



County of Monterey Planning Commission

Item No.4

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

Agenda Item No. 4

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PLN210037 - BARONE CLAIRE F

Public hearing to consider demolition of an existing 1,439 square foot single family dwelling and 436 square foot garage; and construction of a new 1,777 square foot single-family dwelling with a 341 square foot attached garage.

Project Location: 2445 Bay View Avenue, Carmel Area Land Use Plan, Coastal Zone

Proposed CEQA action: Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Monterey County Planning Commission:

1. Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
and
2. Approve a Combined Development Permit consisting of:
 - a. a Coastal Administrative Permit and Design Approval to allow demolition of an existing 1,439 square foot single family dwelling and 436 square foot garage; and construction of a new 1,777 square foot single-family dwelling with a 341 square foot attached garage;
 - b. a Coastal Development Permit to allow development within 750 feet of known archaeological resources; and
 - c. a Coastal Administrative Permit to allow a modification in parking standards, to allow a tandem driveway parking space for the main residence; and
3. Adopt a Mitigation Monitoring and Reporting Plan.

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

PROJECT INFORMATION:

Owner: Sister Claire Barone

Agent: Anderson Brulé Architects, Inc. (Represented by Daniel Ho and Pamela Anderson Brulé)

APN: 009--412--009--000

Zoning: Medium, 2 units per acre, with a Design Control Overlay [MDR/2-D(18)(CZ)]

Parcel Size: 0.16 acres (7,000 square feet)

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

SUMMARY:

The project proposes demolition of an existing single-family house and construction of a new one in substantially the same footprint. The new home would also include an attached 1-car garage, and associated site improvements consisting of landscaping, construction of new exterior decks, and connection to existing utilities. With a one car garage, a modification to parking standards to allow tandem parking for the driveway would be needed. Two spaces are required for a single family dwelling according to the parking requirements in the Coastal Zoning Regulations. County parking in the driveway in front of the garage (in the front setback) the project will provide off-street parking for two cars. A Coastal Administrative Permit is required to allow the parking in the front setback to count toward the required parking.

Due to the sensitivity of the Carmel point area for archaeological and tribal cultural resources, an Initial Study was prepared to evaluate the potential of the project to impact cultural resources. Impacts to Archaeological Resources were analyzed to be less than significant, and impacts to Tribal Cultural Resources were mitigated to a less than significant level with the incorporation of mitigation measures requiring cultural sensitivity training and an onsite tribal monitor.

DISCUSSION:

On September 28 2022, the Planning Commission consider the project and continued the hearing to October 12, 2022 in order to allow staff time to answer questions related to the regulatory requirements of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) including:

- Whether owner occupancy is required for junior accessory dwelling units or accessory dwelling units;
- Whether internal circulation with the main residence is allowable for junior accessory dwelling unit or accessory dwelling units;
- Whether a deed restriction is required for junior accessory dwelling units;
- Which specific setback provisions apply to junior accessory dwelling units vs accessory dwelling units; and
- Whether an accessory dwelling unit or a junior accessory dwelling unit could be sold separately from the primary residence.

After the September 28 hearing, the applicant requested that the hearing be continued from October 12, 2022 to October 26, 2022 in order to allow them time to determine whether they would want to propose an ADU or JADU. Staff determined that as designed, the proposed floor plan did not provide for “independent” living facility that would qualify as an ADU but rather the proposal appeared to be a JADU. As a JADU, a deed restriction and owner occupancy requirements would apply. The option to cutoff internal connections from the rest of the house and or to keep the plan and comply with the JADU requirements, were presented to the applicant. After consideration of the different requirements, the applicant ultimately abandoned the ADU/JADU concept and modified the design of the new house so that it complies with current setback requirements. The attached resolution (**Exhibit A**) incorporates the new plan set and has been updated to reflect the removal of the ADU/JADU from the plans. The comments that were received after distribution of the staff report for the September 28 hearing on September 21 and 26, and the one received on October 11 have also

been incorporated into (**Exhibit D**).

CEQA:

Pursuant to Public Resources Code Section 21083 and CEQA Guidelines Sections 15063(a) and 15063(b)(2), Monterey County as Lead Agency completed environmental review to determine if the project may have a significant effect on the environment. The County prepared a draft Initial Study resulting in a Mitigated Negative Declaration (IS/MND) for this project (**Exhibit C**). The MND was filed with the County Clerk on August 2, 2022, and circulated for public review and comment from August 2, 2022 to September 1, 2022 (SCH No. 2022080038).

The initial study identified potentially significant impacts to Tribal Cultural Resources. All other subject areas were analyzed to have a less than significant impact or no impact. Staff is recommending mitigation measure No. 1 and 2, which would reduce potential impacts to Tribal Cultural Resources to a less than significant level by:

- Requiring a pre-construction cultural sensitivity training be conducted with the construction crew by a qualified archaeologist and with the tribal monitor present. The training shall include how to identify potential cultural resources, and procedures for if previously unknown resources are identified onsite; and
- Requiring that a tribal monitor approved by the appropriate tribal authority traditionally and culturally affiliated with the area be onsite to observe all project related grading and excavation. The monitor shall have the authority to temporarily halt work to examine any potentially significant cultural materials or features.

Comments on the Initial Study were received within the circulation period by neighbors Susan Lynch, Michael Lynch, Sherri Pogue, and Randy Pogue; and Kakoon Ta Ruk Band of Ohlone-Costanoan Vice-Chairperson and Tribal Cultural Specialist Sydia Bojorquez. Representative of the applicant Kathryn Avila also provided comments in response to the neighbor's comments. The Comments are attached as (**Exhibit D**). County staff reviewed the comments received based on the specific circumstances of this project and determined that they do not alter the conclusions in the draft Initial Study, and no revisions to the draft Initial Study are necessary in response to the comments. The detailed County responses to the CEQA comments are attached in the draft resolution (**Exhibit A**).

Additional public comments received on September 21 and 26, and October 11 respectively, have been attached to **Exhibit D** for the Planning Commission's consideration. As these are not in relation to the Initial Study responses these comments are not included in the draft resolution.

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:

County staff referred the project to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project on November 15, 2021 and unanimously voted to recommend approval of the project as proposed.

Three neighbors identified concerns regarding the project. Concerns included:

- Whether the overgrown hedges on the rear of the project would be removed;
- Whether the junior accessory dwelling unit would be used as a long-term rental; and
- Whether utilities would be undergrounded.

Addressing each of these:

- The preliminary proposed landscaping plan includes removal of the hedges on the rear of the property. Staff is recommending Condition No. 7 in the attached resolution, which would require the applicant to submit a finalized landscaping plan prior to issuance of building permits for HCD-Planning review and approval, and install landscaping in accordance with this plan, including removal of these hedges.
- The Accessory Dwelling Unit has been removed from the plans.
- The regulations for development in the Carmel Area Land Use Plan found in the Monterey County Coastal Implementation Plan Section 20.146.030.B. indicate that underground utilities shall be required for new development, unless there are overall physical or environmental constraints. Evaluating the surrounding vicinity, the majority of electrical and telecommunication lines do appear to be above ground on utility poles, however, there do not appear to be any physical constraints that would preclude undergrounding them. Condition No 9. has been applied, which would require that the electrical and telephone lines be undergrounded and the applicant provide verification that they've been undergrounded, unless the utility service provider indicates in writing that they would prohibit undergrounding of their lines or if excavation of the underground utilities identifies previously unknown archaeological or tribal cultural resources and undergrounding the utilities would harm those resources.

The LUAC members also had concerns regarding whether the reduced front and side setbacks were allowable, particularly the north side two foot setback, as it could present a fire access issue. The project has been revised so that the new construction will conform with required setbacks.

Prepared by: Phil Angelo, Associate Planner
Reviewed by: Craig Spencer, Chief of Planning
Approved by: Erik Lundquist, AICP, HCD Director

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution, including:

- Recommended Mitigation Measure and Condition of Approval Monitoring and Reporting Plan
- Site Plans, Floor Plans, Elevations, and Colors and Materials

Exhibit B - Carmel Unincorporated/Highlands LUAC Minutes

Exhibit C - Initial Study and Mitigated Negative Declaration

Exhibit D - Public Comments on Initial Study
Exhibit E - Excerpts from State Planning and Zoning Law
Exhibit F - Vicinity Map

cc: Front Counter Copy; Cypress Fire District; HCD-Engineering Services, HCD-Planning; HCD-Environmental Services; Environmental Health Bureau; Phil Angelo, Associate Planner; Anna Quenga, AICP, Principal Planner; Sister Claire Barone, Property Owner; Daniel Ho, Applicant's Agent; Pamela Anderson-Brule, Applicant's Agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN210037.