



Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Report

Legistar File Number: RES 14-084

September 09, 2014

Introduced: 8/28/2014

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Public hearing to consider adopting a resolution to:

- a. Deny the appeal by Evergreen Financial Group from the Zoning Administrator's approval of a Combined Development Permit (Venkatesh/PLN130706) consisting of: 1) a Coastal Administrative Permit to allow a new 1,938 square foot addition to a 3,808 square foot single family dwelling; 2) a Coastal Development Permit to allow development within 750 feet of an archaeological resource; and 3) Design Approval; and
- b. Find the project Categorically Exempt per Section 15301(e) of the CEQA Guidelines; and
- c. Approve a Combined Development Permit (Venkatesh/PLN130706) consisting of: 1) a Coastal Administrative Permit to allow a new 1,938 square foot residential addition to a 3,808 square foot single family dwelling; 2) a Coastal Development Permit to allow development within 750 feet of an archaeological resource; and 3) Design Approval.

(Combined Development Permit - PLN130706/Venkatesh, 173 Spindrift Road, Carmel, Carmel Land Use Plan)

PROJECT INFORMATION:

Planning File Number: PLN130706

Owner: Gopalkrishnan & Brenda Venkatesh

Project Location: 173 Spindrift Road, Carmel

APN: 241-301-014-000

Agent: Eric Miller Architects

Plan Area: Carmel Land Use Plan

Flagged and Staked: Yes

CEQA Action: Categorically Exempt per Section 15301(e) of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution (Attachment B) to:

- a. Deny the appeal by Evergreen Financial Group from the Zoning Administrator's approval of a Combined Development Permit (Venkatesh/PLN130706) consisting of: 1) a Coastal Administrative Permit to allow a new 1,938 square foot addition to a 3,808 square foot single family dwelling; 2) a Coastal Development Permit to allow development within 750 feet of an archaeological resource; and 3) Design Approval; and
- b. Find the project Categorically Exempt per Section 15301(e) of the CEQA Guidelines; and
- c. Approve a Combined Development Permit (Venkatesh/PLN130706) consisting of: 1) a Coastal Administrative Permit to allow a new 1,938 square foot residential addition to a 3,808 square foot single family dwelling; 2) a Coastal Development Permit to allow development within 750 feet of an archaeological resource; and 3) Design Approval.

SUMMARY:

On March 18, 2014, Gopalkrishnan & Brenda Venkatesh filed an application for a Combined Development Permit to allow a 1,938 square foot residential addition to a 3,808 square foot single family dwelling. The project proposal has been analyzed for compliance with applicable zoning regulations (setbacks, coverage, and height) and applicable Land Use Plan policies (Carmel Area Land Use Plan). No inconsistencies were found to exist.

The project was brought to public hearing before the Monterey County Zoning Administrator on June 26, 2014, at which time the Zoning Administrator found the project Categorically Exempt per Section 15303 of the CEQA Guidelines, and approved the Combined Development Permit (ZA Resolution No. 14-022)(Attachment D). During the Zoning Administrator hearing, issues related to tree removal/trimming, site visibility, and site setbacks were discussed. The proposed project complies with all applicable setbacks, and will not result in increased visibility from public viewing areas. The issue of tree removal/trimming arose due to a complaint from the appellant. During the Zoning Administrator hearing, Staff confirmed that no unpermitted tree removal was observed/documented between October 2013 and May 2014 (site visits); however trees had been trimmed. The observed tree trimming did not result in more than 30% of the existing canopy, which is not a violation of county regulations. This trimming did make the project site more visible from the appellant's property; however, private views are not protected by Monterey County ordinances in this area.

On July 11, 2014, Evergreen Financial Group, appellant, timely appealed the Zoning Administrator's decision finding the project categorically exempt from CEQA and approving the Combined Development Permit (Attachment C). The appellant requests that the Board grant the appeal and deny the Combined Development Permit. The Appellant contends there was a lack of a fair or impartial hearing. A more detailed discussion of these contentions can be found in the proposed resolution (Attachment B).

Pursuant to Monterey County Code the appeal was set for hearing on September 9, 2014.

Staff proposes finding the project categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301(e). Section 15301(e) exempts additions to existing structures that will not result in an increase of more than 50% of the floor area of the structure before the addition, or 2,500 square feet, whichever is less, and involves negligible or no expansion of an existing use. The project proposes to add 50.8% to the existing floor area which is slightly above that listed by the exemption but this still fits within this exemption because the expansion is less than 2,500 square feet, it is an expansion of a garage and master bedroom which will not constitute an expansion of the use of the site. The addition of the master bedroom and garage are in keeping with the size of a home on this parcel related to height, area and setback requirements, and the added floor area does not adversely affect any sensitive resources or require a significant consumption of resources. No adverse environmental effects were identified during staff review of the development application during site visits on October 22, 2013 and May 18, 2014.

Based on compliance with all regulations/policies found in Monterey County Code, Staff recommends that the Board of Supervisors deny the appeal, find the project categorically exempt, and approve the Combined Development Permit.

DISCUSSION:

Detailed discussion is provided in **Attachment A**.

OTHER AGENCY INVOLVEMENT:

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

- ✓ Environmental Health Bureau
- ✓ RMA-Public Works
- ✓ RMA-Environmental Services
- ✓ Water Resources Agency
- ✓ Carmel Highlands Fire Protection District

The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review on April 7, 2014. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because the project involved the potential to raise significant land use issues (aesthetics and neighborhood character). The LUAC recommended approval of the proposed project by a 5-0 vote (1 member absent).

FINANCING:

Funding for staff time associated with this project is included in the FY14-15 Adopted Budget for RMA - Planning.

Prepared by: David J. R. Mack, Associate Planner ext. 5096
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
<mailto:> Benny Young, Director Resource Management Agency

This report was reviewed by John H. Ford, RMA-Services Manager

cc: Board of Supervisors; Front Counter Copy; Zoning Administrator; Carmel Highlands Fire Protection District; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; John H. Ford, RMA Services Manager; David J. R. Mack, Project Planner; Gopalkrishnan & Brenda Venkatesh, Owner; Eric Miller Architects (Luyen Vu), Agent; Evergreen Financial Group (Melvin Kaplan), Interested Party; Gary A. Patton, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Planning File PLN130706

The following attachments on file with the Clerk of the Board:

- Attachment A Discussion
- Attachment B Draft Board Resolution including recommended Conditions of Approval and Project Plans
- Attachment C Notice of Appeal from Evergreen Financial Group (Melvin Kaplan)
- Attachment D Zoning Administrator Resolution No. 14-022
- Attachment E Vicinity Map
- Attachment F Letter from Gary Patton, dated August 25, 2014.

This page intentionally left blank