

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> November 8, 2012 <b>Time:</b> 1:30 p.m.	<b>Agenda Item No.:</b> 2
<b>Project Description:</b> Consider a Use Permit to allow the demolition of an existing 1,831 square foot single family dwelling and 611 square foot attached carport and the construction of a one-story 3,298 square foot single family dwelling including a 642 square foot attached three-car garage in the Carmel River Floodplain, the removal of four non-protected trees, and Design Approval. Grading to consist of approximately 857 cubic yards cut and 972 cubic yards of fill.	
<b>Project Location:</b> 26595 Canada Way, Carmel	<b>APN:</b> 015-192-004-000
<b>Planning File Number:</b> PLN120299	<b>Owner:</b> Assemi, Cheryl <b>Agent:</b> Bell, Kevin & Connie
<b>Planning Area:</b> Carmel Valley Master Plan Area	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> : “LDR/2.5-D-S-RAZ” [Low-Density Residential, 2.5 acres per unit with Design Control, Site Plan and Residential Allocation Zoning District overlays.]	
<b>CEQA Action:</b> Categorically Exempt per Section 15303 (a)	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to:

- 1) Find the project CEQA Exempt per Section 15303 (a); and
- 2) Approve a Use Permit to allow the demolition of an existing 1,831 square foot single family dwelling and 611 square foot attached carport and the construction of a one-story 3,298 square foot single family dwelling including a 642 square foot attached three-car garage in the Carmel River Floodplain, the removal of four non-protected trees, and Design Approval. Grading to consist of approximately 857 cubic yards cut and 972 cubic yards of fill, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and

### PROJECT OVERVIEW:

The project proposes the demolition of an existing 1,831 square foot single family dwelling and 611 square foot attached carport and the construction of a one-story 3,298 square foot single family dwelling including a 642 square foot attached three-car garage. The 1-acre project parcel is located in Carmel Valley.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Monterey County Regional Fire Protection District

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by the Environmental Health Bureau, Water Resources Agency and Monterey County Regional Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was reviewed by the Carmel Valley Land Use Advisory Committee on August 6, 2012. The Committee recommended Approval of the project as proposed by a vote of 7-0, with the recommendation that any skylights be shaded and that only down-lighting be used outdoors.

Note: The decision on this project is appealable to the Planning Commission.

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Steve Mason  
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October 25, 2012

cc: Front Counter Copy; Zoning Administrator; Monterey County Regional Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Laura Lawrence, Planning Services Manager; Steve Mason, Project Planner; Cheryl Assemi, Owner; Kevin & Connie, Agents; The Open Monterey Project; LandWatch; Planning File PLN120299

Attachments: Exhibit A Project Data Sheet  
Exhibit B Project Discussion  
Exhibit C Draft Resolution, including:  
• Conditions of Approval  
• Site Plan, Floor Plan and Elevations, Parcel Map, Tentative Map  
Exhibit D Vicinity Map  
Exhibit E Advisory Committee Minutes (Carmel Valley LUAC)

This report was reviewed by Wanda Hickman, Planning Services Manager.

## **EXHIBIT B DISCUSSION**

### Project Description

The project site is an approximately 1-acre parcel located in a developed residential area of Carmel Valley, approximately 2.5 miles east from Highway 1 and .1 mile south of Carmel Valley Road. An existing 1,831 square foot single family dwelling and 611 square foot attached garage, both constructed in 1959, will be demolished and a 3,298 square foot single family dwelling with a 642 square foot attached three-car garage will be constructed.

### Project Issues

The project proposes development within the fringes of the Carmel Valley Floodplain. Pursuant to this fact, Monterey County Inland Zoning Code 21.64.130.D.2 stipulates: “On-site waste disposal systems shall be located so as to avoid impairment of the contamination from and during flooding. The first habitable floor of any structures shall be located at least one foot above the one hundred (100) year flood level.” Accordingly, the “lowest floor and attendant utilities” for the proposed single family dwelling will be elevated above natural grade as required by Water Resources project Condition “WR013” (See **EXHIBIT C**).

Four trees are proposed for removal; however, these are “non-protected” non-native trees including a Box Elder, a Podocarpus, an Acer Palmatum (Japanese maple) and a Pine (not Monterey pine). A Biological Survey commissioned for the project (LIB# 120218) recommends that one monitoring inspection be completed by a qualified biologist following completion of the project, with emphasis on protection and survival of the native trees present on the site. A Condition, “PDSP01”, has been included in the project to ensure completion of the monitoring inspection (See **EXHIBIT C**).

The existing single family dwelling slated for demolition was constructed in 1959 and originally inhabited by well-known San Francisco-area jazz radio DJ, and Monterey Jazz Festival co-founder, Jimmy Lyons. Lyons’ brief time of residence at the house ended upon the dissolution of his marriage in the early 1960’s, at which time the house was deeded to his wife. A Historical Report (LIB# 120196) has been commissioned for the project which concludes that, despite this background, the dwelling does not meet the criterion for listing in the California Register or the Monterey County Register of Historic Resources and cannot be considered a historic resource as defined by CEQA. The report also noted numerous structural changes which have occurred, obscuring the buildings original, “ranch-style,” integrity of design.

According to County GIS records, the project site is within a “high” archaeological sensitivity area. An Archaeological Report prepared by a qualified archaeologist for the project (LIB# 120197) has concluded that the project should not be delayed for archaeological reasons.

### Environmental Review

California Environmental Quality Act (CEQA) Guidelines Section 15303 (a), categorically exempts one single-family residence, or a second dwelling unit in a residential zone. The project is exempt per this Guideline Section.

### Recommendation

Staff is recommending approval of this project as proposed.

**EXHIBIT C  
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**Assemi (PLN120299)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Finding the project CEQA Exempt per Section 15303 (a); and
- 2) Approving a Use Permit to allow the demolition of an existing 1,831 square foot single family dwelling and 611 square foot attached carport and the construction of a one-story 3,298 square foot single family dwelling including a 642 square foot attached three-car garage in the Carmel River Floodplain, the removal of four non-protected trees, and Design Approval. Grading to consist of approximately 857 cubic yards cut and 972 cubic yards of fill.

[PLN120299, Assemi, 26595 Canada Way, Carmel, Carmel Valley Master Plan Area (APN: 015-192-004-000)]

**The Assemi application (PLN120299) came on for public hearing before the Monterey County Zoning Administrator on November 8, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:**
  - a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
    - the 2010 Monterey County General Plan;
    - Carmel Valley Master Plan;
    - Monterey County Zoning Ordinance (Title 21);No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
  - b) The property is located at 26595 Canada Way, Carmel, (Assessor’s Parcel Number 015-192-004-000), Carmel Valley Master Plan Area. The parcel is zoned “LDR/2.5-D-S-RAZ” [Low-Density Residential,

2.5 acres per unit with Design Control, Site Plan and Residential Allocation Zoning District overlays.], which allows the construction of a single family dwelling in the floodplain with an approved Use Permit. Therefore, the project is an allowed land use for this site.

- c) The project site is located within a “D,” or Design Control-zoned district, and, as such, requires review by the Carmel Valley Land Use Advisory Committee for appropriateness of design, color, etc, as it applies to the “neighborhood character”. Said review was conducted on August 6, 2012, at which time the Committee gave its unanimous support for the project by a 7-0 vote. The colors and materials, consisting of off-white stucco walls, medium-blue planter boxes, and “aged bark” brown composite roofing shingles.
  - d) The project site is located within an “RAZ,” or Resource Allocation Zoning district, and is compliant with the associated regulations as the project will result in the only dwelling unit on the lot, pursuant to Monterey County Inland Zoning Code 21.52.040
  - e) The project planner conducted a site inspection on August 27, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
  - f) The project is consistent with the Carmel Valley Master Plan subsection of the Monterey County General Plan, specifically:  
CV-1.20 policies:
    - Development either shall be visually compatible with the character of the valley and immediate surrounding areas or shall enhance the quality of areas that have been degraded by existing development.
    - Materials and colors used in construction shall be selected for compatibility with the structural system of the building and with the appearance of the building’s natural and man-made surroundings.
    - Structures should be controlled in height and bulk in order to retain an appropriate scale.
    - Development, including road cuts as well as structures, should be located in a manner that minimizes disruption of views from existing homes.
- and
- CV-3.11:
- Removal of healthy, native oak, madrone, and redwood trees in the Carmel Valley Planning Area shall be discouraged.
- g) The project proposes development within the Carmel Valley Floodplain. Pursuant to Monterey County Inland Zoning Code 21.64.130.D.2: “On-site waste disposal systems shall be located so as to avoid impairment of the contamination from and during flooding. The first habitable floor of any structures shall be located at least one foot above the one hundred (100) year flood level.” Accordingly, the “lowest floor and attendant utilities” for the proposed single family dwelling will be elevated above natural grade as required by Water Resources project Condition “WR013” (See **EXHIBIT C** of the November 8, 2012 staff report).
  - h) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC

as the project includes a Design Approval subject to review by the Zoning Administrator.

- i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120299.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

**EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Monterey County Regional Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Soil Stability, Archaeological Resources, Historical Resources and Biological Resources. The following reports have been prepared:
  - “Geotechnical Investigation for Proposed Single Family Residence” (LIB#120346) prepared by Haro, Kasunich and Associates, Inc., Watsonville, CA, September 6, 2012.
  - “Preliminary Archaeological Assessment for APN 015-192-004” (LIB# 120197) prepared by Mary Doane, B.A., and Gary S. Breschini, Ph.D., RPA, Salinas, CA, January 30, 2012.
  - “Phase I Historic Review” (LIB#120196) prepared by Kent L. Seavey, Pacific Grove, CA March 12, 2012
  - “Biological survey for the Cheryl Assemi Property” (LIB# 120218) prepared by Ed Mercurio, Salinas, CA June 25, 2012

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) According to County GIS records, the project site is within a “high” archaeological sensitivity area. An Archaeological Report prepared by a qualified archaeologist for the project (LIB# 120197) has concluded that the project should not be delayed for archaeological reasons. A standard Planning Department Condition has been included which will require work stoppage and subsequent investigation in the event that archaeological resources are uncovered during construction.
- d) A Biological Survey commissioned for the project (LIB# 120218) recommends that one monitoring inspection be completed by a qualified biologist following completion of the project, with emphasis on protection and survival of the native trees present on the site. A Condition, “PDSP01”, has been included in the project to ensure completion of the monitoring inspection (See **EXHIBIT C** of the

November 8, 2012 staff report).

- e) Staff conducted a site inspection on August 27, 2012 to verify that the site is suitable for this use.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120299.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning Department, Monterey County Regional Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. 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.
  - b) Necessary public facilities are available. Water for the site is provided by Cal-Am and sewer will be provided by means of septic system.
  - c) Staff conducted a site inspection on August 27, 2012 to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120299.
  - e) Preceding Findings & Evidence 1& 2

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on August 27, 2012 and researched County records to assess if any violation exists on the subject property.
  - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120299.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303 (a), categorically exempts one single-family residence, or a

second dwelling unit in a residential zone.

- b) The project, as proposed, will permit only the construction of one single family dwelling and an attached garage as the only structures on the parcel.
  - c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 27, 2012.
  - d) The project does not fall under any of the criteria which might preclude “Exempt” status, pursuant to CEQA 15300.2 (“Exceptions”); The project will not create an impact within a particularly sensitive environment, will not have a significant cumulative impact or effect on the environment, is not located on a registered Hazardous Waste Site, and will not result in damage to scenic or historic resources.
  - e) Staff conducted a site inspection on August 27, 2012 to verify that the site is suitable for this use.
  - f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120299.
6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:** a) Section 21.80.040.B of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Planning Commission.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project CEQA Exempt per Section 15303 (a); and
2. Approve a Use Permit to allow the demolition of an existing 1,831 square foot single family dwelling and 611 square foot attached carport and the construction of a one-story 3,298 square foot single family dwelling including a 642 square foot attached three-car garage in the Carmel River Floodplain, the removal of four non-protected trees, and Design Approval. Grading to consist of approximately 857 cubic yards cut and 972 cubic yards of fill.

**PASSED AND ADOPTED** this 8th day of November, 2012.

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Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **DATE**

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DATE**



This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

#### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 05-09-2012