



# Monterey County Zoning Administrator

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Agenda Item No. 5

Legistar File Number: ZA 19-134

November 14, 2019

Introduced: 11/4/2019

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

### PLN180217 - TRINGALI SALVATORE JOSEPH & BRIANA SUZANNE

Public hearing to consider an after-the-fact permit to construct accessory structures including a 2,924 square foot basketball court with a ten foot tall black metal fence enclosure in the rear yard of a single family residence, two- 2 foot tall landscape retaining walls, an 81 square foot chicken coop, and a 351 square foot gazebo. The permit includes installation of after-the-fact drainage and the removal of a batting cage in the side yard of an existing single family residence, removal of light fixtures installed at the basketball court, demolition of two sheds, and restoration of planted cypress trees along the side property line.

**Project Location:** 25710 Rio Vista Drive, Carmel, Carmel Valley Master Plan

**Proposed CEQA action:** Categorically Exempt Per Section 15303 (e) of the CEQA Guidelines

#### RECOMMENDATION:

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

1. Find that the project involves the construction of a basketball court with a patio, which 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; and
2. Approve a Design Approval to clear a Code Enforcement violation (18CE00236) for : 1) construction of a 2,924 square foot basketball court with a 10 foot black metal fence and a 5 foot retaining wall, two (2) 2-foot high retaining walls totaling approximately 455 linear feet; an 856 square foot concrete patio, a 351 square foot gazebo and a 81 square foot chicken coop, and installation of associated drainage improvements; 2) demolition of a 900 square foot batting cage, a 43 square foot metal shed, a 83 square foot wooden shed and two (2) light poles; and 3) replacement of nine (9) 15 gallon Monterey Cypress trees on neighboring property.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 7 conditions of approval.

#### PROJECT INFORMATION:

**Agent:** Salvatore Tringali

**Owner:** Briana Suzanne & Salvatore Joseph Tringali

**APN:** 015-052-015-000

**Zoning:** Low Density Residential with a maximum of 1 acre per unit with a Design Control, Site Plan and Recreational Allocation Zoning Overlays or "LDR/1-D-S-RAZ"

**Parcel Size:** 48,919.2 square feet

**Plan Area:** Carmel Valley Master Plan

**Flagged and Staked:** N/A

SUMMARY:

The subject property is located on Rio Vista Drive, at the southwest corner of the intersection Tolando Trail and Rio Vista Drive, approximately ½ mile east of Highway 1. The property is zoned Low Density Residential, 1 acre per unit, with Design Control, Site Plan Review, and Residential Allocation Zoning district overlays (LDR/1-D-S-RAZ). The project is to clear a Code Enforcement violation (18CE00236) for: 1) construction of a 2,924 square foot basketball court with a 10 foot black metal fence and a 5 foot retaining wall, two (2) 2-foot high retaining walls totaling approximately 455 linear feet; a 856 square foot concrete patio, a 351 square foot gazebo and a 81 square foot chicken coop and installation of associated drainage improvements; 2) demolition of a 900 square foot batting cage, a 43 square foot metal shed, a 83 square foot wooden shed and two (2) light poles; and 3) replacement of nine (9) 15 gallon Monterey Cypress trees on neighboring property. With the exception of the tree removal, these improvements are all accessory to the residential use of the property. Accessory structures to a residential use are allowed in the LDR zone and the structures are subject to Design Review and Site Plan review district standards. Trees removed were non-native and are proposed to be restored as part of this application.

Due to a request for a public hearing, the Design Approval has been referred for consideration by the Monterey County Zoning Administrator. The request for hearing includes nuisance concerns from unpermitted construction including grading for installation of a basketball court that resulted in over 100 cubic yards of earth movement, glare and night-time impacts of exterior lighting of the basketball court, retaining walls along the property line, increased impervious areas that are re-directing the course of drainage, a batting cage constructed within a side setback, construction of a chicken coup, and the impact of removal of nine (9) 15-gallon Monterey Cypress trees along the property line that acted as a buffer from neighboring uses.

Staff evaluated the project for consistency with the 2010 General Plan (General Plan), Carmel Valley Master Plan (CVMP), and the Monterey County Inland Zoning Ordinance (Title 21). A summary of how the concerns raised during permitting is provided below:

1. This project includes an after-the-fact permit for grading for the basketball court;
2. Exterior light fixtures have been removed and/or replaced with down-lit non-obtrusive lighting;
3. The retaining walls along the property line conform to the Monterey County design guidelines and are within the required setbacks;
4. Various accessory structures including the batting cage will be removed and/or relocated;
5. The project includes installation of a drainage system to reduce any stormwater run-off; and
6. The unpermitted tree removal will be replaced with Monterey Cypress trees within the same general location.

Staff has considered the comments received on the project and has not identified inconsistencies with the applicable policies and regulations that govern development at the site. Each of the concerns are addressed in more detail below.

DISCUSSION:

See **Exhibit B** for detailed discussion.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project is categorically exempt from environmental review pursuant to Sections 15301 (l) 15303 (e) of the CEQA Guidelines. These exemptions apply to the demolition and construction of accessory structures. The project includes the construction a 2,924 square foot basketball court, fence and retaining wall, and demolition existing accessory structures such as storage sheds, a batting cage and chicken coup. Therefore, the project qualifies for these exemptions. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located on a hazardous waste site, near a scenic highway, is not likely to effect cultural resources and will not have a significant effect on the environment. Therefore, the project is categorically exempt.

LUAC:

The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the current LUAC Guidelines, adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the project does not propose a lot line adjustment involving conflicts, a variance, a Design Approval or any special circumstances that would warrant review by the Zoning Administrator or Planning Commission. Additionally, there were no special circumstances that required referral to the LUAC.

Prepared by: Jacquelyn M. Nickerson, Assistant Planner, Ext. 5240  
Reviewed by: Craig Spencer, RMA Planning Services Manager  
Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and  
Development Services

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution, including:

- Conditions
- Site Plans

Exhibit B - Discussion

Exhibit C - Vicinity Map

Exhibit D - Site Photos

Exhibit E - Request for a Public Hearing

Exhibit F - Arborist Report LIB190136

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, Interim Chief of Planning, Craig Spencer, RMA Planning Services Manager; Briana Suzanne & Salvatore Joseph Tringali, Property Owners; Jennifer Rosenthal, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN180217