two-story structure is located within the designated building envelope with the overall height of 29 feet 8 inches. A height verification condition (Condition No. 4) has been applied. Per Title 21 section 21.64.030.E.5, a 16 height limit for Accessory Dwelling Units is established. A Use Permit is applied to this project as the detached garage which the ADU is situated above does not comply with height regulations for the zoning district in which it is proposed and exceeds 16 feet in height. As proposed, the project deviates from the height requirements, however it better achieves the policies of the General Plan and regulations of Title 21. The total building site coverage for the proposed project is 5.46%, which is below the limit of 25%. The project size, height, and setbacks are all within the allowed limits of the development standards of RDR zoning district. Therefore, as proposed, the project meets all required development standards of Title 21 sections 21.16.060 and 21.64.030.

Health and Safety

The project will receive service from the following:

- Necessary utilities will be provided. Water service will be provided by Canada Woods Water Company.
- The project includes a proposed onsite septic system that has been reviewed and approved by the Environmental Health Bureau.
- The Monterey County Regional Fire Protection District reviewed the site plans and

application materials for compliance with the fire safety regulations and found the project consistent.

CEQA:

The project is Categorically Exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines. None of the exceptions under CEQA Guidelines section 15300.2 apply. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. The project does not involve a designated historical resource, a hazardous waste site, or development located near or within view of a scenic highway. No adverse environmental effects were identified during staff review of the development application during a site visit on January 19, 2024.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and Monterey County Regional Fire Protection District. 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 not referred to LUAC as the Greater Monterey Peninsula Land Use Advisory Committee is currently not meeting due to lack of quorum.

Prepared by: Marlene Garcia, Assistant Planner x-5114

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:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, Elevations & Colors and Materials

Exhibit C - Vicinity Map

cc: Front Counter Copy; Monterey County Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Marlene Garcia, Assistant Planner; Anna Quenga, AICP, Principal Planner; Breidenbach, Property Owners; Franshisca Delgado, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230141