



# Monterey County

## Zoning Administrator

### Agenda Item #3

Legistar File Number: ZA 16-017

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Salinas, CA 93901  
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#### **PLN140843/Daniel J. Keig TR**

Public hearing to consider action on a Combined Development Permit to reapprove plans associated with an expired permit (PLN040530) for construction of a single family dwelling including removal of 9 protected trees, and development within 750 feet of an archaeological resource.

**Proposed CEQA Action:** Categorically Exempt per Section 15303(a) of the CEQA Guidelines  
100 Crest Road, Carmel, Carmel Land Use Plan

#### RECOMMENDATION:

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

1. Find the project Categorically Exemption under Section 15303(a) of the CEQA Guidelines;
2. Approve the Combined Development Permit consisting of:
  - a. Coastal Administrative Permit and Design Approval to allow construction of a 3,499 square foot single family dwelling with a 1,049 square foot garage;
  - b. Coastal Development Permit to allow the removal of nine (9) Monterey pine trees; and
  - c. Coastal Development Permit for development within 750 feet of an archaeological resource;subject to 27 conditions of approval.

#### PROJECT INFORMATION:

Parcel Size: 1.5 acres

APN: 241-221-013-000

Zoning: LDR/1-D (CZ)

Land Use Designation: Low Density Residential

Agent: Dale Ellis

Plan Area: Carmel Land Use Plan

Flagged and Staked: Yes

#### SUMMARY:

This application requests approval of plans that were previously approved but the permit expired. PLN040530 was approved on appeal to the Board of Supervisors on December 5, 2005 for a new Single Family Residence, well, removal of 9 trees, and to allow development within 750' of archaeological resources. That Board Action was in response to an appeal of a condition by the Zoning Administrator to require dedication of a Scenic and Conservation easement. In approving the project, the Board of Supervisors removed the requirement for the Scenic and Conservation easement and approved the project with no other changes from the Zoning Administrator action. This included finding the project Categorically Exempt under 15303(a) of the CEQA Guidelines and subject to 21 conditions. Subsequent to project

approval, a well was installed but the Combined Development Permit expired. The applicant has applied for approval of the exact same project, as approved under PLN040530, minus the well.

Access is provided by an existing dirt driveway that will be improved to accommodate emergency access requirements. Site constraints include steep topography and dense tree cover. Site design avoids slopes in excess of 30%, but requires the removal of nine (9) Monterey pines. Project design is consistent with the policies of the Carmel Land Use Plan. Staff's analysis has focused on any circumstances which may have changed, and no new circumstances have been identified. Additional conditions have been added to the original approval to address current requirements for water quality protection. Based on this, staff recommends that the Zoning Administrator approve a Combined Development Permit allowing the establishment of a residence on the subject parcel, subject to the recommended 27 conditions of approval contained in **Exhibit B** of this staff report.

DISCUSSION:

Initial review of the application raised concerns in regards to the possibility of archaeological resources, forest resources, and biological resources.

Archaeological

An archaeological survey and report was prepared for the original permit concluding that there are several recorded archaeological sites within a kilometer (3, 2080 feet) of the subject parcel, but none are recorded on or immediately adjacent to the subject parcel. The parcel itself does not contain any archaeological resources and should not be delayed for archaeological reasons. A standard condition of approval has been carried forward into this permit requiring that if resources are found, that work stop and the find be evaluated (see Condition No. 4).

Forest Resources

The previous permit found that the applicant has sited the development within the most open area of the site. This still results in the need to remove nine (9) Monterey pine trees ranging in size from 14-23 inches in diameter. Selection of the building site was chosen to utilize the existing driveway and avoid slopes in excess of 30%. Design of the building footprint is well suited to the natural contours of the parcel as it is long and narrow and sits parallel to the contour lines. The tree density within the proposed building area is lower than the rest of the property. Based on site review of existing vegetation and topography, the proposed tree removal for the construction of the residence is reasonable and the minimum amount necessary. Staff finds the condition of the forest has not changed and that the circumstances associated with the original approval continue to be relevant.

Biological Resources

Due to the amount of time between the original assessment and the current proposed application, an updated biological assessment was required. An assessment prepared by Patrick Regan (LIB160203) in February 2016 states that the property is densely covered with a mix of Monterey pines and oaks, and although the pines dominate the overall plant life, a majority of them are weakened and diseased, which has allowed the oaks to fill in where pines have died. Native plants onsite are being invaded by various non-native, invasive species. This assessment concludes by stating that the site has undergone very little change since the 2003 assessment and if subject to compliance with original conditions for erosion control (condition no. 20) and

avoidance of bird nesting season (condition no. 14), the project will not have a significant impact to special species or habitat. Patrick Regan again visited the site on April 19, 2016 (LIB160203) and determined that there are no special status species on site.

#### Design Review

In the original permit no findings were made related to the design of the structure. Design Approval is a critical part of the application due to its location in, and the visual policies of, the Carmel Area Plan. Design Control Districts provide for the regulation of the location, size, configuration, materials, and colors of structures in areas of the county where design review of structures 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. Size, shape, colors and materials of the residences within the Carmel area east of Highway 1 vary greatly, creating an area diverse in architecture but each have been designed with a common goal of preserving the natural resources of the area. All the land east of Crest Road adjacent to the Garrapata State Park land is owned by Mr. Keig and all the land aside from this 1.5 acre parcel is within the boundaries of the Wildcat Ranch Management Plan, which includes specific limitations on development within the plan area. Site planning places the dwelling in the ideal location near the center of the parcel in the most open area in regard to tree cover. This location provides a forested visual buffer in all directions, focusing development within the most open area of the parcel, while maintaining a forested buffer to minimize visual impacts. The proposed home is a two-story residence placed into the slope of the site appearing as a two-story residence at the front or west facing elevation and as a single story from the rear or east facing elevation. This is an appropriate design for the property as it uses the natural topography and forested surroundings to integrate the structure into the natural environment. Exterior colors and materials have been conditioned to be darker, natural tones that better blend with the natural surroundings (condition no. 15). It is important to note that the structure will not be visible from Highway 1.

#### LUAC Recommendation

Review was completed by the Carmel/Carmel Highlands Land Use Advisory Committee (LUAC) on February 17, 2015 with a recommendation for approval of the project by a vote of 3-0, subject to a condition of approval requiring the use of darker exterior color and tones including trim, stucco, and roofing, so that the structure better blends with its natural surroundings (Exhibit D). A condition of approval requiring the use of darker exterior colors and tones has been incorporated into the resolution as condition no. 15. In addition to the exterior colors, the LUAC voiced concerns regarding exterior lighting and the need for an updated forest management plan and legible plans. A standard condition of approval requiring the submittal and approval of an exterior lighting plan prior to issuance on the construction permit has been incorporated into the resolution as condition no. 10. An amendment to the original forest management plan was prepared by Frank Ono (LIB060081) and a legible site plan was prepared by the project architect.

#### CEQA Review

In the original permit both the Zoning Administrator and the Board of Supervisors found the project to be exempt from California Environmental Quality Act according to CEQA Guidelines Section 15303(a) which exempts the construction of one single family dwelling in a residential zoning district. The project consists of the construction of the first single-family dwelling on residentially zoned parcel; and therefore qualifies under a Class 3 categorical

exemption. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway. Although trees are proposed for removal the subject trees have degraded in health due to various pest and pathogens, in addition to overcrowding. A standard condition for protection of the surrounding trees has been incorporated into Exhibit B of this staff report, and will aid in the protection and continuation of the natural habitat. No significant long-term effects to the forest ecosystem is anticipated. The parcel is also located within a high archaeological sensitivity zone and located within 750 feet of a known archaeological resource. An Archaeological Reconnaissance was prepared by Archaeological Consulting on August 4, 2003 (LIB070097). This report concluded that the subject parcel does not contain any archaeological resources and should not be delayed for archaeological reasons. However, a standard condition of approval has been incorporated into Exhibit B of this staff report. Therefore, although the parcel is located within a sensitive area, there are no unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.

OTHER AGENCY INVOLVEMENT:

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

- ✓ RMA-Planning
- ✓ RMA - Public Works
- ✓ RMA-Environmental Services
- ✓ Environmental Health Bureau
- ✓ Water Resources Agency
- Carmel Highlands Fire Protection District
- ✓ Carmel/Carmel Highlands Land Use Advisory Committee

Departments and agencies marked with a ✓ have added conditions of approval

FINANCING:

Funding for staff time associated with this project is included in the FY15-16 Adopted Budget for RMA-Planning.

Prepared by: Ashley Nakamura, Assistant Planner, Extension 5892 *AN*  
Reviewed by: John Ford, RMA-Service Manager, Extension 5158 *JF*  
Approved by: Carl Holm, AICP, Director Resource Management Agency *CH*

Attachments:

- Exhibit A Project Data Sheet
- Exhibit B Draft Resolution, including:
  - Conditions of Approval
  - Site Plan, Floor Plan, and Elevations
- Exhibit C Vicinity Map
- Exhibit D Land Use Advisory Committee Minutes

cc: Front Counter Copy; Zoning Administrator; California Coastal Commission; John Ford,

RMA Services Manager; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Daniel J. Keig TR, Owner; Dale Ellis, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); District 5 Board of Supervisors, Project File PLN140843