



## Legislation Details (With Board Report)

**File #:** ZA 20-020      **Name:** PLN190351 - RICHARD D MACDONALD FAMILY PARTNERSHIP

**Type:** Zoning Administrator      **Status:** Agenda Ready

**File created:** 5/29/2020      **In control:** County of Monterey Zoning Administrator

**On agenda:** 6/11/2020      **Final action:**

**Title:** PLN190351 - RICHARD D MACDONALD FAMILY PARTNERSHIP  
Public hearing to consider and after-the-fact permit for the demolition of a single family dwelling, with foundation and flatwork to remain on site.  
Project Location: 30560 Aurora del Mar, Carmel, Big Sur Coast Land Use Plan, Coastal Zone  
Proposed CEQA action: Categorically Exempt per CEQA Guidelines Section 15301(l)(1).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Exhibit A – Project Data Sheet, 3. Exhibit B – Draft Resolution, 4. Exhibit C – Coastal Commission Staff Report for Permit No. 3-84-140, 5. Exhibit D – Irrevocable Offer to Dedicate Open Space Easement, 6. Exhibit E – Biological Report, 7. Exhibit F – Vicinity Map, 8. RESza\_20-023\_PLN190351\_061120

Date	Ver.	Action By	Action	Result
6/11/2020	1	County of Monterey Zoning Administrator		

### PLN190351 - RICHARD D MACDONALD FAMILY PARTNERSHIP

Public hearing to consider and after-the-fact permit for the demolition of a single family dwelling, with foundation and flatwork to remain on site.

**Project Location:** 30560 Aurora del Mar, Carmel, Big Sur Coast Land Use Plan, Coastal Zone

**Proposed CEQA action:** Categorically Exempt per CEQA Guidelines Section 15301(l)(1).

RECOMMENDATION:

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

1. Find that the project involves the demolition of a single family dwelling, which qualifies as a Class 1 Categorical Exemption pursuant to Section 15301(l)(1) of the CEQA Guidelines; and
2. Approve an after-the-fact Combined Development Permit consisting of:
  - a. A Coastal Development Permit for the demolition of a single family dwelling (approximately 4,500 square feet). The building foundation and flatwork will remain; and
  - b. A Coastal Development Permit to allow development within 100-feet of environmentally sensitive habitat areas.

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

PROJECT INFORMATION:

**Agent:** Lombardo and Associates

**Owner:** Richard D MacDonald Family Partnership

**APN:** 243-331-003-000

**Zoning:** Rural Density Residential, 40 acres per unit, Design Control District, Coastal Zone or “RDR/40-D (CZ)”

**Parcel Size:** 1.10 Acres

**Plan Area:** Big Sur Coast Land Use Plan

**Flagged and Staked:** No

SUMMARY:

The subject property is within the Otter Cove subdivision, west of Highway 1 and south of Yankee Point. The triangular shaped 1.10 acre property sits approximately 50 feet below the traveled roadway of Highway 1 and is accessed via Aural del Mar, a private road. In 1977, the property was improved with construction of a single family dwelling. In 1984, in conformance with a Coastal Development Permit issued by the California Coastal Commission (**Exhibit C**), a conservation easement was conveyed over portions of the property (**Exhibit D**) as the site supports unique archaeological and biological resources.

In 2014, the RMA Code Compliance Division cited the property for the demolition of a single family dwelling without benefit of a Coastal Development Permit as required by the code. This after-the-fact Coastal Development Permit would partially abate the code violation on the property with regards to the Planning permits required. Once approved, and together with the subsequent issuance and final of a demolition permit (Permit No. 19CP02921), the subject property would then be in compliance with all zoning and building regulations.

DISCUSSION:

In 2014, the subject property was cited (Case No. 14CE00051) for an interior remodel of the single family dwelling without benefit of permit. A building permit (Permit No. 147CP01322) was issued to abate this violation. Prior to finalization of the building permit, an additional complaint on the property was received. In May 2019, Code Enforcement staff visited the site and another citation, for the demolition of the single family dwelling that was remodeled, was issued. In accordance with the Monterey County Code, a Notice of Violation was issued and the applicant incurred the appropriate enforcement penalties, such as double fees and holding issuance of permits until the violation is abated.

The subject property is zoned Rural Density Residential, with a maximum gross density of 1 unit per acre, and a Design Control Overlay within the Coastal Zone or “RDR/40-D (CZ).” The single family dwelling was built in 1977. The age of the home and the common Spanish-style architecture did not indicate that the structure did not warrant the need for a historical report. Based on Geographic Information System (GIS) data, reports submitted as part of previous applications, and staff site visits; the subject property supports environmentally sensitive habitats and has the potential to contain archaeological resources. In addition, the area of development is within 50 feet of a coastal bluff. Staff evaluated the project for consistency with the 1982 General Plan (General Plan), Big Sur Coast Land Use Plan (BSC LUP), Big Sur Coastal Implementation Plan, Part 3 (CIP) and the Monterey County Coastal Zoning Ordinance (Title 20). In accordance with CIP Sections 20.145.040.A1.a and 20.145.120.B.1.a, a biological report (**Exhibit E**)(LIB200074) and archaeological reconnaissance (LIB170137) was submitted as part of the application which found no evidence of resources.

During review of the project, it was noted that a portion of the parking turnaround area and retaining walls on the eastern portion of the property and stairways and concrete pads leading to the ocean bluff were within a conservation easement area (**Exhibit D**). In addition, flatwork and a concrete retaining wall to the north extends off the property and encroaches onto property owned by the Otter Cove Homeowners Association (HOA). After researching permit history of the property, these improvements were illustrated on the site plan as existing improvements for a Coastal Development Permit approved by the California Coastal Commission prior to establishment of the easement. Thus, these improvements are considered legal non-conforming. Although this development was not part of the violation, staff requested the applicant explore it’s removal since it is inconsistent with the easement restrictions. Since this work is not part of the violation, and to avoid further

disturbance of biological and archaeological resources, staff supports leaving these legal non-conforming land uses in place. This is consistent with Title 20 Section 20.68.020 which governs legal non-conforming uses.

Since there is no dwelling on the site, the existing septic tank will need to be abandoned pursuant to Monterey County Code Chapter 15.20.090 - Abandoned Sewage Disposal Facilities. In-ground septic tanks discontinued from use shall have the sewage removed and be completely filled with earth, gravel or concrete. Access to the septic tank already exists for maintenance. Therefore, abandonment will not require further ground disturbance. Future establishment of a residence on the site would require installation of a new onsite wastewater treatment system meeting applicable requirements of Chapter 15.20.

Based on the discussion above, the reports submitted by the applicant, staff's site visit and the minimal disruption of the site, staff would have supported demolition of the single family dwelling had the applicant applied for the proper permits prior to completing the work.

CEQA:

CEQA Guidelines Section 15301 - Existing Facilities, subsection (l)(1), exempts the demolition of one single family dwelling in non-urbanized areas. The subject property is located within a 17-lot subdivision within unincorporated Monterey County. The project is to legalize the demolition of a single family dwelling. The building foundation and flatwork remain onsite and is not proposed for removal as part of this permit. The project does not meet the exceptions to the exemptions listed in CEQA Guidelines Section 15300.2. Although the demolition occurred within 50 feet of a coastal bluff, 100 feet of environmentally sensitive habitats and within an area of high archaeological sensitivity, the area of development was limited to already disturbed areas. Biological and archaeological assessments were submitted as part of the application. These reports gave no indication that the demolition resulted in environmental impacts. Therefore, it is reasonable that the activity had no significant effect on the environment due to unusual circumstances. The subject property is located adjacent to Highway 1, a State scenic highway. Due to topography and existing vegetation, the site cannot be viewed from the roadway. No vegetation removal or grading occurred with the demolition. Therefore, the project did not result in damage to scenic resources. There is no indication that the structure demolished or the subject property qualifies as an historical resource or is located on a hazardous waste site.

OTHER AGENCY INVOLVEMENT:

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

- RMA-Public Works
- Bureau of Environmental Health
- RMA-Environmental Services
- Carmel Highlands Fire Protection District

Land Use Advisory Committee (LUAC):

Based on the LUAC procedure guidelines adopted by the Monterey County Board of Supervisors, the project was not referred to the Carmel Highlands/Unincorporated LUAC. The project does not involve a variance, lot line adjustment with conflicts or require environmental review.

Prepared by: Anna V. Quenga, Senior Planner, x5175

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 - Draft Resolution, including:

- Conditions of Approval
- Project Plans

Exhibit C - Coastal Commission Staff Report for Permit No. 3-84-140

Exhibit D - Irrevocable Offer to Dedicate Open Space Easement

Exhibit E - Biological Report

Exhibit F - Vicinity Map

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Planning Services Manager; Craig Spencer, RMA Planning Services Manager; Gail Hatter, Anthony Lombardo & Associates, Agent; Richard D MacDonald Family Partnership, Owner; Anna V. Quenga, Senior Planner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN190351.