



## Board Report

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**File #:** RES 17-143, **Version:** 1

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### PLN160348 - BLACK CROW LLC (MOORE)

Public hearing continued from June 27, 2017 to consider action on an appeal by Courtney Meyers from the April 27, 2017, decision of the Zoning Administrator to categorically exempt and approve a Coastal Administrative Permit and Design Approval to demolish an existing single-family dwelling with attached garage, and construct a new single-family dwelling with attached garage.

Proposed CEQA Action: Categorically Exempt per Section 15302 of the CEQA Guidelines.

Project Location: 2874 Pradera Road, Carmel Meadows, Carmel Area Land Use Plan, Coastal Zone

### RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Deny the appeal of Courtney Meyers from the decision of the April 27, 2017 Zoning Administrator decision approving an application (PLN160348) for a Coastal Administrative Permit and Design Approval to allow for the demolition of a one-story single-family dwelling and the construction of a one-story single-family dwelling with an attached two-car garage;
- b. Find the project categorically exempt per Section 15302 of the CEQA Guidelines; and
- c. Approve a:
  1. Coastal Administrative Permit to demolish an 1,836 square foot one-story single-family dwelling and a 563 square foot attached two-car garage; and
  2. Coastal Administrative Permit and Design Approval to construct an approximately 2,464 square foot one-story single-family dwelling with an approximately 390 square foot attached two-car garage.

A draft resolution with findings and evidence supporting this recommendation is attached for consideration (**Attachment B**). Staff recommends approval subject to 17 conditions.

### PROJECT INFORMATION:

**Owner:** Black Crow LLC (Gary and Michelle Moore)

**APN:** 243-053-005-000

**Zoning:** MDR/2-D(18)(CZ) [Medium Density Residential]

**Parcel Size:** approximately 8,160 square feet

**Plan Area:** Carmel Area Land Use Plan

**Flagged and Staked:** Yes

### SUMMARY:

On June 27, 2017, at the request of the Applicant and with the concurrence of the Appellant, the Board of Supervisors continued the public hearing on this appeal to August 29, 2017.

The Applicant, Black Crow LLC, proposes to demolish and re-build a one-story single family dwelling in the Carmel Meadows area of Carmel. The County originally scheduled the project for administrative review on March 15, 2017; however, the County received two requests for public hearing after noticing the project for administrative approval. On April 17, 2017, the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) recommended that the Zoning Administrator (ZA) conditionally approve the project. The ZA considered and conditionally approved the project on April 27, 2017.

The Appellant, Courtney Meyers, filed a timely appeal which raised three specific contentions:

- 1) The LUAC was improperly noticed, and the LUAC was not listed as a reviewing agency in the staff report prepared for the ZA public hearing on April 27, 2017;
- 2) The development was improperly staked and flagged to show that a proposed exterior stairway encroaches into the side setback, and the front south corner of the proposed building extends to the property boundary; and
- 3) LUAC comments and recommendations were not included in the staff report prepared for the ZA public hearing on April 27, 2017, so the ZA heard them for the first time on the day of the public hearing.

On June 14, 2017, the attorney for the Appellant, John Bridges, submitted additional contentions regarding noise, light and privacy, neighborhood character, CEQA, and alternative designs. The primary issue identified in these additional contentions involve the location of the roof deck.

Regarding the roof deck issue, the proposed roof deck and the exterior stairwell leading to the roof deck meet the required setbacks. Decks, including second-story and/or rooftop decks, are typical of single-family dwellings, and the size and location of the proposed rooftop deck is not unusual. The Applicant's proposed design includes a 3.66-foot high solid wall surrounding the rooftop deck, which would increase privacy for and reduce noise to the surrounding residences, as well as demonstrating sensitivity to design given the location. There are possible alternatives the Applicant could consider, such as locating the deck in the center of the residence or in the southwest (opposite) corner, and designing an interior stair for access. However, while increasing the distance of the proposed deck from the Appellant's residence, the alternatives would decrease the distance of the deck to other adjacent residences. Re-designing the proposed residence, which meets all required development standards as currently designed, would also incur additional cost for the Applicant.

In staff's analysis, the Appellant's contentions are without merit for the following reasons:

- 1) The contentions are not supported by the evidence; and/or
- 2) The contentions are not protected under Monterey County Code; and/or
- 3) The contentions are speculative.

County staff has provided additional detail in the responses to each of the contentions in the project discussion and draft resolution.

The hearing on the project at the Board is de novo. Staff has prepared a draft resolution denying the appeal, and categorically exempting and approving the project. If the Board desires to take a different action, the Board could adopt a motion of intent and continue the hearing to a date certain for the staff to prepare a resolution with modified findings.

See **Attachment A** for a detailed project description and discussion, including project analysis and responses to the Appellant's contentions.

#### ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15302 categorically exempts the replacement or reconstruction of existing structures where the new structure(s) will be located on the same site as the structure(s) replaced and will have substantially the same purpose and capacity as the structure(s) replaced. The proposed project involves the demolition of a single-family dwelling and construction of a single-family dwelling on a residentially-zoned parcel within a developed neighborhood (i.e., replacement of an existing structure with the same purpose and on the same site). The proposed design does not significantly increase the bulk and mass of the existing dwelling, and the proposed setbacks are similar to those of the existing residence (i.e., approximately the same capacity as the structure replaced). Therefore, the proposed development is consistent with CEQA Guidelines Section 15302.

None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. The project does not involve a designated historical resource, a hazardous waste site, or development located near or within view of a scenic highway. No further environmental review is required, and there is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact.

**OTHER AGENCY INVOLVEMENT:**

The following agencies have reviewed the project:

- RMA-Public Works
- RMA-Environmental Services
- Environmental Health Bureau
- Water Resources Agency
- Carmel Highlands Fire Protection District

Based on the requests for public hearing after noticing for administrative review, the project was referred to the Carmel Unincorporated/Highlands LUAC for review. The LUAC reviewed the proposed project at a duly-noticed public meeting on April 17, 2017, and voted 3 - 0 to recommend approval with the following changes and comments: 1) Correct the eave overhang on the southeast corner; 2) thoroughly investigate the drainage; and 3) consider use of railing and/or transparent material instead of a solid wall for the roof deck and stairs leading to the deck. In response to the LUAC's recommendations and comments, the Applicant submitted revised plans to reduce the eave overhang on the southeast corner to comply with setback requirements. Regarding site drainage, Condition No. 10 requires the Applicant to submit a detailed stormwater control plan, which the County will review and approve prior to issuance of grading or building permits. Regarding the use of transparent material, the Applicant has chosen to retain the proposed design for the deck and stairs, which includes a solid wall around the deck area and metal stairs with steel stringer and treads.

**FINANCING:**

Funding for staff time associated with this project is included in the FY2017-18 Adopted Budget within RMA-Planning's General Fund 001, Appropriation Unit RMA001.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

This action represents effective and timely response to our RMA customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

Prepared by: Joe Sidor, Associate Planner, x5262

Reviewed by: Brandon Swanson, RMA Services Manager

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Project Discussion

Attachment B - Draft Board Resolution, including:

- Exhibit 1 - Recommended Conditions of Approval
- Exhibit 2 - Site Plan, Floor Plans, Elevations, and Color/Material Finishes

Attachment C - Notice of Appeal (May 8, 2017), including additional contentions submitted on June 14, 2017

Attachment D - Zoning Administrator Resolution No. 17-026 (April 27, 2017)

Attachment E - Vicinity Map

Attachment F - Carmel Unincorporated/Highlands Land Use Advisory Committee Minutes (April 17, 2017)

The staff report and all exhibits are also available for review on the RMA-Planning public website at the following link: <http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning>

cc: Front Counter Copy; California Coastal Commission; Carmel Highlands FPD; RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Joseph Sidor, Planner; Brandon Swanson, RMA Services Manager; Black Crow LLC (Gary and Michelle Moore), Property Owner; Richard Rhodes, Agent; Courtney Meyer, Appellant; John Bridges, Representative for Appellant; Pat and Jay Sinclair, Interested Party; Mitchell and Loredana Casey, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN160348