



County of Monterey

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

Board Report

File #: A19-157, **Version:** 1

PLN170684 - HENNESSY

Public hearing to consider the construction of a new single family dwelling and guesthouse

Project Location: 195 Spindrift Road, Carmel Area Land Use Plan

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

RECOMMENDATION:

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

- a. Find that the project is limited development consisting of the new construction of a single family dwelling and guesthouse which qualifies as a Class 3 Categorical Exemption per § 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
- b. 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 (3,549 square feet);
 - b) Coastal Development Permit and Design Approval to allow the construction of a guesthouse and office over a 418-square foot garage;
 - c) Variance for reduction of front yard setback (from 30 feet to 22 feet);
 - d) Coastal Development Permit for development on slopes exceeding 30%; and
 - e) Coastal Development Permit for development within 750 feet of a known archaeological resource

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 17 conditions of approval.

PROJECT INFORMATION:

Agent: Frank Hennessy

Property Owners: Frank Hennessy & Jorie Clark

APN: 241-301-009-000

Parcel Size: 0.510 acres

Zoning: LDR/1-D (CZ)

Plan Area: Carmel Area LUP

Flagged and Staked: Yes

SUMMARY:

The project site is at 195 Spindrift Road on the west side of Highway 1. The project includes plans to develop a vacant lot with a new 3-story single family home and a detached guesthouse. The project is located in a Low Density Residential zone with no special height restrictions. This Carmel neighborhood can be characterized as eclectic residential design. The subject property is located in a heavily wooded residential neighborhood of one and two-story homes of varying ages, styles and sizes. The lot is constrained by slopes in excess of 30%, which results in reduced options for development which avoids these areas.

DISCUSSION:

Design Review:

The Hennessy conceptual design is a three-story single family dwelling with a modern architectural style. The

proposed exterior colors, materials and finishes consisting predominantly of gray stucco with white stucco accents, pine wood siding and decking, and board-formed concrete on chimneys, are appropriate for the neighborhood and will blend in with the surrounding environment. Based on the staff site visit, the modern design and color palette of materials are consistent with other dwellings in the neighborhood and will not disrupt the overall character of the area.

As discussed further in the project issues section below, staff has analyzed the site plan and feels the siting of the project is the most appropriate option given the constraints of the lot, and takes advantage of a previously existing building pad which avoids the majority of the slopes on site. Additionally, staff feels the bulk and mass of the design are proportionate to the site and do not conflict with the surrounding neighborhood.

With the exception of the requested front setback variance, the proposed project meets all other development standards (height, setbacks, coverage, etc.) for this area:

Main Structure Setback and Height Requirements:

Front Setback: 30 feet (minimum)

Side Setback: 20 feet (minimum)

Rear Setback: 20 feet (minimum)

Maximum height: 30 feet

Accessory Structure Setback and Height Requirements:

Front Setback: 50 feet (minimum)

Side Setback: 6 feet (minimum)

Rear Setback: 6 feet (minimum)

Maximum height: 15 feet

Proposed Setbacks and Height for PLN170684:

Front Setback:

Main - 22 feet

Accessory - 50 feet

Side Setback:

Main - 20 feet

Accessory - 6 feet & $\frac{3}{4}$ inches

Second Front Setback: - > 50 Feet

Maximum Height:

Main - 29 feet & 9 inches

Accessory - 14 feet & 3 inches

Project Issues:

The topography of the lot is characterized by steep slopes which has resulted in development constraints. To construct the desired design, the main house will be located on the upper portion of the site, as the lower portion is primarily devoted to the on-site wastewater treatment system set back 100 feet from the existing well. Because of the road right of way (Spindrift Road) and to take advantage of an existing building pad which avoids most of the slopes on site, the garage and a portion of the main house is proposed to encroach upon the front setback. There is justification to support a variance to reduce the front setback from 30 feet to 22 feet, as discussed below. Pursuant to Section 20.62.040 N of the Coastal Implementation Plan, a garage can encroach up to five feet from the front line of the lot when the elevation of the lot at a point 50 feet from the centerline of the traveled roadway is 7 feet above or below the grade of said centerline. The Hennessy project meets the exception because the garage is proposed 8 feet from the front line of the lot. Therefore, the project will be requiring an overall front setback reduction of 8 feet on the northern front (from 30 feet to 22 feet).

A previously approved permit (PLN040465/Hennessy) allowed a larger home (3,932 SF with attached garage) and a detached guesthouse (424 SF). This previous approval also included a variance for the front setback (from 30 feet to 18 feet). This permit was renewed twice but expired in March 2012 with no substantial work performed as stipulated under §20.64.240 [Regulations for Determination of Vested Rights]. Strict application of the 30-foot setback requirement for this property would deprive the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classification. Properties at 157, 163, 165, 167, 174, 181, and 231 Spindrift Road have structures that do not meet the required setback. Approval of the Combined Development Permit (PLN170684) will not constitute a grant of special privileges inconsistent with other properties in the vicinity under the identical zoning classification. Therefore, the findings can be made to grant the variance to reduce the front setback from 30 feet to 22 feet.

It would appear that since the permit expired, no clearing of vegetation or tree removal occurred until this year (May 2017), as noted by the biologist. Hence, many weeds, invasive species, and wildlife have moved into much of the space. During a sweep of the Hennessy property, the biologist observed three active stick nests of the Monterey Dusky-footed Woodrat (*Neotoma macrotis luciana*) clustered together along the lower eastern boundary of the lot. The Monterey Dusky-footed Woodrat is a nocturnal rodent considered a Species of Concern by both the federal Fish and Wildlife Service and the California Department of Fish and Wildlife (CDFW). The nests are below the proposed main structure but would be within the footprint of the proposed detached garage and guesthouse. The biologist's recommendation regarding the woodrats is to have the applicant retain a specialist to remove the rats and dismantle the nests. In a phone conversation with the CDFW, and a follow-on letter from Brandon Sanderson, a CDFW Environmental Scientist (Exhibit E), the language for a condition was created and agreed upon which would require a pre-construction survey for active nests and establish appropriate buffers prior to any ground disturbing activities (see Condition No. 8). Additionally, staff has received correspondence from a separate consultant biologist (retained by the applicant) which reiterates earlier recommendations and proposes live trapping, if required, be done from mid-July through September.

Rare and Endangered Species are those identified as rare, endangered and/or threatened by the State

Department of Fish and Game, United States Department of Interior Fish and Wildlife Service, the California Native Plant Society, IUCN list, and/or pursuant to the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora. Since the Dusky Footed Woodrat is listed as a Species of Concern, but not as endangered or threatened, it does not meet the definition of rare or endangered species as described in the Carmel Coastal Implementation Plan (20.146.020) and is not protected under environmentally sensitive habitats according to the Carmel Area Land Use Plan (2.3.1). Therefore, the stick nests on site would not be considered ESHA, and would not be subject to further CEQA review or required mitigations. Additionally, The California Department of Fish and Wildlife stated in a conversation with staff that they have no jurisdiction over the Monterey Dusky-footed woodrat.

The applicant has stated that he plans to construct the detached accessory structure component of the project in the distant future (the area where stick nests were found). However, staff is recommending that prior to any ground disturbance, a pre-construction survey should be done for the entire site and all appropriate buffers implemented. The project has been conditioned with a non-standard condition which outlines compliance measures.

The site is located in a highly sensitive area for archaeological resources. It is also located within 750 feet of a known cultural/archaeological resource. On February 12, 2004, a qualified archaeologist completed a survey pursuant to Section 20.146.090.B CIP. The results of this survey were negative for the subject site, and the report concluded that there were no findings to suggest the project could not move forward as proposed.

Parking:

Pursuant to Chapter 20.58 (Regulations for Parking) under Monterey County Zoning Ordinance Title 20, all residential developments shall have at least 1 covered parking space; covered parking shall count toward the two (2) required parking spaces. The project proposes to add 4 covered and 4 uncovered parking spaces. Therefore, this project meets the parking requirements listed under Residential Use.

CEQA

This project is categorically exempt from CEQA review pursuant to §15303(a), Class 3 for limited new development. The project consists of the first single family home plus a detached guest house/carport. No environmentally sensitive habitat area (ESHA) exists on the property and there are no unusual circumstances related to the project or the site. No unresolved issues remain.

OTHER AGENCY INVOLVEMENT:

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

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

The proposed project was reviewed by the Carmel Highlands LUAC on September 5, 2017. The Hennessy project as designed received a unanimous recommendation of approval. The LUAC requested assurance that the colors brought before the LUAC would be the same colors used for the project. The applicant agreed that the colors and materials would be the same as presented.

Prepared by: Maira Blanco, Assistant Planner, x5052
Reviewed by: Brandon Swanson, RMA 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:

Exhibit A - Project Data Sheet

Exhibit B - Resolution

B.1 - Conditions

B.2 - Colors and Materials

Exhibit C - Vicinity Map

Exhibit D - Plans

Exhibit E - Letter from Brandon Sanderson (CA Fish and Wildlife)

Exhibit F - Letter from Mark Allaback

Exhibit G - Updated Biological Report (Nicole Nedeff)

Exhibit H - LUAC Minutes

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Services Manager; Maira Blanco, Project Planner; Frank Hennessy and Jorie Clark, property owners; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN170684.