



Zoning Administrator

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September 12, 2024

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Current Status: Agenda Ready

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Matter Type: Zoning Administrator

PLN240017 - FERRINI OAKS LLC

Public hearing to consider construction of 3,656 square foot single-family dwelling with attached 924 square foot garage, new site retaining walls and development on slopes greater than 25%.

Project Location: 24315 Rustic Lane, Salinas, Toro Area Plan.

Proposed CEQA action: Find the project qualifies for a Categorical Exemption pursuant to CEQA Guidelines section 15303.

RECOMMENDATIONS

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

- a. Finding that construction of a single family dwelling qualifies for a Class 3 Categorical Exemption pursuant Section 15303 of the CEQA Guidelines and none of the exceptions in Section 15300.2 apply to the project; and
- b. Approving a Design Approval to allow the construction of a 3,656 square foot single family dwelling with attached 924 square foot garage, new site retaining walls and associated site improvements, and a Use Permit to allow construction on slopes greater than 25%.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 7 conditions of approval.

PROJECT INFORMATION

Agent: John Moore

Property Owner: Ray Harrod Jr.

APN: 161-013-013-000

Parcel Size: 7.9 acres

Zoning: Low-Density Residential with a Building Site 6 overlay and Design Control Overlay or "LDR/B-6-D" and Resource Conservation with Building Site and Design Control overlay districts or "RC/B-6-D"

Plan Area: Toro Area Plan

Flagged and Staked: Yes

SUMMARY

The subject property is a 7.9-acre lot located at 24315 Rustic Lane within the Oaks Subdivision off San Benancio Road just east of Highway 68. This is a small subdivision with 9 residential parcels ranging in size from 1.7 to 13.6 acres, and one remainder parcel of 285.7 acres. The property is in a private residential gated community known as the Oaks Subdivision off San Benancio Road. The applicant proposes to construct a 3,656 square foot single-family dwelling with an attached 924

square foot garage, and retaining walls between 2 and 6 feet in height spanning 397 linear feet. Grading of approximately 2,230 cubic yards of cut and 350 cubic yards of fill.

The proposed project is consistent with applicable goals and policies in the 2010 County of Monterey General Plan, policies in the Toro Area Plan, and regulations and development standards contained in the County of Monterey Zoning Ordinance (Title 21).

DISCUSSION

Development Standards

The development standards for the LDR zoning district are identified in Monterey County Code (MCC) Sections 21.14.060 and 21.42.030 for Building Site overlay. Required setbacks for main dwelling units are 30 feet (front), 20 feet (rear), and 10% of the average lot width or maximum required 20 feet (sides). The maximum allowed height is 30 feet. The parcel has a designated building envelope that was established when the subdivision was created for the purpose of minimizing oak tree removal and potential impacts from debris flow (Board of Supervisors Resolution No. 01-197). As proposed, the single-family dwelling with attached garage exceeds the required front, rear, and side setbacks from the surrounding property line. The proposed height is 16 feet 7 inches which is below the 30-foot maximum allowed. The applicant has complied with all setback and height requirements pursuant of the MCC.

Pursuant to MCC Section 21.14.060.E, the maximum building site coverage is 25 percent on lots 20,000 square feet or greater. The property is 7.9 acres or approximately 349,403 square feet, which allows site coverage of 87,350.8 square feet. The proposed project results in site coverage of 4,580 square feet which equals 1.3 percent of the total lot square footage. Therefore, as proposed, the project meets the required coverage limitations.

A scenic conservation easement was put in place over areas of the parcel with slopes greater than 30 percent as part of the Oaks Subdivision. This easement serves the purpose of protecting the steep hillsides from development and aides against soil erosion while maintaining the natural scenic views and vegetation for wildlife habitat. A building envelope was established during that time to ensure future development would not encroach within the protected hillside areas within and surrounding the parcel.

Design Review

The proposed exterior colors and materials are comparable with the area's setting and neighboring residences. The proposed single-family dwelling is designed to reflect a rustic style architecture that compliments the neighborhood. The proposed colors and materials enhance the rural setting and blend the house into the hillside, which, in turn, protects the public viewshed. The rustic style architecture and the use of stone and earth tone exterior colors present a rural aesthetic comparable with the Toro area and the neighborhood character. The proposed colors - light brown and dark brown - with stone façade contribute to sustaining the neighborhood character.

The property is located within a small subdivision off San Benancio Road. Although this is a visually sensitive area, where the proposed project is situated is screened by an existing house and native oak trees. The proposed development would not have a significant impact on a public viewshed, and the structure would have a comparatively similar layout to other residences in the vicinity. As proposed,

the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

Development On Slopes Exceeding 25%

Development on slopes that exceed 25% is prohibited unless there is no feasible alternative that would allow development to occur on slopes less than 25%, or the proposed development better achieves the goals, policies, and objectives of the County of Monterey General Plan and applicable land use plan than other development alternatives. The site plan indicates that approximately 2,774 square feet of development on slopes exceeding 25% is for the home site. In this case, there is no feasible alternative location for the construction of the single-family dwelling and garage to occur on slopes less than 25% because more than half of the parcel includes slopes greater than 25%. The property is located on a hill with ascending slopes to the north of the proposed building site of the single-family dwelling, which is the only location on the parcel with the most area without slopes greater than 25%. As proposed, the building site has the least impact to slopes greater than 25% and is within the building envelope designated when the subdivision was formed. This location was considered and approved for the building site as it also eliminates oak tree removal and minimizes potential impacts from debris flow with the aid of retaining walls. There is also a scenic easement on areas of the parcel with slopes exceeding 30% that prohibits development.

Environmental Review

California Environmental Quality Act (CEQA) Guidelines Section 15303(a) provides a Class 3 categorical exemption for construction of a single-family residence. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, or a hazardous waste site. The building site is located beyond the natural woodland vegetation and settled among hillsides which helps avoid adversely affecting the visual sensitivity of the area. The project would not cause any unusual circumstances that would result in a significant effect, or include development that would result in a cumulative significant impact. This is one of two remaining undeveloped lots in the Oaks Residential Subdivision. As such, successive projects of the same type and in the same place (construction of a single-family dwelling on this lot which is zoned to allow such uses) would not occur resulting in contributing to a significant cumulative impact. The project, construction of a single-family residence and associated site improvements on a property zoned to allow such uses and without potentially significant impacts, would not contribute to a potential cumulative impact. No archaeological or cultural resources are located in the development areas of the subdivision, as evidenced by an archaeological evaluation of the entire Toro Vista development area in September of 1975 and in a Cultural Resources Report of the Toro Vista area in October of 1990. The applicant for the currently proposed project has been issued an Archaeological Report Wavier as a result of the final EIR. As such, staff recommends the Zoning Administrator find the project categorically exempt.

OTHER AGENCY INVOLVEMENT

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

- HCD-Engineering Services
- HCD-Environmental Services
- Monterey County Regional Fire District

The project was referred to the Toro Land Use Advisory Committee (LUAC) for review (see **Exhibit C**). The LUAC reviewed the project at a duly noticed public meeting on August 12, 2024. No public comments were made at this time. The LUAC recommended approval of the project as proposed by a vote of 5-0 with two members absent.

Prepared by: Benjamin Moulton, Assistant Planner x5240

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

The following attachments are on file with HCD:

Attachments

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including;

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

Exhibit C - LUAC Minutes, dated August 12, 2024

Exhibit D - Vicinity Map

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Benjamin Moulton, Assistant Planner; Anna Ginette Quenga, AICP, Principal Planner; Ray Harrod Jr, Property Owners; John Moore, Agent; Planning File PLN40017