

Attachment A DISCUSSION

PROJECT DESCRIPTION:

The proposed project requires approval of a Combined Development Permit to allow a new 1,938 square foot residential addition (893 square foot second-story master bedroom addition; 1,010 square foot main level garage addition; 35 square foot elevator addition), 197.5 square foot upper-level deck addition; development within a 750 foot archaeological buffer zone; and Design Approval for exterior colors and materials. The property is located at 173 Spindrift Road, Carmel (Assessor's Parcel Number 241-301-014-000) in the Carmel Area Land Use Plan area of the coastal zone of the County of Monterey.

CONSISTENCY WITH ZONING:

The subject property is zoned LDR/1-HR-D(CZ) or Low Density Residential, 1 acre per unit, with Historic Resources and Design Control Overlays. This zoning designation is designed for residential development, including the construction of accessory structures.

The project involves the approval and issuance of a Design Approval, which is required to comply with the "D" or Design Control Overlay. The materials proposed consist of cream/light-tan painted stucco walls, and large glass panel windows. Proposed colors and materials were selected to match the existing residence.

The property includes a "HR" or Historic Resources zoning overlay. In general, applications within an "HR" zoning designation require referral to the Historic Resources Review Board (HRRB), except those applications solely involving archaeological resources [Monterey County Code (MCC) 20.54.040.A]. This particular property contains the "HR" designation due to its proximity to archaeological resources, not for reasons related to a historic structure or area of historic, architectural, or engineering significance. Therefore, the project was not reviewed by the HRRB.

The project includes the request for issuance of a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. An archaeological reconnaissance report was prepared for the subject property, which did not identify potential impacts to cultural resources. Therefore, granting of the Coastal Development Permit is warranted. A standard condition of approval requiring notification of RMA-Planning should any archeological or cultural resources be discovered during excavation activities has been applied (Condition 4).

The proposed residential addition/remodel complies with all applicable front, side, and rear setbacks. Additionally, the addition/remodel is proposed in a previously disturbed area of the parcel, where minimal grading and no tree removal is required. Staff did not identify any areas of concern or recommend any changes to the project design or setting.

The proposed addition/remodel was reviewed by responsible County departments and conditions of approval where added to the project where required. Specifically, the Environmental Health Bureau (EHB) and Monterey County Water Resources Agency (MCWRA) added conditions relative to potential additional septic and water use(s). EHB has added a condition of approval requiring the applicant to demonstrate that the existing septic system can be upgraded to adequately supply onsite waste water treatment, prior to the issuance of a construction permit (Condition 8). In the event that the septic system cannot be upgraded, the construction permit will not be issued and the proposed addition and remodel will not proceed.

The project is served potable water by California-American Water (Cal-Am) utilizing an existing service connection. The proposed addition/remodel involves the addition of a master bathroom.

To ensure that no intensification of water would result from the project, the Monterey County Water Resources Agency (MCWRA) has applied a standard condition of approval, requiring the verification of water use units (fixture count) in the form of a Monterey Peninsula Water Management District Release Form, prior to issuance of any construction permit (Condition 10). Use of the MPWMD form requires the applicant to demonstrate that no additional water will be used for the project by showing the efficiency and number of existing and proposed fixtures; this will ensure that the project involves a negligible or no expansion of the existing water use.

ENVIRONMENTAL REVIEW/CEQA:

California Environmental Quality Act (CEQA) Guidelines Section 15301(e) categorically exempts the minor alteration of existing structures involving negligible or no expansion of use beyond that existing at the time of the County's determination including additions to existing structures that will not result in an increase of more than 50% of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. The project proposes to add 50.8% to the existing floor area which is slightly above that listed by the exemption but this still fits within this exemption because the expansion is less than 2,500 square feet, it is an expansion of a garage and master bedroom which will not constitute an expansion of the use of the site. The addition of the master bedroom and garage are in keeping with the size of a home on this parcel related to height, area and setback requirements, and the added floor area does not adversely affect any sensitive resources or require a significant consumption of resources. No adverse environmental effects were identified during staff review of the development application during site visits on October 22, 2013 and May 18, 2014.

APPEAL:

On June 26, 2014, the Monterey County Zoning Administrator found the project categorically exempt and approved the Combined Development Permit. An appeal was timely filed by Evergreen Financial Group ("appellant") on July 11, 2014. The appellant requests that the Board of Supervisors grant the appeal and deny the Combined Development Permit. The contentions are contained in the Notice of Appeal (Attachment C).

During the Zoning Administrator hearing, issues related to tree removal/trimming, site visibility, and site setbacks were discussed. Public testimony was presented relative to these issues, during which time the staff, the applicant, and the appellant were afforded time to present any concerns. The primary issue discussed was the claim of unpermitted tree removal, resulting in an increase of visibility of the project from the neighbor's property. Staff confirmed that no un-permitted tree removal was observed between October 2013 and May 2014 (during site inspections). This point remains the primary basis of the appellant's contentions (Attachment C). Responses to appellant's contentions are found within the proposed resolution presented to the Board (Attachment B).

RECOMMENDATION:

Staff recommends that the Board of Supervisors deny the appeal, find the project categorically exempt from CEQA, and approve the Combined Development Permit. A draft resolution is attached per this recommendation. If the Board desires to grant the appeal, staff would recommend that the Board adopt a motion of intent and continue the hearing to a date certain for staff to return with a resolution with appropriate findings and evidence.