

# Exhibit B

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## **PLN190098 DISCUSSION**

An existing 2,775 square foot one-story single family dwelling exists at the site. The existing dwelling is located partially on the subject property and partially on the neighboring property at 24424 San Juan Road. The applicant has obtained a separate entitlement (Monterey County Planning File No. PLN180240) to demolish the single family dwelling, which was approved on May 30, 2019 by the Monterey County Zoning Administrator. Additionally, the two properties underlying the existing home were granted unconditional certificates of compliance (CC180035 and CC180036) which recognized two separate legal lots of record.

The applicant proposes to construct an approximately 4,355 two-story single family dwelling, which consists of an attached 455 square foot two-car garage, 2,325 square foot main level and a 1,575 square foot lower level. The project also includes the construction of an approximately 2,580 square foot permeable driveway, four retaining walls and the removal of one (1) Monterey Pine tree. The proposed development would occur within 25 feet of environmentally sensitive habitat (100 foot threshold) and on slopes in excess of 30%.

Concerns have been raised from the public during review including: impacts on environmentally sensitive habitat areas (seasonal creek easement), development on slopes, tree removal, design and neighborhood character, and temporary construction impacts. These concerns and analysis are discussed in detail below.

### **Environmentally Sensitive Habitat Areas (ESHA)**

A concern was raised regarding whether the development would have the potential to impact a seasonal creek easement. Staff has reviewed the Monterey County Geographic Information System (GIS), reviewed site plans and conducted a site visit that revealed there were no easements that existed on the subject property; however, there is a drainage ditch that feeds into the Pescadero Canyon, which is an ESHA that the property backs into. Carmel Area Land Use Plan (CAR LUP) Policy 2.3.3 and Carmel Area Coastal Implementation Plan (CAR CIP) Section 20.146.040 state that development shall be avoided in critical and sensitive habitat areas, and that development adjacent to sensitive habitat areas shall only be allowed at densities which are compatible with the protection and maintenance of the resources adjacent to the development. According to Monterey County Coastal Zoning Ordinance (Title 20), Section 20.12.030, a Coastal Development Permit is required for development within 100 feet of ESHA.

Due to the location of the subject property, any development on the property would result in development within 100 feet or less of ESHA. In this case, the proposed development would be within 25 feet of the Pescadero Canyon. A biological report was provided for the subject property (**Exhibit G**) which concluded that the site does not support any federally and/or state protected special status species and/or sensitive habitat. A majority of the property has been previously disturbed by the construction and demolition of the existing single family dwelling. The proposed development is within the most suitable location of the property, considering the topography, slopes, existing vegetation and shape of the parcel. There are no existing measures in place to reduce stormwater runoff and erosion to the drainage ditch and Pescadero Canyon.

The biologist recommended best management practices to improve these conditions. Further, the project would be required to submit an erosion control plan during the construction phase as required under Monterey County Code Chapter 16.12. The erosion control plan is intended to eliminate and prevent conditions of accelerated erosion that have led to, or could lead to, degradation of water quality, loss of fish habitat, damage to property, loss of topsoil or vegetation cover, disruption of water supply, or increased danger from flooding. RMA-Environmental Services has reviewed the project and applied a standard condition of approval (**Exhibit C**) for the applicant to provide a stormwater control plan. The subject property is within the General Municipal Permit Boundary and is required to implement design strategies to limit disturbances to creeks and natural drainage features, minimize compaction of highly permeable soils, limit clearing and grading to the minimum area needed for the project and minimize impervious surfaces. The best management practices recommended by the biologist, and the requirement of the erosion control and stormwater control plan, would eliminate any debris, degradation of water quality and/or erosion to the seasonal drainage ditch and Pescadero Canyon.

### **Slopes in Excess of 30%**

There were concerns regarding the steep driveway and the construction of the proposed development on slopes in excess of 30%. The property slopes steeply away from San Juan Road. The Monterey County Geographic Informational System (GIS), site plans provided by the applicant indicate the subject property constrained with slopes in excess of 30% (**Exhibit C**). CAR LUP Policy 2.2.4.10 and CAR CIP Section 20.126.030.C.1.a, state that buildings located on slopes requires a Coastal Development Permit in each case. In order to approve a Coastal Development Permit, the Appropriate Authority must find that there are no alternative feasible options or that the project better achieves the goals and policies of the CAR LUP. A Coastal Development Permit has been applied for and the findings to grant the permit can be made in this case because there is no feasible alternative design or location that would allow for the construction of a two-story single family dwelling and attached garage entirely on slopes less than 30%. The site is narrow and contains. The areas of slopes in excess of 30% are at the front and rear of the property. The existing grade at the front of the parcel are slopes 30% or less. The area in which consists of slopes in excess of 30% are within the motorcourt area. The applicant was able to avoid causing a steep driveway but was still not able to completely avoid not constructing a small portion of the motorcourt on slopes in excess of 30%. a As the topography of the slope flattens in the center of the parcel, the siting and location of the proposed development is in the most feasible area to construct a single family dwelling. Given these circumstances, shape and topography of the lot, there is no feasible alternative that would avoid development on slopes in excess of 30%.

### **Tree Removal**

There were concerns raised regarding impacts to existing trees on the property. CAR LUP Policy 2.5 states that the Carmel Coast contains unique plant life and supports the diversity of forest resources, such as Oak and Monterey Pine trees. CAR CIP Section 20.146.060 provides regulations for the protection and maintenance of such resources and development standards for removal of trees or other major vegetation. According to these regulations, a Coastal Development Permit must be obtained for the removal of native trees. In order to approve the Coastal Development Permit, a finding must be made that the tree removal is the minimum required and would not result in the exposure of the structure to the critical viewshed, removal

within the riparian corridor or impact the overall health and long-term maintenance of the forest. The project includes the removal of one (1) Monterey Pine tree that is located at the front of the parcel, within the proposed motorcourt area. A Tree Assessment/Forest Management Plan (**Exhibit E**) was prepared for the property by Frank Ono, Urban Forester. The tree assessment identified the site is forested with Coast Live Oak and Monterey Pine trees, generally in fair condition. The arborist stated that the removal of the one (1) Monterey Pine tree would not significantly affect the availability of wildlife habitat and the existing Monterey Pine forest environment would continue to exist and regenerate over time. Additionally, the tree removal would not occur within any environmentally sensitive habitat as the biologist stated there were no special status species on the subject property (**Exhibit F**). The proposed motorcourt is constructed in manner to allow for adequate egress and ingress into the proposed garage. Due to the location of the tree, and considering the topography of the property, the proposed tree removal is the minimum required.

Additionally, there were further concerns raised about impacts to a landmark tree on a neighboring property to the south. The arborist recommended to hand dig in this area prior to construction to ensure no roots were to be impacted. This recommendation in addition to a condition requiring tree and root protection measures on-site as recommended by the arborist has been incorporated. Tree protection would be required prior to the issuance of construction permit and any construction related activities. A replacement ratio of 1:1 with 5 (five) gallon or larger Monterey Pine tree in locations with the greatest opening for minimum competition and maximum sunlight has also been applied as a condition of approval to the project. These conditions are within **Exhibit C** of this staff report.

### **Design Review and Neighborhood Character**

Concerns regarding the proposed design of the project and its compatibility with the neighborhood character have been raised. Commenters indicated that the home was too massive compared to the immediate vicinity. The subject property is within the Carmel Woods neighborhood. Staff conducted several site visits and found that there isn't a consistent style of homes within this area. The project is subject to the Design Control Zoning District ("D" zoning overlay), which is intended to regulate the location, size, materials and colors of the structures to assure protection of the public viewshed and neighborhood character. The proposed single family dwelling would have a craftsman architectural style with colors and materials consisting of: tan stucco siding, dark brown window doors and trim and a dark brown mission clay tile roof. The proposed design consistent with the neighborhood character and will not detract from the surrounding environment.

Further, staff conducted an analysis of the square footages of the homes within this neighborhood. The proposed development is a 4,355 square foot two-story single family dwelling inclusive of a 455 square foot two-car garage. The actual residence is approximately 3,900 square feet. A total of 110 homes were reviewed within of the Carmel Woods neighborhood within a 900 foot radius of the proposed development and based on the Monterey County Assessor's Office data, the homes had an average range of 1,636 square feet to 2,255 square feet. Although the range provided a top end of 2,255 square feet, approximately 0.4% of the 110 homes were still over 3,000 square feet. When the project was initially submitted, staff had a challenge finding that this project was consistent with the neighborhood character. The

development at that time was at a 30 foot height and had an appearance of a three-story single family but was only two stories, with the lower level constructing into the hillside due to the topography. Even with the additional analysis conducted within a 900 foot vicinity of the property, staff found that the proposed square footage, although meeting the site development standards, was still quite large compared to the neighborhood. The applicant revised the plans to drop the height of the structure to 24' to blend more with the neighborhood. The side and rear elevations of the structure (**Exhibit C**) still give off the appearance of a massive structure. There aren't any public viewsheds that the structure would obscure but when compared to the neighborhood, these side elevations still appear quite larger than what is typically constructed within this neighborhood. There are a few homes with similar mass and size (0.4%) but the majority of the neighborhood are smaller. The subject property is a 0.228 acre narrow parcel within the MDR zoning district. There are policies within the CAR LUP that state development shall be subordinate and blend with the surrounding environment, and regulations with the CAR CIP that implement these policies, which include site development standards. As discussed below, the project is at the maximum site development standards for building coverage and floor area ratio, but still meets the regulations. The proposed project when viewed from San Juan Road does not appear to out of character with the neighborhood but the square footage of the project is still larger.

Further, CAR LUP Map A identifies the subject property as being located within the public viewshed. CAR LUP Policy 2.2 and CAR CIP Section 20.146.030 states that development within the public viewshed shall be sited the area that least visible to the public viewshed, shall be development with colors and materials that are subordinate to and blended to the environment. The subject property has been developed with an existing one-story single family dwelling. The proposed development is for a two-story single family dwelling inclusive of an attached garage. The development was staked and flagged to provide visual analysis on whether the development created any new visual impacts. The site was viewed from several major points such as Highway 1, Rio Shopping Center and Point Lobos, and the proposed development was not visible from the areas. The proposed single family dwelling and garage are within an established residential neighborhood of Carmel Woods. Consistent with the policies and regulations for the area, the colors and materials, as described above, would be subordinate to the surrounding environment and blend with the neighborhood character. Therefore, the project would not create any new substantial visual impacts.

The subject parcel is zoned Medium Density Residential with a maximum gross density of 2 units per acre and Design Control overlay within the Coastal Zone or "MDR/2-D (CZ)." Title 20 Section 20.12.040.A allows for the development of the first single family dwelling per lot. Therefore, the project is an allowed use. Required and proposed development standards for the proposed development are summarized below:

***Main Structure Setback and Height:***

<u>Required:</u>	<u>Proposed:</u>
Front: 20 feet min.	Front: 30 feet
Side: 5 feet min.	Side: 5 feet
Rear: 10 feet min.	Rear: 25 feet
Height: 30 feet max.	Height: 24 feet

***Building Site Coverage and Floor Area Ratio (FAR)***

Allowed:

Coverage: 35%, 3,487.78 square feet

FAR: 45%, 4,484 square feet

Proposed:

Coverage: 33%, 3,319 square feet

FAR: 43.6%, 4,353 square feet

The proposed project complies with the development standards listed in the MDR zoning district, Title 20, Section 20.12.060.

**Temporary Construction Impacts**

Concerns were raised about construction impacts resulting from the project. The subject property is located in Carmel Woods neighborhood where lots are relatively small and roads are narrow. Temporary construction activities would create short-term nuisances from traffic and noise generated by the project. The applicant submitted a Construction Management Plan (CMP) during the application review process that was reviewed by RMA- Public Works in which determined no further information is needed. Additionally, the applicant would still be required to submit the CMP as a part of the final construction application to include any revision that were needed as part of the planning submittal (**Exhibit C**). The CMP indicates that a total of 60 truck trips over a course of nine days is needed for importing construction materials. Hours of operation of Monday through Friday between 8:00 a.m. – 4:30 p.m. The construction of the project is estimated to be a duration of 12 months. Implementation of the CMP would minimize traffic, identify the area of proposed construction parking and proposed haul routes.

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