



Legislation Details (With Board Report)

File #: ZA 19-111 **Name:** PLN190120-Khera
Type: Zoning Administrator **Status:** Agenda Ready
File created: 6/25/2019 **In control:** Monterey County Zoning Administrator
On agenda: 7/11/2019 **Final action:**
Title: PLN190120 - KHERA TANVIR S & BOPARAI PREETI (EVERS)
Public hearing to consider the construction of an approximately 4,365 square foot one-story single family with an attached two-car garage and construction of an approximately 390 square foot attached guesthouse with an attached 310 square foot two-car garage.
Project Location: 502 Estrella D'Oro, Monterey, Greater Monterey Peninsula Area Plan
Proposed CEQA action: Categorically Exempt Per Sections 15303 (a) and (e) of the CEQA Guidelines
Sponsors: Planning / RMA

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Draft Resolution, 4. Exhibit C - Vicinity Map, 5. RESza_19-024_PLN190120_071119, 6. RESza_19-024_PLN190120_071119_Revised

Date	Ver.	Action By	Action	Result
7/11/2019	1	Monterey County Zoning Administrator		

PLN190120 - KHERA TANVIR S & BOPARAI PREETI (EVERS)

Public hearing to consider the construction of an approximately 4,365 square foot one-story single family with an attached two-car garage and construction of an approximately 390 square foot attached guesthouse with an attached 310 square foot two-car garage.

Project Location: 502 Estrella D'Oro, Monterey, Greater Monterey Peninsula Area Plan

Proposed CEQA action: Categorically Exempt Per Sections 15303 (a) and (e) of the CEQA Guidelines

RECOMMENDATION:

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

1. Find that the project involves construction of a single-family dwelling and accessory structure, which qualify as a Class 3 Categorical Exemption pursuant to Sections 15303 (a) and (e) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
2. Approve the Design Approval to allow the construction of an approximately 4,365 square foot one-story single-family dwelling with an attached two car garage and construction of an approximately 390 square foot attached guesthouse with an attached 310 square foot two-car garage. The project will result in grading of approximately 350 cubic yards of cut and 590 cubic yards of fill.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to five (5) conditions of approval.

PROJECT INFORMATION:

Agent: Darren Davis

Owner: Preeti Boparai and Tanvir Khera

APN: 173-074-035-000

Zoning: Low Density Residential with a Building Site 6 and Design Control Overlay or "LDR/B-6-D"

Parcel Size: 0.71 acres

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: Yes

SUMMARY:

The subject property is located within the Pasadera subdivision of the Greater Monterey Area, approximately $\frac{3}{4}$ of a mile north of Highway 68. The subject property is on the west side of Alley Avenue and Estrella D'Oro Avenue. The project involves the construction of an approximately 4,365 square foot one-story single-family dwelling with an attached two-car garage and the construction of an approximately 390 square foot attached guesthouse with an attached 310 square foot two-car garage.

The proposed project has been evaluated for consistency with the 2010 General Plan (General Plan), Greater Monterey Peninsula Area Plan (GMPAP), and the Inland Zoning Ordinance (Title 20). The project is for a single-family residence in a residential zone and the proposed dwelling is a principally permitted use on the site. A Design Approval requiring a public hearing is required for the proposed single-family dwelling and guesthouse pursuant to Design Control zoning district regulations within the Zoning Ordinance. The criteria to grant the Design Approval has been met in this case. Colors and materials for the proposed dwelling and guesthouse are appropriate for the area and the design is in keeping with the character of the site and surrounding neighborhood.

DISCUSSION:

The subject property is a vacant lot created through the Pasadera Subdivision surrounded by an established residential zoning district. Title 21 Section 21.14.030.A and B allows for the development of the first single family dwelling and guesthouse per lot. The applicant proposes to construct an approximately 4,365 one-story square foot single family dwelling with an attached two-car garage in the center of the lot, approximately 50 feet away from the edge of the road right-of-way. The single-family dwelling would have a 240 square foot front porch and a 120 square foot rear porch. The main floor would have a total square footage of approximately 3,767 square feet and the attached two-car garage would have a total square footage of approximately 598 square feet. An enclosed courtyard is also proposed as a part of the application. The entrance to the courtyard would have a 7-foot-high garden wall that would structurally attach the single-family dwelling to the guesthouse. The attached guesthouse is approximately 390 square feet with attached 310 square foot one-car garage. The project also includes the construction of an approximately 2,000 square foot impervious driveway and an approximately 1,180 square foot pervious auto court. Further, the project would result in grading of approximately 350 cubic yards of cut and 590 cubic yards of fill.

Guesthouse

Title 21 Section 21.64.020 establishes regulations and standards for sleeping facilities, such as guesthouses, that are not integral to the main dwelling. The project includes the construction of an approximately 390 square foot attached guesthouse with an attached 310 square foot attached one-car garage. As stated above, the subject property is a vacant lot, and the construction of the guesthouse would be the first guesthouse on the property under the allowed 600 square feet identified in the standards of Title 21 Section 21.64.020. The guesthouse would be structurally attached to the main residence by a 7-foot-high garden wall (see **Exhibit B**). The attached guesthouse does not share internal circulation and would share the same utilities with the main residence.

Title 21 Section 21.64.020.C.11 states the guesthouse shall not exceed a height of 15 feet nor be more than one story. Title 21 Chapter 21.62 identifies specific height and setback exceptions. Sections 21.62.030.D and 21.62.040.K of that Chapter states that any accessory structure structurally attached to the main structure shall be allowed the same height and shall be subject to the same setback requirements as the main structure. The attached guesthouse meets this exception and has a proposed height of 19-6 feet, which is the same height of the main residence, and as outlined below, the guesthouse meets the main structure setbacks. The proposed colors and materials are consistent with the main residence and the design guidelines for this zoning district, see Design Review discussion below. Further, a standard condition of approval for a deed restriction has been

applied to the project to ensure the regulations within Title 21 Section 21.64.020.C are complied with, unless otherwise notated (see **Exhibit B**). Therefore, the criteria to grant the guesthouse subject to a Design Approval has been met.

Design Review

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 single-family dwelling would have a Hispanic architectural style with colors and materials consisting of: creamy ivory stucco siding with dark brown wood trim and reddish brown clay tile roof. The neighborhood consists of one-story to two-story homes varying in size but similar architectural styles. The proposed colors and materials would blend with the surrounding environment. The materials, location and nature of the project are consistent with the overall neighborhood character and will not detract the visual integrity of the site.

Figure 14 of the Greater Monterey Peninsula Area Plan (GMPAP) illustrates that the subject property is designated as a visually sensitive area; however, the property is not visible from Highway 68. The proposed single-family dwelling and attached guesthouse will be within an established residential neighborhood approximately $\frac{3}{4}$ of a mile north of Highway 68. The proposed development is further up into the neighborhood and is surrounded by residences with similar and even large square footage. The proposed project is a one-story single-family dwelling with colors that would be subordinate to the surrounding environment. The project was staked and flagged and through staff’s site visit, the proposed project was not visible from Highway 68. Therefore, the project would not create any substantial visual impacts.

The subject parcel is zoned Low Density Residential with a Building Site 6 and Design Control Overlay or “LDR/B-6-D.” Title 21 Section 21.14.030.A and B allows for the development of the first single family dwelling and guesthouse per lot. Therefore, the project is an allowed use. Title 21 Section 21.14.060 identifies site development standards for the property but since the zoning is combined with B-6 Overlay, the setbacks within Title 21 Section 21.42.030 would be applicable. The guesthouse would be structurally attached to the main structure and meets the criteria for the height and setback exception as outline in Title 21 Sections 21.62.030.D and 21.62.040.K. Required and proposed setbacks for the proposed development are summarized below:

Main Structure Setbacks and Height:

<u>Required:</u>	<u>Proposed:</u>
Front: 30 feet min.	Front: 50 feet
Side: 17 (10%) feet min.	Side: 24 feet north/55 feet south
Rear: 20 feet min.	Rear: 20 feet
Height: 30 feet max.	Height: 19-6 feet

Accessory Structure Setbacks and Height:

<u>Required:</u>	<u>Proposed:</u>
Front: 30 feet min.	Front: 50 feet
Side: 17 (10%) feet min.	Side: 90 feet north/64 feet south
Rear: 20 feet min.	Rear: 20 feet
Height: 30 feet max.	Height: 19-6 feet

Building Site Coverage

<u>Required:</u>	<u>Proposed:</u>
Coverage: 25%, 7,885 s.f.	Coverage: 16.8%, 5,305 s.f.

As summarized above, the proposed project complies with the development standards listed within this zoning

district per Title 21 Sections 21.14.060 and 21.42.030, and the exceptions in Sections 21.62.030.D and 21.62.040.K.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project is categorically exempt from environmental review pursuant to Sections 15303 (a) and (e). These exemptions apply to the construction of a single-family dwelling and accessory structure in a residential area. The construction of an approximately 4,365 square foot one-story single-family dwelling and attached 390 square foot guesthouse are consistent with these exemptions. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located on a historic resource, 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.

LAND USE ADVISORY COMMITTEE (LUAC):

Based on the LUAC guidelines adopted by the Board of Supervisors, the project was referred to the Greater Monterey Peninsula LUAC for review on June 19, 2019. The LUAC recommended approval as the project is proposed and conditioned.

Prepared by: Jacquelyn M. Nickerson, Assistant Planner, Ext. 5240
Reviewed by: Craig Spencer, Interim 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 - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Conditions
- Site Plans

Exhibit C - Vicinity Map

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, Interim Chief of Planning, Craig Spencer, Interim RMA Services Manager; Darren Davis, Agent; Preeti Boparai and Tanvir Khera, Property Owners; Jeff and Rose Evers; Applicants; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN190120