



County of Monterey

Item No.

Board Report

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

Legistar File Number: RES 25-073

May 20, 2025

Introduced: 5/7/2025

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

PLN240143 - SEARLE PHILIP A & BANU TRS

Public hearing to:

- a. Consider the appeal of Jeanie Sears of the Zoning Administrator's February 27, 2025, decision to approve a Combined Development Permit;
- b. Consider demolition of an existing residence, and construction of a replacement 2,700 square foot single family dwelling with an attached garage and associated site improvements within 750 feet of known archaeological resources.

Project Location: 2480 Bay View Avenue, Carmel

Proposed CEQA action: Find the project Categorically exempt pursuant to CEQA Guidelines section 15302, and there are no applicable exceptions pursuant to Guidelines section 15300.2.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

1. Deny the appeal of Jeanie Sears of the Zoning Administrator's approval of the Combined Development Permit;
2. Find that the project qualifies as a Class 2 Categorical Exemption pursuant to CEQA Guidelines section 15302, and there are no applicable exceptions pursuant to Guidelines section 15300.2; and
3. Approve a Combined Development Permit consisting of a: 1) Coastal Administrative Permit and Design Approval to allow demolition of existing two-story residence and construction of a 2,700 square-foot single-family dwelling with an attached garage and associated site improvements; and 2) Coastal Development Permit for development within 750 feet of known archaeological resources.

The attached draft resolution includes findings and evidence for consideration (**Attachment B**). Staff recommends approval/denial subject to 10 conditions of approval.

PROJECT INFORMATION:

Agent: Hannah Miller

Property Owner: Philip and Banu Searle

APN: 009-412-025-000

Parcel Size: 0.13 acres or 6,000 square feet

Zoning: MDR/2-D-(18)(CZ)

Plan Area: Carmel Land Use Plan

Flagged and Staked: Yes

SUMMARY:

The subject property is located at 2480 Bay View Avenue in Carmel. The lot is developed with a two-story single-family dwelling with an attached garage. The proposed project includes demolition of the existing structures and construction of a replacement 2,700 square foot single-family dwelling with an attached garage, and associated site improvements including an entry courtyard and utility yard, rear yard patio, dog wash area, and a fire pit. The proposed project also involves development within 750 feet of known archaeological resources. The proposed project includes the removal of non-native ornamental vegetation, and the voluntary replanting of two Monterey Cypress trees. The subject property is currently provided with potable water by CalAm and sewer service by Carmel Area Wastewater District.

On February 27, 2025, the Zoning Administrator considered the project at a public hearing, approved the Combined Development Permit, and found the proposed project categorically exemption from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15302 (Zoning Administrator Resolution No. 25-011; **Attachment D**). During the Zoning Administrator hearing, members of the Sears family (neighbors) contested the redevelopment proposal, raising concerns with its design, massing, and impact on private views.

The appellant, Jeanie Sears, represented by the Law Offices of Jennifer S., timely appealed the February 27, 2025, decision approving the Combined Development Permit. The Appellant contends that the Zoning Administrator's hearing was impartial, that its decision was not supported by the evidence, and that its decision is contrary to law. The specific contentions raised by the Appellant are identified below and are addressed in more detail in the Draft Resolution (**Attachment B**).

This hearing is de novo. Staff recommends denial of the appeal and approval of the proposed Combined Development Permit.

APPEAL

The appellant filed an appeal raising numerous contentions (**Attachment D**). Staff has grouped the contentions as follows:

- 1) *"There was [sic.] Lack of Fair and Impartial Hearing" because "Resolution No. 25 -PLN240143 is reaped with inconsistencies"*
- 2) *"The Findings are not supported by the Evidence"*
- 3) *"Contrary to the findings, the site is not suitable for the project" because "this project will create adverse impacts [sic.] scenic and visual resources" and "will block scenic and visual resources".*
- 4) *"It is not consistent with other residences in the neighborhood and will decrease any and all scenic visuals in its viewshed public and private" because "The massive Carmel Stone Wall has an industrial quality similar to a commercial building and is unavoidable to notice from all those who pass by."*
- 5) *"The proposed material used to create the East Carmel Stone wall (almost 18 feet tall) create [sic.] unavoidable brightness and are [sic.] visually unconfoming [sic.] creating a mass within the public viewshed."*
- 6) *"The Decision is Contrary to Law" because it is "inconsistent with the Carmel Land Use*

Plan, Title 20, Coastal Act and General Plan and ignores” Carmel Area Land Use Plan Policies 2.2.2, 2.2.3, and “10.c”

7) “...the establishment, maintenance and operation of this project under the circumstances of this particular case will be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.”

8) “The project as proposed is not categorically exempt from CEQA” because the “site is environmentally sensitive”, “may result in damage to scenic resources”, and “will result in cumulative impacts.”

Staff has reviewed the contentions raised in the appeal. Responses to the contentions are provided in more detail in the draft Resolution (**Attachment B**). In summary, the project includes replacement of a single-family dwelling on a 6,000 square foot lot in an urbanized area of the County. The project has been designed to comply with site development standards, including an 18-foot height limit. Multiple reports have been prepared for the project demonstrating the suitability of the site for the project. Staff and the Carmel Highlands/Unincorporated area Land Use Advisory Committee have reviewed the design and found the project consistent with the Carmel Land Use Plan and in keeping with surrounding development. No significant evidence has been provided in the appeal to support the contentions made by the appellant.

Site Suitability:

The appellant asserts that the subject site is not suitable for the proposed project because of its design, specifically colors, materials, massing, and its potential impact on the public and private viewsheds. Archaeological, geotechnical, historical, and arborist reports prepared to analyze the proposed project did not find physical or environmental constraints that would indicate that the property is not suitable for the proposed uses. Further, a project’s colors and materials are irrelevant to the question whether a property is physically suitable to be developed with a residence. Thus, no evidence has been presented to demonstrate that the site cannot support a 2,700 square-foot single-family dwelling with an attached garage.

Consistency and Design:

The appeal contends that the project is inconsistent with the Carmel Area Land Use Plan, Title 20, Coastal Act, and the 1982 General Plan. The Carmel Area Land Use Plan establishes goals and policies that protect public viewsheds and require new structures to be visually compatible and consistent with the surrounding built and natural environment. Key Policy 2.2.2 of the Carmel Area Land Use Plan requires that development be subordinate to the natural scenic character of the area and conform to the basic viewshed policy of minimum visibility. The existing 2,200 square foot split-level single-family dwelling is not visible from Scenic Road or any other scenic corridor due to intervening mature trees and neighboring residences. As designed, the proposed 2,700 square foot two-story residence will be sited in the same location as the previous residence, and therefore also be fully screened from protected scenic corridors (Scenic Road). The project proposes a flat membrane roof with a height of 18 feet as measured from average natural grade, which further assures that the proposed residence would not create adverse visual impacts. The change from split level to two-story would not substantially increase the bulk and mass of the proposed residence, as it would be roughly 500 square feet larger than the existing residence and is similar in design in that it has a flat roofline with sharper edges on the corners of the structure. Other residences in the area range from single-story to

two-story residences, all with variations in roof pitch and configurations. As designed, the bulk and mass of the proposed residence will be comparable to the existing development in the vicinity of the parcel, and therefore would both be consistent with the surrounding development and would not create visual impacts to public viewsheds.

Consistent with Policy 2.2.3.1, the proposed location and design of the residence will not impact views of the shoreline, undeveloped ridges, and slopes in the public viewshed. By incorporating light earth tone colors and using materials such as wood and natural colored stone, the proposed residence will blend into the existing developed neighborhood as well as the surrounding natural environment. These proposed colors and materials are compatible with the “Carmel-Cottage” aesthetic of the neighborhood. The surrounding neighborhood has existing residences ranging in design from Tudor and modern to craftsmen-style homes, with many properties surrounded by mature vegetation to assist in screening residences from public viewshed areas. Recent redevelopment projects within the area have incorporated modern-contemporary designs, not unlike the proposed project. Although staff recognizes a shift in desired architectural style throughout the Carmel Point area, the proposed design is compatible with the existing and evolving neighborhood style.

As required by Title 20, Section 20.44.010, the Design Control zoning district regulates the size, design, colors, and materials of structures in those areas of the County where design review is necessary to assure the protection of the public viewshed and neighborhood character, while not imposing undue restrictions on private property. The use of Carmel natural colored stone and wood siding are appropriate for the Carmel area and in keeping with neighborhood character. Title 20, section 20.12.060.C requires that the subject parcel be limited to 18 feet in height as measured from average natural grade, for main and accessory structures. As delineated on the plans, the applicant proposes a flat roofline, measuring at 18 feet from average natural grade. Staff has applied Condition No. 4 to assure the proposed residence complies with the maximum height allowed as required by Title 20.

Health and Safety:

The appellant contends that redevelopment of the project site would attribute to a public health and safety impact. The subject property is zoned for medium density residential use and the proposed project is consistent with the applicable zoning district’s allowed uses. Further, the project has been reviewed by applicable County departments and there has been no evidence that indicates the proposed project will require construction practices, maintenance, or operation that is unlike other residential development. As described below, the project, as designed and conditioned, does not include development that would be considered to be detrimental to health, general public welfare, or safety to the surrounding residences. Condition No. 6 has been applied and requires the applicant submit a comprehensive construction management plan that includes hours of operation, duration of the construction, truck routes, and other details that relate to construction of the proposed residence. The project will also be required to comply with Title 16 requirements, related specifically to dust suppression and runoff control, which will be outlined in the erosion control plan that is submitted and reviewed prior to issuance of building permits and/or grading permits. The project includes replacement of an existing residence previously constructed in the 1930’s with a new structure having the same purpose (single family dwelling).

California Environmental Quality Act (CEQA):

The appellant argues that the project cannot be categorically exempt from CEQA because of “*site is environmentally sensitive*” and the project “*may result in damage to scenic resources*” and “*result in cumulative impacts.*” The California Secretary of Natural Resources has found that projects involving the replacement or reconstruction of an existing structure, where the new structure will be located on the same site and the same purpose and capacity, will ordinarily have an insignificant impact on the environment. Thus, this category of activity is typically found to be categorically exempt under CEQA Guidelines section 15302. However, CEQA Guidelines section 15300.2 establishes that a project cannot be found categorically exempt if it has the potential to significantly impact the environment due to location (impacts on an environmental resource of hazardous or critical concern), unusual circumstances, scenic highways, historical resources, or cumulative impacts. However, the “location” exception (Section 15300.2(a)), only applies to certain classes of exemptions and not Class 2 (Replacement or Reconstruction).

This project qualifies for a Class 2 categorical exemption pursuant to CEQA Guidelines section 15302, because the project involves demolition of an existing residence to be replaced with a new residence, in the same footprint as the previous, and none of the exceptions outlined in section 15300.2 apply. The subject parcel currently has an existing two-story residence and associated site features that will be demolished. As proposed, the project includes construction of a replacement 2,700 square foot single-family dwelling with an attached garage and associated site improvements. The replacement residence will continue to have the same purpose and capacity as the residence sited for removal and will not create any new environmental impacts as a result of this project. There is no evidence in the record to suggest potentially significant impacts on the environment as a result of the proposed construction. Similarly, there are no unusual circumstances or sensitive resources that would disqualify this project from the Class 2 categorical exemption.

Under CEQA guidelines, a scenic resource is any natural or man-made feature that significantly contributes to the visual aesthetic quality of a view or area (e.g. rock outcroppings, historic buildings, trees) and is located within a designated scenic highway. The project site is not visible from a scenic highway, nor will it impact any scenic resource (rock outcropping, historic buildings, trees, etc.) within a state scenic highway. Therefore, the project does not have the potential to impact a “scenic resource”, as defined by CEQA Guidelines. A historical report was submitted and found that the existing dwelling does not have any historical significance. Finally, there are no known successive projects in the area of the same time that would result in a cumulative impact with implementation of the proposed project. Therefore, staff recommends the Board of Supervisors find that the appropriate level of environmental review has been conducted and the project qualifies as a Class 2 categorically exemption.

Additional detail on the contentions and the evidence considered is included in the draft resolution attached as **Exhibit B** to this report.

OTHER AGENCY INVOLVEMENT:

The permit was reviewed by Cypress Fire Protection District, Environmental Health, Planning, and Engineering Services.

LAND USE ADVISORY COMMITTEE

The proposed project was reviewed by the Carmel Highlands Land Use Advisory Committee on February 18, 2025. The committee recommended approval of the project by a vote of 5-0 in support of the project as proposed. The LUAC minutes were not available prior to this hearing.

FINANCING:

Funding for staff time associated with this project is included in the FY2024-25 Adopted Budget within Community Development General Fund 001, Appropriation Unit HCD002, Unit 8543.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

☒ Administration

☐ Economic Development

☐ Health & Human Services

☐ Infrastructure

☐ Public Safety

Prepared by: McKenna Bowling, Assistant Planner

Reviewed by: Fionna Jensen, Principal Planner

Approved by: Craig Spencer, Director of Housing and Community Development

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

Attachment A - Project Data Sheet

Attachment B - Draft Resolution

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

Attachment C - Vicinity Map

Attachment D - Notice of Appeal

Attachment E - Zoning Administrator Resolution No. 25-011

cc: Front Counter Copy; Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; McKenna Bowling, Assistant Planner; Fionna Jensen, Principal Planner ; Craig Spencer, Director of Housing and Community Development; Philip and Banu Searle, Property Owners; Hannah Miller, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN240143.