



County of Monterey Zoning Administrator

Item No.2

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

December 12, 2024

Legistar File Number: ZA 24-056

Introduced: 12/5/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

PLN220272 - ISNV LLC

Public hearing to consider construction of a 2,842 square foot two-story single family dwelling, inclusive of a 436 square attached foot two-car garage, removal of one landmark Monterey cypress tree and development within 750 feet of known archaeological resources.

Project Location: 26399 Scenic Road, Carmel, Carmel Area Land Use Plan, (APN: 009-441-017-000)

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

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a Resolution:

1. Adopting a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines; and
2. Approving a Combined Development Permit consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 2,842 square foot two-story single family dwelling, inclusive of a 436 square attached foot two-car garage;
 - b. Coastal Development Permit to allow removal of one landmark Monterey cypress tree; and
 - c. Coastal Development Permit to allow development within 750 feet of archaeological resources; and
3. Adopt a mitigation monitoring and reporting plan.

PROJECT INFORMATION:

Agent: Carla Hashimoto

Property Owner: ISNV LLC

APN: 009-441-017-000

Parcel Size: 6,354 Square Feet (0.15 Acres)

Zoning: Medium Density Residential with a density of two units per acre with a Design Control district overlay and a maximum height limit of 18 feet, Coastal Zone or "MDR/2-D (18) (CZ)"

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

SUMMARY:

The project is located at 26399 Scenic Road, Carmel, within an established residential neighborhood and across the street from Carmel River Beach. This lot is subject to the policies of the Carmel Area Land Use Plan. The proposed project includes construction of a 2,842 square foot two-story single family dwelling, inclusive of a 436 square attached foot two-car garage, the removal of one landmark

Monterey cypress tree and associated site improvements within 750 feet of known archaeological resources. The project is consistent with applicable regulations and development standards in Title 20 and Medium Density Residential zoning, the Carmel Area Coastal Implementation Plan (Carmel Area CIP) and with the policies in the Carmel Area Land Use Plan (Carmel Area LUP). The proposed development will receive public utilities via California American Water Company (CalAM) and the Carmel Area Wastewater District (CAWD).

One protected Monterey cypress tree is proposed for removal. The Tree Assessment (LIB230166) confirmed the tree must be removed to facilitate development as it is located within the footprint of the proposed driveway. A Coastal Development Permit has been applied to this project for the removal of this tree pursuant to section 20.146.060 of the Carmel Area CIP.

The proposed project site is within 750 feet of known archaeological resources. Due to proximity, a Phase II Archaeological Evaluation (LIB230165) was prepared to assess potential project impacts. Data from the subsurface transects determined there are archaeological resources onsite. An initial study (IS) was prepared to fully analyze and disclose the extent of potential impacts to these important resources. The IS analyzed multiple environmental factors and determined all impacts from the project would be less than significant with the implementation of mitigation measures to protect tribal and cultural resources and incorporation of standard conditions of approval. A Mitigated Negative Declaration was filed with the County Clerk and is before the Zoning Administrator for consideration of adoption.

DISCUSSION:

Land Use & Development Standards

The property is zoned Medium Density Residential, two units per acre with a Design Control overlay district and a maximum height of 18 feet in the Coastal Zone. This zoning allows the first single family dwelling pursuant to a Coastal Administrative Permit, non-habitable accessory structures, such as garages, pursuant to a Coastal Administrative Permit, development within 750 feet of known archaeological resources pursuant to a Coastal Development Permit and removal of protected trees pursuant to a Coastal Development Permit; therefore, the proposed project is an allowed use. The allowed site coverage for the property is 35% (2,224 square feet) and allowed FAR is 45% (2,859 square feet). The proposed development will have a site coverage of 34.9% (2,215 square feet) and an FAR of 44.7% (2,842 square feet). The proposed structure is consistent with the height limitation of the zoning as it will have a height of 17 feet and 9 inches feet from the average natural grade. Additionally, the glass railing on the rooftop deck will not exceed the height limit. The proposed structure also meets the required setbacks. The property fronts two streets, Scenic Road and Isabella Avenue, and the proposed structure will be set back twenty feet from both roads and have a side setback of five feet and a rear setback of ten feet. Therefore, the project conforms to all the applicable development standards for the property's zoning designation.

Health and Safety

The property will be served by public utilities:

- The applicant provided correspondence from CalAM detailing their ability and willingness to provide the proposed project with potable water.

- A “Can and Will Serve” letter was also provided to the County regarding the sewer service. Carmel Area Wastewater District (CAWD) will service the proposed development. Further, the Cypress Fire Protection District reviewed the site plans and application materials for compliance with the fire safety regulations and found the project consistent.

Visual Resources and Design Review

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 development’s design, size and placement are consistent with the goals and policies of the 1982 County of Monterey General Plan and Carmel Area LUP, visual resource regulations contained in the Carmel Area CIP, and with the surrounding neighborhood character.

- The proposed colors and materials include cream colored smooth stucco and stone veneer (beige) for portions of the exterior walls, frameless anti-reflective or glare control glass walls for portions of the exterior walls facing Scenic Road, and teak wood exterior siding and fascia. The home will have a flat roof with a light colored, rubber membrane covering. The rooftop patio will be surrounded by frameless anti-reflective or glare control glass railings. The driveway, pathways and patio will utilize cream colored pervious pavers and steppingstones.
- The siting and design of the proposed structure does not detract from the natural beauty of the scenic shoreline and the undeveloped ridgelines and slopes in the public viewshed. The dwelling is located in a highly developed neighborhood, on the inland side of Scenic Road. For residents and visitors enjoying the view of the shoreline from Scenic Road, the proposed house will be behind them. For those enjoying the view from Point Lobos or Carmel River Beach, the natural colors of the exterior siding will blend in with the sandy beach below.
- Condition Nos. 8 and 9 require both an exterior lighting plan and a landscaping plan be provided and approved before the issuance of building permits. These conditions shall ensure compliance with the Carmel Area LUP, Carmel Area CIP and Title 20.

Tree Removal

The proposed project includes the removal of one 24 inch landmark Monterey cypress tree. This tree is in the footprint of the driveway and is in poor condition, experiencing poor structure throughout, significant decay in its main stem and fragmented, twisted, and broken limbs. The Carmel Area CIP states that a Coastal Development Permit must be obtained prior to the removal of any protected trees and that a forest management plan prepared by a qualified professional shall be submitted with the permit application. The Tree Resource Assessment (**Exhibit C**) determined one is the minimum number of protected trees that must be removed to allow the construction of the proposed driveway and single family dwelling. Tree protection measures, a pre-construction raptor survey and a tree replacement ratio of 1:1 were recommended by the arborist. These recommendations have been implemented as condition of approval Nos. 6, 7 and 18.

Archaeological Resources

The project site is within 750 feet of known archaeological resources (CA MNT-17), therefore, a Coastal development Permit was added to the project per section 20.16.090 of the Carmel Area CIP. A Phase II Archaeological Assessment (LIB230165) was prepared to evaluate the presence or absence of resources onsite, and whether or not the project poses potential impacts to any important resources. The subsurface testing determined there are resources onsite, but it was determined by the

archaeologist that further excavations in the project area are unlikely to recover substantial quantities of identifiable resources or artifacts that could contribute to the study of CA-MNT 17. As there is still the potential for Native American burials to exist near the known resources, the archaeologist recommended a tribal monitor to observe all ground disturbance activities. Consistent with section 20.146.090.D.2.a of the Carmel Area CIP, all recommendations within the archaeological report (LIB230165) have been implemented through a condition of approval (Condition No. 19). The project cannot be resited to avoid potential impacts, as the resources are not concentrated in one specific area. However, the project complies with Carmel Area LUP Policy 2.8.3.4 as it has been designed to reduce impacts to the maximum extent. The development has been designed to minimize excavation and ground disturbance through the use of helix anchors, opposed to the standard spread footing foundation. The non-standard foundation system reduces the required excavation from 12 feet to 3 and a half.

CEQA:

Pursuant to Public Resources Code Section 21083 and CEQA Guidelines Sections 15063(a) and 15063(b)(2), County of Monterey as lead agency completed an environmental review to determine if the project may have a significant effect on the environment. The County prepared a draft Initial Study and Mitigated Negative Declaration (IS/MND) for this project (**Exhibit D**). The MND was filed with the County Clerk on August 22, 2024, and circulated for public review and comment from August 22, 2024 to September 23, 2024 (SCH No. 2024080902). The project is within the culturally affiliated territory of the following tribes that have requested project notification:

- Ohlone/Costanoan-Esselen Nation (OCEN);
- Kakoon Ta Ruk Band of the Ohlone-Costanoan; and
- The Esselen Tribe of Monterey County

The County provided written notification to each of these tribes on April 15, 2024, no requests for consultation were received for this project. The County does hold monthly consultations with the OCEN tribe, this project was discussed with the OCEN tribal representative on May 14, 2024. The OCEN tribe requested a tribal monitor during all ground disturbing activities, including landscaping. Additionally, they requested the reburial of any potential remains or artifacts that may be uncovered during construction. More detailed discussion of the tribal consultations is included in the attached Initial Study and Mitigated Negative Declaration (**Exhibit D**).

The County identified potentially significant impacts to tribal and cultural resources. Mitigation measures and conditions of approval have been proposed to reduce the identified impacts to a level of less than significant. No comments were received during the public comment period. In accordance with CEQA Guidelines Section 15074, the Zoning Administrator shall consider the IS/MND prior to approving the project.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and Cypress Fire Protection District. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the

neighborhood.

LUAC:

The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project at a duly noticed public meeting on August 21, 2023 and voted unanimously to support the project as proposed (**Exhibit E**). The neighbors and LUAC members concluded the project will have a positive impact on the neighborhood.

Prepared by: Zoe Zepp, Assistant Planner

Reviewed by: Anna Ginette Quenga, AICP, Principal Planner

Approved by: Melanie Beretti, Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, Elevations & Colors and Materials

Exhibit C - Tree Assessment

Exhibit D - Initial Study and Mitigated Negative Declaration

Exhibit E - LUAC Minutes

Exhibit F - Vicinity Map

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Assistant Planner; Anna Ginette Quenga, AICP, Principal Planner; ISNV LLC, Property Owner; Carla Hashimoto, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Project File PLN220272