



County of Monterey Planning Commission

Item No.2

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

Agenda Item No. 2

April 24, 2024

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PLN220117 - DOLORES PASS LLC

Continued from October 25, 2023, and January 10, 2024, public hearing to consider demolition of a 367 square foot detached garage; construction of a 3,810 square foot single family residence, inclusive of a 441 square foot garage and 158 square foot basement; removal of 5 protected trees (3 landmark size Monterey pines and 2 Coast live oaks); development on slopes over 30%; and development within 750 of known archaeological resources.

Project Location: 24726 Dolores Street, Carmel, CA 93923

Proposed CEQA action: Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303, and none of the exceptions from section 15300.2 apply to the project.

RECOMMENDATION:

It is recommended that the Monterey County Planning Commission adopt a resolution:

1. Finding that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303, and none of the exceptions from section 15300.2 apply to the project; and
2. Approving a Combined development Permit consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow demolition of a 367 square foot detached garage; the construction of a 3,810 square foot single family dwelling, inclusive of a 441 square foot garage and 158 square foot basement, and associated site improvements;
 - b. Coastal Development Permit to allow removal of 5 trees, consisting of three landmark size Monterey pines and two Coast live oaks;
 - c. Coastal Development Permit to allow development on slopes in excess of 30%; and
 - d. Coastal Development Permit to allow development within 750 feet of known archaeological resources.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 15 conditions of approval.

PROJECT INFORMATION:

Owner: Dolores Pass LLC

Agent: Angie Phares, Hastings Construction

APN: 009-111-008-000

Zoning: Medium Density Residential, 2 units per acre, with a Design Control Overlay, Coastal Zone [MDR/2-D(CZ)]

Parcel Size: Approximately 0.18 acres (8,119 square feet)

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

Planner: Benjamin Moulton, Assistant Planner

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SUMMARY:

The project consists of demolition of a detached garage and the construction of a new single family dwelling, removal of 14 native trees (including three landmark size Monterey pines and two Coast live oaks), and development on slopes greater than 30%. The site is also within 750 feet of known archaeological resources. The project was previously considered at the October 25, 2023 Planning Commission meeting, and the hearing on the item was continued to a date certain of January 10, 2024. On January 2, 2024, the applicant's agent requested more time to explore alternative floor plans and elevations with the applicant, and at the January 10, 2024 Planning Commission meeting the hearing on this item was continued to a date uncertain. The previous hearing and continuance are further detailed in the Discussion section of this report.

Circa 1938, a residence and detached garage were constructed over Lots 3 and 4 of the Final Map "Carmel Woods, being the ninth addition to Carmel-by-the-Sea, Monterey County, California," filed for record June 9, 1922 in Volume 3 Cities and Towns, Page 21. In 2015, a historic report was prepared by Kent Seavey which determined that the structures were not eligible for listing as historical resources as they were lacking both significance and integrity. In 2016, a permit (16CP01590) was issued to demolish a portion of the existing residence. Today, only the detached garage remains. In 2018, the owners requested parcel legality determination for the two properties under application PLN180465. While the 1938 residence was constructed over the boundaries of Lots 3 and 4, the determination concluded that they were separate legal lots of record. On July 12, 2023, the Planning Commission approved PLN220118 to allow development of Lot 3 with a 4,081 square feet single family residence and attached garage.

This project (PLN220117) would include demolition of the detached garage and the construction of a new single family residence and associated site improvements on Lot 4. The proposed home is within the allowable development standards of the base zoning and the design is consistent with the visual resources policies of the Carmel Area Land Use Plan and the surrounding neighborhood character.

Due to the tree coverage on the site, the applicant is proposing removal of 14 trees, consisting of 3 landmark Monterey pine, 10 Coast live oak, and 1 Redwood. The removal is the minimum under the circumstances, and staff is recommending a 1:1 replacement ratio for all trees removed, like for like species, in accordance with the arborist's recommendations as Condition No. 11. However, as demonstrated below, 9 of the 14 trees are below the size threshold from the Monterey County Coastal Implementation Plan and do not require a permit for their removal.

The site slopes moderately downward to the west from its access on Dolores Street (along the east side of the property). The north and northwest portions of the property have slopes in excess of 30%. The home has been sited to avoid steeply sloped areas on the northwest corner of the site to the extent feasible. The previous design considered by the Planning Commission

included approximately 279 square feet of development on slopes in excess of 30% within the footprint of the house, and an additional 545 square feet of development on slopes to allow installation of the stormwater line and infiltration chamber partially sited on slopes in excess of 30%. The project has been re-designed such that development on slopes has been minimized to 229 square feet. This development area is to create proper drainage around the proposed residence, by grading the area of the retaining wall, patio, and walkways of the former residence. The proposed residence is designed to avoid all development on slopes greater than 30% for the construction of the home.

The project is within 750 feet of known archaeological resources according to Monterey County GIS. A phase I archaeological report was prepared by Kaitlin Ruppert, MSc, RPA, a qualified archaeologist, to assess the potential of the development to impact archaeological resources. A pedestrian survey did not identify any resources on the site, however, the archaeologist had concerns about the unknown potential resources and, as a precaution, recommended archaeological and tribal monitoring during all ground disturbing activities. This recommendation is incorporated as Condition No. 10.

DISCUSSION:

Continuance

This project was previously considered at the October 25, 2023, Planning Commission meeting, and the hearing on the item was continued to a date certain of January 10, 2024, with direction to further analyze the projects consistency with regulations restricting development on slopes in excess of 30%, and to provide clarification regarding the recommended archaeological resource protection measures. There was also discussion at the October meeting regarding the size of the home in relation to the surrounding neighborhood. Each of these are discussed below. On January 2, 2024, the applicant's agent requested more time to explore alternative floor plans and elevations with the applicant and at the January 10, 2024 Planning Commission meeting the hearing on this item was continued to a date uncertain.

Development on Slopes

The proposed project considered at the October hearing included 279 square feet of development on slopes in excess of 30% for the footprint of the residence, and approximately 545 square feet of development on slopes in excess of 30% for the installation of post-construction stormwater control, including a stormwater line and an infiltration chamber. Allowing development on slopes requires approval of a Coastal Development Permit based on the finding that either the development on slopes is unavoidable or that allowing the development on slopes better serves the objectives of the County's Local Coastal Program. The slope disturbance for stormwater measures was not identified as a concern at the hearing, however, the Commission expressed concern with the adequacy of the findings for slope development associated with the house.

This is not a case where allowing development on slopes for the house would better serve the County's Local Coastal Program (such as avoiding viewshed impacts, protecting sensitive habitats, etc). The draft findings and evidence before the Planning Commission at its October 2023 meeting included a finding that the 279 square feet of development on slopes was unavoidable due to the constraints of the property, as the home (as it was designed) would have

been unable to be re-sited in a manner that would avoid development on slopes. However, the draft findings and evidence did not address whether re-design, or a reduction in development size, had been considered in the slope analysis. After the October 2023 meeting the applicant revised their proposal to minimize development on slopes greater than 30%. The home has been reduced in size by approximately 100 square feet and designed to avoid slopes in excess of 30% entirely. A newly designed stormwater control plan no longer requires digging a stormwater retention chamber on slopes. The new design proposes 229 square feet of development on slopes in excess of 30%, which is assigned to grading to create proper drainage for the proposed residence. This design has brought the project into greater conformance with the regulations regarding development on slopes.

As only the site plans, floor plans, and elevations have been revised with the current proposal (which changed not only development on slopes, but which trees are proposed for removal), only these have been included in the attached draft resolution **Exhibit A**. The full plan set, which includes conceptual grading information, is also attached as **Exhibit G**. Should the Commission approve the project as recommended, the applicant would be required to update all plan sheets to be consistent with the approved planning permit and the updated plans will be attached to the approval resolution.

There was also discussion regarding the policy intent of regulating development on slopes. While slope development is regulated throughout the County, there are variations regarding the purpose of the policy and how it's implemented in different planning areas. While not the only reason to regulate slope development, in the Carmel Area Land Use Plan general policies regarding slopes are found in the Visual Resources Chapter 2.2, and speak to protecting the natural beauty of undeveloped slopes in the public viewshed (Policy 2.2.3.1) and preventing extensive slope disturbance or scarring visible from public viewpoints and corridors (Policy 2.2.3.7). Comparatively, in the inland areas of the County 2010 General Plan policy OS-3.5 regulates development on slopes to reduce impacts to water quality and biological resources.

Archaeological Resources

In her report, while the archaeologist did not identify any potential resources onsite either in her archival research or pedestrian reconnaissance, she recommended a number of protection measures as a precaution, including cultural sensitivity training, archaeological and tribal monitoring during all ground disturbing activities, and procedures for any encounters with previously undiscovered resources.

These recommendations were incorporated through recommended Condition No. 10, which would require the applicant to record a notice on the property stating that all development shall be in accordance with the archaeological report. The "Notice of Report" condition is a standard condition of approval that is applied to incorporate specific technical report recommendations. In staff's experience training and monitoring conditions are uncommon for projects where there are no potential resources identified onsite, but they are occasionally recommended based on an archaeologist's professional judgement, their archival research on the sensitivity of the surrounding area, and input from stakeholders such as the tribal community (While CEQA differentiates between archaeological and tribal cultural resources, there is significant overlap, with many archaeological resources also being considered tribal cultural resources).

Archaeological reports are one of few documents in the planning process that are kept confidential to protect resources from potential looting or vandalism. However, staff's previous report did not include an appropriate level of detail on the archaeological report's recommendations. Discussion of the conclusion of the archaeological report and the details of the recommendations have been included in the resolution **Exhibit A**.

Size of Home

Including the attached garage and basement, the proposed single family dwelling is 3,810 square feet. This is considerably larger than many of the neighboring residences. Staff looked at assessor's database information for six existing residences in immediate vicinity of the site:

- 009-111-003-000, 1943: 1,537 square feet;
- 009-111-004-000, 1949: 1,250 square feet;
- 009-111-007-000, 1960: 1,497 square feet;
- 009-111-006-000, 1960: 2,531 square feet;
- 009-103-018-000, 1968: 1,056 square feet; and
- 009-103-020-000, 2008: 2,094 square feet.

However, staff's analysis is that the project would still be compatible with the surrounding neighborhood character. This is due to the topography of the site, which slopes down from Dolores Street, thereby reducing the perceived height of the residence from the public viewing corridor; the colors and materials of the residence which are consistent with the visual resources policies of the Carmel Area Land Use Plan; fencing and tree screening; and the recommendation of the Carmel Area Land Use Advisory Committee. The project is also comparable to PLN220118, the residence approved on the adjacent property, which was 4,081 square feet.

Design

The site is subject to the regulations of the Design Control "D" zoning district, which establishes design review requirements to assure protection of the public viewshed and neighborhood character, the Carmel Area Land Use Plan (LUP) policies protecting scenic resources, and their implementing regulations in the Monterey County Coastal Implementation Plan (CIP), Part 4. The project is consistent with these policies and regulations as detailed below.

The proposed colors and materials include black window and door frames, a black standing seam metal roof, warm grey wood siding, warm grey open face stone cladding, a four foot tall natural wood grape stake fence, and a grey smooth coat stucco. These materials, in particular the wood and stone, have a natural appearance and blend the building into its surroundings in accordance with CIP section 20.146.030.C.1.c. The natural wood fence and the grove of existing trees in front of the house further screen and subordinate the residence to the surrounding environment.

Consistent with the Carmel Area LUP, the property was staked and flagged to provide a preview of the proposed development and any potential visual impacts. The planner conducted a site visit on October 4, 2023, and April 3, 2024, and did not identify any visual impacts. The surrounding neighborhood is a mix of one and two story residential development, principally single family residences. A variety of styles are present, and hip and gable roof forms feature

prominently in the neighborhood. The proposed project is a two-story residence with gabled roof forms, consistent with the surrounding pattern of development.

Forest Resources

The project proposes removal of 14 trees, consisting of 3 landmark sized Monterey pine, 10 Coast live oak, and 1 Redwood tree. The applicant re-designed the home between the October 2023 and April 24, 2024 Planning Commission meetings, which resulted in saving oak trees #117 and #118, while removing oak trees #130 and #131 (which would be within the footprint of the re-designed single family dwelling).

The re-design also removed the retaining walls that were proposed in the place of landmark pine #115. While tree #115 was recommended for removal due to its poor health prior to the forester considering the site plans, staff asked the applicant to explore whether this tree could be saved. They reached out to their consulting forester who concluded that retaining the tree would be “highly questionable” and “risky due to its health and questionable stability.” The removal of the existing hardscape and roots from tree #114 would impact the interlaced roots of tree #115 during demolition. For this reason, and because of tree’s poor condition, tree #115 is assigned to be removed. The forester’s correspondence has been included in the Tree Assessment

Exhibit B.

Tree removal in the Carmel Area Land Use Plan requires a Coastal Development Permit unless the removal falls under the exemptions detailed in CIP section 20.146.060.A.1. In this case, the thinning of small (less than 12 inches in diameter) trees does not require a Coastal Development Permit pursuant to CIP section 20.146.060.A.1.c, so the 9 trees that are less than 12 inches in diameter which are proposed for removal do not require a permit. Allowing the removal of the other 5 requires a Coastal Development Permit. Additionally, 3 of the Monterey Pine are landmark trees, being greater than 24 inches in diameter, and development standards codified in CIP section 20.146.060.D.1 prohibits the removal of landmark trees unless the decision-making body finds that the trees are not visually or historically significant and there no alternatives whereby the tree removal can be avoided. The plans proposed at the October 2023 meeting required a Coastal Development Permit to allow removal of 6 trees, with the other 8 being below the size threshold of 12 inches in diameter did not require a permit to remove. The revised plans remove trees #130 and #131 while retaining trees #117 and #118. As tree #118 is 14 inches in diameter, the number of trees that require a coastal development permit to remove is reduced to 5, while the overall number of trees proposed for removal remains 14.

The proposed tree removal is subject to the Forest Resources Protection policies in the Carmel Area Land Use Plan and their implementing regulations in the Monterey County Coastal Implementation Plan (CIP) section 20.146.060. The project is consistent with these policies and regulations:

- A Forest Management Plan (LIB230012) was prepared by Frank Ono to assess the proposed removal and provide recommendations to preserve overall forest health as required by CIP section 20.146.060.B.
- In accordance with CIP section 20.146.060.D.1., the 3 landmark Monterey pine (tree #114, #115, and #128) are not visually or historically significant, and there are no alternatives whereby their removal can be avoided. Tree #128 is within the footprint of the proposed residence near the southern property line, and attempting to re-site the

home further north would both impact a landmark Redwood tree and entail additional development on slopes in excess of 30%. Tree #114 has a lean with two longitudinal fissures, and would be destabilized by any excavation around its base. As the grading for the project involves re-contouring the site in this area for the driveway and entrance path, excavation around the base of this tree would be unavoidable, making its removal unavoidable. Tree #115 is in poor condition with a thinning crown - the forester described it as “senescent” with not much time left in its life spiral. The project would entail removing the hardscape near the tree and removal of adjacent pine tree #114, such that any interlaced roots between the two trees would be impacted by demolition. Together these factors make retention of the tree risky due to its health and questionable stability, so its removal is unavoidable.

- The project is consistent with CIP section 20.146.060.D.3 and 4, that removal of native trees be limited to those necessary for the proposed development or required for the overall health and long-term maintenance of the forest, as verified in the Forest Management Plan. Trees #122, #123, #124, #125, #130, #131, #132, and #133 are all in the development footprint of the proposed residence. Tree #129 is immediately adjacent to the proposed residence and would be impacted by excavation for the foundation. Tree #119 is not in the immediate footprint of the residence; however, it is in poor health and suppressed by the surrounding trees, and recommended for removal by the forester. Tree #135 is outside of the immediate development footprint, however it is also in poor health and recommended to be removed by the forester.
- CIP section 20.146.060.D.6. requires replacement on a 1:1 basis of all trees greater than 12 inches in diameter, which would be 5 trees. Typically, the County has required replacement of landmark trees on a 2:1 basis, which would require 8 replacement trees (6 for the landmark Monterey Pine and 2 for the non-landmark Coast Live oak). However, the forester recommended a replacement ratio of 1:1 for all proposed tree removal to maintain forest health, totaling 14 trees. While this exceeds typical replacement requirements staff are recommending a 1:1 replacement condition consistent with the forester’s recommendation as Condition No. 11.

CEQA:

The project qualifies as categorically exempt from environmental review pursuant to section 15303 of the CEQA Guidelines, “New Construction or Conversion of Small Structures.” This exemption applies to the construction of a limited number of small new structures including new single family dwellings in residential zones. This project qualifies for a Class 3 exemption because it is the construction of a single family dwelling and associated site improvements.

None of the exceptions to exemptions from Section 15300.2 apply to the project:

- The project is not located in an area that is mapped as an environmental resource of hazardous or critical concern by a local, state, or federal agency;
- The project, construction of a single family residence and associated site improvements on a property zoned to allow such uses and without potentially significant impacts, would not contribute to a potential cumulative impact;
- There are no unusual circumstances associated with the project that would cause a potential environmental impact;
- The nearest scenic highway is Highway 1, which is approximately 0.58 east of the site. However, the project is not within view of the highway due to distance and intervening development and vegetation;

- The project is not located on a hazardous waste site compiled pursuant to Section 65962.5 or the Government Code; and
- The project would not cause a substantial adverse change in the significance of a historical resource. While the residence that was on the site was built in 1938, it was determined not to be historically significant by a qualified historian from the County's list of approved historical consultants and has since been demolished to the foundation.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- The Environmental Health Bureau (EHB)
- HCD-Engineering Services
- Cypress Fire Protection District (FPD)
- HCD-Environmental Services

LUAC REVIEW:

The Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) reviewed the project at their July 17, 2023 meeting and recommended approval as proposed (**Exhibit C**). The LUAC had questions regarding driveway access, development on slopes, whether the project was a speculative development, and the proposed tree removal, all of which were addressed at the meeting. The additional LUAC comments indicated that the architect representing the project did a good job answering questions, that the home design would be in keeping with Carmel, and that the project site is presently quite deteriorated.

Prepared by: Benjamin Moulton, Assistant Planner
Reviewed by: Anna Ginette Quenga, AICP, Principal Planner
Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution, including:

- Recommended Condition of Approval
- Site Plans, Floor Plans, Elevations, and Colors and Materials

Exhibit B - Tree Assessment including addendum and supplemental correspondence

Exhibit C - Carmel Unincorporated/Highlands LUAC Meeting Minutes

Exhibit D - Vicinity Map

Exhibit E - Staff Site Photos

Exhibit F - Applicant Site Photos

Exhibit G - Project Plans (Includes conceptual grading plans)

cc: Front Counter Copy; Cypress Fire District; HCD-Engineering Services, HCD-Planning; HCD-Environmental Services; Environmental Health Bureau; Benjamin Moulton, Assistant Planner; Anna Ginette Quenga, AICP, Principal Planner; Dolores Pass LLC, Property Owner; Angie Phares, Applicant's Agent; The Open Monterey Project (Molly Erickson); LandWatch; Lozeau Drury LLP; Mark McDonald, Interested Party; Richard Warren, Interested Party; Greg Jamison, Interested Party; Christina McGinnis; Project File PLN220117.