

MONTEREY COUNTY PLANNING COMMISSION

Meeting: December 13, 2006 Time: AM/PM	Agenda Item No.: 7
Project Description: Consider recommended changes to a Combined Development Permit consisting of: Coastal Administrative Permit and Design Approval to demolish an existing 2,704 square foot single family residence and 426 square foot garage (3,130 square feet total), construct a new 5,167 square foot, 3-level single family residence with a 1,498 square foot subterranean garage, grading (400 cubic yards cut); Variance to reduce the front setback from 20 feet to 15 feet along Scenic Road; Variance to reduce the front setback from 20 feet to three feet along a private easement; Variance to increase height limit from 18 feet to 18.63 feet; and Coastal Development Permit to allow development within 750 feet of an archaeological site. The property is located at 26195 Scenic Road, Carmel (Assessor's Parcel Number 009-422-023-000), Coastal Zone.	
Project Location: 26195 Scenic Road, Carmel	APN: 009-422-023-000
Planning File Number: PLN040581	Owner: Nancy M. Moellentine Applicants: Lon & Morley Moellentine Agent: Lombardo & Gilles
Plan Area: Carmel Area Land Use Plan	Flagged and staked: Yes
Zoning Designation: : "MDR/2-D (18) (CZ)" Medium Density Residential, 2 units per acre with Design Control, 18-Foot Height Limit (Coastal Zone)	
CEQA Action: Statutory Categorically Exempt per Section 15270(b)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission provide direction to the applicant to revise the design. If the applicant does not agree with the recommended changes, then staff recommends that the Planning Commission adopt a Resolution of Intent to deny the Combined Development Permit as proposed.

PROJECT OVERVIEW:

Lon & Morley Moellentine, submitted an application to demolish an existing residence and constructing a new residence on a 7,175 square foot, corner, parcel. This project includes retaining walls (up to 19 feet tall) at or near every property line in order to create parking and living area below grade.

Scenic Drive, where the parcel is located, is identified as a scenic viewshed in the Carmel Area Land Use Plan (CLUP). Policies and development standards are established to keep the size and footprint of a house proportional to the size of the lot. For example, this parcel has a height restriction of 18 feet to help retain the scenic resources of this area.

Staff identified multiple areas where, depending on the interpretation of the Code, the project may or may not be consistent. Based on staff's interpretation, the project requires variances to reduce the front set back from Scenic Road, reduce the front set back from a private easement, and increase building height. However, an additional two variances would be required if the Commission agrees with the applicant that a retaining wall attached to the house is part of the structure for determining the average natural grade. Based on the applicants representation, variances could also be required for side and rear set backs, lot coverage, and/or floor area ratio. In addition, the project, as proposed, is inconsistent with the Visual Resources policies of the CLUP. Staff has determined that the structural design of this house containing three levels and a flat roof with massive columns is not a design that blends into the site and its surroundings and is visually massive with reduced set backs. Exhibit A provides a detailed analysis of each standard.

Each variance should be considered separately based on consideration of findings that the project is an authorized land use, special circumstances exist applicable to the subject property, and that the variances do not constitute the grant of a special privilege. If any finding cannot be made, then that variance cannot be approved. While staff found evidence to support reducing the set back along the easement, we found no unique conditions to support findings to approve other variances and the granting multiple variances as proposed would constitute a special privilege and establish precedence for future development in this area.

Staff recommended changes that could lead to a positive recommendation. However, the applicant requested to keep the original design and for staff to schedule a hearing as soon as possible. Revised plans were recently submitted on November 30, 2006. Staff finds that information provided in this new set of plans is inconsistent with other plans on file in the Planning Department.

OTHER AGENCY INVOLVEMENT:

- ✓ Cypress Fire Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. The Parks Department deemed the project incomplete due to the height and scale of proposed structure negatively impacting the neighboring historic Kuster house (APN: 009-422-021-000). A historic assessment prepared in response determined that five of the seven aspects of integrity to the Kuster house will be retained. On April 3, 2006, the County's historical preservation staff, Meg Clovis, confirmed these findings however, recommended confirmation of a structural analysis that excavation of the subterranean garage would not affect the Kuster house. A structural analysis prepared by Haro, Kashunich & Associates, Inc. dated April 26, 2006, confirmed that the proposed development, including the retaining wall excavations, will not cause adverse structural affects to the Kuster property.

On May 2, 2005, the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) recommended denial (5 to 0 vote) based on inconsistency of Regulations for Development of the Visual Resources Development Standards (20.146.030 CIP).

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December 1, 2006

This report was reviewed by Carl Holm, AICP, Acting Planning and Building Service Manager

Note: The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

cc: Planning Commission Members (10); County Counsel; Cypress Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Carl Holm, Acting Planning & Building Services Manager; Bob Schubert, Acting Planning and Building Services Manager; Elizabeth A. Gonzales, Planner; Carol Allen; Lon & Morley Moellentine, Applicants; Lombardo & Gilles, Agent; Dave Sweigert, Fenton & Keller; File PLN040581.

Attachments: Exhibit A-Project Data Sheet, Exhibit B-Detailed Discussion, Exhibit C-Staff letter dated June 14, 2006, Exhibit D-Site Plan, Floor Plan and Elevations

EXHIBIT B DISCUSSION

I. INTRODUCTION

A. BACKGROUND

An application to demolish an existing residence and develop a new residence was filed on April 11, 2005. Throughout this review process, a number of Code interpretations have been debated between staff and the project architect. The issues include set backs, lot coverage, floor area ratio, average natural grade (height) and visual design.

Each variance should be considered separately based on consideration of findings that the project is an authorized land use, special circumstances exist applicable to the subject property and that the variances do not constitute the grant of a special privilege. If any finding cannot be made, then that variance cannot be approved. While staff found a variance has been granted in the neighborhood for a reduced set back along the easement, none have been granted to reduce set backs along Scenic Road or to exceed the maximum height. Staff determined that there are no unique conditions to support findings to approve variances as proposed in this request. Granting multiple variances as proposed would constitute a special privilege and establish precedence for future development in this area.

The applicant met with County officials on April 10, 2006 to review the issues before going forward with processing the application to public hearing. Staff mailed a letter dated June 14, 2006, stating that although we could not support the project as proposed, we suggested modifications (e.g.; a variance along the easement) that staff could support. A memo from the applicant received on August 22, 2006, stated that the owner wants to keep the original design and would like to schedule the application for hearing as soon as possible.

Staff scheduled a hearing for December 13, 2006. Staff reports for this hearing are to be completed by November 30, 2006 and the applicant submitted revised plans on November 30, 2006. While the plans were meant to clarify issues raised by staff, information provided in this new set of plans is inconsistent with other plans on file in the Planning Department. For example, the side set back for the neighboring property is shown to be 2 feet 7 1/2 inches, but the approved plans on file for PLN980438 show the set back is 3 feet 6 inches. This is an important factor as is noted later in this report.

B. PROJECT DESCRIPTION

The applicant is requesting multiple entitlements consisting of:

- Coastal Administrative Permit and Design Approval to demolish an existing residence and construct a new 3-level residence including a subterranean garage/basement;
- Variances to reduce front set back requirements;
- Variance to exceed height limit; and
- Coastal Development Permit to allow development within 750 feet of an archaeological site.

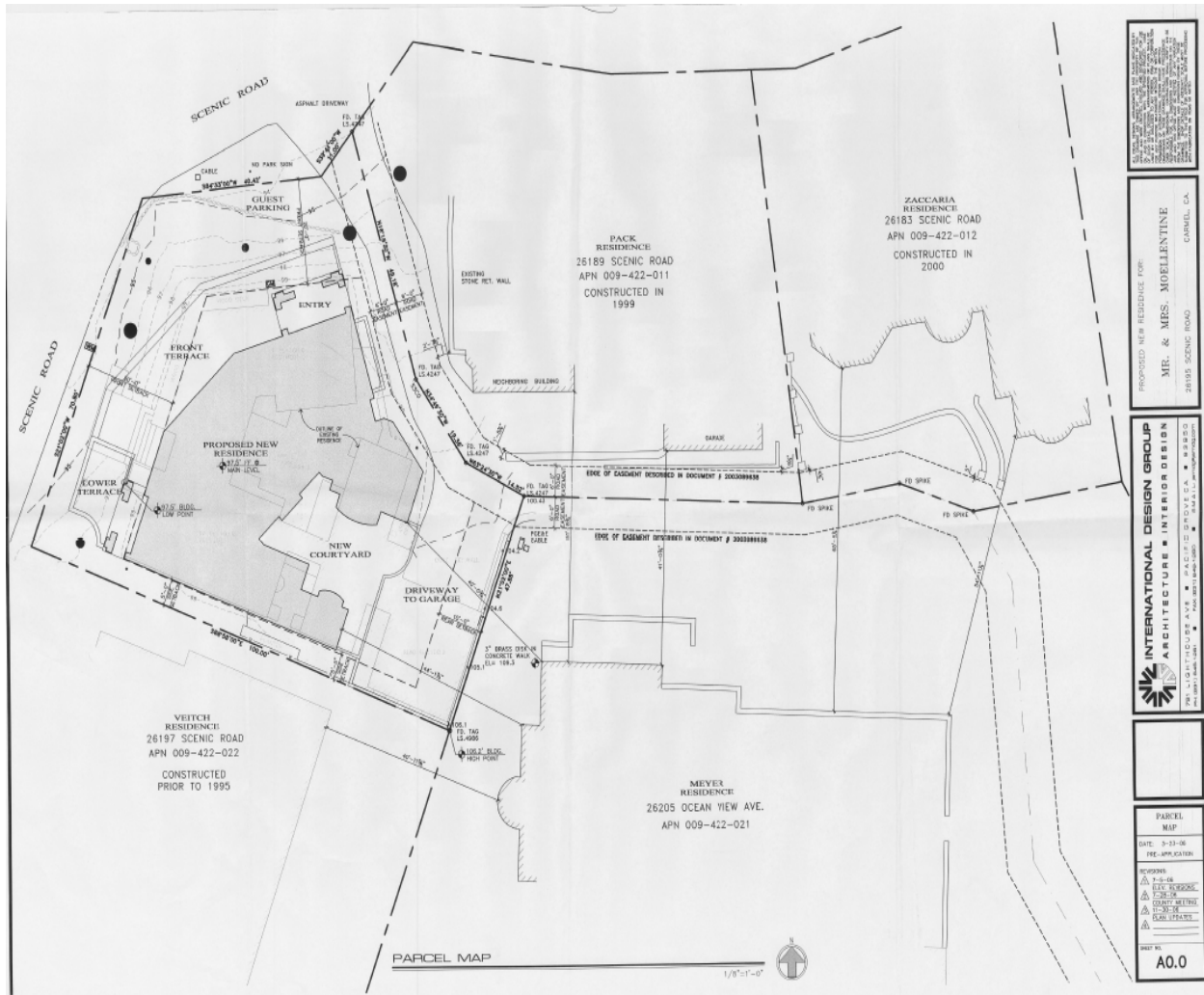
C. SITE DESCRIPTION

The subject site is 7,175 square feet in size and is an irregular-shaped parcel located at 26195 Scenic Road, Carmel Point. There is an existing 2,704 square foot single family residence with an attached 426 square foot garage.

A 12-foot wide, private road easement is located along the east side, with the property line located at the center of the easement. By definition, this creates two sides that are required to meet the front set back standards (*See Figure 1-Site Plan*). The property line intersecting with Scenic Road would be considered a side yard and the property line intersecting with the easement would be considered the rear yard.

The site slopes up from Scenic Road with an elevation of 95 feet at the low point and approximately 106 feet at the high point. This constitutes a change of eight feet over a distance of 100 feet. Zoning restricts the height of structures in this area to 18 feet in order to project visual resources in this area.

Figure 1 - Site Plan



II. ANALYSIS

The applicant is seeking approval of five Variances. The applicant contends that the lot size and slope constitute special circumstances for the variance requests because it constrains full development of the parcel consistent with the size of other development in the area. Staff researched development in the immediate area and determined that the average size for a home in the neighborhood is 2,782 square feet and the proposed project is 5,167 square feet with 1,938 developed below grade. Staff also determined that although the lot is irregular in shape, set backs could allow for development of a residence reasonably consistent with the size of other residences in the area. The building area if all set backs were met is approximately 3,800 square feet.

For purposes of this analysis, staff has included a few definitions from the Zoning Code to keep in mind:

- Coverage: any area covered by a structure, structures or structure protrusions including decks twenty-four inches or more above grade but not including building eaves of thirty inches or less and similar non-usable areas, paved driveways, sidewalks, paths, patios and decks less than twenty-four inches above grade. (Section 20.06.250)
- Floor Area Ratio: the total combined gross floor area of all floors contained in all buildings on the building site as measured from the exterior face of the enclosing walls. Floor area shall include, but not be limited to all enclosed spaces within all buildings, finished basements, guesthouses, studios, garages and carports. Areas of enclosed floor space constructed and maintained entirely below ground, including garages, shall not be counted as floor area. (Section 20.06.564)
- Height of Structure: means the vertical distance from the average level of the highest and lowest point of the natural grade of that portion of the building site covered by the structure, to the topmost point of the structure, but excluding certain features, as specified in Chapter 20.62 (Height and Setback Exceptions) of this Title". (Section 20.06.630)
- Setback: a minimum distance required by this Title to be maintained between structures or between structures and property lines. (Section 20.06.1020)
- Front Setback: a setback from the edge of a private or public road right-of-way or adopted Official Plan Line to the nearest point of a structure. (Section 20.06.1030)
- Structure: means anything constructed or erected, except fences under six feet in height, the use of which requires location on the ground or attachment to something having location on the ground, but not including any trailer or tent (Section 20.06.1200)

Staff concludes that there is no evidence that special circumstances exist applicable to the subject property depriving it of privileges enjoyed by similar properties and staff recommends denial of the variances.

A. SETBACKS

The property fronts on Scenic Road, which constitutes a front property line. In addition, there is an existing 12-foot wide driveway easement encumbering the eastern six feet of the subject property (Moellentine) and six feet encumbering western six feet the neighboring property (McCallister, Parcel 011). Staff interprets that the subject property has two front set backs, the property line intersecting with Scenic Road would be considered a side yard, and the property line intersecting with the easement would be considered the rear yard.

Section 20.62.040.F, of Title 20 states, “In any district where 50% or more of the building sites on any one block or portion thereof in the same district have been improved with structures, the required front setback shall be of a depth equal to the average of the front setback of the improved building sites, to a maximum of that specified for the district in which such building site is located.” There are three properties that utilize the easement for access to their property: Zaccaria (Parcel 012) does not utilize the driveway, the garage is located on Scenic Road.

- Pack/McCallister (Parcel 011) was approved with a minimum 3 feet 6 inches setback from edge of the right-of-way easement (9 feet 6 inches from property line).
- Zaccaria (Parcel 012) was approved with a minimum 11-foot set back from the edge of the easement (17 feet to property line).
- Meyer (Parcel 021) was approved with a minimum 16-foot set back from the edge of the easement (22 feet to property line).
- Moellentine (Parcel 023), subject parcel, has existing residence approved with a minimum 4 foot set back from the edge of the easement (9 feet to property line)

The County has determined that the applicant may utilize an average setback of 8.6 feet for the side where there is an easement under this exception.

The following is an analysis of each set back proposed for this project:

1. Front (Scenic Road). The required minimum set back from the edge of right of way of Scenic Road is 20 feet. Although the main and upper floors of the residence are set back 20-feet, the lower level encroaches into the front yard. In order to provide required light and ventilation for the lower level, the architect has included an egress tunnel and light-well that extend 10 feet into the front yard set back. Staff initially determined that the lower level (consisting of livable space) would be subject to the front set back requirement in part because Section 20.62.040.E states that “No interior area of a structure may extend into required front, side or rear setbacks, except for bay windows or cantilevered windows where there is no floor or storage area below the window”. In addition, Section 20.62.040.K of the Zoning Code requires any accessory structure that is structurally attached to the main structure to be subject to the same setback requirements as the main structure. However, the former Assistant Director of Planning and Building Inspection determined that development, including living space, could extend into the required setback area provided it is entirely below grade (*also see Lot Coverage/FAR discussion in Sections “C and D” below*).

In addition, a terrace with pillars encroaches five feet, above grade, into this front yard area. Uncovered decks, porches, or stairways, fire escapes or landing places may extend into any required front or rear setback not exceeding six feet, and into any required side setback not exceeding three feet (Section 20.62.040.D Zoning Code); however this is a covered porch with a balcony above. Therefore, staff determined that this project requires a variance to reduce the front yard set back from Scenic Road from 20 feet to 15 feet.

Staff finds that there is no precedence along Scenic Road to support this variance and it is not found to deprive subject property of privileges enjoyed by other properties in the vicinity. In addition, the site is adequate in size and shape to support a reasonably sized residence consistent with the existing neighborhood. Therefore, staff recommends denial of a variance to reduce the front set back along Scenic Road and a 20 foot set back shall be required from the proposed terrace. Staff further recommends that the Planning Commission concur with the interpretation that structures located below grade (including

living space, light-wells, etc.) is not subject to set back requirements; and therefore, a variance is not required.

2. Front (Easement). Staff interprets that when an easement (public or private) provides access to multiple properties, it is a right-of-way that is subject to front yard set back requirements. The required minimum set back from the edge of the easement right of way is 20 feet. As designed, the residence would have less than a set back of 2-foot, 10-inches (8'-10" from the property line located at the center of the easement). In order to provide required light and ventilation for the lower level, the architect has included a light-well located 1-foot from the edge of the easement (7 feet from the property line). It is not clear on the plans, but it appears that the garage, which is below grade, would be located approximately 1-foot from the edge of the easement.

Analysis provided above shows that using the 50% rule (Section 20.62.040.F) would not support an exception to the proposed set back of 1-foot. However, that analysis also shows that precedence has been set that allows a reduction of the set back required for a minimum of 3 feet 6 inches measured to the edge of easement (9 feet 6 inches from the property line) for homes along this easement.

Staff finds that there is precedence along the easement to support a variance to reduce the set back to 3 feet six inches finding that it is similar to privileges enjoyed by other properties in the vicinity. The addition of a second front yard set back restricts development and the site is not adequate in size and shape to support a reasonably sized residence consistent with the existing neighborhood if the full 20-foot back is required. Therefore, staff recommends approval of a variance to reduce the front set back along the easement from 20 feet to 3 feet six inches from the easement (9 feet six inches from the property line). Again, staff recommends that the Planning Commission concur with the interpretation that structures located below grade (including living space, light-wells, etc.) is not subject to set back requirements; and therefore, a variance is not required.

3. Rear. With Scenic Road as the primary front property line, staff has determined the opposite side adjacent to the easement to be the rear of the property. The minimum rear yard set back is 10 feet.

The main/upper levels are set back 23 feet from the rear property line, and lower level (garage) is 20 feet. A retaining wall ranging from 15-19 feet tall would be constructed along the entire rear property in order to gain access to the lower level parking garage. This wall continues along the side yard and is attached to the house. Fences/walls over six feet in height are considered to be a structure.

Staff would consider a retaining wall to be an accessory structure. As noted earlier in this report, any accessory structure that is structurally attached to the main structure would be subject to the same setback requirements as the main structure. Although a variance would be required to reduce the rear set back from 10 feet to 0 feet if this is considered to be part of the main structure, the County has not subjected retaining walls located below grade to set back requirements. As such the retaining wall is not subject to a variance, but then also is not part of the main structure to be considered as part of the average natural grade (*see discussion of Height in Section "B" below*). Based on this interpretation, staff finds that the rear set back for this project is 20 feet as measured from the garage, which meets the 10-foot rear set back requirement.

4. Side. As noted above, a retaining wall would be constructed along the side yard from the rear property line to the corner of the garage. The same analysis would apply whereby the retaining wall is sub-grade; and therefore, not subject to a variance. Based on this interpretation, staff finds that the side set back for this project is five feet, which meets the 5-foot side set back requirement.

B. HEIGHT

The site is located in a district where the height is limited to a maximum of 18 feet in order to protect visual resources. Height is determined using the average level of the highest and lowest point of the natural grade of that portion of the building site covered by the structure, to the topmost point of the structure. It excludes certain features specified in Chapter 20.62 (Height and Setback Exceptions). Plans show an “existing” grade from grading work that occurred from the existing residence. The height is based on the assumed natural grade and not the existing man-made grade.

As proposed, the plans show average natural grade based on the proposed retaining wall located on the rear/side property lines and a terrace column that extends five feet into the 20-foot required front set back (*see discussion in Section “A” above*). The highest corner of the retaining wall has a natural grade of 106.2 feet and the lowest point where the terrace is located is 97.5 feet. Based on their interpretation, the elevation of the average natural grade is 101.85 feet and the building has been designed to the maximum height allowed (18 feet).

As noted above, if the retaining wall is to be considered a structure for the purpose of determining average natural grade, then it would also be a structure subject to set back requirements. Based on past practice, staff determined that a retaining wall is an accessory structure that is not subject to set back requirements because its purpose is to establish a driveway for access to the garage. If the Commission agrees with the applicant’s average grade interpretation, then staff would find that variances are required for the rear and side set backs; however, staff could not support such variances. Furthermore, the lower grade point is based on a request for a front set back variance that if it is not approved (as recommended by staff) would require adjusting the height calculation as well.

Staff finds that the correct average natural grade would consist of a high point located at the rear of the garage (102 feet) and a low point being the lower terrace (approximately 98 feet), which results in an average natural grade of 100 feet. Such the maximum building height allowed would be for the roof to not exceed the 118-foot elevation. The roof height for this structure is shown on the plans to be at the 118.63-foot elevation, which requires a variance to increase the allowable height by 0.63 feet.

Staff finds that there is no precedence in this neighborhood to support even a minor variance such as this. As such, staff could not recommend a finding that holding to the height limit would deprive subject property of privileges enjoyed by other properties in the vicinity. In addition, the gentle slope of the site provides adequate space to provide a reasonably sized residence consistent with the existing neighborhood. Therefore, staff recommends denial of a variance to increase the allowable height and the height should be limited to the 18-foot limit. If the project is approved, then staff would recommend a standard condition that requires verifying grades and heights to assure the Code is met.

C. LOT COVERAGE/FLOOR AREA RATIO (FAR)

This site is limited to a maximum lot coverage of 35%. Staff could argue that if the retaining wall is part of the structure, then all of the area between the wall and the garage would be part of the lot coverage calculation. The difference of interpretation would result in an addition 1,059 square feet of coverage creating a variation for calculating the allowable lot coverage between 33.6% and 48.3%.

If the retaining wall is used for determining building height then staff would find that the area between should be used for calculating lot coverage and a variance would be required. As noted above, staff determined that the retaining wall is an accessory structure; and therefore, not subject to set back requirements and we would make a similar finding that lot coverage would not require a variance. This supports staff's position relative to not using the retaining wall for defining average natural grade (height).

Staff finds that the retaining wall is not a structure for the purpose of analyzing lot coverage and the project lot coverage equates to 33.6%, which is within the allowable limit of 35%.

D. FLOOR AREA RATIO (FAR)

This site is limited to a FAR of 45%. FAR is based on the total combined gross floor area of all floors contained in all buildings and floor area includes all enclosed spaces within all buildings.

The project has three levels totaling 5,167 square feet of living area:

- Lower level includes 1,938 square feet of living area plus 1,498 square feet of garage.
- Main level includes 2,180 square feet of living space.
- Upper level includes 1,049 square feet of living space.

Staff finds that the FAR is intended to show the ratio of living area, including finished basements. Based on this, the 1,938 square feet on the lower level would be part of this calculation and that would result in a FAR of 72%. However, the definition creates ambiguity by adding that "enclosed floor space constructed and maintained entirely below ground is not considered part of the floor area." Based on this exception, staff had determined that the entire lower level (including the living space) is not subject to the FAR calculation since it is all below grade (*as shown on Elevation and Section plans*). Without considering the lower level, the floor area used in calculating FAR (main and upper levels) totals 3,229 square feet. The maximum allowed is 45%, which equates to 3,229 square feet so the project meets this limit.

E. VISUAL DESIGN

Staff would generally describe the proposed design as modern, Americanized, Mediterranean style of architecture. A type of modern design is reflected with a cube-type of design including use of a flat roof to help maximum building height. In order to obtain a 3-level design, the site would be graded so part of the structure is below grade. Mediterranean style has been widely used to include hard finish materials and the proposed house consists of a light colored stucco and limestone. There is an Americanized component includes cornices, korbels, and other minor techniques to add some interest to the structure. These techniques are not commonly found in a pure Mediterranean design because those structures are generally much smaller in scale.

Scenic Road is identified as "public viewshed" on Map A (General Viewshed) in the Carmel Area Land Use Plan. An architectural rendering shows the house as viewed from Scenic Drive to be massive and much larger than adjacent homes in the neighborhood.

As proposed, staff finds that the design is inconsistent with the Visual Resources policies of the Carmel Area Land Use Plan (CLUP) and Carmel Coastal Implementation Plan. Policy 2.2.2 Carmel Area Land Use Plan (CLUP) requires that all future development within the viewshed harmonize and be clearly subordinate to the natural scenic character of the area in order to protect the scenic resources of the Carmel area in perpetuity (Policy 2.2.3.1 CLUP). Policy 2.2.3.6 CLUP states that structures shall be subordinate to and blended into the environment, using appropriate materials to that effect. This is further defined by Policy 2.2.4.10.c that states the exterior of buildings must give the general appearance of natural materials (e.g., buildings should be of weathered wood or painted in “earth” tones).

Staff finds that the structural design of this house containing three levels and a flat roof with massive columns does not blend with the site and its surroundings. It visually intrudes into the viewshed in comparison to many other more subordinate designs available to the applicant. CLUP policies require the height and bulk of buildings to be modified as necessary to protect the viewshed. Large flat surfaces create a massive structure that is not consistent with the natural setting and scale of the surrounding homes that are also located within the public viewshed.

Proposed colors and materials consisting of limestone columns, mouldings, cast panels, trim and surrounds, pre-cast limestone ballisters, bronze exterior doors and windows, and stucco siding do not give the general appearance of natural Carmel area materials. In addition, the project includes variances to reduce set backs resulting in extending development to within five feet of Scenic Road and increase height. These conditions create a visual context of large size and scale that is visually intrusive as seen from Scenic Drive. In addition, the development reduces potential area (5 feet) for planting landscape that can sufficiently reduce the visual impact. As such, staff finds that the proposed project is not subordinate; and therefore, does not blend in with the neighborhood or surrounding environment.

Staff researched other houses (approximately 32) in the neighborhood that are north and south of the project and located within the public viewshed. We concluded that there were a few 2-story homes with flat surfaces and an older French-country style home. As designed, none of these homes seemed too big for the lot nor did they detract from the natural beauty of the scenic shoreline. Although there were some exceptions, the vast majorities of the structures surveyed are smaller in scale, have minimal frontages, have roof lines that are broken up and offset and are softer in appearance in comparison to the proposed project; and therefore, these houses better comply with the policies than the proposed project.

As proposed, staff finds that the project is inconsistent with visual resource policies of the CLUP and would recommend denial. Where necessary, modification of plans shall be required for siting, structural design, color, texture, building materials, access and screening. Staff has included some recommendations in accordance with this policy below.

F. ARCHAEOLOGICAL

A Preliminary Archaeological Reconnaissance was prepared by Archaeological Consulting, on October, 2004. Staff spoke with Mary Doane of Archaeological Consulting on May 5, 2005. The report concludes that the project site is located within a portion of a known archaeological resource area. However, the site encompasses a large geographic area with cultural materials being widely and unevenly disseminated. In addition, numerous studies and test/collection have already occurred, and the likelihood is that additional testing/collection will merely add to the current body of knowledge. Therefore, both staff and Archaeological Consulting concur that the project site is located within a “non-unique” archaeological resource area pursuant to CEQA, and potential development impacts would be considered less than significant.

III. RECOMMENDATION

Based on the findings of this report staff recommends that the Planning Commission direct the applicant to make the following modifications to the proposed project and return with revised plans for consideration:

- 1) Scenic Road Set Back. The set back from Scenic Road is critical to retain the visual integrity of this viewshed. Staff recommends that all living areas maintain the minimum front set back of 20 feet, including the living area located below grade. As a result, the light-well would be set back 10 feet allowing a more reasonable planting area to soften this elevation.
- 2) Easement Set Back. Staff finds that some set back from the easement should be granted. A 3-foot 6-inch set back would be consistent with the property located opposite the easement from the subject site. The edge of the light-well should be set back at least three feet to again allow reasonable planting area to soften this elevation.
- 3) Building Height. Once the design is revised to reflect set backs noted above, then the average natural grade should be re-calculated based on the main structure and not accessory structures like the retaining wall. In turn, the height should be revised so that it does not exceed 18 feet and meets all other development standards such as visual resource policies in the CLUP.
- 4) Design. The project can be designed to be more subordinate with the surrounding viewshed area (Policy 2.2.3.6). This could be achieved by breaking up the large surfaces, setting back the second story with intervening pitched roofs and offsetting design components. The project could also be lowered further into the site. Direct underground garage could be designed similar to many other homes in the area so that the retaining wall is not so severe along the rear and side property lines. Buildings should be of weathered wood or painted in earth tone colors or reflect the Carmel stone contained on many homes in the area (Policies 2.2.3.1 and 2.2.3). A concept landscape plan should be included to help illustrate the ability to soften the building lines. For example, vines planted on a trellis that is attached to the building would provide a color and texture that would be consistent with CLUP visual policies.

ALTERNATIVE: If the applicant does not agree to the proposed changes, staff recommends denial of the project as proposed finding that the project as proposed would constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity. In addition, there are no unique conditions of the site that would prevent the applicant from meeting all development standards except the front yard set back along the private easement.