



Legislation Details (With Board Report)

File #: ZA 18-008 **Name:**
Type: Zoning Administrator **Status:** Agenda Ready
File created: 2/14/2018 **In control:** Monterey County Zoning Administrator
On agenda: 2/22/2018 **Final action:**
Title: PLN170651 - BESHOFF
Public hearing to consider an Amendment to a Coastal Development Permit (PLN050591) to allow substantial changes that would change the façade, driveway and walkways of the original project.
Project Location: 29300 Highway 1, Carmel, Carmel Area Land Use Plan.
CEQA Action: Addendum to a Mitigated Negative Declaration

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Draft Resolution, 4. Exhibit C - Vicinity Map, 5. Exhibit D - Zoning Administrator Resolution, 6. Exhibit E - Addendum to PLN170651, 7. RESza_18-009_PLN170651_022218

Date	Ver.	Action By	Action	Result
2/22/2018	1	Monterey County Zoning Administrator		

PLN170651 - BESHOFF

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Project Location: 29300 Highway 1, Carmel, Carmel Area Land Use Plan.

CEQA Action: Addendum to a Mitigated Negative Declaration

RECOMMENDATION:

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

- Consider an addendum together with the Mitigated Negative Declaration; and
- Approving an Amendment to a previously approved Coastal Development Permit (PLN050591) to allow:
 - Reducing the square footage of lower deck from 424 to 226 square feet and modify deck stairs;
 - Relocating and modifying previously approved barbeque & fireplace;
 - Removing 463 square foot covered entry walkway (Pergola);
 - Replacing and widening concrete driveway for a net reduction of 195 square feet;
 - Remodeling Garage #2 to include an art studio, bath and deck with trellis;
 - Updating Garage #1 by adding new doors and windows, siding and roof;
 - Replacing the existing propane tank;
 - Revising site walls to create a courtyard at entry;
 - Changing roofing, window patterns, and changes to wall materials and colors, of previously approved Design Approval (PLN150884);

In addition to these changes, these three entitlements are carried over from the original Coastal Development Permit:

- Development within 50 feet of a Coastal bluff;
- Coastal Development Permit for development within 750 feet of a known archaeological resource; and

- 3) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat);

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 3 new conditions of approval, as the previous conditions have all been cleared.

PROJECT INFORMATION:

Agent: Jon Erlandson

Property Owner: Raymond Lewis Beshoff

APN: 241-071-002-000

Parcel Size: .69 acres

Zoning: "LDR/1-D (CZ)" Low Density Residential/1 unit per acre - Design Control District in the Coastal Zone

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: N/A

SUMMARY/DISCUSSION:

On November 18, 2010, two discretionary permits were approved by the Zoning Administrator under one Resolution (10-045):

- 1) A Coastal Development Permit (PLN050591) for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveway and patios; and new pergola from parking to residence; and
- 2) A Combined Development Permit (PLN150708) for a Coastal Development Permit consisting of a Design Approval to replace three retaining walls (approximately 200 feet in total length) to protect the house from coastal bluff erosion, replace storm drain, and fill eroded drainage channel; a Coastal Development Permit for development on slopes in excess of 30%; a Coastal Development Permit for development within 750 feet of a known archaeological resource; and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat)

Although two separate projects on the same parcel, both were presented and approved before the Zoning Administrator. The purpose for combining the permit approvals was that the projects could not be done without one another.

Because of the development on slopes in excess of 30%; development within 750 feet of a known archaeological resource; and development within 100 feet of environmentally sensitive habitat (coastal habitat), all of which are entitlements that will be carried over with this Amendment, an Initial Study was circulated from August 30, 2010 to September 30, 2010 and a Mitigated Negative Declaration was adopted with the projects. Potential impacts addressed in the Initial Study included Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gases, Hydrology/Water Quality, and Utilities/Service Systems. Mitigation measures included protection of the Scenic viewshed from Highway 1, protection of buckwheat plants, host to the Smith Blue butterfly, archaeological impacts and potential geotechnical impacts for the retaining walls.

Since that time, new owners received administrative approval of a Design Approval (PLN150884) to allow:

- exterior changes in roof and wall materials to the single family dwelling,
- removal of 608 square foot of driveway for the construction of new 463 square foot pergola and new landscape; and
- changes to materials to consist of cedar siding, synthetic slate roof, copper gutters, steel doors & windows, and stone veneer; and colors to consist of light brown stain, grey- green roof, dark bronze

doors and windows, caramel beige stone.

The current application proposes considerable changes to the original project, which overall could be considered a net decrease in the previously proposed scope of work. However, since there were mitigation measures included with the previous projects, it was determined an amendment should be processed, rather than a new entitlement, since these proposed changes had already been analyzed under the previously adopted Mitigated Negative Declaration.

Therefore, an Addendum to the Mitigated Negative Declaration (MND) was prepared pursuant to CEQA Section 15164. The proposed project will have the same or fewer impacts than the previous project. There were six mitigation measures with the original project:

- Mitigation Measures #1 and #2, were included for the protection of visual resources. It was determined that although the colors and materials have substantially changed from the original approval, the size and mass have not changed. Reduction of Garage #2 for the addition of an art studio would be facing the ocean rather than public view. Site visits determined that structures cannot be seen from Highway 1 or from Point Lobos.
- Mitigation Measure #3 required a reassessment during the blooming season of the buckwheat plants with recommendations to protect them and a follow up habitat restoration plan once the retaining walls were installed. The biologist submitted a location survey and a habitat restoration letter once the retaining wall areas were completed.
- Mitigation Measures #4 and #5 included onsite monitoring and final reporting of archaeological resources. The final archaeological report for the original project concluded there were no cultural materials present within the proposed development. An updated archaeological report for the changes under Design Approval PLN150884, required continued archaeological monitoring. For the current changes, it was determined that prior grading would have removed the potential for any archaeological resources, however, the following standard condition (Condition #3) has been applied to this amendment based on recommendation from the archaeologist:
 - “If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery”
- Mitigation Measure #6 included geotechnical recommendations specifically for the construction of the retaining walls and reinforcement of the house foundation. This work has already been completed. Therefore, this proposal has been adequately addressed in the previous Initial Study. An Addendum was prepared for this project as there are no new impacts that would change the analysis of the Initial Study.

The minor changes to previous Design Approval (PLN150884) regarding colors and materials consist of using real slate instead of synthetic slate, plaster siding with cedar trim in lieu of all cedar siding. The colors are of a very similar palate to those which were previously approved. Therefore, colors and materials proposed are consistent with the design criteria and public viewshed policies within the Carmel Area Land Use Plan.

CEQA

An Addendum to the Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines). The MND adopted for the previous project identified potential

impacts to aesthetics, biological resources, cultural resources, and geology/soils. The proposed project will have the same or fewer impacts than the previous project.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project and have no recommended conditions:

- ✓ RMA-Planning
- ✓ RMA-Environmental Services
- ✓ RMA Public Works
- ✓ Environmental Health Bureau
- ✓ Water Resources Agency
- ✓ Carmel Highlands Fire

The project was not referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, staff determined the changes were not substantial enough to require review and made the decision not to send it back to the LUAC. The original LUAC recommended approval (5-0 vote) of the original project. The 2016 Design Approval was not referred to the LUAC. These changes cannot be seen from Highway 1 or from any public viewing area.

Prepared by: Elizabeth Gonzales, Associate Planner x5102

Reviewed by: Brandon Swanson, RMA Planning Manager, x5334

Approved by: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

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| Exhibit A | Project Data Sheet |
| Exhibit B | Draft Resolution including: |
| B1 | Recommended Conditions of Approval |
| B2 | Site Plan, Floor Plan, and Elevations |
| Exhibit C | Vicinity Map |
| Exhibit D | Zoning Administrator Resolution 10-045 |
| Exhibit E | Addendum to PLN170651 |

cc: Front Counter Copy; Zoning Administrator; John Ford, RMA Services Manager; Carmel Highlands Fire Protection District; RMA Public Works; Environmental Health Bureau; Water Resources Agency; Jon Erlandson, Applicant; Raymond and Elizabeth Beshoff, owners; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); District 5 Board of Supervisors; Project File PLN170651