



Monterey County Zoning Administrator

Agenda Item No. 3

Legistar File Number: ZA 18-068

168 West Alisal Street,
1st Floor
Salinas, CA 93901
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October 25, 2018

Introduced: 10/15/2018

Version: 1

Current Status: Agenda Ready

Matter Type: ZA

PLN180323 - SETHI

Construction of an approximately 4,010-square foot two-story single family dwelling on slopes greater than 25%.

Project Location: 401 Via Del Milagro, Monterey (Assessor's Parcel Number 173-074-024-000), north of the intersection of Pasadera Drive and Via Del Milagro, Greater Monterey Peninsula Area Plan.

Proposed CEQA action: Categorically Exempt per §15303 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

- 1) Find the project is a single-family residence which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines; and there are no exceptions pursuant to Section 15300.2; and
- 2) Adopt a resolution to approve a Combined Development Permit consisting of:
 - a. Administrative Permit and Design Approval to allow the construction of an approximately 4,010-square foot two-story single family dwelling with an approximately 790 square foot attached garage within a Visually Sensitive District; and
 - b. Use Permit to allow development on slopes greater than 25%.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 17 conditions of approval.

PROJECT INFORMATION:

Agent: Jeffrey Kilpatrick

Property Owner: Anil and Priya Sethi

APN: 173-074-024-000

Parcel Size: 38,183 Sq. Ft.

Zoning: LDR/B-6-VS (16')

Plan Area: Greater Monterey Peninsula

Flagged and Staked: Yes

SUMMARY:

The proposed project includes the construction of a two-story 4,009-square foot single family dwelling with a 789-square foot attached garage on a 38,183-square foot (0.877-acre) residential parcel (lot 98) located at 401 Via del Milagro within a gated residential neighborhood called the Bishop Ranch (Pasadera) Residential Subdivision just north of the Highway 68 scenic corridor with access onto the highway from Pasadera Drive (see **Exhibit C**). Based on resource information, the materials provided and site visits, staff finds that this project has no issues relative to archaeological,

historic, or biological resources.

DISCUSSION:

Project Setting and zoning

Within the Bishop Ranch subdivision exists a clubhouse featuring a restaurant, several pools & kid-friendly facilities centered around a golf course. There are also similarly large residential lots with existing custom or semi-custom homes of similar size within the vicinity of the project site. Located adjacent to the north, south and east of the project site is designated open space and to the west of the project site is a golf course. The project site lies north of Highway 68 and is zoned as Low Density Residential, Building Site Zoning District - Visually Sensitive District, 16-foot maximum height limit (LDR/B-6-VS (16')). An Administrative Permit and Design Approval is required for the construction of the single-family dwelling in a Visually Sensitive District pursuant to Section 21.46 of the Monterey County Zoning Ordinance (Title 21). A Use Permit is required for all development on slopes of 25% or more pursuant to 2010 General Plan Land Use Policy OS-3.5 and Title 21 Section 21.64.230.

Project Proposal

The applicant requests the approval of a Combined Development Permit consisting of:

- 1) An Administrative Permit and Design Approval to allow the construction of a 4,009-square foot two-story single family dwelling with an attached 789-square foot garage, 200-square foot master bedroom balcony, 648-square foot living room balcony, and approximately 615 cubic yards of export, within the LDR/B-6-VS (16') zone; and
- 2) Use Permit to allow development on slopes greater than 25%.

Development in a Low Density Residential (LDR) and Building Site Zoning District (B-6)

The proposed single-family residential home is an allowed use within the LDR Zoning District (Section 21.14). The proposed site plan, floor plans and elevations of the proposed single-family home (see **Exhibit B - Attachment 2**) meet the development standards of the LDR zone and the B-6 Zoning District:

Main Structure Setback and Height Requirements:

Front Setback: 30 feet (minimum)

Side Setback: 20 feet (minimum)

Rear Setback: 20 feet (minimum)

Height: 16 feet (maximum)

The proposed project meets all standards as detailed below:

Front Setback: 36 feet, 5 ½ inches

Side Setback: 69 feet, 6 inches (west side) 20 feet, 8 ½ inches (east side)

Rear Setback: 69 feet, 6 inches

Height: 15 feet, 6 inches

Design Review - Development in a Visually Sensitive (V-S) District

The project was flagged and staked meeting the "County-wide Staking and Flagging Criteria" and a site visit was conducted by staff on August 14, 2018 to determine if there was a potential to create a substantially adverse visual impact when viewed from Highway 68. The project site and most of the

Pasadera Subdivision is visible from the Highway 68 scenic corridor. However, staff determined that the project does not create a substantially adverse visual impact based on the following: (1) Due to the topography, distance from the scenic corridor, and the existing landscaping berm & tree screening along the Highway 68 scenic corridor from the project site, views of the project site from the Highway 68 scenic corridor is very minimal and therefore would not create a substantial adverse visual impact when viewed from Highway 68 (see **Exhibit D**); (2) The project meets all the site development standards, specifically the 16 foot maximum height limitation and is tucked into the hillside; (3) landscape screening is a condition of approval, and is considered an effective tool to break up the mass of the structure; and (4) the proposed colors & materials and architectural style of the single-family home are consistent with the neighborhood character and was approved by the Pasadera Architectural Review Committee (see **Exhibit E**) on June 13, 2018.

Development on Slopes in Excess of 25%

The parcel slopes down to the south, away from Via del Milagro, with an average slope of 27.77% within the buildable area. A Geotechnical Report Update was prepared for the site on January 17, 2018 (the original report was prepared in 2005 (LIB050780) by Haro, Kasunich and associates, Inc. (see **Exhibit F**). Both the update and original geotechnical reports indicated that there are no physical or environmental constraints that would indicate that the site is not suitable or is hazardous for the proposed single-family residential home. County staff has independently reviewed the report and concur with its conclusions and has conditioned the project to comply with the geotechnical report's recommendations. A letter submitted from the project agent, Jeffrey Kilpatrick, dated October 3, 2018 (see **Exhibit G**), confirmed that there is no feasible alternative which would allow development to occur on slopes of less than 25%, since the entire residential parcel is on slopes of 25% or greater. Other alternative layouts were considered on the residential parcel, however, were determined not feasible due to building restrictions and compliance with the Pasadera Design Guidelines. Other alternative layouts would also prohibit the property owner from taking full advantage of the southern views enjoyed by other residential homes nearby. Lastly, the steepest slopes within the project site are located within the southern portion of the buildable area and the proposed building site location avoids this area completely. Therefore, the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan and Greater Monterey Peninsula Area Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This project is categorically exempt from CEQA review pursuant to §15303 (class 3) "New Construction or Conversion of Small Structures" of the CEQA Guidelines in that the project proposes the construction of a single-family residence and no evidence of significant adverse environmental effects pursuant to §15300.2 were identified during staff review of the development application.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

RMA- Public Works Department

Water Resources Agency

Environmental Health

Salinas Rural Fire Protection District



LUAC:

The project was scheduled for the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) Meeting on October 3, 2018, however was continued to the October 17, 2018 LUAC meeting (see **Exhibit H**). Therefore, the outcome of the LUAC's recommendation will be presented to the Zoning Administrator at the hearing and the attached resolution shall be updated to reflect the LUAC's recommendation.

OTHER AGENCY INVOLVEMENT:

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

Environmental Health Bureau
RMA-Public Works
RMA-Environmental Services
Water Resources Agency
Cypress Fire Protection Department

Prepared by: Shelley Glennon, Senior Planner, x5173
Reviewed by: Brandon Swanson, RMA Planning Services Manager 
Approved by: John M. Dugan, FAICP, Deputy Director of Land Use and Community Development 

The following attachments are on file with the RMA:

- Exhibit A - Project Data Sheet
- Exhibit B - Resolution including:
 - Attachment 1 - Conditions of Approval
 - Attachment 2 - Site Plans, Floor Plans, Elevations, and Colors & Material Board
- Exhibit C - Vicinity Map
- Exhibit D - Staff Site Photos
- Exhibit E - Pasadera Architectural Review Committee Minutes dated June 13, 2018 by Haro, Kasunich and associates, Inc.
- Exhibit F - Geotechnical Investigation Update Dated January 17, 2018 (LIB180327)
- Exhibit G - Justification Letter for Development on Slopes in Excess of 25% dated October 3, 2018 by Jeffrey W. Kilpatrick, Architect.
- Exhibit H - Greater Monterey Peninsula Land Use Advisory Committee Meeting Agenda (Meeting Minutes to be included at a later date).

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Services Manager; Shelley Glennon, Project Planner; Mr. Jeffrey Kilpatrick (Agent); Anil and Priya Sethi (Owners); Project File PLN180323