

10/27/16 Hearing Submittal # 3

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
Carl P. Holm, AICP, Director



Building Services / Environmental Services / Planning Services / Public Works & Facilities
168 W. Alisal Street, 2nd Floor (831)755-4800
Salinas, California 93901 www.co.monterey.ca.us/rma

MEMORANDUM

Date: October 27, 2016
To: Zoning Administrator
From: Anna V. Quenga, Associate Planner
Subject: PLN150505 Robert - Errata
cc: File

Staff proposes the following modifications to the draft resolution for the above referenced project:

- Modifications to the project description as outlined on pages 1 and 6 of Attachment A – Draft Resolution.
- Addition of Condition 19 – Landscape Plan. This condition requires the applicant to include the area in front of the proposed wall within the landscape planting area. This condition further requires that planting in this area shall consist of native/native compatible drought tolerant plants that will provide screening from Southbank Road without impeding site distance from the driveway access.

**ATTACHMENT A
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

Roberts (PLN150505)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- a) Finding the project categorically exempt per Section 15302 of the CEQA Guidelines; and
- b) Approving a Combined Development Permit consisting of: 1) Administrative Permit and Design Approval for demolition of an existing 554 square foot residence and construct a new 1,464 1,048 square foot single family dwelling with an and attached 375 210 square foot garage and 6 foot high stucco privacy wall; and 2) a Variance to reduce front setback requirement from 30 feet to 10 feet along Southbank Road and reduce rear setback requirement from 20 feet to 17.5 feet; subject to ~~18~~ 19 conditions of approval.

PLN150505, Roberts, 1 Southbank Road, Carmel Valley (Assessor's Parcel Number 189-471-005-000), Carmel Valley Master Plan Area

The Roberts application came on for public hearing before the Monterey County Planning Commission on October 27, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** -- The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) The application for a Combined Development Permit was submitted on September 18, 2014. The initial submittal was deemed complete on April 20, 2016. During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Carmel Valley Master Plan;

- Monterey County Zoning Ordinance (Title 21);

No conflicts were found to exist.

- b) The subject property is zoned Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review, and Residential Allocation zoning district overlays or “LDR/2.5-D-S-RAZ.” The proposed project is consistent with the allowed uses in this district.
- c) The proposed project does not meet the required front and rear setbacks of the Low Density Residential district. A Variance has been approved to allow the front setback to be reduced to 10 feet and the rear setback to 17 feet and 6 inches. See Findings 5, 6, and 7.
- d) The project planner conducted a site inspection on September 9, 2016 and verified that the project on the subject parcel conforms to the attached plans.
- e) The proposed project was reviewed by the Carmel Valley Land Use Advisory Committee (LUAC) on November 2, 2015. The LUAC recommended approval of the project by a vote of 6-0 as proposed (Exhibit C). No conditions of approval were recommended.
- f) The subject property is in compliance with all rules and regulations pertaining to zoning uses and any other applicable provisions of the County’s zoning ordinance. There are no known violations on the subject parcel.
- g) Zoning of the proposed project requires analysis of site development and structural design. These have been found to be consistent with County regulations (see Finding 3).
- h) The structure proposed for demolition was constructed in 1949. Therefore, a Historical Analysis was submitted as part of the application (Finding 2, Evidence b). This analysis concluded that the structure lacks any historical value.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150505.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Monterey County Regional Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts Soils, Biological, and Architectural/Historical Resources. The following reports have been prepared:
 - Geotechnical Investigation, dated August 2015, by Butano Incorporated, Freedom, CA (LIB150369)

- Biological Report, dated August 20, 2015, and Revision, dated June 7, 2016, by Ed Mercurio, Salinas, CA (LIB150367)
- Historical Analysis, dated September 25, 2015, by Kent L. Seavey, Pacific Grove, CA (LIB150370)

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Necessary public facilities are available. Water will be provided by California American Water Company and sewer will be provided by an onsite septic system, which has been reviewed by the Environmental Health Bureau.

3. **FINDING:** **DESIGN.** The location, size, configuration, materials, and colors of structures and fences are designed to protect the public viewshed, neighborhood character, and to assure the visual integrity of the area.
- EVIDENCE:**
- a) The site has been designed to not require removal of any existing trees. The project has been conditioned to ensure protection of the trees that will remain. (Condition 6)
 - b) Implementation of 2010 General Plan Policy OS-1.2 requires development in such areas to be subordinate to the natural features of the area. The proposed siting and design of property improvements are most ideal when compared to other impacts that would be caused by moving the development further back towards the west of the property. As a result, the applicant has elected to address these visual resource policies through the architectural design of the structures.
 - c) Policy CV-1.20 of the Carmel Valley Master Plan requires development to be visually compatible with the surrounding areas or enhance the quality of areas that have been degraded by existing development. The proposed residence has a similar low-lying feeling of the existing cabin and the proposed height is approximately 15 feet lower than the maximum allowed. This will allow the structure to maintain the existing vertical disturbance on the property without creating a greater impact.
 - d) The project includes submittal of a preliminary lighting plan incorporating the use of recessed light fixtures for exterior lights. Implementation of this plan is consistent with 2010 General Plan Policy LU-1.13 as it results in the installation of exterior lights that are downlit and off-site glare is controlled.
4. **FINDING:** **CEQA (Exempt)** – The proposed project is found to be exempt from environmental review pursuant to Section 15302 of the California Environmental Quality Act (CEQA) Guidelines.
- EVIDENCE:**
- a) The proposed project includes the demolition and construction of a single family dwelling within a residentially zoned parcel. The proposed structure is located within the same footprint and will serve the same

residential capacity as the existing structure.

- b) There are no indication that implementation of the proposed project would have an impact on an environmental resource such as biological or historical. Therefore, no exceptions listed in Section 15300.2 of the CEQA Guidelines can be made.

5. **FINDING:**

VARIANCE (SPECIAL CIRCUMSTANCES) – The variance shall be granted because of special circumstances applicable to the subject property, including the size, shape; topography, location or surroundings. The strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under and under identical zoning classification.

EVIDENCE:

- a) The subject property is zoned Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review, and Residential Allocation zoning district overlays or “LDR/2.5-D-S-RAZ.”
- b) A single family home is allowed in the LDR zone pursuant to Section 21.14.030.A of the Monterey County Zoning Ordinance (Title 21). Development standards for the LDR zone are identified in Section 21.14.060 of Title 21 and the required setbacks for a main dwelling are 30 feet (front), 20 feet (rear), and 10% of the average lot width (sides). The property is oriented with a front set back from Southbank Road along the east property line, making the west property line the rear and the north and south property lines side yards. Due to the constraints discussed in subsequent Evidence “c,” the applicant requests a variance to reduce the front setback from 30 feet to 10 feet and reduce the rear setback from 20 feet to 17.5 feet. The subject property presents a unique situation due to the size and rectangular shape. The widest portion of the property, along the southern property line, is 79 feet and meeting the front and rear setback requirements would be a hardship for the property owner.
- c) Development on the subject property is highly constrained. The Southbank road right of way runs along the northern and eastern property lines and the Hitchcock Canyon Creek takes up a portion of the western side of the property. Due to these constraints, development area of the site that is outside of the front and rear setback is 22 feet at the widest, with an average of approximately eight feet. There are no identified design alternatives for a single family dwelling that could the setback requirements. In addition, the existing 544 square foot cabin is legal non-conforming as to setback. Pursuant to Section 21.68.040.B of Title 21, a complete remodel to bring the structure up to current standards would not be allowed without an approval of a Variance
- d) Requiring the front setback would cause development to be located on the western portion of the property would result in impacts to Hitchcock Canyon Creek as well as exacerbate non-compliance with the rear setback. The site has been analyzed to evaluate and identify the most

appropriate area for an onsite wastewater treatment system. The identified area for the subsurface drip dispersal system is located on the southeastern portion of the property. Consequently, this is also the same area where development potential outside of the front setback is at its widest. Based on both evidence “c” and “d,” the strict implementation of the front setback requirement would result in a property that is unbuildable. Therefore, the applicant requests a variance to reduce the front setback to 10 feet and the rear setback to 17.5 feet.

- e) The project planner conducted a site inspection on September 9, 2016 to verify the circumstances related to the property.
- f) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN150505.

6. **FINDING:** **VARIANCE (SPECIAL PRIVILEGES)** – The variance shall not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- a) Evidence within Finding No. 5 discusses the constraints of the site and that the strict implementation of the required front setback requirement would result in a property that is unbuildable. The subject property has a residential land use designation that allows single family dwellings. Denial of the Variance would prevent the use of the subject property as intended by zoning.
 - b) Development within the area consists of residential homes, rural in nature and setting, yet compact due to similar site constraints. Many structures are located well within the front setback to avoid development within the Hitchcock Canyon Creek on the west and slopes in excess of 30% on the east. As discussed in Finding 6 and supporting evidence, the site is a unique situation and approval of the Variance would not result in granting of a special privilege.
 - c) The project planner conducted a site inspection on September 9, 2016 to verify the circumstances related to the property.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN150505.

7. **FINDING:** **VARIANCE (AUTHORIZED USE)** – The variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:**
- a) As specified in Findings 5 and 6, the subject property allows for residential uses and the proposed project is for the demolition and construction of a single-family dwelling, which is an allowed use in the Low Density Residential zoning district.
 - b) The project planner conducted a site inspection on September 9, 2016 to verify the circumstances related to the property.

- c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN150505.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:** a) Section 21.80.040.B of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Planning Commission.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- a) Find the project exempt per Section 15302 of the CEQA Guidelines; and
- b) Approve a Combined Development Permit consisting of: Administrative Permit and Design Approval for demolition of an existing 554 square foot residence and construct a new ~~1,464~~ 1,048 square foot single family-dwelling with an and attached ~~375~~ 210 square foot garage and 6 foot high stucco privacy wall; and a Variance to reduce front setback requirement from 30 feet to 10 feet along Southbank Road and reduce rear setback requirement from 20 feet to 17.5 feet; in general conformance with the attached plan and subject to the attached ~~18~~ 19 conditions of approval, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 27th the day of October, 2016:

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

- 1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 5-14-2014