



Monterey County Zoning Administrator

Agenda Item No. 1

Legistar File Number: ZA 18-061

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September 27, 2018

Introduced: 9/18/2018

Version: 1

Current Status: Agenda Ready

Matter Type: ZA

PLN170958 - HARWELL JOHN D & MARY BADING TRS

Public hearing to consider the construction of a two story workshop and home office (approximately 1,835 sq. ft.) on slopes in excess of 25%.

Project Location: 5 Pradera Lane, Carmel, Greater Monterey Peninsula Area Plan

Proposed CEQA Action: Categorically exempt per Section 15303(e) of the CEQA Guidelines

RECOMMENDATION:

Staff recommends the Zoning Administrator:

- a. Find construction of the accessory structure qualifies as a Class 3 Categorical Exemption pursuant to Section 15303(e) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2 of the CEQA Guidelines; and
- b. Approve a Combined Development Permit consisting of:
 - 1) An Administrative Permit and Design Approval to allow construction of a two story workshop and home office (approximately 1,835 sq. ft.); and
 - 2) A Use Permit to allow development on slopes in excess of 25%.

The attached resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends that the Zoning Administrator adopt the resolution approving PLN170958 subject to seventeen (17) conditions of approval.

PROJECT INFORMATION:

Property Owners: John D. Harwell and Mary Bading

Agent: David Dunnigan c/o Wald, Ruhnke & Dost Architects, LLP

APN: 103-151-012-000

Parcel Size: 4.9 acres

Zoning: "RDR/5.1-UR-D-S" (Rural Density Residential with maximum gross density of 5.1 acres per unit with Urban Reserve, Design Control, and Site Design overlays)

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: yes

SUMMARY:

The subject application is for construction of an accessory two-story structure with office and workshop uses on a developed 4.9 acre residential parcel on La Pradera Lane off of Aguajito Road in unincorporated Monterey. The parcel is an irregular shape bound by four other irregularly shaped residential parcels. Ingress to the residence is at the thirty foot wide property boundary along La Pradera Lane. The existing driveway will remain as entrance to all structures on the property. The property is within a forested residential area and no trees are proposed for removal. The new structure is proposed for development on slopes greater than 25%, as alternative placement is not feasible.

Although the workshop and office are non-habitable spaces, a condition of approval for the project requires a deed restriction for any future replacement or expansion of the existing onsite wastewater treatment system (OWTS).

DISCUSSION:

Slopes over 25%

Development of the new proposed accessory structure is not feasible on slopes less than 25% for the following reasons:

- Forested Woodland - The alternative remaining area on the parcel that is below 25% slope is not feasible for development because access to this area would require removal of trees on slopes greater than 25%.
- Safety - The slopes liberated of trees would require an excess of grading, paving, and retaining walls to accommodate access to the alternative site obscured by the main residence. The property is within a State Responsibility Area rated Very High for fire risk. The proposed site would provide direct access to all three structures on the property by emergency vehicles.

The proposed project includes development of a principally permitted residential use of the property, an application that is normally considered by the RMA Chief of Planning. However, the request for a Use Permit is combined with the request for the accessory structure due to development proposed on slopes greater than 25%. A Combined Development Permit requires a public hearing. Therefore, the Zoning Administrator is the appropriate hearing body to consider this application pursuant to Section 21.76.030 of Title 21.

The project Geotechnical Report (LIB180158) verifies the site is suitable for the use proposed, provided recommendations are implemented for soils re-compaction, footings and foundation excavations and installations, and drainage control measures.

OWTS

The non-habitable use of the office and the workshop allows the onsite wastewater treatment system (OWTS) to remain as-is without upgrades or improvements. Monterey County Bureau of Environmental Health has placed Condition No. 7 on the project requiring the applicant record a deed restriction that the property may require installation and ongoing use of an alternative OWTS if there is any future replacement or expansion of the existing OWTS.

Design:

The project meets all height and setback restrictions pursuant to the Monterey County Code Title 21 for RDR zoning code. Colors and materials proposed are consistent with the existing residence including dark brown cedar shingles and dark taupe roofing membrane. Condition No. 11 requires evidence that confirms height of the structure conforms to the 15 foot maximum limit.

Development Standards for RDR

Front Setback: 50 feet (minimum)
Side Setback: 6 feet on front half of property
Rear Setback: 1 foot (minimum)
Maximum Height: 15 feet
Building Site Coverage: 25% maximum

Proposal Meets Requirements

320 feet
6 feet 5 inches & 175 feet
425 feet
15 feet
2.4%

LUAC:

The Greater Monterey Peninsula Land Use Advisory Committee reviewed the project 2 May 2018 and recommended approval of the project in a 4-0 vote. Comments from members of the LUAC and of the public are as follows:

- 1) *Justify location of development on slopes greater than 25%.*
 - Staff confirms that although there is an alternative area less than 25% slope, it is not feasible due to issues of access and tree removal that would contribute to excessive erosion problems.
- 2) *Concern about fire danger - narrow driveway for emergency vehicle access, single egress from downstairs office, and underbrush*
 - The Monterey County Regional Fire Protection District reviewed the project proposal and confirms the entrance is adequate for emergency vehicle access.
 - The architect proposed to make one of the office windows a door for alternate egress.
 - The Monterey County Regional Fire Protection District reviewed the project proposal and confirmed the appropriate 30 foot and 100 foot buffer zones for fire management.
- 3) *Outdoor light fixtures should be in conformance with County Exterior Lighting Ordinance*
 - Condition No. 10 requires submittal of an Exterior Lighting Plan that specifies fixtures that are unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture.



CEQA:

Pursuant to §15303(e) of CEQA Guidelines, new construction of an accessory structure is exempt from environmental review. None of the exceptions to a categorical exemption contained in 15300.2 of the CEQA Guidelines apply.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Bureau of Environmental Health
RMA-Public Works & Facilities
Water Resources Agency
RMA-Environmental Services
Monterey County Regional Fire Protection Department

Prepared by: Jaime Scott Guthrie, AICP Candidate, Associate Planner, ext. 6414 
Reviewed by: Brandon Swanson, RMA Planning Services Manager 
Approved by: John M. Dugan, FAICP, Deputy Director of RMA Land Use and Community
Development Engineering

The following attachments are on file with the RMA:

Exhibit A Project Data Sheet

Exhibit B Draft Resolution, including:

- B-1 Plans; and
- B-2 Conditions of Approval

Exhibit C Vicinity Map

Exhibit D Reports, including:

- D-1 Geotechnical Report, Soil Surveys Group, Inc. (LIB180158)

cc: Front Counter Copy; Jacqueline R. Onciano, RMA Chief of Planning, David Dunnigan c/o Wald, Ruhnke & Dost Architects LLC, Agent; John D Harwell & Mary Bading, Owners; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN170958.