



# Monterey County

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## Board Report

Legistar File Number: RES 15-006

February 03, 2015

Introduced: 1/22/2015

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Resolution

Public hearing to consider adopting a resolution to:

- a. Rescind the Board of Supervisors approval of a Combined Development Permit pursuant to Resolution No. 14-259 which denied an appeal by Evergreen Financial Group of the Venkatesh application approved by the Zoning Administrator, and approved a Combined Development Permit 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; and
- b. Find the project Categorically Exempt per California Environmental Quality Act (CEQA) Guidelines Section 15301(e); and
- c. Confirm the findings on the appeal and approve a Design Approval for a new 1,938 square foot residential addition to a 3,808 square foot single family dwelling, including an attached 18' 5.5" tall privacy wall.

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

### PROJECT INFORMATION:

**Planning File Number:** PLN130706

**Owner/Applicant:** Gopalakrishnan & 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 CEQA Guidelines Section 15301(e).

### RECOMMENDATION:

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

- a. Rescind the Board of Supervisors approval of a Combined Development Permit pursuant to Resolution No. 14-259, which denied an appeal by Evergreen Financial Group of the Venkatesh application approved by the Zoning Administrator, and approved a Combined Development Permit 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; and
- b. Find the project Categorically Exempt per California Environmental Quality Act (CEQA) Guidelines Section 15301(e); and
- c. Confirm the findings on the appeal and approve a Design Approval for a new 1,938 square

foot residential addition to a 3,808 square foot single family dwelling, including an attached 18' 5.5" tall privacy wall.

**SUMMARY:**

Actions before the Board generally would:

- (1) Rescind County actions on the Combined Development Permit, which is not under County jurisdiction; and
- (2) Approve a Design Approval, which is under the County's jurisdiction.

Following Board action, Coastal Commission staff notified County staff that the project is located in an area where the Coastal Commission retained permit jurisdiction and the County's jurisdiction is limited to project design control review and Design Approval. The applicant and appellant have agreed on Revised Project Plans that will be presented to the Coastal Commission. Revised Project Plans, which meet the requirements of Low Density Residential Zoning Districts within the Coastal Zone (LDR-CZ), have been negotiated between the applicant/owner and the appellant as part of a Conditional Settlement Agreement which will result in dismissal of Case No. 12961 if the Design Approval is approved by the County. Once the Design Approval for the Revised Project Plans is considered and approved by the County, the applicant must apply to the Coastal Commission as the appropriate authority to consider the Combined Development Permit (CDP) entitlement. The Coastal Commission would need to approve the CDP for the project to be constructed.

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**DISCUSSION:**

On March 18, 2014, Gopalakrishnan Venkatesh and 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. After approval by the Zoning Administrator, Evergreen Financial Group, a neighbor appealed the decision to the Board of Supervisors. The Board of Supervisors considered the appeal on September 9, 2014, denied the appeal, and approved the project (Attachment G). On or about October 16, 2014, the County was served with a Summons and Complaint and Petition for Writ of Mandamus in *Evergreen Financial Group v. County of Monterey and Monterey County Board of Supervisors* in Monterey County Superior Court Case No. 129621. Subsequently, upon receipt of the County's Final Local Action Notice (FLAN), California Coastal Commission Staff notified County Staff that the subject property is one of a handful of properties located within an area of the Carmel Area Land Use Plan that was not certified by the Coastal Commission as part of the County's Local Coastal Program. Because the subject property is located in an area within the Carmel Area Land Use Plan which was not certified as part of the County's Local Coastal Program, the Coastal Commission retained permit jurisdiction and the County's jurisdiction is limited to project design control review and Design Approval.

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

**OTHER AGENCY INVOLVEMENT:**

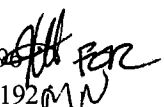
The following agencies have reviewed the project, have comments, and/or have recommended conditions:


- √ 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 

Carl Holm, Acting Director, Resource Management Agency 

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; Office of the County Counsel; California Coastal Commission; John H. Ford, RMA Services Manager; David J. R. Mack, Project Planner; Gopalakrishnan & Brenda Venkatesh, Owner; Eric Miller Architects (Luyen Vu), Agent; Anthony Lombardo, Esq., Agent; Evergreen Financial Group (Melvin Kaplan); William Parkin, Esq., Agent; Gary A. Patton; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Planning File PLN130706

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

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| Attachment A | Discussion  |
| Attachment B | Draft Board Resolution including recommended Conditions of Approval and Revised 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.  |
| Attachment G | Board Resolution No. 14-259   |
| Attachment H | LUAC Minutes from April 7, 2014 Meeting.  |

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