



County of Monterey

Item No.4

Zoning Administrator

Legistar File Number: ZA 25-077

Introduced: 12/4/2025

Current Status: Agenda Ready

Version: 2

Matter Type: Zoning Administrator

PLN250076 - SMITH CHRISTOPHER A & BONNIE M TRS

Public hearing to consider action on the alterations to a legal non-conforming residence to include remodel and reconstruction of 1,134 square feet of existing single family dwelling, 600 square foot second-story addition, and associated site improvements to include 201 square feet of porches and replacement foundations and framing.

Project Location: 24495 Pescadero Road, Carmel

Proposed CEQA action: Find the project Categorical Exempt pursuant to CEQA Guidelines section 15301 and no exceptions apply pursuant to section 15300.2.

RECOMMENDATION:

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

1. Find that the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines section 15301 and there are no exceptions pursuant to section 15300.2; and
2. Approve a Coastal Development Permit and Design Approval to allow on the alternations to a legal non-conforming residence to include remodel and reconstruction of 1,134 square feet of existing single family dwelling, 600 square foot second-story addition, and associated site improvements to include 201 square feet of porches and replacement foundations and framing.

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

PROJECT INFORMATION:

Agent: Mark Edwin Norris

Property Owner: Chris and Bonnie Smith

APN: 009-092-002-000

Parcel Size: 0.21 acres or 9,147 square feet

Zoning: Medium Density Residential with 2 acres per unit density, Design Control overlay in the Coastal Zone "MDR/2-D(CZ)"

Plan Area: Carmel Land Use Plan

Flagged and Staked: Yes

Project Planner: McKenna Bowling, Associate Planner

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SUMMARY/DISCUSSION:

The project site, approximately 0.21 acres, is located at 24495 Pescadero Road, Carmel. The parcel is zoned Medium Density Residential with 2 acres per unit density, Design Control overlay within the Coastal Zone. The proposed project consists of a Coastal Development Permit to allow for on the alternations to a legal non-conforming residence to include remodel and reconstruction of 1,134 square feet of existing single family dwelling, 600 square foot second-story addition, and associated site improvements to include 201 square feet of porches and replacement foundations and framing. The property is served potable water from an existing connection with California American Water. The property has an existing sewer connection with California American Wastewater District (CAWD). Therefore, necessary facilities are provided at the project site.

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 Monterey County General Plan (General Plan), Carmel Land Use Plan (CAR LUP), Carmel Area Coastal Implementation Policy Part 4 (CIP), and applicable sections of the Monterey County Coastal zoning ordinance (Title 20).

Permit History

The project to remodel and reconstruct the single-family dwelling, including the second-story addition was initially submitted as an Administrative Design Approval, pending approval by the Chief of Planning on January 22, 2025. A letter was subsequently submitted (**Exhibit D**) by the neighbor requesting a public hearing for visual impacts from their subject property and for the siting of the structure close to the property line. The County currently does not have any policies or regulations to protect private views but does implement design standards to ensure consistency with the neighborhood character as discussed below. Additionally, staff found the proposed development did not conform to the site development standards for setbacks and although the County issued a Construction Permit (24CP02280-REV2) on October 24, 2024 that allowed for the replacement of the existing foundation in its current location, this did not allow for the remodel of the single family dwelling. Title 20 section 20.68.040, allows for ordinary maintenance and repairs including structural repairs and foundations without the benefit of a discretionary permit. Any additional work beyond this scope would require a Coastal Development Permit.

Legal Non-Conforming

According to Assessor Records and County of Monterey Records, the subject property was first developed with a 1,134 square foot single-family dwelling and a 640 square foot Caretakers Unit, which is now recognized as a Accessory Dwelling Unit (ADU), in 1930 prior to adoption of our Zoning Ordinance. The subject property is a corner lot that fronts along Pescadero Road and Camino Del Monte. Title 20.62.010.Q identifies that in cases where back-to-back corner lots are situated, that the common street shall not be less than the side setback for the zoning district. Therefore, in this case, the side setback would be along Pescadero Road and the front setback along Camino Del Monte. Based on this configuration, the attached plans (**Exhibit B**) illustrate a rear setback of 5 feet from the property line where the MDR zoning district requires 10 feet thereby making the single-family dwelling legal non-conforming to rear yard setbacks.

Title 20 section 20.68.040 allows for ordinary maintenance and repairs including structural repairs and foundations may be made to any structure which is nonconforming as to height or setbacks, to a structure used for a legal nonconforming use, provided that no structural alterations are made and such work does not exceed fifty percent of the appraised value of the structure in any one-year period. Additional maintenance and repairs may be allowed subject to a Coastal Development Permit. The project includes remodel and reconstruction of 1,134 square feet of existing single family dwelling, 600 square foot second-story addition, and associated site improvements to include 201 square feet of porches and replacement foundations and framing. The first floor includes a remodel and reconstruction within the same foundational footprint and does not include enlargement beyond the existing footprint as illustrated in the attached plans. The second story 600 square foot addition will conform to the current rear yard setbacks of 10 feet.

Site Development Standards

Site development standards for the MDR zoning district are identified in Title 20 section 20.12.060. Required setbacks for main structures are 20 feet (front), 5 feet (sides), and 10 feet (rear) with a maximum allowable height of 30 feet as measured from average natural grade. The single-family dwelling currently has a front setback over 30 feet, a side setback of 13 feet 6 inches, a non-conforming rear setback of 5 feet, and a proposed height of 21 feet 9 inches. Site coverage in the MDR zoning district is limited to 35 percent and floor area ratio is limited to 45 percent. With the implementation of the proposed project, the resulting site coverage will be 18.4% and the floor area ratio is proposed at 28.5%. Staff received a letter on January 12, 2025 raising concerns surrounding the property's rear setback and second story height. At the time, this project was an Administrative Design Approval (PLN240337) and due to neighbor opposition this item was raised to a Public Hearing, subject to be heard by the Monterey County Zoning Administrator. The points of concern in the letter were primarily focused on the second story addition, and the private views that would be impacted as a result. Additionally, the letter included opposition to the structures existing rear setback, and detailed how construction of a second story would affect their privacy due to the addition having visual access into their yard/patio. In response to these concerns, the County does not have policies or regulations that protect private views, and the residence as proposed with the second story addition conforms with the allowable height outlined in Title 20. Additionally, staff has determined the rear setback to be legal nonconforming setback, and the existing foundation is proposed to remain in place. Therefore, the nonconforming setback is allowed to remain at 5 feet as shown on the project plans, and the proposed project complies with the required site development standards applicable to the zoning district.

Design and Visual Resources

Title 20, Chapter 20.44 establishes regulations for Design Control zoning, or "D" districts, to help regulate the location, size, configuration, materials, and colors of structures and fences to assure the protection of neighborhood character. The proposed addition to the residence would have exterior colors and materials that match the existing exterior, which light rustic stone veneer siding, brown composition roofing, and off-white trim, with white vinyl framing for windows and doors. The exterior finishes continue to be compatible with the surrounding environment and are consistent with the residential neighborhood character. Staff received staking and flagging photos as part of the submittal package on July 23, 2025. As sited, the proposed residence and accessory structure are located in the same building footprint as the existing structure, and are sited between two existing residences with

existing mature vegetation that act as screening to prevent any impacts to public views.

According to Map A of the Carmel Area Land Use Plan, the subject property is within the public viewshed as seen from Highway 1 corridor and Scenic Road. However, the project is not visible from any of these areas due to intervening mature vegetation and development. The proposed project utilizes the same building footprint, and proposes colors and materials that blend with the surrounding area, therefore the proposed development will not create a negative impact on public viewshed points, Highway 1 corridor or Scenic Road. Carmel Area LUP Policy 2.2.3.6 requires that structures are subordinate to and blended into the environment, and proposes colors and materials that aid reducing visual impacts. As designed and sited, the project proposes to utilize footprint of the existing residence, and the second story is below the allowable maximum height outlined in MDR zoning. The current structures on the property are consistent with this policy, as they cannot be seen from any public viewshed points, and the colors and materials are natural earth tone colors with the use of stone, as to not detract from the natural beauty of the scenic shoreline and undeveloped ridgelines and slopes in the public viewshed. Policy 26.1.20 of the 1982 General Plan requires that all exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long-range visibility is reduced of the lighting source, and off-site glare is fully controlled. As delineated on the project plans, the lighting fixtures proposed are warm LED bulbs, are IDA Dark Sky compliant, and are downlit and unobtrusive. Therefore, the project, as designed and sited, assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity of the Carmel Area.

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). As proposed, the project includes an addition to an existing legal non-conforming residence to include construction of 201 square feet of new porches, remodel and reconstruction of 1,134 square feet of existing space, a 600 square foot second-story addition, and replacement of foundations and framing. The proposed project does not create impacts to an environmental resource, any scenic highways, or historical resources; this will not create any cumulative or significant impact, and this site is not a hazardous waste site. No evidence of significant adverse environmental effects were identified during staff's review of the development application.

OTHER AGENCY INVOLVEMENT

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

- Environmental Health Bureau
- HCD-Engineering Services
- HCD-Environmental Services
- Cypress Fire Protection District

LAND USE ADVISORY COMMITTEE

The proposed project was not referred to a LUAC because the Carmel Highlands LUAC currently does not have enough committee members to hold a quorum, therefore staff scheduled the project for the December 11th, 2025 Zoning Administrator hearing.

Prepared by: McKenna Bowling, Associate Planner, (831) 755-5298

Reviewed/Approved by: Jacquelyn M Nickerson, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- Conditions of approval

- Site Plans

Exhibit C - Vicinity Map

Exhibit D - Letter Requesting Public Hearing

cc: Front Counter Copy; Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; McKenna Bowling, Associate Planner; Jacquelyn M. Nickerson, Principal Planner; Chris and Bonnie Smith, Property Owners; Mark Edwin Norris, Agent; The Open Monterey Project; LandWatch (Executive Director); Christopher Paul; Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN250076.