



County of Monterey

Item No.4

Zoning Administrator

Legistar File Number: ZA 24-022

May 09, 2024

Introduced: 4/30/2024

Current Status: Agenda Ready

Version: 2

Matter Type: Zoning Administrator

PLN200208 - GUNSEL

Public hearing to consider construction of a 1,200 square foot Accessory Dwelling Unit.

Project Location: 24806 Handley Drive, Carmel, Carmel Area Land Use Plan.

Proposed CEQA action: Find the project qualifies for a Categorical Exemption pursuant to CEQA Guidelines section 15303.

RECOMMENDATIONS

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

- a. Find that the project is for an Accessory Dwelling Unit which qualifies as a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303; and
- b. Approve a Coastal Administrative Permit and Design Approval to allow the construction of a 1,200 square foot detached Accessory Dwelling Unit with an attached 256 square foot deck.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 10 conditions of approval.

PROJECT INFORMATION

Agent: Glenn Warner

Property Owner: Sahin and Umran Gonsel

APN: 009-591-012-000

Parcel Size: 0.38 acres

Zoning: Medium Density Residential, 2 units per acre, Design Control, Coastal Zone or "MDR/2-D(CZ)"

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

Project Planner: McKenna Bowling, Assistant Planner

(831) 755-5298, bowlingmr@countyofmonterey.gov

SUMMARY

The subject property is located at 24806 Handley Drive, Carmel within the unincorporated area of Monterey County. The lot was developed with two-story 3,656 square foot single family dwelling in 1964 under Building permit No. MB-5123. The proposed project includes construction of a 1,200 square foot Accessory Dwelling unit with an attached 256 square foot deck.

DISCUSSION:

Land Use

Based on staff's review of the planning application materials, the project complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 1982 general Plan (Coastal), Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), and applicable sections of the Monterey County Coastal Zoning Ordinance (Title 20). The parcel is zoned Medium Density Residential, 2 units per acre, with a Design Control overlay in the Coastal Zone (MDR/2-D(CZ)), which allows for the construction of an Accessory Dwelling Unit subject to a Coastal Administrative Permit and Design Approval.

Title 20 section 20.64.030 establishes the regulations applicable to Accessory Dwelling Units (ADU) in the Coastal Zone. As delineated on the attached project plans (**Attachment 2 of Exhibit A**), the proposed 1,200-square-foot ADU complies with the required setbacks and is sited approximately 59 feet from the front, 6 feet from the rear, and 6 feet from the side property lines. The proposed ADU would have a height of 15 feet from the average natural grade. This property has an allowable maximum building site coverage of 35 percent and a maximum floor area ratio of 45 percent. The proposed ADU will result in a building site coverage of 32 percent and a floor area ratio of 30 percent. Therefore, the proposed project complies with applicable site development standards.

Design and Visual Resources

As designed, the proposed ADU would have exterior colors and materials colors that match the existing single-family dwelling, which include light beige body exterior plaster, white trim wood windows and doors, and a brown asphalt shingle roof. The exterior finishes are compatible with the surrounding environment and consistent with the surrounding residential neighborhood character. Staff conducted a site visit on March 21, 2024, to determine whether the project would be visible from any common public viewing area, including 17-Mile Drive, Scenic Road, Highway 1, and Point Lobos Reserve. The project's staking and flagging was not visible from Highway 1 or any other public viewshed due to intervening mature vegetation and development. Therefore, the project, as designed and sited, assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

Public Comment

In accordance with Title 20 section 20.76.030, the proposed project was scheduled for consideration before the HCD Chief of Planning on March 20, 2024. However, prior to this administrative hearing, two objection letters were submitted by a member of the public (**Exhibit D**). These letters raised concerns regarding the subject property's high fire hazard zone, lack of a secondary egress route, the location of the proposed ADU as it pertains to soil suitability, use of the proposed ADU as a short-term rental rather than low-income housing, overcrowding of cars and trash bins on the cul-de-sac, and conversion and use of the existing single-family dwelling as an unpermitted duplex. In addition to these concerns, the public comment letters requested a public hearing. Therefore, pursuant to Title 20 section 20.76.060 the project was referred to the Zoning Administrator for consideration.

The subject property is located at the end of Handley Drive, a dead-end street, near Carmel Woods in the unincorporated area of Monterey County. Carmel Highlands Fire Protection District reviewed

the proposed project and raised no concerns. Additionally, Condition No. 10 requires that the Applicant/Owner prepare a Fuel Management Plan prior to the issuance of any permit from HCD-Building Services. As it relates to soil suitability, HCD-Planning and Environmental Services have independently reviewed the project-specific geotechnical report and agree with its conclusions, which found that “the subject site will be suitable for the construction of an ADU.” All recommendations of the geotechnical report are required to be implemented into the final construction plans pursuant to Title 16 section 16.08.110.

Although HCD-Planning staff recognizes the need for low-income housing, ADUs are not required by local code or State law to be constructed for low-income housing. Additionally, pursuant to the County’s ADU Ordinance, ADUs cannot be used for short-term rentals, and therefore if this structure were to be used on a transient or short-term rental basis, the Applicant/Owner would be subject to a code enforcement case. Lastly, the final concern raised in the public comment letter related to overcrowding of cars on Handley Drive. In accordance with Title 20 sections 20.58.040 and 20.64.030, ADUs are required to have one dedicated parking stall. The existing driveway and garage provide adequate parking for the single-family dwelling and proposed ADU.

The current practice of HCD Code Compliance is reactive enforcement based on complaints received, which are then prioritized based on health and safety conditions. Based on a review of the County’s records, a complaint alleging the use of the existing single-family dwelling as a duplex was filed on March 11, 2022. A code enforcement case 22CE00072 was subsequently opened and investigated by HCD staff on October 18, 2022. An administrative citation was issued requiring removal of an unpermitted oven and dishwasher in the lower level of the residence and restoring the access between the lower floor and upper floor of the residence. The Applicant/Owner has since obtained Building Permit No. 23CP03564 to abate the violation. After inspection of the residence on January 19, 2023, HCD-Code Compliance closed the land use violation case. No active code enforcement violation exists on the property as of April 2024.

CEQA:

California Environmental Quality Act (CEQA) Guidelines section 15303 categorically exempts the construction of accessory structures. As proposed, the project involves the construction a 1,200 square foot Accessory Dwelling Unit with an attached deck. No evidence of significant adverse environmental effects were identified during staff’s review of the development application.

LUAC:

County staff referred the project to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the project at a duly-noticed public meeting on April 1, 2024, and voted 6-0 to not support the project. The LUAC’s concerns related to the Applicant/Owner already having long-term tenants in the lower portion of the existing residence, whether the Applicant/Owner currently lives in the residence full time, and whether adequate parking and ingress/egress would be provided for the residence and proposed ADU. Two members of the public commented on the project, specifically raising concerns regarding the lack of parking on Handley Drive, means of ingress and egress, how adding an ADU will negatively impact emergency vehicle access, and the existing residence being rented out to a tenant.

Prepared by: McKenna Bowling, Assistant Planner x5298
Reviewed by: Fionna Jensen, Senior Planner
Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution

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

Exhibit B - Vicinity Map

Exhibit C - LUAC Minutes, dated April 1, 2024

Exhibit D - Public Comment

cc: Front Counter Copy; Carmel Highlands Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; McKenna Bowling, Project Planner; Anna Ginette Quenga, AICP, Principal Planner; Sahin Gonsel, Property Owner; Glenn Warner, Agent; Amir Tadros, Interested Party; Christina McGinnis, Interested Party; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN200208.