



# County of Monterey

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

## Board Report

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**File #:** PC 19-039, **Version:** 1

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### **PLN170735 - AGUILERA**

Public hearing to consider an after-the-fact permit for a 144-square foot addition to an existing guesthouse and a Lot Line Adjustment to merge two parcels (.25 acre and .07 acre) into one parcel (.32 acre).

**Project Location:** 3511 Lazarro Drive, Carmel, Carmel Land Use Plan, Coastal Zone.

**Proposed CEQA Action:** Categorically Exempt per Section 15305(a) of the CEQA Guidelines.

#### **RECOMMENDATION:**

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

- a. Find the project categorically exempt per Section 15305 (a) of the CEQA Guidelines;
- b. Approve a Coastal Development Permit for a Lot Line Adjustment to merge two parcels into one 0.32 acre parcel;
- c. Approve a Coastal Development Permit to allow an addition to a guesthouse maintaining a legal non-conforming rear yard setback;
- d. Approve an after-the-fact Coastal Administrative Permit and Design Approval to clear Code Enforcement case (13CE00280) for a 144-square foot addition to an existing 252-square foot guesthouse (total 396 sf).

A draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to seven (7) conditions of approval.

#### **PROJECT INFORMATION:**

**Agent:** Frank Aguilera

**Property Owner:** Frank Aguilera

**APNs:** 009-293-001-000 (Parcel A) and 009-293-019-000 (Parcel B)

**Area:** .25 acre (Parcel A) and .07 acre (Parcel B) for .32 acre total

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

**Plan Area:** Carmel Land Use Plan

**Flagged and Staked:** N/A

#### **SUMMARY:**

Sometime prior to 2016, the property owner built a 144-square foot sunroom attached to an existing guesthouse. The addition did not conform to the side or rear yard setbacks for habitable accessory structures in the Medium Density Residential (MDR) zoning district. In 2013 a Code Enforcement case was opened against the property for an unpermitted addition to the existing guesthouse (13CE00280). The property owner desires to legalize and permit the addition. In order to rectify the property line encroachment and side yard setback requirements, the property owner purchased land from the County (**Exhibit D**) and is requesting a Coastal Development Permit for a Lot Line Adjustment to merge the acquired parcels. If the acquired property (owned by the applicant) is merged with the lot on which the majority of the residential development exists (3511 Lazarro Drive, Carmel (APN: 009-293-001-000), the existing development would conform to the applicable development standards and create a new parcel number 009-293-001-000. For this reason, the Lot Line Adjustment is requested along with an after-the-fact Coastal Administrative Permit and Design Approval to permit the addition to the guesthouse.

Also, the guesthouse, including the addition, maintains a 5.85 foot setback from the rear property line. The MDR zoning district requires a 6 foot rear yard setback making the existing guesthouse non-conforming by a matter of approximately 2 inches. To address the extension of the legal non-conforming rear yard setback, staff has included a Coastal Development Permit pursuant to Section 20.68.040 to allow the enlargement of the non-conforming guesthouse.

Staff has reviewed the application as though the addition did not exist and has determined that the Lot Line Adjustment to merge the properties would conform to County standards and, if the Lot Line Adjustment is approved, that the addition to the guesthouse would also conform to the applicable standards including the side yard setback, guest house size, and design. In this case, because the rear setback encroachment is only a matter of 2 inches, staff would have considered a Coastal Development Permit if the applicant had not already constructed the addition.

#### DISCUSSION:

The existing property with the guesthouse is a quarter acre lot with an existing 2,587 square-foot single family dwelling located at 3511 Lazarro Drive (**Exhibit B-2**). Lane T3 and T4 are small strips of land that were dedicated to the County with the original subdivision of Hatton Fields and were intended for road and access purposes between Mesa Drive and Lazarro Drive (mid block) but have been abandoned by the County and purchased by the property owner of 3511 Lazarro Drive. All properties are zoned Medium Density Residential, with a maximum density of two units per acre and a design overlay (MDR/2-D [CZ]). The subject parcels are located west of Highway 1 and north of Rio Road in the Carmel Unincorporated community. The neighborhood is residential in design, with a row of single family dwellings along Lazarro Drive. In addition to the single-family dwelling, the property also has a detached guesthouse in the rear yard. In 2004, the Board of Supervisors approved abandonment of identified roadways in unincorporated areas of Hatton Fields, declaring them surplus real property and no longer needed for County or other public purposes. (**Exhibit D**).

On April 26, 2016, the Board of Supervisors approved Board Order A-13112 to allow the sale of T3 and T4 to Mr. Aguilera, totaling approximately 2,640 square feet of Lane T located adjacent to 3511 Lazarro Drive for \$7.21 per square foot pursuant to California Government Code Section 25526.5. Board Order A-13112 passed unanimously 3-0 with two absences. The Board Order found Lane T3 and T4 are no longer necessary for County or other public purposes. The adjacent property owners had first right of refusal to acquire the land, and it was sold in the amount of \$7.21 per square foot. The acquisition of T3 and T4 extends the property line so the side setback would be 18 feet from the addition to the guesthouse if the parcels are merged.

#### *Lot Line Adjustment*

Pursuant to Title 19 of the Monterey County Subdivision Ordinance, an LLA may be approved provided: 1) that it is between two or more existing adjacent parcels, 2) a greater number of parcels are not created as a result of the approved LLA, and 3) the LLA conforms to Monterey County zoning and building ordinances.

The LLA would merge two adjacent parcels (APNs: 009-293-001-000, 009-293-021-000, and 009-293-019-000) into 1 parcel (.32 acre total). The LLA adjustment will decrease potential development density and intensity by combining three separate lots into one lot. The resulting lot will not be large enough to accommodate added density or subdivision.

The applicant desires to merge the lots, which will aid in permitting to clear an existing code enforcement case for an addition to a guesthouse beyond the side setback by moving the side yard property boundary such that the addition would conform to the side yard setbacks.

*Design and Development Standards:*

A 144 square foot sunroom was added to an existing guesthouse without the benefit of permits. The sunroom's colors and materials match the guesthouse. It is a twelve foot by twelve foot unconditioned space with an eggshell stucco exterior and white trimmed glass doors. The exterior of the structure is lit with downcast lighting.

In the Medium Density Residential zoning district, guesthouses are considered a habitable accessory structure to a home. Development standards for accessory structures are:

**Minimum Required:**

**Front Setback:** 50 feet

**Side Setback:** 6 feet

**Rear Setback:** 6 feet

**Maximum height:** 15 feet

As constructed, and without the proposed Lot Line Adjustment, the structure was built across the boundary of the side yard of the exiting lot and does not maintain the required side yard setback. With the Lot Line Adjustment to merge the existing parcel with parcels T3 and T4, the guesthouse would be setback 116 feet from the front property line and 18 feet from the side. However, the site plan reflects that the addition to the guesthouse is set back 5.85 feet from the rear of the property -1.8 inches less than the 6 foot required minimum setback. The property was built in 1948 and there is no record on file for a planning permit to the guesthouse - therefore, staff concludes it is a legal nonconforming guesthouse. The unpermitted addition extended the guesthouse parallel to the rear yard property line maintain the same non-conforming rear yard setback. Section 20.68.040 of the coastal zoning ordinance (Title 20) allows the enlargement, extension, or structural alteration of a non-conforming structure provided the enlargement, extension or alterations conform to all regulations. Additional repairs are allowed subject to a Coastal Development Permit in each case. As such, staff has included a Coastal Development Permit to allow the enlargement and extension of the non-conforming guesthouse within the rear yard setback. Staff recommends approval of the Coastal Development Permit in this case because the extension and enlargement does not exacerbate the non-conformity and because the encroachment into the setback is less than 2 inches.

Finally, the guesthouse also conforms to the maximum height limit for the zoning district and is nine and a half feet tall. Additionally, MCC Title 20.64 mandates that guesthouses not be more than 425 square feet. The guesthouse with the sunroom addition is 396 square feet. Therefore, with the Lot Line Adjustment, the guesthouse meets site development standards.

The existing site coverage on both the existing and proposed configuration of the property is within the development standards for the applicable property zoning, and the lot line adjustment would not intensify the level of development allowed on the parcels. Besides bringing addition to the guesthouse into compliance, no further development would occur on this parcel.

**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
- ✓ Cypress Fire Protection District

- ✓ Carmel Highlands/Unincorporated Land Use Advisory Committee
- ✓ California Coastal Committee

*LUAC*

The proposed project has been reviewed by the Carmel Highlands Land Use Advisory Committee on May 20, 2019. The Committee voted four in favor and one against the project, with the primary objection to the 5.85 foot rear setback. The LUAC comments and recommendations will be added to the record for PLN170735 when they are available.

Prepared by: Yasmeen Hussain, Associate Planner, ext. 6407.

Reviewed by: Craig Spencer, RMA Interim Planning Manager

Approved by: John Dugan, FAICP, RMA Deputy Director

The following attachments are on file with RMA:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution

- Recommended Conditions of Approval
- Lot Line Adjustment Map (Site Plan)

Exhibit C - Vicinity Map

Exhibit D - Board Order (Quitclaim Deed)

cc: Front Counter Copy; Planning Commission (10); Brandon Swanson, RMA Interim Chief of Planning; Frank Aguilera, Owner; Yasmeen Hussain, Project Planner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN170735.