



County of Monterey

Item No.
1

Zoning Administrator

Legistar File Number: ZA 24-041

October 10, 2024

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Matter Type: Zoning Administrator

PLN230177 - NICO DAVID & MARLANA TRS

Public hearing to consider construction of a single family dwelling including an attached garage (5,540 square feet) and associated site improvements including a driveway (5,086 square feet) on slopes in excess of 30%, within 750 feet of known archaeological resources and within 100 feet of environmentally sensitive habitat areas.

Project Location: 100 Crest Rd, Carmel, (Assessor's Parcel Number 241-221-013-000), Carmel Area Land Use Plan, Coastal Zone

Proposed CEQA Action: Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Article 19 Section 15303, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a Resolution:

1. Finding the project exempt from CEQA pursuant to section 15303, new structures; and
2. Approving a Combined Development Permit consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 5,540 square foot, three story single family dwelling with an attached garage and associated site improvements including a driveway and retaining walls;
 - b. Coastal Development Permit to allow development on slopes in excess of 30%;
 - c. Coastal Development Permit to allow development within 750 feet of known archaeological resources; and
 - d. Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat areas.

PROJECT INFORMATION:

Agent: John Mandurrago, Design Studios

Property Owner: Nico David & Marlana Trs

APN: 241-221-013-000

Parcel Size: 65,555 Square Feet (1.50 Acres)

Zoning: Low Density Residential with a density of 1 unit per acre with a Design Control overlay district, Coastal Zone or "LDR/1-D(CZ)"

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: No

SUMMARY:

The project is located at 100 Crest Rd, Carmel and is subject to the policies of the Carmel Area Land Use Plan. The proposed project includes construction of a 5,540 square foot three-story single-family dwelling, inclusive of a 920 square foot attached garage, within 750 feet of a known archaeological resource, on slopes in excess of 30% and within 100 feet of environmentally sensitive habitat areas. The project is consistent with applicable goals and policies in the 1982 General Plan and Carmel Area Land Use Plan (Carmel Area LUP), and regulations and development standards contained in the Carmel Area Coastal Implementation Plan (Carmel Area CIP) and Zoning Ordinance, Title 20.

The subject parcel is topographically constrained as the majority of the lot is slopes over 30% and there are no substantial flat areas that could support the full development without impacting slopes. Therefore, the applicants have proposed to utilize the flattest portion of the lot for the location of the their development and have worked with the county to decrease their footprint and overall impact to the highly sloped areas.

DISCUSSION:

Land Use & Development Standards

The property is zoned Low Density Residential, 1 unit per acre with Design Control overlay district in the Coastal Zone or “LDR/1-D(CZ)”. This zoning allows the first single family dwelling on a plot of land, development on slopes in excess of 30%, and development within 750 feet of known archaeological resources pursuant to discretionary planning permits. The proposed project is consistent with the applicable development standards for LDR zoning. The applicant proposes a height of approximately 30 feet from the average natural grade, consistent with the allowable 30 foot maximum height. The chimney will exceed the height limit, but this is allowed pursuant to section 20.62.030.A of the Zoning Ordinance, Title 20. The proposed structure meets all the required setbacks with the closest corner of the structure to the edge of the property located on the northern most side which still meets the required 20 foot side setback. The structure will be over 20 feet from the eastern side of the property, over 30 feet from the southern side, fronting Crest Road, and 20 feet from the rear of the property. The property is allowed a 15% (9,833 square feet) site coverage. Consistent with this requirement, the applicants have proposed a 3% (2,160 square feet) site coverage.

Health and Safety

The property has onsite utilities:

- County of Monterey Environmental Health Bureau Onsite Wastewater Treatment System (OWTS) record No. ON0120268 indicates that a 1,500 gallon septic system with a 50 feet long trench was installed. However, this OWTS does not meet the requirements for a new single family dwelling per Monterey County Code section 15.20.170.D. Therefore, applicant submitted a plan to update the existing system, proposing to install supplemental treatment with nitrogen reduction to discharge into the existing deep trench dispersal system. An OWTS performance evaluation dated January 11, 2024 was received and demonstrated existing dispersal system is in good working order.
- The applicants submitted a Source Capacity letter, dated June 12, 2024, for Well Permit #04-06199 which produced 5 gallons of per minute of capacity and confirmed all primary drinking

water standards were met for Title 22 water quality sampled March 25, 2024.

- The Cypress Fire Protection District reviewed the site plans and application materials for compliance with the fire safety regulations and found the project consistent.

Design Review

The proposed development is subject to the regulations of the Design Control “D” zoning district, which establishes design review requirements to assure protection of the public viewshed and neighborhood character. Although the project was not staked and flagged, a 3-D model of the structure was provided, staff conducted a site visit, and determined that the development’s design, size and placement are consistent with the goals and policies of the County of Monterey General Plan and the surrounding neighborhood character:

- The proposed colors and materials include light cream colored exterior stucco walls, cream stacked stone exterior walls, light brown for the wooden beams and trim, grey cement retaining walls and a dark grey slate roof.
- The mix of modern and traditional residential architectural styles of the proposed home will fit in with existing neighborhood character and is similar in style to existing nearby houses. Although most of the nearby houses are one or two stories, the proposed home will be built into the hillside and only a portion will be visible from Crest Road as the retaining walls and topography change will shield the majority of the house. A condition of approval requiring height verification of the structure has been incorporated.
- The size and massing of the proposed 5,540 square foot structure is comparable to those in the neighborhood, with the existing homes ranging from 7,200 square feet to 3,578 square feet.
- A condition of approval requiring an exterior lighting plan be provided and approved before the issuance of building permits; this condition shall ensure compliance with the Carmel Area LUP, Carmel Area CIP and Title 20.

Development within 750 feet of Known Archaeological Resources

The subject parcel is located within 750 feet of known archaeological resources. In accordance with the Carmel Area LUP and CIP, an Archeological Reconnaissance report (see file No. LIB060078) was provided for staff’s review to evaluate potential impacts to important archaeological resources. The report concluded there were no resources or indicators of such onsite and development of the lot would not have an adverse impact on archaeological or cultural resources.

Development on Slopes in Excess of 30%

The majority of the lot contains slopes in excess of 30%. The applicants have sited their project within the setbacks and over the flattest portion of the lot. County staff discussed alternative design options with the applicants, but they were not interested in moving the garage or reducing the size of the house to potentially decrease impacts to slopes. However, they were agreeable to decrease the overall development footprint by eliminating a portion of the proposed front lawn and they moved the house six feet down the hillside, to the west. This reduced the over all impacts to slopes over 30% by 970 square feet. As currently proposed, the development has been sited to minimize impacts to slopes. A geotechnical report and grading plan were prepared by certified engineers and neither one identified potential hazards due to the project. It was concluded that the site is suitable for the proposed development. Additionally, the proposed location of the home was cleared of trees under a separate

permit (PLN140843, Zoning Administrator Resolution No. 16-023) and is the ideal spot for development on this constrained lot.

Development within 100 of Environmentally Sensitive Habitat Areas

County of Monterey Geographic Information System indicates that the subject property has the potential to support environmentally sensitive habitat areas (ESHA). In accordance with the Carmel Area LUP and CIP, a biological assessment (see file No. LIB180068) was submitted with the application to identify potential project impacts to ESHA. The biologist identified 2 special status plant species on the subject property, Monterey ceanothus (*Ceanothus rigidus*) and small leaved lomatium (*Lomatium parvifolium*). The Monterey ceanothus was found 40-feet north of the proposed garage and the small leaved lomatium was found outside of the development area to the northwest. Although it is anticipated that the development would not result in an impact to these plants, the biologist recommends installation of protective fencing around the outer limits of grading areas to prevent accidental disturbance during construction. This recommendation has been incorporated as a condition of approval.

CEQA:

The project is categorically exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines, "New Construction". This project qualifies for a Class 3 exemption because it includes the construction of a single family dwelling on a vacant lot. All of the necessary reports have been obtained and have determined that it is unlikely there will any impacts related to soils or archaeological and biological resources. As demonstrated in the attached draft resolution, there are no there are no exceptions pursuant to Section 15300.2.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and Cypress Fire Protection District (FPD). The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

LUAC:

The project was brought before the Carmel Unincorporated/Highlands Land Use Advisory Committee on August 5, 2024. The committee unanimously recommended support of the application as proposed (**Exhibit C**). No comments were made by the public or the LUAC at this meeting.

Prepared by: Zoe Zepp, Assistant Planner

Reviewed and approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, Elevations & Colors and Materials

Exhibit C - LUAC Minutes

Exhibit D - Vicinity Map

cc: Front Counter Copy; Planning Commission; Pebble Beach Community Services District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Assistant Planner, Anna Ginette Quenga, AICP, Principal Planner; Nico David & Marlana Trs, Property Owner; John Mandurrago, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Project File PLN230177