



# County of Monterey

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

## Board Report

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**File #:** PC 19-072, **Version:** 1

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### **PLN190097 - WALNUT COVE LLC**

Public hearing to consider construction of a 2,865 square foot two-story single family dwelling inclusive of an attached two-car garage on slopes in excess of 30%, within 100 feet of environmentally sensitive habitat (Pescadero Canyon), and the removal of two Oak trees.

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

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

### **RECOMMENDATION:**

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

1. Find that the project involves the construction of a new single family dwelling on an existing legal lot of record, which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 (a) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Combined Development Permit consisting of a:
  - a. Coastal Administrative Permit and Design Approval to allow for the construction of a 2,865 square foot two-story single family dwelling inclusive of an attached two-car garage;
  - b. Coastal Development Permit to allow the removal of two (2) oak trees;
  - c. Coastal Development Permit to allow development within 25 feet of environmentally sensitive habitat; and
  - d. Coastal Development Permit to allow approximately 1,600 square feet of development on slopes in excess of 30%.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval of the project subject to 13 conditions of approval.

### **PROJECT INFORMATION:**

**Agent:** Chad Brown

**Owner:** Fred and Silvia Miranda (Walnut Cove LLC)

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

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

**Parcel Size:** 9340 square feet (0.214 acres)

**Plan Area:** Carmel Land Use Plan

**Flagged and Staked:** Yes

### **SUMMARY:**

The subject property is located approximately one-half mile west of Highway 1, north of the intersection of San Juan Road and Pescadero Road in the Carmel Woods neighborhood, that backs up into the Pescadero Canyon. Zoning for the subject property allows a maximum gross density of 2 units per acre, within an established residential neighborhood. The subject property contains a 2,775 square foot one-story single family dwelling, driveway, concrete walkways and a storage shed. The existing dwelling with associated improvements are located in such a way that it straddles the lot line between this parcel (24418 San Juan Road, Assessor's Parcel Number 009-013-011-000) and the adjacent parcel (24424 San Juan Road, Assessor's Parcel Number 009-013-012-000). A permit to allow the demolition of the existing dwelling has been approved under separate permit (Monterey County Planning File No. PLN180240). The subject project (PLN190097) is for construction of a

new single family dwelling at 24418 San Juan Road. A sperate permit has been submitted for construction of a dwelling at 24424 San Juan Road (PLN190098). This report focuses only on the proposed dwelling at 24418 San Juan Road, Carmel.

Staff evaluated the project for consistency with the 1982 General Plan (General Plan), Carmel Area Land Use Plan (CAR LUP), Carmel Coastal Implementation Plan, Part 4 (CAR CIP) and the Monterey County Coastal Zoning Ordinance (Title 20). Although, there are areas previously disturbed by the existing development, the new home would extend into areas that are not disturbed. As designed, the proposed single family home requires approvals (each a separate permit) to develop approximately 1,600 square feet on slopes in excess of 30%, to allow development within 25 feet of ESHA (threshold is 100 feet), and to remove two Coast Live Oak tree (native tree). Concerns were raised during review of the project relative to impacts from developing the proposed residence (ESHA, trees, slopes). Staff considered the comments received and determined that the required findings can be made in this case, as described in the detailed discussion (**Exhibit B**) and attached draft resolution (**Exhibit C**).

#### DISCUSSION:

Concerns have been raised by neighbors and the Land Use Advisory Committee during the project review of the application include:

1. The construction of the single family dwelling impacting slopes in excess of 30%;
2. The potential for the project to result in impacts to a seasonal creek easement (Pescadero Canyon);
3. The development impacting additional trees;
4. Whether the proposed design and colors of the single family dwelling and retaining walls are consistent with the neighborhood character; and
5. The construction related impacts that would result from the development of the single family dwelling.

Staff has considered the comments received on the project and has not identified inconsistencies with the applicable policies and regulations that govern development at the site. Each of the concerns are addressed below and in more detail in the attached discussion.

**Slopes:** The site is constrained by slopes in excess of the 30% within the front and middle of the property. The development has been sited toward the front of the lot in an area that is in conformance with development standards for the MDR zoning district. Topography at the site begins to drop around the middle of the parcel and flattens towards the Pescadero Canyon. If the development was sited towards the rear of the parcel, it would then require a larger amount of grading to construct the driveway through the property to connect to the garage. Due to the topography and narrow shape of the parcel, there are no alternative feasible options for the development to be entirely on slopes less than 30%.

**Seasonal Creek:** Pescadero Canyon is considered an environmentally sensitive habitat area (ESHA) and the subject property is located on the ridge above the canyon. There is no work proposed within the Canyon but due to the narrow shape of the parcel, any development on the lot would be within 100 feet of EHSA. With conditions implemented, the project will avoid impacts on the adjacent canyon and its habitat.

**Trees:** Tree removal is within the proposed driveway. Placement of a driveway meeting fire department standards anywhere on the property will impact trees. The location of the proposed driveway minimizes impacts to trees. The remaining trees on the property would be conditioned to be protected during construction related activities.

**Neighborhood Character:** Staking and flagging have been erected. Staff has visited the site and surrounding area and determined that the proposed home will not detract from the character of the neighborhood when viewed from San Juan Road and Pescadero Road. The proposed home meets all site development standards of the Medium Density Residential zoning district and proposed colors and materials are subordinate to the surrounding environment and blend with the neighborhood character.

**Construction:** Construction related impacts are temporary and would be minimized through a construction management plan that is required as a part of the construction permit. Hours of construction operation will be limited to Monday through Friday 8:00 A.M. through 4:30 P.M.

See **Exhibit B** for detailed discussion.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

The project is categorically exempt from environmental review pursuant to Section 15303 (a) of the CEQA Guidelines. This exemption applies to the construction of single family dwellings within a residential neighborhood. The proposed project is to construct an approximately 2,865 square foot two-story single family dwelling inclusive of an attached two-car garage. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located on a hazardous waste site or historic resource, 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.

**LAND USE ADVISORY COMMITTEE (LUAC):**

Based on the Land Use Advisory Committee (LUAC) procedure guidelines adopted by the Monterey County Board of Supervisors, the project was referred to the Carmel Unincorporated/Highlands LUAC for review on July 1, 2019 and July 15, 2019 (**Exhibit E**). At the July 1, 2019, the Committee continued the application until the applicant removed a fallen tree from a neighboring property, provided color samples for the proposed homes, lowered the overall roof plate height and re-staked the proposed development. The application went before the Committee again on July 15, 2019. In between meetings, the applicant submitted revised plans, which are reflected within the attached draft resolution (**Exhibit C**), to reduce the height from 30 feet to 28 feet and re-staked the proposed development. At the July 15, 2019 meeting, the Committee reviewed the color samples and recommended another continuance to recommend the applicant reduce the plate heights even lower. The applicant was not willing to reduce the height further and believed that the 2 foot height reduction was adequate to address concerns. Staff reviewed the proposed development carefully and considered the other two-story homes within the neighborhood. The proposed development is consistent and would blend with the overall neighborhood character.

**OTHER AGENCY INVOLVEMENT:**

The following agencies have reviewed the project:

- Environmental Health Bureau
- Cypress Fire Protection District
- RMA-Environmental Services
- RMA-Public Works

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

Reviewed by: Craig Spencer, RMA Planning Services Manager

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 - Project Data Sheet

Exhibit B - Discussion

Exhibit C - Draft Resolution, including:

- Conditions of approval
- Site plans
- Colors and materials

Exhibit D - Vicinity Map

Exhibit E - Carmel LUAC Minutes

Exhibit F - Tree Assessment LIB190167

Exhibit G - Biological Report LIB190216

Exhibit H - Correspondence

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Carmel Unincorporated/Highlands Land Use Advisory Committee; Brandon Swanson, Interim Chief of Planning; Craig Spencer, Interim RMA Planning Manager; Chad Brown, Agent; Walnut Cove LLC, Owner; Tom O'brien and Natalie Nielsen, Interested Party; Pat Roberts, Interested Party; Elliot Byrd, Interested Party; Robin Robinson, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN190097