

# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



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LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS

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## MEMORANDUM

**Date:** April 10, 2018

**To:** Planning Commission Members

**From:** Maira Blanco, Assistant Planner

**Subject:** Agenda Item No. 5 – Salib (PLN170468)

Dear Planning Commission Members,

Staff identified a missing finding for Development on Slopes in excess of 25% in the Resolution for Salib, PLN170468. Please find enclosed the revised Resolution (Exhibit B) where Finding 7 has been added.

Thank you,

Maira Blanco  
Assistant Planner  
RMA-Planning  
831-755-5052

**Exhibit B**  
**Before the Monterey County Planning Commission in and for the**  
**County of Monterey, State of California**

In the matter of the application of:

**SALIB (PLN170468)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding that the project is a single-family residence which qualifies for a categorical exemption pursuant to Section 15303 of the California Environmental Quality Act Guidelines and that none of the exceptions under section 15300.2 apply; and,
- 2) Approving a Combined Development Permit consisting of:
  - a. Administrative Permit and Design Approval to allow the construction of a new 2,939-square foot two-level single family dwelling, a 508-square foot attached garage, a 587-square foot deck/covered patio and associated grading; and a
  - b. Use Permit for development on slopes exceeding 25%.

[PLN170468, Salib, 25575 Chiquito Place, Carmel, Carmel Valley Master Plan, Coastal Zone (APN: 015-052-026-000)]

**The Salib application (PLN170468) came on for public hearing before the Monterey County Planning Commission on April 11, 2018. 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 project has been reviewed for consistency with the text, policies, and regulations in:
  - 2010 General Plan;
  - Carmel Valley Master Plan
  - Monterey County Zoning Ordinance (Title 21);

No conflicts were found to exist. Communications received during LUAC meetings were subsequently addressed in revised plans. Staff's

review of the project did not indicate any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 25575 Chiquito Place, Carmel, to the east of Highway 1 (APN: 015-052-026-000), Carmel Valley Master Plan. The 1-acre property is zoned Low Density Residential, one unit per acre, with Site Plan Review, Resource Allocation Zone and Design Control overlays [LDR/1-D-S-RAZ] which allow the first single family dwelling per lot with an Administrative Permit, Site Plan and Design Approval. Because the project is proposed on a sloping hillside (25% or greater), a Use Permit was applied to the project.
- c) The 1.00192-acre lot (43,749 square feet) was created with the Record of Survey Map of a portion of Lot 4, Hatton Partition in Rancho Canada De La Segunda filed on May 16, 1946 in Volume 4 of Surveys, Page 31 in the office of the County Recorder of the County of Monterey.
- d) Visual Resources. The Carmel Valley Master Plan, Section 1.20 outlines the design review required for all new development throughout the Valley, including proposals for existing lots of record. Pursuant to this section, the development either shall be visually compatible with the character of the valley and immediate surrounding areas or shall enhance the quality of areas that have been degraded by existing development. The proposed location of the structure is not visible from a scenic highway or corridor and the profile of the house conforms to the topography of the site. The proposed two-level house is compatible with the character of the valley and colors and materials have been selected to blend with the existing environment. The lot has a 25-foot natural drainage easement on the westernmost portion of the lot (rear), contiguous to the Arroyo Trail which serves as an additional buffer between the edge of pavement and the nearest lot to the west (over 100 feet).
- e) Site Plan Review. The subject lot and surrounding areas are designated as a Site Plan Zoning District (“S” zoning overlay) for review of development in areas where development has the potential to adversely affect or be adversely affected by natural resources or site constraints. The parcel is significantly constrained due to the shape of the lot, topography (slopes over 25%), and the presence of trees clustered in the western portion of the lot (rear). Structures have been carefully sited within the required setbacks to minimize tree removal. Slopes range from 20 to 40 percent and the gentler part of the slope has been chosen for development. The Geotechnical Report (LIB170355) concludes that the site is geotechnically suitable for the proposed residence.
- f) Design. Pursuant to Chapter 21.44 of the Monterey County Zoning Ordinance, Title 21, a Design Control Zoning District (“D” zoning overlay), regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The subject site is the last vacant lot in the Chiquito Place cul de sac. Existing single family dwellings are located on varying degrees of steepness (e.g. steeper on the southeast) and are generally recessed into the lots. The proposed single family dwelling would be situated on a sloping hillside. The plans show a terraced design where the main level and attached garage will sit

at the top of the slope and a partial lower level will step down with the slope. The main level will utilize raised wood floors and the basement and garage will have concrete floor slabs on grade. Low retaining walls are planned along the driveway (approx. 8 inches tall). The selection of colors and materials include: “Tan Plan,” exterior stucco, “Ladera Blend, Capistrano” one piece concrete tiles for roof, and dark brown 4-panel bead board garage door and painted metal guardrails for the proposed decks. The driveway design winds down into the garage and will be placed in the steepest part of the slope (greater than 25%).

- g) Resource Allocation Zone (RAZ). The project is consistent with requirements of RAZ because the first single family dwelling is a use permitted in the respective district with which RAZ is combined (e.g. LDR) and the because the lot meets the provisions of Chapter 21.62 (Height and Setback Exceptions).
- h) Setbacks. The project meets setback requirements for LDR lots. The required front setback is 30 feet for main structures and 50 feet for non-habitable accessory structures. The house and garage will be 82 feet from the front property line. The required side setbacks are 10 percent of the average lot width. The parcel is narrowest at the front where it fronts Chiquito Place and widens toward the back, with the widest portion at the rear property line. The plans show the narrowest part of the lot to be 49.99 ft. and the widest width to be 274.8 ft. Ten percent of the average lot width is shown to be 16ft, 5in. The house will be 25ft, 2 in. from the north property line and 24ft 2in. from the south property line. Therefore, the project meets the setbacks required for the proposed development.
- i) Archaeological Resources. The proposed development is within a moderate archaeological sensitivity zone and required an Archaeological Report pursuant to Section 21.66.050 (Title 21). The report indicated that there was no evidence of historic or prehistoric cultural activity. Based on these negative findings, there are no archaeological concerns; however, a standard condition will be applied for the inadvertent discovery of any cultural resources (Condition No. 3).
- j) LUAC. The project was referred to the Carmel Valley Land Use Advisory Committee (Carmel Valley LUAC) for review. Based on the LUAC Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application did warrant referral to the LUAC because it includes a Design Approval application subject to review by the Planning Commission. On October 16, 2017, the Carmel Valley LUAC voted 6 ayes, 0 noes, and 1 absent, to continue the project citing setback and siting issues. It would appear that the applicant was receptive to the feedback because they submitted plans with revisions on December 1, 2017 which addressed issues raised at the LUAC. The project was re-staked accordingly. The project was placed on the December 18, 2017 LUAC agenda and was supported with changes (7 ayes, 0 noes, 0 absent). Changes included undergrounding utilities (see condition no. 9) and adding retaining walls as needed.

- k) Staff conducted site inspections on September 21, 2017 and December 5 to verify that the project on the subject parcel conforms to the plans listed above and to ensure staking and flagging had been installed.
- l) 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 PLN170468.

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, Cypress Fire Protection District, RMA-Public Works, RMA-Environmental Services, Water Resources Agency, and the Carmel Valley LUAC. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated.

- b) Staff identified potential impacts to Archaeological resources and soil stability. The following reports have been prepared:
  - “Preliminary Archaeological Assessment,” (LIB 170354) prepared by Susan Morley, April 2017.
  - “Geotechnical Engineering Report (LIB170355), prepared by Earth Systems, August 23, 2017.

The above-mentioned technical reports by third-party 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.

- c) Tree Removal. The applicant proposes to remove 1 (one) 18-inch pine tree for the purposes of development. Pursuant to the language and requirements of the Monterey County Zoning Ordinance (Title 21) Section 21.64.260 (Preservation of Oaks & Other Protected Trees) and the Carmel Valley Master Plan, Oaks, Madrones and Redwoods are protected tree species. Pines, however, are not listed as a protected species. Therefore, the sections addressing the removal three or less protected trees (Section 21.64.260, 2) or the removal of more than three protected trees (Section 21.64.260, 3) do not apply.
- d) Use Permit: Slopes. According to the County’s GIS data, the site has a low landslide and liquefaction risk and poses a moderate erosion hazard. The lot is on slopes which exceed 25% in some areas and will require the structure and retaining walls attached to the structure to be supported by a system of drilled, cast-in-place concrete piers interconnected by grade beams. Per the Geotechnical Report, the piers should penetrate through any fill and surface soil to be embedded into firm sandstone bedrock; fills should be placed and compacted in accordance with common hillside practices, including keying and benching of the slopes to receive help. To reduce the potential for subsurface water to affect the lower level floor slab, a sub-slab drainage system should be provided. Free subsurface water was not encountered within the 10-foot depth of exploration. Slope inclinations range from about 20 percent on the proposed building area, to over 40 percent toward the rear of the property. There are no feasible siting alternatives without imposing

undue restrictions on the applicant or the removal of more trees. The project has been conditioned to address erosion control (Condition No. 10), grading (Condition No. 12), storm water (Condition No. 16) and construction management (Condition No. 17). In addition, the project will require all new utilities and distribution lines to be placed underground (Condition No. 9). The Use Permit entitlement is appropriate for this project because proposed development impacting slopes in excess of 25 percent exceeds 10 percent of the total development footprint. It is the general policy of the County to require dedication of a scenic easement on a slope exceeding 25 percent, however, the (north) toe of the bank (as shown on the plans) follows the extension of the reserve leach field and beyond that point, the slope is less than 25 percent and abuts a utility and natural drainage easement. Therefore, staff did not impose a condition requiring a scenic easement.

- e) Waste Management. A private septic system (including septic tank, primary leech field and reserve leech field) is also part of this project and is proposed to the rear of the lot. The septic system meets the minimum setbacks from the structure.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development can be found in Project File PLN170468.

3.       **FINDING:**       **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvements in the neighborhood; or to the general welfare of the County.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Cypress Fire Protection District, RMA-Public Works, RMA-Environmental Services, and the Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) A private septic system (including septic tank, primary leech field and reserve leech field) is also part of this project and is proposed to the rear of the lot. The septic system meets the minimum setbacks from the structure. Minimum horizontal distance required from a structure to a septic tank is 5 feet; the proposed septic tank will be placed 22 feet downslope from the edge of the residence. The minimum distance required from a structure to a leach field is 10 feet; the primary leach field is 24 feet downslope from the proposed residence. The minimum distance required from the property line to a leach field is 10 feet; the reserve leach field is over 50 feet from the edge of pavement on the west side (rear).
  - c) Water will be supplied by the Monterey Peninsula Water Management District. The applicant provided the purchase deed showing water credits from Malpasos for a 2.5 bath home.

- d) Staff conducted a site inspection on September 21 and December 5, 2017 to verify that the site is suitable for this use.
  - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN170468.
  
- 4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
  - a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on September 21 and December 5, 2017 and researched County records to assess if any violation exists on the subject property; none were found.
  - 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 PLN170468.
  
- 5. **FINDING:** **CEQA (Exempt):** - The project qualifies for a categorical exemption pursuant to Section 15303 of the California Environmental Quality Act Guidelines and that none of the exceptions under section 15300.2 apply
- EVIDENCE:**
  - a) California Environmental Quality Act (CEQA) Guidelines Section 15303 is a Class 3 exemption which categorically exempts a single-family residence and accessory structures including garages within residentially zoned areas.  
The proposed project involves the construction of a single-family residence and attached garage, both located within a residential zone.
  - b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect on the environment, or development that would result in a cumulative significant impact.
  - d) 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 PLN170468.
  
- 7. **FINDING:** **DEVELOPMENT ON SLOPES IN EXCESS OF 25%-** There is no feasible alternative that would allow development to occur on slopes less than 25% and the proposed development better achieves the goals, policies and objectives of the 2010 General Plan (OS -3.5), Carmel Valley Master Plan (CV-3.22) and the Monterey County Zoning Ordinance (Title 21) than other development alternatives.
- EVIDENCE:**
  - a) The subject lot's triangular shape presents a situation where the narrowest point is on the eastern portion of the parcel abutting Chiquito Place and the widest area is on the western end of the parcel; steeper slopes are prominent on these ends. The gentler areas of the slope are in the mid-section of the parcel where development is being proposed. The previous plans showed side setbacks of 16 feet, 5 inches, or the

minimum necessary to meet site development standards. The revised plans show increased side setbacks (25 feet, 2 inches and 24 feet, 2 inches) which results in a lower profile from Chiquito Place. This was achieved by moving the single-family dwelling 20 feet to the west (which dropped the finished floor by 7 feet). Any other alternative would push development into steeper slopes, result in more tree removal, or reduce setbacks (especially side and front yard setbacks). Relocation would also require additional grading.

- b) Pursuant to OS -3.5 in the 2010 General Plan and CV 3.22 in the Carmel Valley Master Plan, non-agricultural development that is both on slopes in excess of twenty five percent and on highly erodible soils shall be prohibited. The subject parcel has a low risk for liquefaction, a moderate erosion hazard, and a low landslide risk. Therefore, the proposed development does have site constraints, namely slopes, however, it does not contain geologic hazards as shown on the County's GIS Geologic Hazard Database. All geotechnical considerations have been made in the Geotechnical Report (LIB170355).
- c) Total square footage on the site with slopes exceeding 25% is approximately 8,538.43 square feet (6,360.88 on the west and 2,177.55 on the east). The total area of the parcel is 43,749 square feet.
- d) A discretionary permit is required in this instance because the proposed development impacting slopes in excess of twenty five percent exceeds ten percent, or 500 square feet of the total development footprint (OS-3.5).
- e) Therefore, the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan and the Carmel Valley Master Plan.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors but not the California Coastal Commission.

- EVIDENCE:**
- a) Section 21.80.040.D of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
  - b) The project is not located in the Coastal Zone.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Find that the project is a single-family residence which qualifies for a categorical exemption pursuant to Section 15303 of the California Environmental Quality Act Guidelines and that none of the exceptions under section 15300.2 apply; and,
- 2) Approve a Combined Development Permit consisting of:
  - c. Administrative Permit and Design Approval to allow the construction of a new 2,939-square foot two-level single family dwelling, a 508-square foot attached garage, a 587-square foot deck/covered patio and associated grading; and a
  - d. Use Permit for development on slopes exceeding 25%.

in general conformance with the attached plans and subject to eighteen (18) conditions of approval, all being attached hereto and incorporated herein by reference; and



**PASSED AND ADOPTED** this 11th day of April, 2018 upon motion of \_\_\_\_\_,  
seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
\_\_\_\_\_, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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