



## Zoning Administrator

Legistar File Number: ZA 26-034

April 09, 2026

**Introduced:** 4/3/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Zoning Administrator

### **PLN230342 - SCHMIDT RICHARD A & ANGELLA TRS**

Public hearing to consider the construction of a 411 square foot addition to an existing two-story single-family dwelling with an attached garage and a variance to reduce the required side (south) setback from 20 feet to 11 feet 9 inches.

**Project Location:** 96 Oak Way, Carmel, CA 93923

**Proposed CEQA action:** Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301, and there are no exceptions pursuant to Section 15300.2.

### RECOMMENDATIONS

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

- 1) Find the project qualifies for a Class 1 Categorical Exemption from CEQA Guidelines Section 15301, and that none of the exceptions from Section 15300.2 apply to the project; and
- 2) Approve a Combined Development Permit consisting of a:
  - a. Coastal Administrative Permit and Design Approval for the construction of a 411 square foot addition to an existing 2,295 square foot two-story single-family dwelling with an attached garage; and
  - b. Variance to allow the reduction of the required side (south) setback from 20 feet to 11 feet 9 inches.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval, subject to 5 conditions of approval.

### PROJECT INFORMATION

**Agent:** Michael Linder

**Property Owner:** Richard & Angela Schmidt

**APN:** 241-131-017-000

**Parcel Size:** 0.197 acres

**Zoning:** Low Density Residential, 1 acre per unit with a design control overlay in the Coastal Zone, or "LDR1-D(CZ)"

**Plan Area:** Carmel Area Land Use Plan, Coastal Zone

**Flagged and Staked:** YES

**Project Planner:** Jordan Evans-Polockow, Assistant Planner

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### SUMMARY/DISCUSSION

The project site is located at 96 Oak Way, Carmel, within the Carmel Area Land Use Plan. The proposed project includes the construction of a 411 square foot second-story addition to an existing 2,295 square foot two-story single-family dwelling with an attached garage, as well as a Variance to allow the reduction of the required side (south) setback from 20 feet to 11 feet 9 inches. This project does not include an increase in wastewater generation or installation, upgrade, or repairs to any onsite wastewater treatment system components. The proposed development would not be visible from a scenic corridor or major common public viewing area due to location, topography, and intervening development and vegetation.

Based on staff's analysis, the proposed project is consistent with the policies and regulations pertaining to zoning uses and any other applicable provisions of the 1982 General Plan (General Plan), Carmel Area Land Use Plan (CARLUP), Carmel Area Coastal Implementation Plan (CAR CIP), and applicable sections of the Monterey County Coastal zoning ordinance (Title 20).

#### *Land Use*

The subject parcel is zoned as a Low Density Residential with 1 acre per unit and a Design Control Overlay, or ("LDR/1-D"). LDR zoning district allows for the establishment of the first single-family dwelling record and attached accessory structures, such as garages, as principally allowed uses subject to the granting of a Coastal Administrative Permit pursuant to Title 20 sections 20.14.040.A and 20.14.040.F. The project would result in a 411-square-foot addition to an existing two-story single-family dwelling with an attached garage, and would increase the internal floor area by approximately 17.9%. The proposed development would comply with all required site development standards, except for the south-side setback. The proposed addition would be sited above the existing garage, which has a legal non-conforming setback. The proposed addition would not worsen the existing non-conforming setback. With the granting of the requested Variance, the project would comply with applicable standards. See below *Legal Nonconforming & Variance* discussion.

#### *Geological Hazards*

The proposed site was evaluated in a Geological Report (County of Monterey Library No LIB250206), prepared by Craig S. Harwood, and a Geotechnical Report (County of Monterey Library No LIB250207) prepared by Belinda Taluban P.E. According to Monterey County GIS, the subject property is in a high erosion hazard area and within 660 feet of active or potentially active fault, as the Malpas Fault is 550 southeast of the project site. These reports cited that no features or conditions were observed to suggest landsliding or erodible slopes have or will occur above or below the project site, as well as that surface rupture from fault activity across the site is considered improbable. The proposed development is adequately setback from the nearest fault and would be constructed to comply with the California Building Code's seismic requirements. The Geotechnical Report states that there are no significant geotechnical hazards at the site that would prohibit the proposed use.

#### *Design*

The parcel is designated within the Design Control overlay zoning district. Pursuant to Title 20 Chapter 20.44, the location, size, configuration, materials, and colors of structures and fences are regulated to assure the protection of the neighborhood character. The neighborhood of Carmel Highlands has many

different architectural styles, from rustic cottages, mediterranean and Spanish revival, to coastal modern and vernacular styles, etcetera. In accordance with the Carmel Area CIP section 20.146.030.C.1.c, the proposed colors and materials would match the existing single-family dwelling. The existing single-family dwelling is a wood framed vernacular style home with painted brick veneer, board siding, and cross-gable roofing, with architectural detailing including French doors and multi-paned windows. The addition would be constructed over the existing garage but be a shorter height than the existing dwelling, creating transitions in height and orientation, which would create a varied roof form similar to the other residences in the neighborhood. Due to the distance, topography, vegetation, and intervening development, the project would not be visible from the scenic highway.

#### *Legal Nonconforming & Variance*

The single-family dwelling was constructed in the 1960s when the property was zoned X. In 1955, the required setbacks for main structures in the R-1 zoning district were 20 feet (front), 6 feet (side), and 10 feet (rear), while the maximum building site coverage allowed was 35%. The existing residence complies with the setback requirements of the 1955 R-1 zoning district. However, the northern portion of the existing residence and the southern portion of the existing garage do not conform to the current Low Density Residential side setbacks for main structures (20 feet) as identified in Title 20 section 21.14.060. Therefore, the existing residence and attached garage are considered legal non-conforming as to setbacks (north and south side setbacks). Further, the existing residence and garage have a site coverage of 16.1 percent, which is legal nonconforming to the current zoning requirement of 15%.

The project scope consists of the construction of a 411 square foot addition over the existing garage. To maintain visual continuity and increase the utility of the residence, the addition is proposed at 11 feet 9 inches from the south property line. This matches the legal non-conforming setback of the garage. However, it does not comply with current LDR zoning site setbacks (20 feet). Therefore, a Variance is proposed. Pursuant to Chapter 20.78, the required findings to grant a variance are:

1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and
2. That the variance not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
3. A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

Staff reviewed the applicant's justification letter (Exhibit B), GIS, County records, and other evidence and found that the criteria to grant a Variance can be met in this case.

There are no other alternatives that would allow a 411 square foot master bedroom addition due to the special circumstances of the subject property, including existing topography, the property's narrow width, and the property's legal conforming status in building site coverage. The property's existing topography is steeply sloped, narrow, and irregularly-shaped as a lot, containing the developable area without impacting resources. Due to the lot already exceeding the allowed building site coverage with a status of legal-nonconforming, developing on top of the existing garage would not only avoid ground disturbance and grading, but it would maintain the existing side setback and would match in height with

the rest of the houses' existing second story in height. Further, the proposed variance would not constitute a grant of privilege. Neighboring parcels with similar narrow configurations and sizes have similar footprints and massing for their existing single-family dwellings with larger structures in contrast. Previous Variances have been granted to properties within the surrounding neighborhood due to similar site constraints, including size, topography, irregular shaped lot, proposing another story on an existing encroachment upon setbacks. Finally, the proposed addition is an allowed use in the LDR zoning district.

In addition, given that the proposed addition would be sited directly above the attached garage, the project would not increase or decrease the building site coverage. Therefore, the construction of the addition to the single-family dwelling would not increase or intensify the legal non-conforming building site coverage.

CEQA:

California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts the maintenance or minor alteration of existing public or private structures, including additions to existing structures provided the addition will not result in an increase of more than 50 percent of the floor area of structures before the addition, or 2,500 square feet (whichever is less). The proposed project constructing a 411 square foot addition to an existing 2,295 square foot two-story single-family dwelling with an attached garage and associated site improvements. Therefore, the proposed development is consistent with the parameters of this Class 1 exemption. There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects was identified during staff review of the development application. There is no cumulative impact without any prior successive projects of the same type in the same place, over time. There is no significant effect on the environment due to unusual circumstances. The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code to be considered a hazardous waste site. No known historical resources are found in the geotechnical or archaeological reports, which may cause a substantial adverse change in the significance of a historical resource. The project site is not within an officially designated state scenic highway. Finally, as described above, the project will not result in substantial erosion or contribute to runoff, which would alter or exceed the capacity of a drainage system.

OTHER AGENCY INVOLVEMENT

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

- HCD-Engineering Services
- Environmental Health Bureau
- HCD-Environmental Services
- Carmel Highlands Fire Protection District

LAND USE ADVISORY COMMITTEE

The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) at a duly noticed meeting on April 6, 2026. The LUAC's recommendation will be provide to the Zoning Administrator in advance of the April 9th hearing.

Prepared by: Jordan Evans-Pollockow, Assistant Planner, x7065

Reviewed and Approved by: Fionna Jensen, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval

- Site Plans

Exhibit B - Variance Justification Letter

Exhibit C - Vicinity Map

cc: Front Counter Copy; Carmel Highlands Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Jordan Evans-Pollockow, Planner; Fionna Jensen, Principal Planner; Richard & Angela Schmidt, Property Owner; Michael Liner, Agent; The Open Monterey Project (Molly Erickson); Laborers International Union of North America (Lozeau Drury LLP); Christina McGinnis, Keep Big Sur Wild; LandWatch; Planning File PLN230294