



# Monterey County Zoning Administrator

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## Agenda Item No. 2

Legistar File Number: ZA 17-061

December 14, 2017

**Introduced:** 12/4/2017

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** ZA

### **PLN170782 - PAUL H. FLORES AND LINDA S. TRUST**

Public hearing to consider the demolition and rebuild of a one-story single-family dwelling with an attached garage, attached accessory dwelling unit and detached pool cabana.

**Project Location:** 564 Monhollan Rd, Carmel

**Proposed CEQA Action:** Categorically Exempt per Section 15303(a) of the CEQA guidelines

#### RECOMMENDATION:

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

- a. Find that the project is a new single family dwelling and accessory dwelling unit, which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303(a) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- b. Approve a Design Approval to allow the demolition of an existing one-story 1,200 single family dwelling and the construction of a 4,050 square foot one-story single family dwelling, attached 1,358 square foot garage, detached 861 pool cabana, attached 1,200 square foot Accessory Dwelling Unit; deck, approximately 60 cubic yards of grading and the relocation of two (2) small planted oak trees from the proposed residential footprint area. Materials and colors consist of stucco with body color "Adobe Natural" which is a medium beige with brown flecks, stained cedar doors, garage door and under eaves; copper gutters and downspouts; and clay tile roof in terracotta/brown.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**). Staff recommends approval subject to 13 conditions.

#### PROJECT INFORMATION:

**Owner:** Paul H. Flores and Linda S. Trust

**APN:** 103-071-025-000

**Zoning:** RDR/10-D

**Parcel Size:** Approximately 5.7 acres

**Plan Area:** Greater Monterey Peninsula Area Plan

**Flagged and Staked:** Yes

#### SUMMARY/DISCUSSION:

##### *Setting*

The subject site, approximately 5.7 acres, is located at 564 Monhollan Road, Carmel within the Greater Monterey Peninsula Area Plan approximately 1/3 of a mile east of the intersection of Monhollan/Aguajito Road. . The parcel is situated within the wooded residential neighborhood once known as Del Monte Fairways, surrounding, on three sides the Del Monte Golf Course. The neighborhood development consists of one and two-story homes of varying ages, sizes and

architectural styles. The subject parcel currently accommodates a small residence and barn. Entrance to the site is via a reconstructed driveway located within the southern portion of the parcel, off Monhollan Road (located within the jurisdiction of the City of Monterey). The site, approximately 5.7 acres, contains roughly 250 Monterey Pine and Coast live oak trees that are greater than 6" in diameter (as measured 2 feet above the ground for oaks and at breast height or dbh for pines). The western (developed) portions of the property, are generally flat, with a gentle rise (0-25%) ascending north, with steeper slopes (30-50%) existing in a drainage area located toward the east of the site. Soils on the property are listed as Santa Lucia shaly clay loams by the "*Soil Survey of Monterey County, California (USDA, 1978)*", which suggests that runoff and erosion are moderate for slopes under 30%.

#### *Project Overview*

The subject parcel currently accommodates a 1,200 square foot one-story residence and a 3,200-square foot barn. The proposal consists of the demolition of the existing 1,200 square foot house and construction of a 4,050-square foot one-story single family dwelling, attached 1,358 square foot three car garage with a Porte Cochere, detached 861 pool cabana, attached 1,200 square foot Accessory Dwelling Unit; deck and grading (Approx. 60 cu. yds.). Additionally, the application includes the relocation of two (2) small planted oak trees located within the footprint of the proposed residential development.

Pursuant to Section 21.44.040.C of Title 21, the Zoning Administrator is the appropriate authority to consider this Design Approval. Consistent with zoning, approval of this Design Approval at a public hearing is required prior to issuance of construction permits.

#### *Design Review*

The proposed residential development has been sited on the parcel in accordance with the direction of the Monterey County Board of Supervisors. On April 14, 2015, the Monterey County Board of Supervisors considered the Flores appeal (See Background Information below for details). At that hearing, a motion was made by Supervisor Potter that limited future residential development to approximately 4,000 square feet for a new single-family dwelling and that allowed a future accessory dwelling unit to 1,200 square feet in accordance with the size of the existing residence on the property. Initially the applicant submitted plans for residential development that exceeded the square footage. However, the applicant worked with staff and has redesigned the development to meeting the requirements and specification as directed by the Board of Supervisors. The development is as follows:

- 4,050 sq.ft. - One Story Single Family dwelling
- 1,158 sq.ft. - Two car Garage with a Porte Cochere
- 861 sq.ft. - Pool Cabana
- 1,200 sq.ft. - Accessory Dwelling Unit

Total 7,269 square feet of residential development.

Materials consist of stucco with body color "Adobe Natural" which is a medium beige with brown flecks, stained cedar for doors, garage door and under eve; copper gutters and downspouts, and clay tile roof in terracotta/brown. The proposed design is a Mediterranean style with Spanish influence. The proposed home will be located on the middle of the 5.7-acre property. The property has a 6-foot high stucco fence. The house will be slightly visible from the top of the fence. Staff has determined

that the proposal is compatible in mass, scale, height and roof lines to surrounding buildings of similar use. All site development standards such as height, lot coverage and setbacks have been reviewed and found to be consistent with the RDR zoning district.

*Background Information*

In April of 2014, the applicants, Mr. and Mrs. Flores, applied for a Design Approval, under Planning File No. PLN140300, for the construction of a new 7,200 square foot residence, 1,200 square foot Accessory Dwelling Unit and demolition of the existing 1,200 square foot residence. During the review of that Design Approval application, it was discovered that un-permitted removal of protected trees had occurred on site. Subsequently, a code enforcement case, file no. 14CE00183 was opened on the subject parcel. A series of public hearings ensued, concluding with an approved restoration plan at the decision of the Monterey County Planning Commission at a duly noticed public hearing on February 24, 2016 (PC Resolution No. 16-007, PLN150554).

The restoration of the site has occurred pursuant to Resolution No. 16-007, consisting of the deconstruction of a formerly established housing pad, re-contouring re-grading of the site back to its pre-violation topography, removal of exported soils and replanting 72 trees throughout the property. A three-year monitoring plan condition was included as a condition of approval of the 2016 restoration plan, requiring monitoring of the planted 72 trees by a qualified arborist or forester ensuring a 100% success rate of the planted tree specimens. This monitoring is due to expire in 2019. Issues related to the code enforcement case have been resolved and the code enforcement case has been closed, allowing the Flores' to apply for the subject residential development.

Important Hearings: Two important hearings which have bearing on the subject project are:

- January 28, 2015- Planning Commission denies the Combined Development Permit (PLN140300) consisting of a Use Permit for the after-the-fact removal of protected trees combined with a Design Approval for the construction of a new 7,200 square foot residence, 1,200 square foot Accessory Dwelling Unit and the demolition of the existing 1,200 square foot single family residence. At this hearing, the Planning Commission orders full restoration of the site (PC Resolution No. 15-010) (**Exhibit F**).
- April 14, 2015- Board of Supervisors denies an appeal made by the applicants, Mr. and Mrs. Flores, to the January 28, 2015 Planning Commission decision, upholding the Planning Commission's decision to deny the Combined Development Permit application. The Board orders restoration of the area where the unpermitted grading (fill) occurred, back to its original pre-violation topography and to replace the unpermitted tree removal using a 3:1 ratio for a total of 72 trees (BOS Resolution No. 15-111) (**Exhibit G**). Although the Board ordered restoration of the site, the motion made by Supervisor Potter included a provision allowing the property owner to "reserve an area of the property for future residential development." Finding No. 8 of the Board Resolution is entitled: "RESTORATION AND RESUBMITTAL," and includes item "d", entitled "Limitations on Future Residential Development" which states that any future residential development shall be limited to approximately 4,000 square feet for a new single-family dwelling and that any future accessory dwelling unit is limited to the same size as the previously permitted size of the existing dwelling unit (1,200 square feet) and that any future residential development shall be subject to the normal submittal fees, environmental review, and appropriate authority as required by

Monterey County Code.

The proposed project is consistent with the Board Resolution, as the proposed project fits within the following parameters:

- 1) The residential development square footages meet the requirements set forth;
- 2) The applicants have paid the normal submittal fees for a public hearing Design Approval;
- 3) The project is categorically exempt per Section 15303(a) of the CEQA Guidelines; and
- 4) The Monterey County Code Section 21.44.040.C, deems the Zoning Administrator as the appropriate authority for public hearing Design Approval applications.

The project also involves the relocation of two (2) small planted oaks from the residential footprint area (restored site) to an identified area to the west of the proposed home. Such tree relocation has been found acceptable by the project's forester, Cassidy Bill Vaughan. A letter dated October 24, 2017 (**Exhibit D**) was submitted by the forester recommending this relocation site and providing a relocation map. In addition, the forester recommends identifying and re-flagging all planted oaks and pines on the property on site and on a large-scale site plan in order to facilitate the required tree monitoring and inventory the forester will need to perform on-site by 2019. This has been added as a condition of approval of the subject project. Finally, On April 11, 2013, the Monterey Peninsula Water Management District issued a Water Distribution System Permit. The permit grants 1.65 acre feet per year, and a maximum of two connections to the site to support the proposed residential development (see Attachment H).

CEQA:

The project is exempt from further environmental review under the provisions of Section 15303(a) of the California Environmental Quality Act. Under the provisions of Section 15303(a), one-single family residence or a second dwelling unit in a residential zone is exempt. The subject project is for the demolition of an existing 1,200 square foot single family dwelling and the construction of one single family dwelling and an accessory dwelling unit on a residentially zoned property.

RECOMMENDATION:

Based on review of the project for conformance with all applicable codes, previous public hearings and resolutions and the planner's site visit to the project, staff presents this staff report, project plans, materials and color samples for consideration and recommends approval of the project, subject to the attached conditions of approval contained in **Exhibit B**, including that all conditions of PC Resolution No. 16-007 for the restoration of the site, continue to apply.

OTHER AGENCY INVOLVEMENT:

Greater Monterey Peninsula LUAC

LUAC:

The project was referred to the Greater Monterey Peninsula Area Plan Land Use Advisory Committee (LUAC) for review at their October 18, 2017 meeting. Based on the LUAC Procedure

guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the project is for a Design Approval subject to the review by the Zoning Administrator. The LUAC recommended unanimous approval of the project with a vote of 3-0, subject to the following recommendations: to reduce the size of the single-family dwelling from 4,254 square feet to a maximum of 4,050 square feet, which the applicant agreed to and has submitted plans reflecting this. See **Exhibit B** for plans. See **Exhibit E** for LUAC minutes.

At the LUAC meeting, no public comments were made by any member of the public, but staff did read an email from a neighbor requesting that certain conditions of approval be made part of the project. The neighbor had concerns with his privacy since the Flores' property is behind his City of Monterey residential property and requested that a row of screening trees be planted on the Flores' property to ensure privacy between the neighbors. The neighbor also had a concern with the project's exterior lighting. Staff responded that the County has an exterior lighting plan condition of approval that mitigates for light pollution, requiring that the applicant submits exterior lighting plans, prior to the issuance of construction permit, demonstrating that the exterior lighting is shielded and unobtrusive. This has been made a condition of approval of the project. Regarding the line of screening trees, staff responded that private views are not protected in the County and a line of screening trees would be subject to the Flores' determination, but the County finds no policy-required nexus to impose such a condition.

FINANCING:

Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for RMA-Planning.

Prepared by: Nadia Amador, Associate Planner, x5114  
Reviewed by: Jacqueline Onciano, Chief of RMA Planning Services  
Approved by: Carl P. Holm, AICP, Director of RMA

The following attachments are on file with the RMA:

- Exhibit A Project Data Sheet
- Exhibit B Resolution
  - Recommended Conditions of Approval
  - Site Plan, Floor Plans, Elevations
  - Color Samples
- Exhibit C Vicinity Map
- Exhibit D Arborist Letter dated October 24, 2017 Addressing Relocating Two (2) Planted Trees and Re-flagging of Planted Trees
- Exhibit E Greater Monterey Peninsula LUAC Minutes
- Exhibit F Planning Commission Resolution No. 16-007
- Exhibit G Board of Supervisors Resolution No. 15-111
- Exhibit H Monterey Peninsula Water Management District - Water Distribution System Permit

cc: Front Counter Copy; Brandon Swanson, RMA Services Manager; Paul and Linda Flores; Sam Ezekiel, Interested Party; David Beech, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN170782.