



# County of Monterey

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

## Legislation Details (With Board Report)

**File #:** ZA 20-001 **Name:** PLN180360 - AMATYA  
**Type:** Zoning Administrator **Status:** Agenda Ready  
**File created:** 1/21/2020 **In control:** Monterey County Zoning Administrator  
**On agenda:** 1/30/2020 **Final action:**  
**Title:** PLN180360 - AMATYA  
Public hearing to consider the construction of a single-family dwelling with an attached two-car garage (approximately 3,397 square feet) on slopes in excess of 30% and the removal of one landmark Monterey Pine tree.  
Project Location: 24723 Handley Drive, Carmel, Coastal Zone.  
Proposed CEQA action: Categorically Exempt per §15303 (a) of the CEQA Guidelines

### 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 – LUAC Minutes, 6. Exhibit E – Forest Management Plan, 7. RESza\_20-005\_PLN180360\_013020

Date	Ver.	Action By	Action	Result
1/30/2020	1	Monterey County Zoning Administrator		

### PLN180360 - AMATYA

Public hearing to consider the construction of a single-family dwelling with an attached two-car garage (approximately 3,397 square feet) on slopes in excess of 30% and the removal of one landmark Monterey Pine tree.

**Project Location:** 24723 Handley Drive, Carmel, Coastal Zone.

**Proposed CEQA action:** Categorically Exempt per §15303 (a) of the CEQA Guidelines

### RECOMMENDATION:

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

- Find that the project includes construction of a single-family dwelling which qualifies as a Class 3 Categorical Exemption per Section 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
- Approve a Combined Development Permit consisting of:
  - A Coastal Administrative Permit and Design Approval to allow the construction of a new single family dwelling with attached garage (3,397 square feet);
  - A Coastal Development Permit to allow development on slopes greater than 30%; and
  - A Coastal Development Permit to allow the removal of one (1) Monterey Pine tree.

The attached draft resolution includes findings and evidence for consideration (**Attachment B**). Staff recommends approval subject to nine (9) conditions of approval.

### PROJECT INFORMATION:

**Agent:** Ben Tiscareno

**Property Owners:** Pradyumna and Ying Amatya

**APN:** 009-591-006-000

**Parcel Size:** 0.21 acres

**Zoning:** MDR/2-D(CZ)

**Plan Area:** Carmel Land Use Plan

**Flagged and Staked:** Yes

#### SUMMARY:

The subject site is a 0.21-acre undeveloped lot located at 24723 Handley Drive in Carmel. It is bound to the east by Highway 1, to the south and north by developed residential parcels, and to the west by Handley Drive. The property is a vacant lot within a developed residential neighborhood and the applicant plans to develop the lot with a modern style two-level single family home and attached garage. The proposed development will be located within the Carmel Unincorporated community, which can be characterized as having an eclectic residential design.

The site slopes away from Handley drive to the east (greater than 30% slopes), flattens near the middle of the property, and then slopes steeply down toward Highway 1 on the eastern side of the property. Vegetation includes a large, multi-trunk pine tree and several small oak trees along the Handley Road street frontage, non-native grasses and vegetation in the middle of the site and another row of oaks and pines at the top of the slope before it descends to Highway 1 to the east. Surrounding forest conditions are fractured with trees surrounding residential development and a developed road network.

The single-family dwelling and garage are proposed to be located near the middle of the lot meeting setback requirements for the district in which it is located. Access to the proposed home would be from Handley Drive on the northern side of the property. The driveway and a portion of the proposed garage would be constructed on slopes greater than 30%. Construction of a driveway anywhere off Handley Road would require development on slopes. In addition, a large (landmark) multi stem pine tree is located in the proposed driveway and would be removed to accommodate development. The landmark pine has been identified as dying and hazardous by the arborist. As such, the location of the driveway was chosen to avoid impacting other smaller and healthier trees lining Handley Road. Given the circumstances in this case, staff finds that the home and driveway have been appropriately sited on the lot.

#### DISCUSSION:

Staff has analyzed the proposed development for consistency with the Carmel Land Use Plan (LUP) and Coastal Implementation Plan (CIP) Parts 1 (Coastal Zoning, Title 20) and 4 (Regulations for Development in the Carmel Area). The site is zoned Medium Density Residential, 2 acres per unit, with a Design Control Overlay, in the Coastal Zone. The project includes construction of a two-story single-family dwelling, in a modern architectural style on a 0.21 acre vacant lot set among a developed residential neighborhood. The proposed residential use is consistent with the residential zoning. The siting and design of the residential structure is subject to a Design Approval to ensure that the design will not detract from the character of the neighborhood or adversely affect views in the area, a Coastal Development Permit for development on slopes greater than 30%, and a Coastal Development for removal of trees to accommodate the new construction.

#### *Design Review*

The surrounding neighborhood may be described as eclectic in design, with Spanish-revival, California ranch, and modern style single-family dwellings. Colors and materials vary as much as the designs, with predominately neutral materials and cream exterior finishes. Most homes have landscaping and retain natural forested terrain of the area. The proposed development is a two-story single family dwelling that has a modern design. It incorporates cool-charcoal metal roofing with soft gray and wooden exterior colors and materials. The bulk and mass of the home is proportionate to the site and does not conflict with the surrounding neighborhood. Although slightly more modern in design than neighboring properties, the colors, materials, and finishes are earth toned and match the eclectic neighborhood character.

The proposed project meets all development standards (height, setbacks, coverage, etc.) for this area:

<b><u>Required:</u></b>	<b><u>Proposed:</u></b>
<b>Front Setback:</b> 20 feet (main structure)	20 feet
<b>Side Setback:</b> 5 feet (minimum)	5 feet and 17 feet
<b>Rear Setback:</b> 10 feet (minimum)	37.6 feet
<b>Maximum height:</b> 30 feet	24.75 feet
<b>Floor Area Ratio:</b> 45% (maximum)	39%

The project as proposed meets site development standards under Title 20.12.060 of the Monterey County Code.

#### *Slopes*

The Carmel LUP as well as Section 20.64.230 of the Monterey County Code regulate development on slopes greater than 30%. Development on slopes greater than 30% requires a Coastal Development Permit. The appropriate authority (here, the Zoning Administrator) must find there is no feasible alternative which would allow development to occur on slopes of less than 30% or that the proposed development better achieves the goals, policies, and objectives of the Monterey County Local Coastal Program than other development alternatives.

The natural terrain of this property includes slope in excess of 30% along the frontage of Handley Road and along the frontage of Highway 1. Access to the propose home will be from Handley rather than directly off Highway 1. In either case, a driveway cannot be sited or constructed in a manner that provides access to the proposed home while avoiding slopes. The applicant has sited development near the middle of the lot where slopes are flattest and where there is the largest opening in tree canopy. Due to the nature of slopes on this lot, there is no feasible alternative to avoid development on slopes and the proposed development is sited and designed to achieve compliance with resource protection objectives.

#### *Tree Removal*

The project site is a vacant 0.21 acre lot surrounded by developed residential homes between Highway 1 and Handley Drive. The site contains Monterey Pine and Coast Live Oak trees which are native trees. Native trees are protected in the Carmel Land Use Plan (LUP), so tree removal requires granting of a Coastal Development Permit. Standards for granting a Coastal Development Permit for removal of trees are contained in the LUP and Coastal Implementation Plan (CIP) Part 4 (Regulations for Development in the Carmel Land Use Plan Area) and include minimizing removal of trees to the extent feasible. One landmark pine tree is proposed for removal because it is located in the proposed driveway. Landmark trees are not permitted to be removed unless an exception is granted by the decision-making body (Carmel CIP, Section 20.146.060.D.1). The landmark tree in question is not visually or historically significant and its removal can be avoided by moving the proposed driveway, however, as explained below, the tree is in poor condition and moving the driveway would impact several small, healthy, oak trees rather than the one large pine tree that is in poor condition.

In accordance with Section 20.146.060 of the CIP, a Forest Management Plan (FMP) was prepared for the project by Frank Ono (**Attachment E**). The FMP identifies the need to remove one landmark Monterey Pine to accommodate development of the driveway. According to the FMP, the Pine proposed for removal is a landmark tree with two stems that are weakly attached and appear to be splitting, and the forester has indicated that the tree poses an immediate hazard due to its poor health and condition (**Attachment E**). Due to the nature and health of the landmark tree, it is likely that the pine will fall or be removed in the near future with or without the development. For this reason, the driveway is sited to where the pine will be removed and several smaller oak trees will be retained along Handley Road. Besides the removal of this Pine, the FMP recommends tree protection measures and implementation of best management practices to protect trees near construction that are to be retained. Additionally, the FMP recommends two replacement trees be planted and monitored for one-year in order to comply with tree regulations standards and to support sustained and healthy woodland habitat at the site following construction. Staff has reviewed the FMP and agrees with the conclusions. Recommended conditions have been included as conditions of approval for the project (**Attachment B**).

As proposed and conditioned the tree removal is consistent with the applicable standards of the LUP and CIP and removal will not involve risk of adverse environmental impacts.

#### CEQA

This project is categorically exempt from CEQA review pursuant to Section 15303(a), Class 3 which exempts construction of the first single family residence in a residential zone. The project consists of construction of the first single family home with an attached garage and therefore meets the criteria for a Class 3 categorical exemption. None of the circumstances in Section 15300.2 disqualifying the project from a Class 3 Categorical exemption apply. The site is not located in a particularly sensitive environment. It is surrounded on all sides by medium density residential development and/or roadways. Development will be setback over 37 feet from Highway 1 and the house will be minimally visible due to tree screening and topography. There are no significant cumulative effects of residential development on residentially zoned lands, there are no historical resources and no hazardous waste sites involved. The project will not have a significant effect on the environment and qualifies for a Categorical exemption as one residential home on a residential lot.

#### OTHER AGENCY INVOLVEMENT:

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

- RMA-Public Works
- RMA-Environmental Services
- Environmental Health Bureau
- Cypress Fire Department

#### LUAC

The proposed project was reviewed by the Carmel Unincorporated/ Highlands Land Use Advisory Committee on July 1, 2019. The committee members continued the item from May 20, 2019 in order for the applicant to bring additional information. The members raised concerns over drainage due to a depression on the property and a concern over materials slipping from the rear of the lot onto Highway 1. The LUAC was informed of the need for engineered drainage and erosion control plans as part of the building and grading review. With concerns addressed, the LUAC moved to support the project with the proposed changes by a vote of 4-0 and one absence. (**Attachment D**).

Prepared by: Yasmeen Hussain, Associate Planner, x6407

Reviewed by: Craig Spencer, Planning Services Manager

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

Development

The following attachments are on file with the RMA:

Attachments:

Attachment A - Project Data Sheet

Attachment B - Resolution

- Plans
- Conditions

Attachment C - Vicinity Map

Attachment D - LUAC Minutes

Attachment E - Forest Management Plan

cc: Front Counter Copy; Zoning Administrator; Craig Spencer, RMA Services Manager; Yasmeen Hussain, Project Planner; Pradyumna and Ying Amatya, property owners; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN180360.