



# County of Monterey

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

## Legislation Details (With Board Report)

**File #:** 19  
**Name:**  
**Type:** Zoning Administrator  
**Status:** Scheduled AM  
**File created:** 5/1/2019  
**In control:** Monterey County Zoning Administrator  
**On agenda:** 5/9/2019  
**Final action:**  
**Title:** PLN180436 - FJUGSTAD GEIR  
Coastal Administrative Permit and Design Approval to allow demolition of a 1,100 square foot single family dwelling and construction of a 2,407-square foot single-family dwelling and attached 376 square foot garage. The application also includes a Coastal Administrative Permit to allow construction within 750 feet of a known archaeological site.  
Project Location: 2692 15th Avenue, Carmel, APN: 009-393-015-000 Carmel Area Land Use Plan  
Proposed CEQA Action: Adopt 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 - Carmel Highlands LUAC Minutes, 5. Exhibit D - Geotechnical Assessment, 6. Exhibit E - Vicinity Map, 7. Exhibit F - Malpas Water Company, 8. Exhibit G - Initial Study, 9. Exhibit H - Mitigated Negative Declaration, 10. RESza\_19-014\_PLN180436\_050919

Date	Ver.	Action By	Action	Result
5/9/2019	1	Monterey County Zoning Administrator		

### PLN180436 - FJUGSTAD GEIR

Coastal Administrative Permit and Design Approval to allow demolition of a 1,100 square foot single family dwelling and construction of a 2,407-square foot single-family dwelling and attached 376 square foot garage. The application also includes a Coastal Administrative Permit to allow construction within 750 feet of a known archaeological site.

**Project Location:** 2692 15<sup>th</sup> Avenue, Carmel, APN: 009-393-015-000 Carmel Area Land Use Plan

**Proposed CEQA Action:** Adopt a Mitigated Negative Declaration

### RECOMMENDATION:

It is recommended that the Zoning Administrator:

- a. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Report Plan; and
- b. Approve a Combined Development Permit consisting of:
  1. Coastal Administrative Permit and Design Approval to allow the demolition of the existing single-family dwelling and construction of a 2,407-square foot single-family dwelling and attached 376 square foot garage; and
  2. Approve a Coastal Administrative Permit for construction within 750 feet of a known archaeological site.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**).

Staff recommends approval subject to 11 conditions and one (1) mitigation measure incorporated into the Conditions of Approval.

### PROJECT INFORMATION:

**Project Owner:** Geir Fjugstad / Emerson Development

**APN:** 009-393-015-000

**Zoning:** Medium Density Residential, two units per acre, Design Control Overlay (Coastal Zone) [MDR/2-D (CZ)]

**Parcel Size:** 6,191-sq. ft. parcel (.142 acre)

**Flagged and Staked:** Yes

#### SUMMARY:

The project site is in the Carmel area, near Carmel River Elementary School, west of Highway 1, south of Santa Lucia Avenue. The site is within a built-out residential neighborhood and developed with a single-family dwelling; the lot is landscaped with ornamental landscaping. The proposed development is for the demolition of the existing one-story 1,100 square foot single-family dwelling and subsequent construction of a replacement two-story single-family dwelling of approximately 2,407 square feet and an attached garage of approximately 376 square feet. The reconstruction does not include a basement and will take place substantially within the footprint of the existing house; the proposed development extends the existing foot print by 333.5 square feet. The project is not located within a recorded archaeological site and is 860 feet from the nearest known resources, however, the project is in proximity to areas known to be village sites and hunting grounds for Native Americans (Carmel Point). Application materials included an archaeological reconnaissance that noted there was no surface evidence of cultural or historical artifacts at the site. Due to the proximity of the site to known resources, an Initial Study was prepared for the project. A Mitigation Measure to have a tribal representative present during ground disturbing activities has been included as a result of tribal consultation on the project pursuant to state law.

The property is zoned for medium-density residential uses, which allows development of a single-family dwelling as a principal use allowed. Based on staff review of the planning application materials, the property complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 1982 Monterey County General Plan, Carmel Area Land Use Plan, and applicable sections of the Monterey County coastal zoning ordinance.

#### DISCUSSION:

##### Design Review

Pursuant to Monterey County Code (MCC) Chapter 20.44, the proposed project site and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The primary colors and materials for the new dwelling include dark bronze clad window frames, natural stone veneer, smooth stucco finish in beige or gray with horizontal wood siding in a different grey tone. Aluminum roof fascia coincides with the top of the flat roof and a similar roof fascia that defines the top of the garage and extends across the front elevation, thus further breaking this mass. The proposed dwelling and exterior finishes would be in contrast to many of the residential dwellings found in the neighborhood, particularly the flat roof and aluminum roof fascia elements whereas the majority of the dwellings in the neighborhood feature gabled or pitched roofs. However, the neighborhood, and the Carmel Point area in general reflect an eclectic architectural palette that includes modern-style architecture. Furthermore, the Carmel Point, including the immediate neighborhood around the project site, are in transition, with new homes being of a larger scale and featuring different materials that are reflected in this proposed dwelling. The scope of the proposed development- approximately 2,800 square feet dwelling including the garage- are somewhat larger in bulk and mass from other development found in the neighborhood, but similar to other new development throughout the area.

The property is not located in an area where the Local Coastal Program requires visual public access (Chapter

20.146.30, Visual Resources development Standards, Carmel Area Implementation Plan). The property is located on the west, or seaward side of Highway 1 but is east (inland) of Scenic Road which is the first public road paralleling the sea in this area. The project site is not located near any beach areas or visible from any public viewing area; the project is located within a built-out neighborhood characterized by small lots establishing a medium density residential neighborhood. Thus, the project will not interfere with visual access along Highway 1 or the coast line. As proposed, the project would not result in any visual impacts, and the project is consistent with the applicable visual resource and public access policies of the Carmel Area Land Use Plan.

#### Development Standards

Pursuant to the development standards for the MDR zoning district, identified in MCC Section 20.12.060, and as proposed, the structures meet or exceed all required setbacks, and are also within the corresponding maximum structure heights.

#### **Required Setbacks (minimum)**

##### Main Structures

Front	20 ft.
Side	5 ft.
Rear	10 ft.

#### **Proposed Setbacks**

##### Main Structure

Front	22-1/2 ft.
Side	6 ft. / 5 ft.
Rear	26 ft.

#### **Height Standards:**

##### Main Structure

Allowed	30 ft.
Proposed	21 ft. 9 inches

The property is 0.142 acres or 6,191 square feet, which would allow site coverage 2,166.9 square feet based on the allowed 35 percent site coverage; the project would result in site coverage of 28.6 percent, or 1,770.5 square feet. The maximum Floor area Ratio for the property is 45 percent, or 2,785.9 sq. ft; the project proposal has a FAR of 44.9 percent, or 2,782.5 square feet.

#### CULTURAL RESOURCES

The project site is in an area identified in County records as having a high archaeological sensitivity, and according to GIS mapping, is approximately 750 feet from known archaeological resources. However, an archaeological study performed in 2018 stated that the project site was actually 860 feet from the nearest known archaeological resource, CA-MNT-1286. The study also concluded that there was no surface evidence of archaeological resources at the site and the site has been disturbed with construction of the existing single family dwelling and landscaping. However, given that there are known archeological and tribal cultural resources in the vicinity of the site, an Initial Study was prepared for the proposed development. The Study concluded that potential impacts would be less than significant with mitigation measures incorporated; in this case, a tribal monitor on site during ground disturbing activities.

An archaeological reconnaissance was conducted on the site in September of 2007 (Hampson & Breschini) and,

at the time, no evidence of archaeological or cultural artifacts were found. A second archaeological survey was conducted in 2018 by Susan Morley. Although located in an area of high sensitivity and known resources, the 2018 archaeological report prepared for the project also did not identify evidence of potential archaeological resources. No traditional indicators of pre-historic activity or cultural resources were observed on the site, no midden soils or eroded marine shell fragments, flaked or ground stone, bones or bone fragments, fire-affected rock, etc. were observed during the survey. The project site is located within a built-out neighborhood developed in the late 1940s into the early 1950s.

#### TRIBAL RESOURCES

A tribal consultation took place on April 2, 2019. OCEN's priority is that their ancestors' remains be protected, undisturbed, and the site be preserved. If excavation is unavoidable, OCEN requests all cultural and sacred items be left with their ancestors on site or where they are discovered. OCEN also objects to all excavation in known cultural lands, even when they are described as "previously disturbed." If development is allowed to proceed, OCEN requests that a tribal monitor be present during all ground disturbing activities. The project is conditioned and mitigated so that a tribal representative would be present during ground disturbance, meaning grading and trenching of the dwelling's foundation.

#### LUAC

The project was referred to the Carmel Highlands Area Land Use Advisory Committee (LUAC) for review (**Exhibit C**). The LUAC, at a duly-noticed public meeting on March 18, 2019, voted unanimously, 3 - 0, to support the project as proposed, though the LUAC commented that the stone wall along the street side of the driveway may cause a hazard for vehicles exiting the property. Concerns were also voiced regarding the outside barbecue outside from the kitchen, noting that there may be smoke, or safety issues associated with the barbecue location.

#### ENVIRONMENTAL REVIEW:

Typically, construction of a single-family dwelling would be considered a Class 3 Categorical Exemption under California Environmental Quality Act (CEQA). However, given the particularly sensitive environment of the surrounding area, and the potential for limited ground disturbance in previously undisturbed areas, CEQA section 15300.2 applied as an exception to the exemption. Subsequent to that determination, an Initial Study was prepared pursuant to Section 15102 of CEQA. This study identified less than significant impacts to the environment, including cultural resources, and a corresponding Mitigated Negative Declaration was prepared pursuant to 15070(b) with mitigation measures incorporated into the project with agreement by the applicant and through Conditions of Approval. The mitigation measures have been incorporated into all applicable construction plans. The mitigation measure includes the presence of a tribal representative acting as monitors on the site during any soil disturbance, specifically meaning removal of the existing slab foundation and any subsequent grading and fill for the new foundation.

The proposed grading does not alter the land form in any significant way and includes the importation of approximately 6.8 cubic yards of soil to create a level building pad for the new dwelling. No soils would be exported as a result of this project. No evidence of significant adverse environmental effects were identified during staff review of the development application or in the Initial Study prepared for this project. Furthermore, pursuant to Section 15105 of CEQA, the Initial Study was subject to a public review period of 30 days which commenced on April 5, 2019 and concluded on May 9, 2019. No public comments were received as of the writing of this Staff Report and the companion Resolution. In the event that any public comments are received, the comments would be introduced at the May 9, 2019 Zoning Administrator hearing.

#### OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

RMA-Public Works  
RMA-Environmental Services  
Environmental Health Bureau  
Cypress FPD (Fire Protection District)  
Water Resources Agency

Prepared by: R. Craig Smith, Associate Planner, x6408  
Reviewed by: Brandon Swanson, RMA Interim Chief of Planning  
Approved by: John M. Dugan, FAICP, RMA 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: <ul style="list-style-type: none"><li>• B-1 Recommended Conditions of Approval</li><li>• B-2 Site Plan, Floor Plans, Elevations, and Color/Material Finishes</li></ul>
Exhibit C	Carmel Highlands LUAC Minutes (February 18, 2019)
Exhibit D	Geotechnical Assessment - LIB190076
Exhibit E	Vicinity Map
Exhibit F	Malpaso Water Company Entitlement
Exhibit G	Initial Study
Exhibit H	Mitigated Negative Declaration

cc: Front Counter Copy; Cypress FPD (Fire Protection District); RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; R. Craig Smith, Associate Planner; Brandon Swanson, RMA Services Manager; Chris Adamski C/O Emerson Development, owner, Sam Pitnick, architect, The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN180436