



# County of Monterey

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

## Board Report

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**File #:** ZA 19-108, **Version:** 1

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### **PLN180240 - WALNUT COVE LLC**

Public hearing to consider demolition of an existing single-family dwelling.

**Project Location:** 24418 and 24424 San Juan Road, Carmel, Carmel Land Use Plan, Coastal Zone

**Proposed CEQA action:** Categorically Exempt Per Section 15301 (I) of the CEQA Guidelines

#### **RECOMMENDATION:**

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

1. Find that the project involves demolition of a single-family dwelling, which qualifies as a Class 1 Categorical Exemption pursuant to Section 15301 (I) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Coastal Administrative Permit to demolish an existing 2,775 square foot single family dwelling.

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

#### **PROJECT INFORMATION:**

**Agent:** Chad Brown

**Owner:** Walnut Cove LLE

**APN:** 009-013-011-000 and 009-013-012-000

**Zoning:** Medium Density Residential with a maximum of 2 units per acre with a Design Control Overlay within the Coastal Zone or "MDR/2-D (CZ)."

**Parcel Size:** 0.21 acres and 0.234 acres

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

**Flagged and Staked:** N/A

#### **SUMMARY:**

The subject properties are located on San Juan Road within an established residential neighborhood, north of the intersection of Pescadero Road and San Juan Road in the Carmel woods neighborhood of Carmel. The properties are approximately 1/4 of a mile northeast of the incorporated City of Carmel-by-the-Sea, west of Highway 1. The project involves the demolition of an existing one-story single-family dwelling.

Due to a request for public hearing, the Coastal Administrative Permit has been referred for consideration by the Zoning Administrator. The request for hearing includes contentions that the structure to be demolished is historic, that the demolition will impact a seasonal creek easement, impact trees, involve the use or release of hazardous materials, have construction related impacts, whether the demolition automatically grants approval to future development and that the future development on the two parcels should be included with this application.

The proposed project has been evaluated for consistency with the 1982 General Plan, Carmel Area Land Use Plan (CAR LUP), Carmel Area Coastal Implementation Plan, Part 4 (CAR CIP), and the Coastal Zoning Ordinance (Title 20). Title 20 Section 20.12.040 allows for the demolition of a single-family dwelling subject to a Coastal Administrative Permit. The project does not include any development; therefore, a Design Approval is not required.

Concerns raised in the review of the project have been addressed. The structure being demolished is less than 50 years of age and is not historic; there is no seasonal creek or easements on the site and best practices will be required to ensure that the demolition does not impact the Pescadero canyon downslope from the subject property; no trees will be removed and conditions have been added requiring tree protection measures during demolition, compliance with Monterey Bay Unified Air Pollution Control District Rule 439 (hazards), and approval of a construction management plan prior to issuance of construction permits. This application does not include the construction of any new development and the demolition of the single-family dwelling does not automatically grant approval of any future development.

As proposed and conditioned, the criteria to grant the Coastal Administrative Permit has been met and staff is recommending approval of the permit with conditions.

#### DISCUSSION:

The project was originally set and duly noticed for an administrative hearing on April 17, 2019. There were several letters received from the neighborhood requesting a public hearing and, pursuant to Title 20 Section 20.76.060, the project was referred to the Zoning Administrator for consideration.

The applicant proposes to demolish an existing 2,775 square foot one-story single family dwelling that traverses over two contiguous parcels. The parcels are identified as Lot 11 and Lot 12 on “Licensed Surveyor’s Map of Re-Subdivision of Blocks 305 and 306, Third Addition Carmel Woods,” filed for record on June 21, 1938, in Volume 3 of Surveys, Page 164. The parcels are two separate legal lots of record. Pursuant to Title 20 Section 20.68.010, the existing development is legal non-conforming as to setbacks. The project is to demolish the existing dwelling, resulting in two vacant parcels.

#### **Public Concerns**

The project was originally set for an administrative hearing. Requests for a public hearing, in addition to several comments, were received from neighbors. Neighbors expressed concerns about the structure to be demolished is historic, that the demolition will impact a seasonal creek easement, impact trees, involve the use or release of hazardous materials, have construction related impacts, whether the demolition automatically grants approval to future development and that the future development on the two parcels should be included with this application.

#### *Historic Nature*

The existing single-family dwelling was built in 1970. Monterey County building permits identify the home as a Japanese tea house. According to the California Office of Historic Preservation (Preservation Brief #13), 50 years is the minimum amount of time needed to understand the historic context of buildings. Buildings under 50 years of age are generally not eligible for listing unless the building possess exceptional design merit or historical significance that transcends the fifty-year age requirement. Staff conducted a site visit on April 17, 2019 and found the architectural style of the home is a ranch style similar to the existing homes within the neighborhood. It is not an exceptional design and there has been no indication of a historically significant event at the property that would transcend the fifty-year age requirement. Based on the site visit, building permit records, and the year the home was constructed, a historic assessment was not required. The home is not listed as an historic resource within the Monterey County Geographic Informational System (GIS) and does not show any of historic features.

#### *Seasonal Creek Easement/Hazardous Materials*

Concerns were raised about possible debris and pollution impacting a seasonal creek that borders the property and the potential for release of hazardous materials resulting from the proposed demolition. The site is located

within a residential neighborhood at the northern end of the Carmel area (“Carmel Woods”). The northern end of the Carmel Woods neighborhood backs up to a slope that leads down to the Pescadero Canyon riparian area. There are no seasonal creeks or easements on the subject properties. A standard condition of approval for erosion control has been applied to the project. The erosion control plan would need to be in conformance with Monterey County Code Chapter 16.12, which is intended to eliminate and prevent conditions of accelerated erosion that have led to, or could lead to, degradation of water quality, loss of fish habitat, damage to property, loss of topsoil or vegetation cover, disruption of water supply, or increased danger from flooding. Additionally, a demolition/deconstruction condition has been incorporated into the project to limit the amount of particulate emissions from the removal of the building pursuant to Monterey Bay Unified Air Pollution Control District Rule 439. With these conditions in place, the project will not significantly impact the Pescadero Canyon or result in release of hazardous materials.

#### *Existing Trees*

The applicant proposes to demolish an existing 2,775 square foot one-story single-family dwelling. The project does not propose any tree removal or new construction. Standard conditions of approval for tree and root protection and raptor/migratory bird nesting have been applied to the project to ensure that no trees are damaged during demolition and that there are no raptor or migratory bird nesting present within 300 feet of any proposed construction activity.

#### *Construction Impacts*

The subject property is located in Carmel Woods neighborhood where lots are relatively small, and roads are narrow. Temporary construction activities would create short-term nuisances from traffic and noise generated by the project. The project application was reviewed by RMA-Public Works. A standard condition of approval for a construction management plan was recommended and has been incorporated into the project. Implementation of this condition would minimize traffic, identify the area of proposed construction parking, identify the duration of construction, proposed haul routes and estimated number of truck trips resulting from the project. Hours of activity will be limited to normal business hours Monday through Saturday and such activities will occur over a short period of time (approximately two weeks).

#### *Application Process/Future Development*

The proposed project is for the demolition of an existing 2,775 square foot one-story single-family dwelling. The project does not include any new construction. Concerns from the public were raised regarding the process of the application, requesting that the project combine the future development for the two (2) legal lots of record.

On April 10, 2017, a request for a parcel legality determination was submitted. County staff determined that the request qualified for two (2) unconditional Certificates of Compliance (COC) pursuant to Government Section 66499.35 (a) of the Subdivision Map Act and Section 19,14,050.A.1 of Title 19 of the Monterey County Code (see **Exhibit D**). Subsequently, two (2) COC were granted on October 10, 2018, memorializing two (2) legal lots of record.

An application request was submitted by the applicant on April 19, 2018 for the proposal to demolish an existing single-family dwelling and construct two (2) new single-family dwellings, one on each of the legal lots of record. Since that time, the applicant separated the demolition of an existing structure from the proposed construction. The applicant submitted a formal development application for the demolition on February 12, 2019. Staff analyzed the proposed demolition and found that the application has met all the criteria necessary to

grant a Coastal Administrative Permit for such development. A decision of this application does not automatically warrant approval of any future development. Future development on either property would be analyzed for consistency and conformity with the County's current regulations.

### **Design Review**

The project is subject to the Design Control Zoning District ("D" zoning overlay), which is intended to regulate the location, size, materials and colors of the structures to assure protection of the public viewshed and neighborhood character. The existing single-family dwelling is a ranch style home, originally constructed in 1970. The application is a proposal to demolish the existing 2,775 one-story single family. The application does not include construction of new structures or buildings; therefore, the design development standards would not be applicable.

The subject parcel is zoned Medium Density Residential with a maximum density of 2 units per acre and a Design Control Overlay within the Coastal Zone or "MDR/2-D (CZ)." Per Title 20 Section 20.12.040, a Coastal Administrative Permit is required for the demolition of a single-family dwelling.

### CEQA:

The project is categorically exempt from environmental review pursuant to Section 15301 (I). This exemption applies to the demolition of single-family dwellings in residential zones. The demolition of the 2,775 square foot one-story single-family dwelling and is consistent with this exemption. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located on a hazardous waste site, near a scenic highway, is not likely to effect cultural resources and will not have a significant effect on the environment. Therefore, the project is categorically exempt.

### LUAC:

The project was not referred to the Carmel Highlands/Incorporated Land Use Advisory Committee (LUAC) for review. Based on the current LUAC Guidelines, adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the project does not propose a lot line adjustment involving conflicts, a variance, or a Design Approval subject to review by the Zoning Administrator or Planning Commission.

Prepared by: Jacquelyn M. Nickerson, Assistant Planner, Ext. 5240

Reviewed by: Brandon Swanson, Interim RMA Chief of Planning

Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and  
Development Services

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution, including:

- Conditions
- Site Plans

Exhibit B - Vicinity Map

Exhibit C - Correspondence

Exhibit D - Lot Legality Determination

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, Interim Chief of Planning, Craig Spencer, Interim RMA Services Manager; Chad Brown, Agent; Walnut Cove LLC, Property Owner; Peter Brickey, Interested Party; Robin Robinson, Interested Party; Natalie Nielson and Tom O'Brien, Interested Party; Susan Benjamin, Interested Party; Derek Daley, Interested Party; Larry Sutter, Interested Party; Joanie Benjamin, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN180240