



## Legislation Details (With Board Report)

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|----------------------|---|----------------------|-------------------------------------|
| <b>File #:</b>       | PC 19-075   | <b>Name:</b>         | PLN180342 ESTE MADERA               |
| <b>Type:</b>         | Planning Item   | <b>Status:</b>       | Agenda Ready                        |
| <b>File created:</b> | 10/1/2019   | <b>In control:</b>   | Monterey County Planning Commission |
| <b>On agenda:</b>    | 10/9/2019   | <b>Final action:</b> |                                     |
| <b>Title:</b>        | PLN180342 - ESTE MADERA DEL CIERVO LP<br>Public hearing to consider a minor subdivision to subdivide one 4.7-acre parcel in two parcels of approximately 2.1 acres and 2.6 acres and demolition of a 189 square foot shed and 667 square foot detached garage.<br>Project Location: 3186 Del Ciervo, Pebble Beach, Del Monte Forest Area Land Use Plan, Coastal Zone<br>Proposed CEQA Action: Adopt a Negative Declaration. |                      |                                     |

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Draft Resolution, 4. Exhibit C - Del Monte Forest LUC Minutes (January 3, 2019), 5. Exhibit D - Vicinity Map, 6. Exhibit E - Negative Declaration, 7. Exhibit F - Biological Report

| Date      | Ver. | Action By                           | Action | Result |
|-----------|------|-------------------------------------|--------|--------|
| 10/9/2019 | 1    | Monterey County Planning Commission |        |        |

### PLN180342 - ESTE MADERA DEL CIERVO LP

Public hearing to consider a minor subdivision to subdivide one 4.7-acre parcel in two parcels of approximately 2.1 acres and 2.6 acres and demolition of a 189 square foot shed and 667 square foot detached garage.

**Project Location:** 3186 Del Ciervo, Pebble Beach, Del Monte Forest Area Land Use Plan, Coastal Zone

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

### RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Adopt the Negative Declaration; and
- b. Approve a Coastal Development Permit to allow a Minor Subdivision of a single 4.7-acre parcel into two (2) parcels as follows:
  - a. Parcel A - 2.58 acres containing an existing 7,386 sf single family dwelling with attached garage); and
  - b. Parcel B - 2.13 acres with a 189 square foot shed and a 667 square foot detached garage, both to be demolished.

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

Staff recommends approval subject to six (6) conditions.

### PROJECT INFORMATION:

**Project Owner:** Howard Bernstein, trustee of Este Madera Del Ciervo LP

**APN:** 008-361-017-000

**Zoning:** Low Density Residential, 1.5 acres per unit, Design Control Overlay (Coastal Zone) [LDR/1.5-D (CZ)]

**Parcel Size:** 4.7 acres (204,732 square feet)

**Flagged and Staked:** N/A

**SUMMARY:**

The project site is a 4.7-acre parcel that contains a 7,386 sf single-family residence with an attached garage, a 667 square foot detached garage, and a 189 square foot shed in Pebble Beach, located approximately 1,600 feet east of the Pebble Beach golf course. The site is zoned Low Density Residential with a maximum density of 1.5 acres per unit in the Coastal Zone. Staff reviewed the application and found it consistent with the 1982 Monterey County General Plan, Del Monte Forest Area Land Use Plan, and applicable sections of the Monterey County Coastal Zoning Ordinance (Title 20) and Monterey County Coastal Subdivision Ordinance (Title 19).

The application involves a subdivision of the 4.7 acre parcel into two parcels, Parcel A (2.58 acres) and Parcel B (2.13 acres), meeting the minimum density for the zoning district. Parcel A of the subdivision (2.58 acres) would retain the existing residence and attached garage. Parcel B of the subdivision would be vacant after demolition of an existing shed and detached garage. Reasonably foreseeable development of Parcel B would include construction of a residential use. Both lots will be served water by Cal-Am and sewer by Carmel Area Wastewater District. Water credits (0.40 acre feet) for future development on Lot B have been purchased from the Pebble Beach Company.

Staff finds that Parcel B includes a potential building site that is relatively level and contains scattered oak and pine trees with non-native vegetation in the understory. Tree spacing is sufficient to allow development of a residential use without the need for removal of trees and future development will be governed by the Del Monte Forest Land Use Plan which requires avoidance and protection of trees to the maximum extent feasible. The northern 1/3 of Parcel B is characterized by vegetated steeper slopes, which form the southern flanks of a ravine that traverses the site. The Del Monte Forest Land Use Plan requires development to avoid development on slopes and minimize grading and vegetation removal. Due to slopes and vegetation, the northern 1/3 of the property would not be appropriate for development and the applicant has agreed to record a *conservation easement* over the area, thus ensuring that development would not take place on this portion of Lot B.

An Initial Study has been prepared for the project pursuant to the California Environmental Quality Act (CEQA). The Initial Study analyzed impacts of the subdivision and foreseeable future residential development on Lot B and concluded that the project would not have any significant impacts on the environment as proposed and as conditioned. No comments were received during the public comment period on the Initial Study. The Initial Study with minor clarifications that do not change any of the analysis or conclusions is attached as **Exhibit E**.

**DISCUSSION:**

**Development Standards**

Pursuant to the development standards for the LDR zoning district, identified in Monterey County Code (MCC) Section 20.14.060, and as proposed, the subdivision of land would meet minimum lot size and density standards.

**Minimum Building Site**

The minimum building requirement is one (1) acre. The proposed subdivision of the 4.7 acre parcel would result in two parcels of approximately 2.13 acre and 2.58 acre. Thus, the subdivision would comply with this standard.

**Development Density, Maximum**

The maximum development density is 1.5 acres per residential unit. The proposed subdivision of the 4.7 acre parcel would result in two (2) parcels of 2.13 and 2.58 acre. The subdivision would comply with the maximum density requirements of the Del Monte Forest Land Use Plan and within the Zoning designation. Neither lot could not be further subdivided under the current zoning designation.

#### Soils - Future Development

Conditions exist on the property that identified the soils in the vicinity of the potential future building site as slightly to moderately expansive. The geotechnical report prepared by Belinda Taluban (LIB190051) recommended slight over-excavation and re-compaction of the soils under any future foundation footings and reinforcement of all concrete with rebar. With the geotechnical recommendations incorporated, the site can be developed from a geotechnical standpoint. Geotechnical considerations and foundation design would be reviewed for compliance with applicable building standards at the time of any building permit application. As such, proper foundation preparation design and building safety can be assured with standard building permit requirements.

#### Slopes

The roughly northern 1/3 of the parcel is characterized by slopes that exceed 30 percent and contain vegetation. The project includes a condition of approval to record a conservation easement over these areas of steep slopes, thus preserving that portion of the property in perpetuity and excluding any development of that portion of the property. There is adequate area on the lot without slopes over 30% and having no significant vegetation where a future residential use can be sited and developed. With the conservation easement on the slopes, the subdivision will not commit future development on slopes over 30%.

#### Design Review

Pursuant to 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 project proposal is limited to the subdivision of a parcel into two (2) parcels. There is no structural development proposed at this time other than demolition of a shed and detached garage. Any future development of Parcel B would be subject to the Design Control Zoning standards, Title 20, the MCC Zoning Ordinance, the Del Monte Forest Land Use Plan, and the Monterey County Coastal Implementation Plan (Part 5). Adequate future building sites exist on the property that would allow residential development of Parcel B in the future in conformance with site development standards in the district (height, setbacks, etc.). Application of Design Review requirements for future development will ensure use of appropriate materials and structure design so that future development will not detract from neighborhood character.

#### Existing development

Currently, the property (pre-subdivision) is developed with a 7,386 sf single family dwelling with an attached garage, a 667 sf detached garage, and a 189 sf shed/workshop. The existing home with attached garage is proposed to remain on Lot A of the subdivision. The detached garage and workshop would be located on Lot B of the subdivision however, those structures will be demolished prior to recordation of final map for the subdivision. The property is served by the Pebble Beach Community Services District (Cal Am water) and the Carmel Area Wastewater District (CAWD). CAWD has adequate capacity to serve the proposed new lot within their existing facilities. Water for future development has been purchased from the Pebble Beach Company pursuant to their recognized exemption from State Water Board cease and desist order against Cal-Am.

#### ESHA

The proposed project is not located in an area designated as ESHA. A biological report was prepared for the

subdivision which concluded that the site does not contain sensitive habitat or vegetation. The parcel, as it exists, is characterized as gently sloping from south to north with mixed native trees and non-native plants and vegetation. steeper grades in the northern 1/3 of the property. The northern 1/3 of the parcel is characterized by an inflection in the ascending slope from 20 percent to descending slopes of 20 percent to 30 percent or greater. These slopes are vegetated with a mix of Monterey pine and Eucalyptus along with dense understories of poison oak and non-native plants. Due to slopes, the ravine would be protected from future development by the placement of a conservation easement, (Condition #13).

County staff has reviewed the project plans and visited the site on January 3, 2019 to confirm the existing site development and analyze potential future development alternatives. Based on plans submitted, the proposed subdivision would not create any conflicts with Title 20 development standards for the existing residence. The existing residence would comply with all aspects of Title 20 development standards.

#### LUAC

The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review (**Exhibit C**). The LUAC, at a duly-noticed public meeting on January 3, 2019, voted unanimously, 6 - 0, to support the project as proposed. A LUAC member noted that any future development of the new parcel (Parcel B) should come before the Committee for review and comment.

#### ENVIRONMENTAL REVIEW:

Because of the project's location within the Coastal Zone, any subdivision of land must be accompanied by an environmental recommendation per Section 19.04.025.C. Staff prepared an Initial Study (**Exhibit E**) pursuant to CEQA Section 15070(a). The environmental factors which were analyzed for potential impacts in the Initial Study were: Biological Resources, Geology/Soils, Noise, Cultural Resources, Greenhouse Gas Emissions, Traffic, Wildfires, and Air Quality. The Initial Study concluded that the proposed project would not have a significant effect on the environment, and a Negative Declaration was prepared (Exhibit E).

#### 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)

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:

- Recommended Conditions of Approval
- Proposed Map

Exhibit C - Del Monte Forest LUAC Minutes (January 3, 2019)

Exhibit D - Vicinity Map

Exhibit E - Negative Declaration

Exhibit F - Biological Report

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; Este Madera Del Ciervo LP, owner, Law Offices of Aengus Jeffers, The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN180342