



# County of Monterey Planning Commission

## Item No.2

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

### Agenda Item No. 2

Legistar File Number: PC 23-012

February 22, 2023

Introduced: 2/9/2023

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

#### **PLN220130 - ROSENBERG STEVEN DANIEL & IBANESCU BRENDA MARLEN**

Public hearing to consider allowing the construction of a single-family dwelling (4,678 sq. ft.), detached office (544 sq. ft.), detached garage (999 sq. ft.), detached Accessory Dwelling Unit (1,188 sq. ft.) and associated site improvements and removal of 5 protected oak trees.

**Project Location:** 33 Potrero Trail, Carmel Valley, Greater Monterey Peninsula Master Plan, (APN: 239-111-013-000)

**Proposed CEQA action:** Considering an Addendum together with a previously certified EIR for the Santa Lucia Preserve Subdivision (EIR No. 94-005/Resolution No. 96-059) pursuant to CEQA Guidelines Section 15164

#### RECOMMENDATION:

It is recommended that the Planning Commission adopt a Resolution:

1. Considering an Addendum together with a previously certified EIR for the Santa Lucia Preserve Subdivision (EIR No. 94-005/Resolution No. 96-059) pursuant to CEQA Guidelines Section 15164; and
2. Approving a Combined Development Permit consisting of:
  - a. An Administrative Permit & Design Approval to allow construction of a 4,678 square foot single family dwelling, 999 square foot detached garage, 1,188 square foot accessory dwelling unit, and a 544 square foot detached office and associated site improvements including a pool, fire pit, covered porches, landscaping and the removal of 5 Oak trees.; and
  - b. A Use Permit to allow removal of five (5) Oak trees.

#### PROJECT INFORMATION:

**Agent:** Joel Panzer

**Property Owner:** Rosenberg Steven Daniel & Ibanescu Brenda Marlen

**APN:** 239-111-013-000

**Parcel Size:** 1,839,103 Square Feet (42.22 Acres)

**Zoning:** Resource Conservation, 1 unit per 40 acres, it has overlay zones including a Design Control, a Site Plan Review overlay (RC/40-D-S)

**Plan Area:** Greater Monterey Peninsula Area Plan

**Flagged and Staked:** Yes

#### SUMMARY:

The project is located at 33 Potrero Trail, Carmel Valley; and is shown in Volume 21 of Cities and Towns, page 20 as lot 199. This lot is subject to the policies of the Greater Monterey Peninsula Area

Plan. The proposed project includes construction of a 4,678 square foot single family dwelling, a 1,188 square foot detached accessory dwelling unit (ADU), a 999 square foot detached garage, a 544 square foot detached office, associated site improvements and removal of five protected Oak trees. The project is consistent with applicable regulations and development standards in Title 21 and Resource Conservation Zoning, and with the policies in the Greater Monterey Peninsula Area Plan. The project will receive potable water service from the Santa Lucia Preserve Community Services District and has proposed a septic system to support the future development.

Six trees are proposed for removal but one of these trees is under 6 inches in diameter and does not require a permit for removal. Five Oak trees greater than 6 inches in diameter will be removed for construction. All five oak trees are located near the front of the property and will be removed for driveway construction. There is a dense stand of trees at the front of the property making impacts to trees for driveway construction unavoidable. The driveway connects the property to more open areas of the property where structures are proposed without the need for tree removal. Because this property is located in a phase of the Santa Lucia Preserve subdivision where individual lots were allocated a specific number of tree removal and this lot was not allocated any tree removal, an addendum to the EIR prepared for the subdivision is necessary.

#### DISCUSSION:

##### Land Use & Development Standards

The property is zoned Resource Conservation 40 acres per unit with Design Control and Site Plan review zoning overlays (RC/40-D-S). This zoning allows a single-family dwelling (21.36.030), an accessory dwelling unit (21.64.030) and removal of protected oak trees pursuant to a Use Permit (21.64.260), therefore the proposed project is an allowed use. The development standards for the RC zoning district are identified in Title 21 Section 21.36.060, and the proposed project is consistent with the applicable development standards. The height maximum for a main structure is 30 feet, the proposed main dwelling will have a height of 13 feet and 9 inches from the average natural grade. The proposed single-family dwelling is contained within the homeland boundary; therefore, it meets all of the required setbacks from the property lines. The setbacks between the proposed structures far exceed the required 10 feet between main and accessory structures and 6 feet between accessory structures. The proposed ADU has a height of 15 feet and square footage of 1,188 square feet, consistent with the development standards for ADUs described in section 21.64.030. Both accessory non-habitable structures meet the site development standards as well. The proposed detached office has a height of 11 feet and 2 inches and the garage is partially subterranean with a height of 2 feet and 3 inches from the average natural grade; both are below the 35 foot height maximum. The property is 19.33 acres (842,015 square feet), the maximum allowed site coverage for a lot zoned RC/40 is 25% (459,775 square feet). The proposed site coverage is 0.36% (6,661 square feet).

##### Health and Safety

The property receives water via public utilities, and has an onsite wastewater system:

- The applicant provided a can and will serve letter from the Santa Lucia Preserve Community Services District detailing their ability and willingness to provide the proposed project with potable water.
- The proposal includes a new septic system with onsite leach fields, the Environmental Health Bureau has reviewed the plans for the Onsite Wastewater Treatment System and has deemed

the design adequate to support the proposed development.

#### Visual Resources and Design Review

The site is subject to the policies of the Design Control “D” zoning district, which establishes design review requirements to assure protection of the public viewshed and neighborhood character. The development’s design, size and placement is consistent with the goals and policies of the Monterey County General Plan and the surrounding neighborhood character:

- The proposed structure is consistent with the development standards of the zoning district and is in character with the height and massing of other houses in the neighborhood.
- The colors and materials consist of medium and dark brown brick for the exterior walls of the structures, stained wood windows and doors, bronze metal railings, rock ballast roof and Tesla solar roof tiles. The proposed landscaping includes California native plant species and the replacement of 17 Coast live oak trees.
- The earth tone colors and natural aesthetic of the structures blend in nicely with surrounding Oak and Pine tree forest. The large windows and glass doors offer an element of openness within the brick structures.
- Condition No. 8 requires an exterior lighting plan be provided and approved before the issuance of building permits; this condition shall ensure compliance with Monterey County’s Design Guidelines for Exterior Lighting.

#### Tree Removal

Five protected oak trees are proposed for removal, one of which is landmark tree; therefore, a Use Permit has been applied to this project pursuant to 21.64.260.D.3. This lot is in Phase C of the Santa Lucia Preserve subdivision; although some lots in Phase C have a number of allotted trees for removal, this lot did not have any. An Arborist Report (LIB220183) was prepared for this project to assess the health of the forest and any potential impacts due to the proposed development. The arborist report recommends seven trees for removal based on tree health and location of the trees in relation to the proposed development. Two of the trees recommended for removal are less than 6 inches in diameter and therefore do not require a permit for removal. The five protected trees the applicants are proposing to remove are within the proposed driveway area and require a Use Permit for removal due to their size and specie. There are 6 trees identified on the site plans that will be removed, the DBH measurement of the sixth Oak tree is less than 6 inches; therefore, it does not qualify as a protected tree under Title 21 and does not require a permit to be removed. Along with tree removal and protection best management practices, the arborist recommended a replacement ratio of 3:1 for the non-landmark trees and 5:1 for the landmark tree, 17 Coast live oak trees will be planted to compensate for the 5 proposed for removal. Overall, the removal of the 5 oak trees will not have an adverse impact on the nearby environment.

#### CEQA:

An Addendum was prepared in accordance with CEQA Guidelines Section 15164 to address minor changes to the previously certified Santa Lucia Preserve Subdivision FEIR. The proposed project does not include any substantial changes or new information that would require major revisions to the certified EIR. The Santa Lucia Preserve EIR analyzed impacts from tree removal for the 254 lots in Phases A-C; the Rosenberg and Ibanescu property was given zero trees permitted for removal as part of the EIR. This project includes the removal of 5 protected Oak trees. The addendum addresses tree

removal and no other changes to the FEIR are proposed. The proposed tree removal will not have a significant impact to the environment and does not require further environmental review beyond the addendum.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and Monterey County Regional FPD. 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.

Prepared by: Zoe Zepp, Assistant Planner  
Reviewed by: Anna Quenga, AICP, Principal Planner  
Approved by: Craig Spencer, Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, Elevations & Colors and Materials

Exhibit B - Addendum

Exhibit C - Santa Lucia Preserve FEIR

Exhibit D - Arborist Report

Exhibit E - Vicinity Map

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Planner, Anna Quenga, AICP, Principal Planner; Rosenberg Steven Daniel & Ibanescu Brenda Marlen, Property Owner; Joel Panzer, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN220130