



County of Monterey Planning Commission

Item No. 4

Agenda Item No. 4

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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PLN220117 - DOLORES PASS LLC

Public hearing to consider demolition of a 367 square foot detached garage and the remaining foundation of a demolished single-family residence, construction of a new 3,648 square foot single-family residence with an attached 420 square foot garage and 169 square foot basement, the removal of 14 native trees, development on slopes in excess of 30%, and development within 750 of known archaeological resources.

Project Location: 24726 Dolores Street, Carmel, Carmel Area Land Use Plan, Coastal Zone

Proposed CEQA action: Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303, and none of the exceptions from section 15300.2 apply to the project.

RECOMMENDATION:

It is recommended that the Monterey County Planning Commission adopt a resolution:

1. Finding that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303, and none of the exceptions from section 15300.2 apply to the project; and
2. Approving a Combined development Permit consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow demolition of a 367 square foot detached garage and the remaining foundation of a demolished single-family residence; the construction of a 3,817 square foot single family dwelling, inclusive of a 420 square foot garage and 169 square foot basement, and associated site improvements, including the removal of 8 non-protected native trees;
 - b. Coastal Development Permit to allow removal of 6 trees, consisting of 3 landmark Monterey pine and 3 Coast live oak;
 - c. Coastal Development Permit to allow development on slopes in excess of 30%; and
 - d. Coastal Development Permit to allow development within 750 feet of known archaeological resources.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 15 conditions of approval.

PROJECT INFORMATION:

Owner: Dolores Pass LLC

Agent: Angie Phares, Hastings Construction

APN: 009-111-008-000

Zoning: Medium Density Residential, 2 units per acre, with a Design Control Overlay, Coastal Zone

[MDR/2-D(CZ)]

Parcel Size: Approximately 0.18 acres (8,119 square feet)

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

Planner: Phil Angelo, Associate Planner

(831) 784-5731 or AngeloP@co.monterey.ca.us

SUMMARY:

Circa 1938, a residence and detached garage were constructed over Lots 3 and 4 of the Final Map “Carmel Woods, being the ninth addition to Carmel-by-the-Sea, Monterey County, California,” filed for record June 9, 1922 in Volume 3 Cities and Towns, Page 21. In 2015, a historic report was prepared by Kent Seavey which determined that the structures were not eligible for listing as historical resources, lacking both significance and integrity. In 2016, a permit (16CP01590) was issued to demolish a portion of the existing residence. Today, only the foundation of the residence and the detached garage remain. In 2018, the owners requested parcel legality determination for the two properties under application PLN180465. While the 1938 residence was constructed over the boundaries of Lots 3 and 4, the determination concluded that they were separate legal lots of record. On July 12, 2023, the Planning Commission approved PLN220118 to allow development of Lot 3 with a single-family residence.

This project (PLN220117) would include demolition of the remaining foundation of the partially demolished 1938 single-family residence, demolition of the detached garage, and the construction of a new single-family residence and associated site improvements on Lot 4. The proposed home is within the allowable development standards of the base zoning and the design is consistent with the visual resources policies of the Carmel Area Land Use Plan and the surrounding neighborhood character.

Due to the tree coverage on the site, the applicant is proposing removal of 14 trees, consisting of 4 Monterey pine (3 of which are landmark size), 9 Coast live oak, and 1 Redwood. The removal is the minimum under the circumstances, and staff are recommending a 1:1 replacement ratio in accordance with the arborist’s recommendations as Condition No. 11. However, as demonstrated below, 8 of the 14 trees are below the threshold requirement and do not require a permit for their removal.

The site slopes moderately downward to the west from its access on Dolores Street (along the east side of the property). The north and northwest portions of the property have slopes in excess of 30%. While the home has been sited to avoid steeply sloped areas on the northwest corner of the site to the extent feasible, approximately 279 square feet of development on slopes in excess of 30% would be unavoidable to develop a home on the property within other site constraints. The installation of the stormwater line and infiltration chamber is also partially proposed on slopes in excess of 30%.

The project is within 750 feet of known archaeological resources according to Monterey County GIS. A phase I archaeological report was prepared by Kaitlin Ruppert, MSc, RPA, a qualified archaeologist, to assess the potential of the development to impact archaeological resources. A pedestrian survey did not identify any resources on the site, however, the archaeologist had concerns about the unknown potential resources and as a precaution, recommended archaeological and tribal monitoring during all ground disturbing activities. This recommendation is incorporated as Condition

No. 10.

DISCUSSION:

Design

The site 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 Carmel Area Land Use Plan (LUP) policies protecting scenic resources, and their implementing regulations in the Monterey County Coastal Implementation Plan (CIP), part 4. The project is consistent with these policies and regulations as detailed below.

The proposed colors and materials include black window and door frames, a black standing seam metal roof, warm grey wood siding, warm grey open face stone cladding, a four foot tall natural wood grape stake fence, and a grey smooth coat stucco. These materials, in particular the wood and stone, have a natural appearance and blend the building into its surroundings in accordance with CIP section 20.146.030.C.1.c. The natural wood fence and the grove of existing trees in front of the house further screen and subordinate the residence to the surrounding environment.

Consistent with the Carmel Area LUP, the property was staked and flagged to provide a preview of the proposed development and any potential visual impacts. The planner conducted a site visit on October 4, 2023 and did not identify any visual impacts. The surrounding neighborhood is a mix of one and two story residential development, principally single-family residences. A variety of styles are present, and hip and gable roof forms feature prominently in the neighborhood. The proposed project is a two-story residence with gabled roof forms, consistent with this pattern of development.

Forest Resources

The project proposes removal of 14 trees, consisting of 3 landmark sized Monterey pine, 10 Coast live oak, and 1 Redwood tree. Tree removal in the Carmel Area Land Use Plan requires a Coastal Development Permit unless the removal falls under the exemptions detailed in CIP section 20.146.060.A.1. In this case, the thinning of small (less than 12 inches in diameter) trees does not require a Coastal Development Permit pursuant to CIP section 20.146.060.A.1.c., so the 8 trees that are less than 12 inches in diameter which are proposed for removal do not require a permit. Allowing the removal of the other 6 requires a Coastal Development Permit. Additionally, 3 of the Monterey Pine are landmark trees, being greater than 24 inches in diameter, and development standard 20.146.060.D.1 prohibits the removal of landmark trees, unless the decision-making body finds that the trees are not visually or historically significant and there no alternatives whereby the tree removal can be avoided.

The proposed tree removal is subject to the Forest Resources Protection policies in the Carmel Area Land Use Plan and their implementing regulations in the Monterey County Coastal Implementation Plan (CIP) section 20.146.060. The project is consistent with these policies and regulations:

- A Forest Management Plan (LIB230012) was prepared by Frank Ono to assess the proposed removal and provide recommendations to preserve overall forest health as required by CIP section 20.146.060.B.
- In accordance with CIP section 20.146.060.D.1., the 3 landmark Monterey pine (Tree #114,

#115, and #128) are not visually or historically significant, and there are no alternatives whereby their removal can be avoided. Tree #128 is within the footprint of the proposed residence near the southern property line, and attempting to re-site the home further north would both impact a landmark Redwood tree and entail additional development on slopes in excess of 30%. Tree #115 is within the retaining walls for the main residence. These walls are necessary to retain a surcharge, as the property slopes away from the street, with an approximate eight foot change in elevation from the street pavement to the finish floor of the residence. Tree #114 has a lean with two longitudinal fissures, and would be destabilized by any excavation around its base. As the grading for the project involves re-contouring the site in this area for the driveway and entrance path, excavation around the base of this tree would be unavoidable, making its removal unavoidable.

- The project is consistent with CIP section 20.146.060.D.3 and 4, that removal of native trees be limited to those necessary for the proposed development or required for the overall health and long-term maintenance of the forest, as verified in the Forest Management Plan. Trees #117, #118, #122, #123, #124, #125, #132, and #133 are all in the development footprint of the proposed residence. Tree #119 is not in the immediate footprint of the residence, however, it is in poor health and near the excavation area for the retaining walls for the house. Trees #129 and #135 are outside of the immediate development footprint, however both are in poor health, #135 is unstable, and are recommended to be removed by the forester.
- CIP section 20.146.060.D.6. requires replacement on a 1:1 basis of all trees greater than 12 inches in diameter, which would be 6 trees. Typically the County has required replacement of landmark trees on a 2:1 basis, which would require 9 replacement trees. However, the forester recommended a replacement ratio of 1:1 for all proposed tree removal to maintain forest health, totaling 14 trees. While this exceeds typical replacement requirements staff are recommending a 1:1 replacement condition consistent with the foresters recommendation as Condition No. 11.

Development on Slopes

The proposed project includes development on slopes in excess of 30%, approximately 279 square feet of this slope development is to site the proposed single-family residence. Additionally, the grading and trenching along the northwest of the site to install a 6 inch storm drain line and associated on-site stormwater treatment chamber is partially on slopes in excess of 30%.

Title 20 section 20.64.230 prohibits development on slopes in excess of 30% unless a finding can be made that either there is no feasible alternative which would allow development to occur on slopes of less than thirty (30) percent; or the proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives.

- For the construction of the residence, there is no alternative to avoid the development on slopes. This 279 square foot area is located roughly in the center of the property. The home cannot be sited further south or east while maintaining required setbacks, and moving the home north or west would increase the area of development on slopes in excess of 30%.
- The installation of the post-construction stormwater control measures that are partially sited on slopes on the northwest of the site, disturbing approximately 430 square feet of slopes in excess of 30%, better achieves the policies and goals of the Monterey County Local Coastal

Program. CIP section 20.146.050.E.4.e.10.e. requires that on-site drainage be designed to accommodate increased runoff resulting from site modification, the installation of the stormwater control devices ensures consistency with this development standard. This sloped area is also located in the far northwest corner of the site where it wouldn't be viewable from any public vantage points, so it's preservation would not protect scenic resources which is part of the justification for limiting slope development as detailed in CIP section 21.146.030.C.1.a.

CEQA:

The project qualifies as categorically exempt from environmental review pursuant to section 15303 of the CEQA Guidelines, "New Construction or Conversion of Small Structures". This exemption applies to the construction of a limited number of small new structures including new single-family dwellings in residential zones. This project qualifies for a Class 3 exemption because it is the construction of a single-family dwelling and associated site improvements. None of the exceptions to exemptions from Section 15300.2 apply to the project:

- The project is not located in an area that is mapped as an environmental resource of hazardous or critical concern by a local, state, or federal agency;
- The project, construction of a single-family residence and associated site improvements on a property zoned to allow such uses and without potentially significant impacts, would not contribute to a potential cumulative impact.
- There are no unusual circumstances associated with the project that would cause a potential environmental impact.
- The nearest scenic highway is Highway 1, which is approximately 0.58 east of the site. However, the project is not within view of the highway due to distance and intervening development and vegetation.
- The project is not located on a hazardous waste site compiled pursuant to Section 65962.5 or the Government Code.
- The project would not cause a substantial adverse change in the significance of a historical resource. While the residence that was on the site was built in 1938, it was determined not to be historically significant by a qualified historian from the County's list of approved historical consultants and has since been demolished to the foundation.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- The Environmental Health Bureau (EHB)
- HCD-Engineering Services
- Cypress Fire Protection District (FPD)
- HCD-Environmental Services

LUAC REVIEW AND PUBLIC COMMENT:

The Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) reviewed the project at their July 17, 2023 meeting and recommended approval as proposed (**Exhibit C**).

Prepared by: Phil Angelo, Associate Planner x5731

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 - Draft Resolution, including:

- Recommended Condition of Approval
- Site Plans, Floor Plans, Elevations, and Colors and Materials

Exhibit B - Tree Assessment including addendum and supplemental correspondence

Exhibit C - Carmel Unincorporated/Highlands LUAC Meeting Minutes

Exhibit D - Vicinity Map

Exhibit E - Site Photos

cc: Front Counter Copy; Cypress Fire District; HCD-Engineering Services, HCD-Planning; HCD-Environmental Services; Environmental Health Bureau; Phil Angelo, Associate Planner; Anna Ginette Quenga, AICP, Principal Planner; Dolores Pass LLC, Property Owner; Angie Phares, Applicant's Agent; The Open Monterey Project (Molly Erickson); LandWatch; Lozeau Drury LLP; Mark McDonald, Interested Party; Richard Warren, Interested Party; Greg Jamison, Interested Party; Project File PLN220117.