



County of Monterey Zoning Administrator

Item No. 3

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

Legistar File Number: ZA 24-050

November 07, 2024

Introduced: 11/1/2024

Version: 1

Current Status: Agenda Ready

Matter Type: Zoning Administrator

PLN210268 - YEUNG GABRIEL M. TR

Public hearing to consider alterations to an existing 2,153 square foot single family dwelling, including enclosing an existing patio to create a 160 square foot bathroom addition, demolition of a 292 square foot garage, construction of a 773 square foot detached garage, and a 633-square-foot detached non-habitable writing studio, installation of a 685 square-foot ground-mounted solar system, and associated site improvements. The project involves development within 750 feet of known archaeological resources and 50 feet of a coastal bluff.

Project Location: 62 Yankee Point Dr., Carmel.

Proposed CEQA Action: Adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074.

RECOMMENDATION:

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

- 1) Adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074; and
- 2) Approving a Combined Development Permit consisting of:
 - a. a Coastal Administrative Permit and Design Approval to allow demolition of a 292 square foot detached garage, alterations to an existing residence including an existing patio to create a 160 square foot bathroom addition, construction of a 773 square foot detached garage, and a 633 square foot detached art studio, and associated site improvements including installation of 685 square foot ground-mounted solar system;
 - b. a Coastal Development Permit to allow development within 750 feet of known archaeological resources; and
 - c. a Coastal Development Permit to allow development within 50 feet of a coastal bluff.

A draft resolution with findings and evidence supporting this recommendation and subject to 12 conditions of approval is attached for consideration (**Exhibit A**).

PROJECT INFORMATION:

Owner: Yeung Gabriel M. Tr.

Applicant: Tai Tang, Studio Schicketanz, Architect

APN: 243-152-005-000

Zoning: Low-Density Residential, 1 unit per acre, Design Control Overlay, 20 foot height limit and Resource Conservation, Design Control Overlay, 20-foot height limit, within the Coastal Zone, or "LDR/1-D(CZ)" and "RC-D(CZ)"

Parcel Size: 0.65 acres

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

Project Planner: Fionna Jensen, (831) 796-6407, JensenF1@countyofmonterey.gov

SUMMARY:

The subject property is located within the unincorporated residential area of Carmel Highlands. The project site is currently developed with a 2,153-square-foot single-family dwelling, a 292-square-foot detached garage, a 248-square-foot guesthouse, and associated site improvements. detached guesthouse, and associated site improvements (driveway, retaining walls, landscape, hardscape, and internal walkways). The Applicant/Owner proposed to make alterations to the single-family dwelling, demolish the garage, and construct a 773-square-foot detached garage, a 633-square-foot detached non-habitable writing studio, and associated site improvements. Alterations to the existing residence include an internal remodel, enclosing an existing patio on the south wing of the residence with a glass dome to create an approximately 160-square-foot bathroom addition, and installation of an exterior door on the southern façade. The proposed site modifications include installation of 260 feet linear feet of landscaping walls, fencing and gates, 685 square feet of ground-mounted solar, and new driveway materials to replace an existing driveway. Grading associated with the project would involve approximately 207 cubic yards of cut and 215 cubic yards of fill. The existing 249-square-foot guesthouse would remain on site and not be modified or altered as part of the project.

DISCUSSION

Staff has reviewed the project for consistency with the 1982 General Plan, Carmel Area Land Use Plan (LUP) and Coastal Implementation Plan (Part 4), and the Coastal Zoning Ordinance (Title 20). County staff also prepared a draft Initial Study (IS) for this project and concluded that any potential adverse impacts would be less than significant with mitigation measures applied. The IS recommends three mitigation measures that would reduce the potentially significant impacts. See additional detail below.

Development Standards

The subject property is split zoned Low-Density Residential, 1 unit per acre, Design Control Overlay, 20 foot height limit and Resource Conservation, Design Control Overlay, 20-foot height limit, within the Coastal Zone. All development is sited within the portion of the property zoned for low-density residential use, which allows the alterations to the existing single-family dwelling and construction of accessory structures, such as garages and other non-habitable structures, subject to the granting of a Coastal Administrative Permit in each case. The development standards for the Low Density Residential or “LDR” are identified in Title 20 section 20.14.060. The proposed accessory structures, including the internal landscape walls that exceed 6 feet in height, meet the applicable site development standards, including a 15-foot height limit for the writing studio and setbacks of 50 feet (front), six feet (front one-half side), one foot (rear one-half side), and one foot (rear).

The main residence was constructed in 1969 and was subject to the allowances and site development standards of the One-Family Residence or “R-1” zoning district. The R-1 zoning district allowed for the construction of the first single-family dwelling as a principally allowed use, and established setbacks of 20 feet (front) and six feet (side and rear). The current zoning district (LDR) establishes setbacks of 30 feet (front) and 20 feet (sides and rear). The north and south wings of the residence are setback from the side property lines by approximately 10 to 12 feet, meeting the R-1 standards but conflicting

with current LDR standards. Therefore, the proposed residence is legal non-conforming as to setbacks.

Title 20 section 20.68.040 requires that the enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations, may be permitted if the enlargement, extension, reconstruction, or structural alteration conforms to all the regulations of the district in which they are located has legal non-confirming setbacks. However, Title 20 section 20.64.300 allows the Chief of Planning to grant an exception to zoning district regulations, including site development standards (e.g. setbacks), when such exception is necessary to permit the preservation or restoration of or improvements to a structure designated as historically significant. Though the Chief of Planning is typically the appropriate authority to authorize encroachment into the required setback, the proposed Project requires the granting of a Combined Development Permit, and therefore the Zoning Administrator is the appropriate authority to grant such an exception. Therefore, although enclosing the patio on the southern side of the residence to create a 160-square-foot bathroom addition would encroach into the required side 20-foot setback, the proposed improvement would be made to an existing residence that retains historical significance and is listed on the local historical resource registry. Accordingly, staff recommends the Zoning Administrative allow the addition to encroach into the required setback by 16 feet.

At 0.64 acres, the maximum allowed building coverage is 4,154 square feet or 15% of the total property size. The existing development has a building site coverage of approximately 10% (2,693 square feet). Implementation of the proposed project will result in a building site coverage of 13.5% (3,807 square feet). Therefore, subject to granting a setback exception, the proposed project meets the required site development standards.

Design Review, Visual Resources & Public Access

The subject property's Design Control zoning overlay requires the granting of a Design Approval for the proposed structural development. The proposed garage and art studio would have exterior colors and materials of gray board-formed concrete exteriors and natural wood and anodized aluminum windows. The proposed garage would have a green, vegetated roof, and would incorporate a horizontal wood garage door. The patio would be enclosed with a steel framed, glass dome, which would be placed on top of the existing patio wall (white stucco). Alterations to the existing residence also include replacing an exterior porthole window with a door to access the proposed outdoor sitting space. As proposed, an existing original door would be either repurposed for exterior access or a new door, matching the original, would be installed. The proposed colors and materials would be compatible with the existing white stucco residence and consistent with the surrounding residential setting. The project would be required to comply with County standard condition PD014(A), Lighting - Exterior Lighting Plan, which requires installation of exterior lighting that does not result in excessive illumination or off-site glare. Moreover, the surrounding vegetation and distance between the project site and surrounding residences would further minimize any potential light and glare impacts resulting from exterior lighting. Therefore, as proposed and conditioned, the proposed development would be subordinate to the environment through the use of appropriate exterior materials and earth-tone colors that give the general appearance of natural materials (Carmel Area LUP Policy 2.2.3.6).

Yankee Point Drive, as well as the subject property, are not identified on Map A of the Carmel Area Land Use Plan, which depicts the “General Viewshed” as seen from Highway 1, Scenic Road, and public lands. Therefore, no impacts to visual resources, as seen from common public viewing areas, will occur. However, per Figure 3 of the Carmel Area LUP, the subject property site is located within an area designated as “inappropriate for beach access” but appropriate for lateral (visual) public access. The proposed garage and art studio have heights above average natural grade of approximately 9 feet 11 inches and 10 feet 5 inches, respectively. The proposed retaining and landscape walls would range in height from 5 feet to 10 feet tall. These structures will not exceed the height of the main residence and will not block ocean views when viewed from Yankee Point Drive. Additionally, the proposed garage would have a vegetated or “green” roof, which would help the structure blend in and be subordinate to the environment. Additionally, the six-foot-tall grape-staked wood front property line fence and gate would allow for a visual passthrough to the Pacific Ocean as the stakes would be placed 4 to 5 inches apart. Finally, the project would be conditioned to require that the landscape plan be reviewed and approved before issuance of any construction permit from HCD-Building Services. The final landscape plan shall not block, diminish, or decrease ocean views. Therefore, as proposed and conditioned, the project ensures compliance with Carmel Area LUP policies relating to public access, specifically visual public access.

Environmentally Sensitive Habitat Area

The policies in Chapter 2.3 of the Carmel Area LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. The prepared Biological report (Monterey County Library No. LIB240132) observed no environmentally sensitive habitat on the project site. The area west of the existing residence drops off steeply to a coastal bluff and the rocky intertidal zone below and is characterized by low-growing vegetation that is tolerant of high winds and sea spray. The coastal bluff scrub that would typically occupy a coastal bluff landform in the vicinity of the project site has been replaced over time by ornamental and invasive plant species. Non native plant species occupy approximately 90 percent of the bluff on the property. Approximately ten percent of this area contains scattered remnant native species. No impacts to ESHA would occur with implementation of the project.

Geological Hazards and Development within 50 feet of a Coastal Bluff

According to the County’s GIS database, the project site is located within an area of moderate erosion risk and low risk for landslide, surface rupture, liquefaction, or lateral spreading. Although the Geotechnical Investigation prepared for the project (Monterey County Library No. LIB220213) found potentially unsuitable soil conditions, including loose soils to a depth of one foot and moderately to highly expansive soils at footing depths, the report also found that the site would be suitable for the proposed structures provided the report recommendations are implemented. These recommendations include reinforced spread footing foundations installed to a minimum of 18 inches below the lowest adjacent grade, recompaction of loose soil, and sub-excavation of soil to a depth of 2 feet and extending a minimum of 5 feet in all directions outside the proposed building foundations. All recommendations of the geotechnical report are required to be implemented into the final construction plans pursuant to Monterey County Code section 16.080.110.

Based on available historical aerial photos, approximately three to four feet of bluff retreat has

occurred between 1929 and 2023. The prepared Geological Report (Monterey County Library No. LIB230133) found that the “nearly vertical, underlying bedrock platform is well indurated (hard), resistant and stable. The geologist determined that the past coastal bluff erosion at the site is largely due to surface runoff over the bluff crest and seepage acting within the marine terrace deposits that are in the upper portion of the bluff face, as opposed to surf action at the base of the bluff”. The geological report estimates that 3 to 4 feet of bluff erosion occur over 94 years (1926 through 1960s) and anticipates that only 1.5 to 2 feet of bluff erosion may occur over the next 50 years or up to 4 feet over the next 100 years (project lifetime). The proposed bathroom addition is located approximately 15 feet from the coastal bluff and this would not be threatened by the projected amount of bluff recession. Additionally, the project site is well above the projected elevation of sea level rise. As designed and located, the project would comply with applicable policies of the Carmel Area LUP Chapter 2.7, Hazardous Resources.

Cultural Resources

According to Monterey County GIS, the subject property is identified as being within high archaeological sensitivity area and 750 feet of known archaeological resources. The project site is considered sensitive for archaeological resources due to the presence of known resources on-site and within the vicinity. In 1947 abalone and limpet shells were documented on the subject property. This resource was recorded as CA-MNT-97. A survey of an adjacent parcel in 1988 identified additional artifacts, including a suite of marine shells, fire-altered rock, and ground stone fragments. In November 2021, the Project Archaeologist conducted a pedestrian survey and observed the presence of marine shells over the entire property with low to moderate concentrations along the southern and western portions of the property. The site boundary of CA-MNT-97 was expanded to encompass the identified marine shell midden and areas of archaeological deposit. No lithic debitage or flaked stone tools, vertebrate faunal bone, groundstone, or formal artifacts were encountered. In addition to the varying degrees of disturbance that have occurred on site since the property was developed in 1969, the Project Archaeologist notes that the low variability of the marine shell and lack of other artifactual materials encountered within the on-site archaeological deposit indicates that the on-site portions of CA-MNT-97 are of limited importance for archaeological research and cannot answer important regional research questions. Therefore, the Project Archaeologist determined that the portion of CA-MNT-97 that occupies the project site is not eligible for the California Register of Historical Resources Criterion 4 (Information Potential).

The previous iteration of the project included a bocce ball court along the northern property line. This site improvement was removed following consultation with local Native American Tribes. As proposed, no development is sited in areas where midden was identified, consistent with Carmel Area LUP Policy 2.8.3.4. Although additional cultural resources (specifically intact artifacts) were not identified on the project site, unanticipated discoveries are possible in unexcavated portions of the project site because of the proximity of the site to known archaeological resources. This potential impact on archaeological resources would be less than significant with the implementation of standard County Condition No. 3, Mitigation Measure No. 1 (onsite archaeological monitor and construction awareness training, as described below), Mitigation Measure 2 (Archaeological Mitigation Plan), and Mitigation Measure 3 (onsite tribal monitor). By incorporating these mitigation measures, the draft IS/MND concluded that the proposal would not adversely affect a cultural or historical

(archaeological) resource.

Historical Resources

The project site does not include any structures listed on the California Register of Historic Places. However, on October 24, 2023, the Monterey County Board of Supervisors adopted Resolution No. 23-545 to list the primary residence, the June Haas House, on the Monterey County Register of Historic Resources. A Phase I and Focused Phase II Historical Assessment (Monterey County Library No. LIB220321; **Exhibit C**) was prepared by Kent Seavey to evaluate whether the project would impact the historic resource onsite. The Project Historian describes the home as significant historically under the California Register of Historic Resources Criterion 2, “Associated with the lives of persons important to local, California or national history” for its association with the noted architect Mark Mills. Additionally, Project Historian describes the home as significant under the California Register of Historic Resources Criterion 3, “Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values”, as a high-quality representation of Mills Organic design. Its character-defining features include:

- its cruciform plan;
- barrel-and groin-vaulted building envelope;
- the use of gunite sprayed over an elastomeric webbing, then coated with a preservative mixture containing rough-ground walnut shells, for texture as a wall-cladding;
- Large lancet shaped window openings with sculptured hoods;
- round arched doors; and
- small porthole windows, sited at the sea's edge in the natural coastal landscape setting.

To allow alterations to a designated resource, the proposed work must be found consistent with the purposes of Monterey County Code Chapter 18.25 and found to not adversely affect the significant architectural features of the designated resource or adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site (Title 18 section 18.25.170.D.1).

The Secretary of the Interiors Standards for the Treatment of Historic Properties encourages "placing a new addition on a non-character-defining elevation" and locating alterations to historic properties in areas where previous alterations already exist. The 1992 National Park Service Illustrated Guidelines for Rehabilitating Historic Buildings, states that "The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility." As proposed, the Project's rehabilitation work is to a secondary elevation; no changes to the primary elevation or façade (east [front] elevation and north-side façade) are proposed. Consistent with Secretary of the Interior's Rehabilitation Standards #2 and #5, all proposed rehabilitation work would be compatible with the size, scale, proportions, and massing to protect the integrity of the subject property and its environment. Further, the glazed dome addition would visually resemble the semicircular form of other windows found at the terminus of the cruciform wings of the residence but would be more spherical or dome-like in appearance to differentiate the old from the new, as called for in Rehabilitation Standard #9. The Project Historian concluded that “The proposed work on the subject property will be executed consistent with the Secretary's Standards for Rehabilitation, with the least possible loss of historic material so that the remaining character-defining features of the resource will not be obscured, damaged or destroyed.”

On October 3, 2024, the Monterey County Historic Resource Review Board (HRRB) considered the prepared draft Initial Study/Mitigated Negative Declaration and recommended the Zoning Administrator approve the project as proposed. Through the adoption of HRRB Resolution No. 24-006 (**Exhibit D**), the Board found that the proposed rehabilitation work was consistent with the purposes of Monterey County Code Chapter 18.25 and will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site. At this meeting, the HRRB also recommended that the Applicant/Owner consider removing the non-native New Zealand Christmas tree that is directly adjacent to the patio proposed to be enclosed to ensure that the tree does not impact the historic structure. Though this tree was once slated for removal, the Applicant has considered the HRRB's recommendation and has decided to retain the tree and only trim it at this time.

On October 3, 2024, the HRRB also recommended that the HCD-Chief of Planning determine that the subject property, containing the "June Haas House", qualifies for a Historic Property (Mills Act) contract, including granting an exception to the value cap limitation for residential properties, and that the Board of Supervisors approve said Historic Property Contract. The Board of Supervisors will consider the Historic Property Contract for the subject property in December 2024.

Title 20 section 20.54.080(G) states "As a condition of approval of an application for demolition or alteration of an identified historic resource, rezoning to add an "HR" combining district or to modify an existing "HR" zoning district, shall be required to place only the designated site within the "HR" District."As described above, the property contains a resource listed on the Monterey County Register of Historic Resources, as well as know archaeological resources, and therefore Condition No. 12 has been applied, consistent with Title 20 section 20.54.080(G).

ENVIRONMENTAL REVIEW:

Pursuant to Public Resources Code Section 21083 and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), Monterey County as Lead Agency completed environmental review to determine if the project may have a significant effect on the environment. The County prepared a draft initial study and mitigated negative declaration (IS/MND) for this project (Exhibit B). County staff filed the draft IS/MND with the County Clerk on July 24, 2024, and circulated the draft IS/MND for public review and comment from July 24 through August 24, 2024 (SCH No. 2024070922; **Exhibit E**).

The draft IS/MND identified potentially significant impacts on cultural (specifically archaeological) resources and tribal cultural resources. Staff has proposed three mitigation measures to reduce the identified impacts to a level of less than significant. Implementation of Mitigation Measure No. 1 would require that the Applicant/Owner retains a qualified archaeological to conduct a Cultural Awareness Training and monitor initial ground-disturbing activities. Should unique archaeological resources be identified during construction or ground disturbing activities, Mitigation Measure No. 2 would require that an archaeological mitigation plan be prepared and impleetned by a qualified archaeologist in accordance with Monterey County Coastal Implementation Plan section 20.146.090.D.4. The goal of the archaeological mitigation plan would be to avoid disturbance of resources to the extent feasible and document any unique archaeological resources that would be

directly impacted by construction activities. Mitigation Measure No. 3 would require that the Applicant/Owner retains a tribal representative traditionally and culturally affiliated with the project site to monitor initial project-related grading and excavation. Impacts on a listed historical resource were determined to be less than significant impact. All other standard topics of environmental analysis were found to have less than significant impacts or no impacts.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

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

LAND USE ADVISORY COMMITTEE

Consistent with the Board of Supervisors adopted LUAC Procedure Guidelines, the project was referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting on May 15, 2023, reviewed the proposed project and voted 5 - 1 - 1 (5 yes, 1 no, and 1 abstention) to support the project as proposed. LUAC members found that the proposal enhanced the subject lot and neighborhood, maintained the privacy of adjoining properties, and complemented the original architect's "Organic" design. One member of the LUAC raised concerns about the use of cement (industrial look). The LUAC requested that exterior lighting plans be submitted. Standard Condition No. 5 has been applied and requires the submittal of exterior lighting plans prior to the issuance of construction permits.

Prepared by: Fionna Jensen, Senior Planner, x6407

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

The following attachments are on file with HCD:

- Exhibit A - Draft Resolution
 - Draft Conditions of Approval
 - Project plans
- Exhibit B - Vicinity Map
- Exhibit C - Historic Report
- Exhibit D - HRRB Resolution No. 24-006
- Exhibit E - Draft ISMND
- Exhibit F - Geological Report
- Exhibit G - Carmel Highlands LUAC minutes

cc: Front Counter Copy; California Coastal Commission, Carmel Highlands Fire Protection District; HCD-Engineering Services; HCD-Environmental Services; Environmental Health Bureau; Fionna Jensen, Project Planner; Anna Ginette Quenga, AICP, Principal Planner; Yeung Gabriel M. Tr, Property Owner; Tai Tang, Applicant; Christina McGinnis, Interested Party; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN210268

