

Attachment A

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DISCUSSION

Land Use Plan & History:

According to appraisal information from the Assessor's office, the site has been developed with a single-family residence and guest house since at least 1949. In 1969, the County applied the first zoning designation to the property: "R-1", which allowed single-family residences to a maximum lot coverage of 35 percent. However, when the County adopted the Del Monte Forest Land Use Plan and its zoning ordinance in 1984 and 1988, respectively, the property was designated with a "Open Space – Forest" land use designation and rezoned to be within a "Resource Conservation" [RC] zoning district. The application of this land use designation and zoning does not allow residential uses as a principal or conditionally permitted use and establishes a maximum lot coverage of 5 percent.

Conversely, the single-family neighborhood north and northwest of the subject property was all designated Medium Density Residential and rezoned to be within a "Medium Density Residential" [MDR] zoning district. Staff could not find evidence in the record to explain why the "Open Space – Forest" land use designation and "Resource Conservation" zoning were applied to the site when it had already been developed with a residential use.

One possible reason is that the property is within the "Pescadero" planning area, adjacent to forest properties, while the nearby residential subdivisions are part of the "Huckleberry Hill" planning area. Another is that the land use plan map and zoning boundaries could have been drawn around the boundaries of the Del Monte Forest #1 and #2 subdivision maps, which were recorded between 1946 and 1948, in roughly the same time frame as when the property was developed. The property, while recognized as a legal lot, was created through a separate legal mechanism. Consequently, without site specific reconnaissance, the preparers of the plan would not have known that it was part of the established residential neighborhood.

Recent Property History & Site and Development Standards:

In 2006, the Monterey County Resource Management Agency adopted Resolution No. 06-0320, approving a Combined Development Permit PLN060320, which allowed the replacement of a 233 square foot one car garage, removal of a 48 square foot shed, and enclosure of a 228 square foot covered patio into additional living space for the single-family residence. These improvements expanded the residential use by 180 square feet and had no net change in site coverage.

The maximum allowable building site coverage in the Resource Conservation [RC] zone is 5%. As the lot is 0.497 acres (21,668 square feet), this would be 1,083 square feet. Despite being greater than 5%, approval of PLN060320 allowed the site coverage to expand to approximately 8.9%, meaning no further building site coverage could be approved consistent with this development standard.

Building Site Coverage

- Maximum: 5% (1,083 square feet)
- Developed Prior to 2006: 8.0% (approximately 1,741 square feet)
- Developed After 2006: 8.9% (approximately 1,921 square feet)

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More recently (2008), the present property owners applied to expand the single-family home above the garage by 380 square feet (PLN080536). As the building site coverage exceeded the site coverage allowed by the RC zoning and the previous approval accounted for the allowed expansion of the legal nonconforming use, planning staff provided the applicants an administrative determination explaining why their application would not be supportable under the present zoning.

Site Characteristics:

The site is situated west of Highway 68, directly southwest of the Community Hospital of the Monterey Peninsula. The site is bounded on all sides with roadways. To the east is Highway 68, to the north is Scenic Drive, and to the west and south are Sunridge Drive. To the north and northwest are the Del Monte Forest Subdivisions #1 and #2, which are principally detached single-family homes similar to the site. To the southwest of the property is an open space forested area that seems appropriately designated for open space and resource conservation.

A biological report prepared for the project by dated May 7, 2020, and available in HCD-Planning Library File LIB21023, assessed the biotic conditions of the site. The site contains Monterey pine forest. While not observed, two special status wildlife species also have the potential to be present onsite within the Monterey pine habitat, Hoary Bat (*Lasiurus cinerius*) and Monarch Butterfly (*Danaus plexippus*). In addition, nesting and migratory birds may also use the Monterey pine forest as habitat. Despite the presence of these resources onsite, the report concluded that the proposed change in zoning would be unlikely to have a significant environmental impact on biological resources. The parcel has already been developed with a residential use, and the new land use designation and zoning would not significantly alter or intensify the existing use onsite. Reasonably foreseeable future development would include additions or modifications to the residence, or potentially redevelopment of the site, which would still be subject to the Del Monte Forest Land Use Plan polices and accompanying Coastal Implementation Plan (CIP) regulations regarding the protection of Environmentally Sensitive Habitat (ESHA) and Forest Resources. Pursuant to CIP Section 20.147.040(C.)(1.), “Within environmentally sensitive habitat areas, land uses shall be limited to those that are dependent on the resources therein,” which restricts future non-resource dependent development, i.e. residential, to those portions of the site which are not environmentally sensitive habitat.

An archaeological report was prepared for the property by Susan Morley, M.A. in June 2006, available in HCD-Planning Library File LIB060432, which did not identify any evidence of historic or pre-historic resources onsite.

The property is in an area that is designated as visually sensitive and is viewable from Highway 68, a scenic road. However, the proposed change in land use designation and zoning would have a less than significant impact on scenic resources. The site is already developed with a single-family residence, comparable to development within the neighborhood. Reasonably foreseeable future development would include additions or modifications to said residence, and potentially redevelopment of the site. The change in zoning from RC to MDR zoning would increase allowable site coverage from 5% to 35%. This means there is the potential for additional structures and improvements within the viewshed. Some other site and development standards would also be made slightly more permissive, such as the front setback requirement being reduced from 30 to 20

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feet. However, the overall allowable height of main structures would be reduced from 30 feet to 27 feet, and non-habitable accessory structures from 35 feet to 15 feet, meaning that the height of new or modified structures would not impact the viewshed more than what is presently allowable. Additionally, any new development would be subject to the design review requirements of the “D” overlay district and the Land Use Plan policies protecting Visual Resources.

Code Enforcement:

There are known code violations on the property, described in an administrative citation dated June 26, 2019, including an unpermitted addition to the guest house and conversion of portions of a garage to habitable space. The two potential paths to address these violations would be restoring the property to its former condition or seeking permits to legalize these modifications. Here, additional residential square footage would not be allowable under the present RC zoning, and any proposed addition would be over the maximum building site coverage of the zoning. Thus, the proposed change in land use designation and rezoning would be necessary to obtain an after-the-fact permit for the modifications.

Analysis:

Given the property’s history, staff believes the “Open Space – Forest” land use designation and “Resource Conservation” zoning were applied inappropriately to the property. The purpose of the Resource Conservation [RC] zone as described in Title 20 section 20.36.010 is to “... provide a district to protect, preserve, enhance, and restore sensitive resource areas in the County of Monterey. Of specific concern are the highly sensitive resources inherent in such areas such as viewshed, watershed, plant and wildlife habitat, streams, beaches, dunes, tidal areas, estuaries, sloughs, forests, public open space areas and riparian corridors.”

The site does contain Monterey pine forest habitat; however, it is bounded on all sides by roadways and has already been disturbed by residential development. Additionally, while this site is in a visually sensitive area, it has already been developed, and the allowable development under the new land use designation and zoning would be comparable to other residential properties in the neighboring subdivision, which is in the same area of visual sensitivity. No other sensitive resources could be identified onsite that are characteristically similar to those described as special areas of concern in section 20.36.010.

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