



County of Monterey

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

Board Report

File #: PC 16-029, **Version:** 1

PLN140219/ Bella Design LLC

Public hearing to consider action on a Combined Development Permit for demolition of a single family dwelling, and construction of a single family dwelling within 750 feet of a known archaeological resource.

Proposed CEQA Action: Mitigated Negative Declaration

165 Spindrift Road, Carmel, Carmel Area Land Use Plan

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

1. Adopt a Mitigated Negative Declaration; and
2. Approve a Combined Development Permit consisting of:
 - a. Coastal Administrative Permit and Design Approval for demolition of a 4,727 square foot single family dwelling and a 650 square foot attached garage, and construction of a 6,481 square foot single-family dwelling with an attached 1,265 square foot garage, loggia, terrace, and spa; and
 - b. Coastal Development Permit for development within 750 feet of a known archaeological resource; subject to 30 conditions of approval (**Exhibit B**).

PROJECT INFORMATION:

Parcel Size: 3.20 acres

APN: 241-251-011-000

Zoning: LDR/1-D (CZ)

Land Use Designation: Low Density Residential

Agent: Tony Lombardo, Anthony Lombardo and Associates

Plan Area: Carmel Land Use Plan

Flagged and Staked: Yes

SUMMARY:

The applicant seeks to demolish an existing two story 4,727 square foot house to be replaced by a 6,481 square foot residence, located on the west side of Spindrift Road between the road and coastline. There have been concerns expressed about the historical value of the existing home but a judge has ruled that it is not historic. Neither the existing house nor the proposed house are or will be highly visible from Spindrift Road due to the existing trees between the house and the road. It is worth noting that the proposed structure will actually maintain a lower profile than the existing house. The existing house is a two story structure built on existing grade, while the proposed structure will have a lower story embedded into the ground using the natural topography. As shown on the site plan, the proposed house has a larger overall footprint, but does so without the removal of trees or adversely affecting protected resources. Conditions have been added to address grading around existing trees to be retained, and to retain or provide visual access to the coastline. Staff finds the proposed house with these changes is an appropriate design for the location and recommends the Planning Commission approve the Combined Development Permit.

DISCUSSION:

The subject property is in an established neighborhood located on the west side of Highway 1, east of the Pacific Ocean, with Point Lobos State Natural Reserve to the north and Yankee Point to the south. Existing

development within the vicinity includes large homes, varying in age, on large lots zoned Low Density Residential.

An existing 4,727 square foot two story residence built around 1921 and 650 square foot garage would be demolished to make way for a new 6,481 square foot two-story residence consisting of a 4,157 square foot main level and a 2,324 square foot lower level, a 1,265 square foot garage, attached 503 square foot loggia, and a 1,696 square foot covered terrace. Associated grading consists of 1,255 cubic yards of cut and 244 cubic yards of fill.

A legal non-conforming caretaker unit is also located on the property within the front setback, just off of Spindrift Road. The project does not propose any modifications to the caretaker unit.

New construction will be in substantially the same location as the existing house, but the proposed residence will have a larger footprint, and the hardscape area will be substantially increased with the new garage, driveway and patio areas. The impact areas where the new construction is to take place is in previously disturbed areas resulting either from construction of the existing house or within modified landscape areas. Most of the property has been and will be maintained in a forested condition with scattered Monterey Cypress and Monterey pine trees. Construction of the residence will not require any tree removal. However, due to the Monterey Cypress and Monterey pine trees located onsite, a standard condition of approval requiring the implementation of tree protection measures has been incorporated into Exhibit B.

Consistency:

The proposed project is consistent with policies set forth in the 1982 Monterey County General Plan, the Carmel Area Land Use Plan (LUP), and the Monterey County Coastal Implementation Plan (Title 20). The proposed project meets all setback, height, and lot coverage requirements of the Low Density Residential zoning district. The project site contains a legal non-conforming caretaker unit located within the front setback; however, the proposed project does not include modifications to this unit. The proposed design of the single family residence and garage meets the Visual Resources policies of the Carmel Area LUP for siting, design, color, texture, access, and screening.

The Environmental Health Bureau has reviewed the project and verified that the residence will obtain water through an existing connection provided by California American Water Company and sewer will be to an onsite septic system.

Historical Determination:

The existing single family residence and garage were previously listed on the Monterey County Local Register of Historical Resources and included in the Monterey County Mills Act Pilot Program. However, based on a Final Judgment ordered by Thomas W. Wills, Judge of the Superior Court of the State of California, the property is not considered to be historically significant and was subsequently removed from the local register and the Mills Act program. Furthermore, the Final Judgment ordered that, except with consent of the Parties, any other persons or entities are prohibited from filing subsequent or future claims that seek determination of the property's historicity under the current provisions of the Monterey County Code. Therefore, demolition of the structures would have no impact on a historical resource.

Archaeological:

The Monterey County Geographic Information System (GIS) indicates that the subject property is within a highly sensitive archaeological area. Therefore, archaeological reports have been prepared to determine the potential for resources to exist on the site and evaluate potential impacts to said resources.

There were a series of archaeological reports submitted for the project application, corresponding to modifications to the project. The original report is dated April 22, 2014, updated September 12, 2014, and an

additional update March 24, 2016, all prepared by Archaeological Consulting.

Information within the reports indicates that there are nineteen recorded archaeological sites within one kilometer of the subject property and that the nearest site, on the subject property, is within 750 feet of the “project impact area.” Although none of the materials frequently associated with prehistoric cultural resources were found within the project impact area during the field reconnaissance, Archaeological Consulting provided recommended mitigation measures that should be implemented during construction due to the project’s proximity to existing recorded archaeological resources and the potential to unearth resources during grading and construction activities.

Mitigation Measure No. 1: In order to protect archaeological resources found on the site from future development impacts, a conservation easement shall be conveyed to the County over the portions of the property where the resources exist. This easement shall be developed in consultation with a qualified archaeologist, show the exact location of the easement on the property with a metes and bounds description, and contain a clear and concise list of prohibited activities within the easement area.

Mitigation Measure No. 2: In order to reduce potential impacts to cultural resources outside of the project impact area, a protection barrier shall be installed at the limits of construction prior to commencement of soil disturbing activities. Location of the barrier shall be developed in consultation with a qualified archaeologist and shall remain in place until construction is complete. Staging, material and equipment storage, or any other activities associated with construction shall be prohibited outside of the barrier.

Mitigation Measure No. 3: In order to reduce potential impacts to cultural resources that may be discovered during grading and construction activities, a qualified archaeological monitor shall be present during soil disturbing activities. These activities include, but are not limited to: grading or lower-level/foundation excavation. If at any time, potentially significant archaeological resources or intact features are discovered, the monitor shall temporarily halt work until the find can be evaluated by the monitor and/or principal archaeologist. If the find is determined to be significant, work shall remain halted until mitigation measures have been formulated, with the concurrence of the County of Monterey Resource Management Agency, and implemented.

Mitigation Measure No. 4: Due to the project site’s proximity to existing recorded archaeological resources and because the project includes excavation for a lower level, there is a potential for human remains to be accidentally discovered. If remains are uncovered, all work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

Design Review:

The design review for the project takes into account the site plan, architecture, lighting, landscape and implementing the visual resource policies of the Carmel Area Land Use Plan. These are addressed as follows:

1. Site Design

Site design includes a shift in access points from the northern side of the site to the southern. Driveway access is shown across the property to the south which is also owned by the applicant. This access will go between two 42” Cypress trees immediately off Spindrift. A minor amount of grading is shown on the grading plan, and it is important that this grading remain limited to that necessary to connect to Spindrift road, and that the grading from the road down to the house not be cut too deeply into the root zone of these trees. There are also two trees further down the driveway (14” and 20”) which have the potential to have a

1 foot to 2 foot cut very close to the base of the tree. This is evidenced by a retaining wall shown on the site plan. The road grade at this location should stay at or above natural grade. As an alternative, the root zone could be hand excavated under supervision of an arborist to determine the depth of roots in this area and no roots over 1 inch in diameter should be cut. A condition limiting grading in these areas is recommended.

A large amount of fill is shown to the north of the motor court creating a berm in the location of the existing driveway. This is not necessary for the development of the site and has the potential to adversely affect many trees. It is apparent this is proposed to create privacy, but as discussed below under visual access, the existing driveway alignment is an appropriate location to retain visual access to the coastline and so it is recommended that this view corridor be retained.

A group of trees on the west side of the upper patio should also receive some consideration. This patio will be placed on approximately 3 feet of fill, so it is anticipated that there will be a retaining wall at this location. The foundations for the retaining walls should be hand excavated and roots over one inch in diameter should be bridged or otherwise protected. A condition of approval has been added to address the grading concerns addressed in this section (Condition 30.)

2. Visual Resource Policies

The Carmel Area Land Use Plan (LUP) General Viewshed map indicates that the subject property is located within the “Viewshed” and is designated as “Highly Sensitive.” Text within the Carmel Area LUP states that protection of Carmel area’s visual resources “may be one of the most significant issues concerning the future of the area” and the strict policies contained within the plan are intended to safeguard the coast’s scenic beauty and natural appearance.

The subject property is located on the western side of Highway 1. The term “viewshed” or “public viewshed,” within the Visual Resource policies contained within the Carmel Area LUP, refers to the area visible from major public use areas, including Highway 1. Staff conducted a site visit on October 21, 2014 to view project staking and determine potential impacts to visual resources and found that the project will not have a significant impact on the Viewshed, because of the limited visibility of the existing house and the lower profile of the proposed house.

Policy 2.2.4.9 of the Carmel Area Land Use Plan states: *‘To protect both scenic quality and visual access to the shoreline, design review of all new structures or modification of existing structures shall be exercised. “Structures” shall include commercial facilities, homes, garages, fencing, watertanks, solar collectors, utility poles, etc. Where new development or intensification of existing uses is proposed, structures shall be sited to maximize plan policy. Furthermore, landscaping plans shall also be required and approved by the County as a secondary protection.’* The site design should retain or provide visual access to the coastline. There is an existing grape stake fence along the frontage of the property, and significant vegetation, but when the new gate is put in place and the existing driveway is removed, this will create opportunities for visual access across the property. The gate and fence design in these areas should be designed to afford views of the ocean. The house, as discussed below, will be visible, but it does sit lower than the street level and provide opportunities for visibility to the coastline. A condition of approval (Condition 31) has been added to address this.

3. Architectural Design

The contemporary design of the proposed residence maintains a much lower profile than the existing main

structure. Exterior materials and colors of the proposed structures will consist of stucco siding with stone veneer, aluminum framed doors and windows, copper rain gutters and downspouts, and a standing seam metal roof.

Policy 2.2.3.6 of the Carmel Land Use Plan states: “*Structures shall be subordinate to and blended into the environment, using appropriate materials that that effect. Where necessary, modification of plans shall be required for siting, structural design, color, texture, building materials, access and screening.*”

Implementation of the project would not require removal of trees and the proposed structure would have a lower profile than the existing structures on the site, with an approximate 18-foot differential between the existing roof peak and the ridge of the proposed roof. The lower house design is much more in keeping with the idea of being subordinate to and blended into the environment. In addition, the existing vegetation on and surrounding the subject property would provide adequate screening of the proposed structures from Highway 1. The colors and materials proposed are consistent with policy 2.2.3.6 of the Carmel Area LUP and Section 20.146.030C.1 of the Monterey County Coastal Implementation Plan, as their brown and tan color mix on stucco, stone, glass and dull metal would cause the structures to blend with the colors of the natural environment. This design technique and screening provided by the existing vegetation would result in no impact to a scenic vista, scenic resources, and the existing visual character of the site and its surroundings would be maintained.

4. Lighting

The contemporary design of the structure incorporates an expanse of windows at the west elevation and larger windows at the northern and southern elevations, which does not occur with the existing residence. Night time glare from the windows and exterior lighting at the northern and southern elevations would have the potential to be visible from Highway 1. However, the lower profile structure and screening from the existing vegetation would reduce the visibility. In addition, the project has been conditioned to submit a lighting plan for review and approval prior to issuance of any construction permits to insure that there is no light spill over onto adjacent property and that all light sources are shielded. Implementation of the proposed design techniques and the standard condition (Condition 11) of approval for exterior lighting protect nighttime views in the area.

CEQA:

An initial study was prepared for the project due to the possible presence of cultural resources. The initial study resulted in a Mitigated Negative Declaration, resulting in incorporation of the following mitigation measures as discussed above. No other potentially significant effects were identified. A Mitigated Negative Declaration was prepared and circulated for public review between July 6, 2016 and August 5, 2016, and no comments were received.

Land Use Advisory Committee (LUAC) Review:

The proposed project was reviewed by the Carmel/Carmel Highlands Land Use Advisory Committee (LUAC) on October 6, 2014. The LUAC recommended approval of the project by a vote of 6-0 (Exhibit C). All LUAC concerns have been addressed by conditions of approval, which have been incorporated into Exhibit B of this staff report, specifically condition nos. 11 and 14 (exterior lighting and height verification).

OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau
- ✓ RMA-Public Works
- ✓ RMA-Environmental Services
- ✓ Water Resources Agency
- Carmel Highlands Fire Protection District
- ✓ Carmel/Carmel Highlands Land Use Advisory Committee

Departments/Agencies marked with an ✓ recommended conditions of approval.

Prepared by: Ashley Nakamura, Assistant Planner, Extension 5892

Reviewed by: John Ford, RMA-Service Manager, Extension 5158

Approved by: Carl Holm, AICP, Director Resource Management Agency

Attachments:

Exhibit A Project Data Sheet

Exhibit B Draft Resolution, including:

- Conditions of Approval
- Site Plan, Floor Plan and Elevations
- Vicinity Map

Exhibit C Land Use Advisory Committee Minutes

Exhibit D Mitigated Negative Declaration

cc: Front Counter Copy; Planning Commission; California Coastal Commission; John Ford, RMA Services Manager; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Bella Designs LLC (Joel and Shanna Fineberg), Owner; Tony Lombardo, Anthony Lombardo and Associates, Agent; Robert Little, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN140219