

# **PLN180289 Miller**

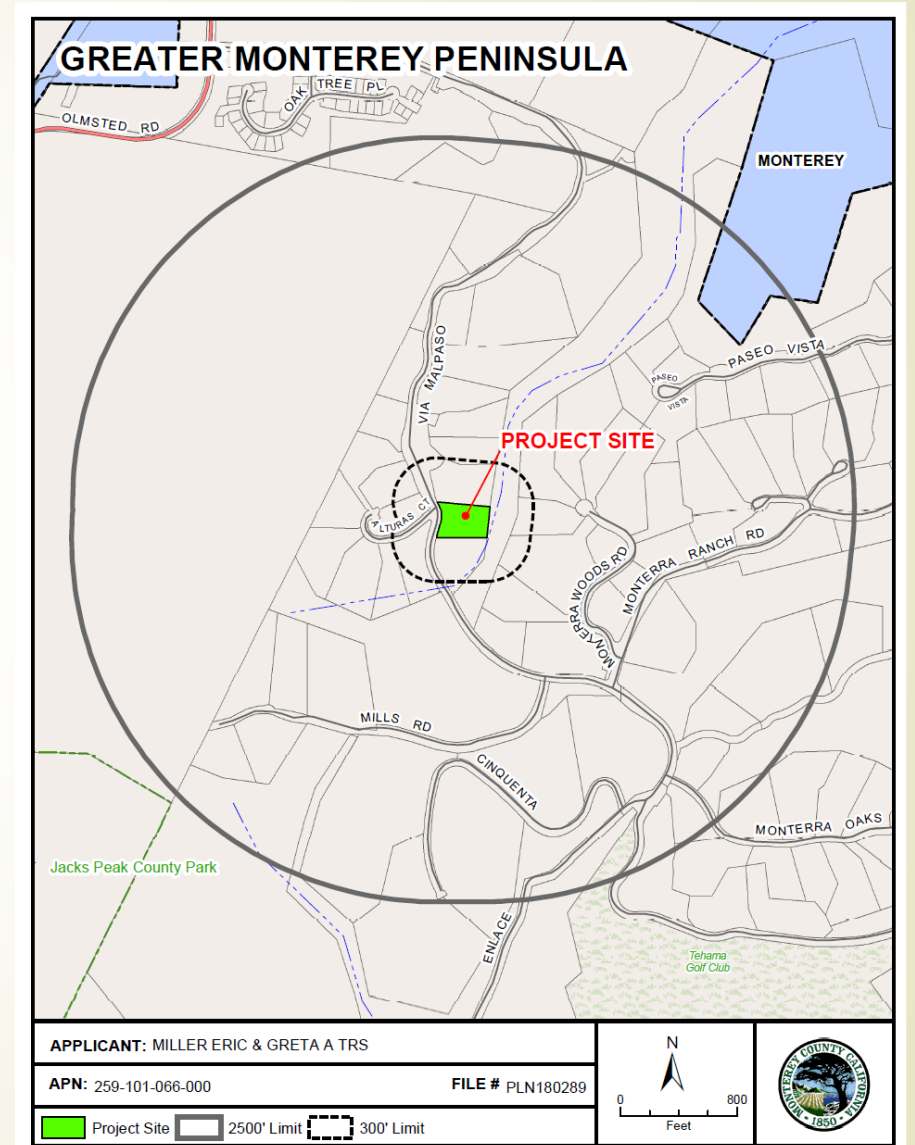
**Board of Supervisors  
Monterey County  
November 5, 2020**

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**Board Agenda Item #15**

# Location

- 24275 Via Malpaso, Monterey
- Lot 18 Monterra Ranch Subdivision
- Greater Monterey Peninsula Area Plan
- Zoned RDR/B-6-UR-D-S



# Appeal

## Issues

- ➔ **Will be discussed through presentation**
  - 1. Project being piecemealed**
  - 2. Development on slopes not justified**
  - 3. Project too large for site**
  - 4. Stop process until litigation resolved**

# Project Components

## ➤ Combined Development Permit

1. Administrative Permit and Design Approval for two-story dwelling with attached garage (6,341 sq ft)
2. Use Permit for removal of 3 oaks (including 1 landmark tree)
3. Use Permit for development on slopes greater than 25% (800 sq. ft.)

➤ Original application modified to remove components of the project – Not piecemeal

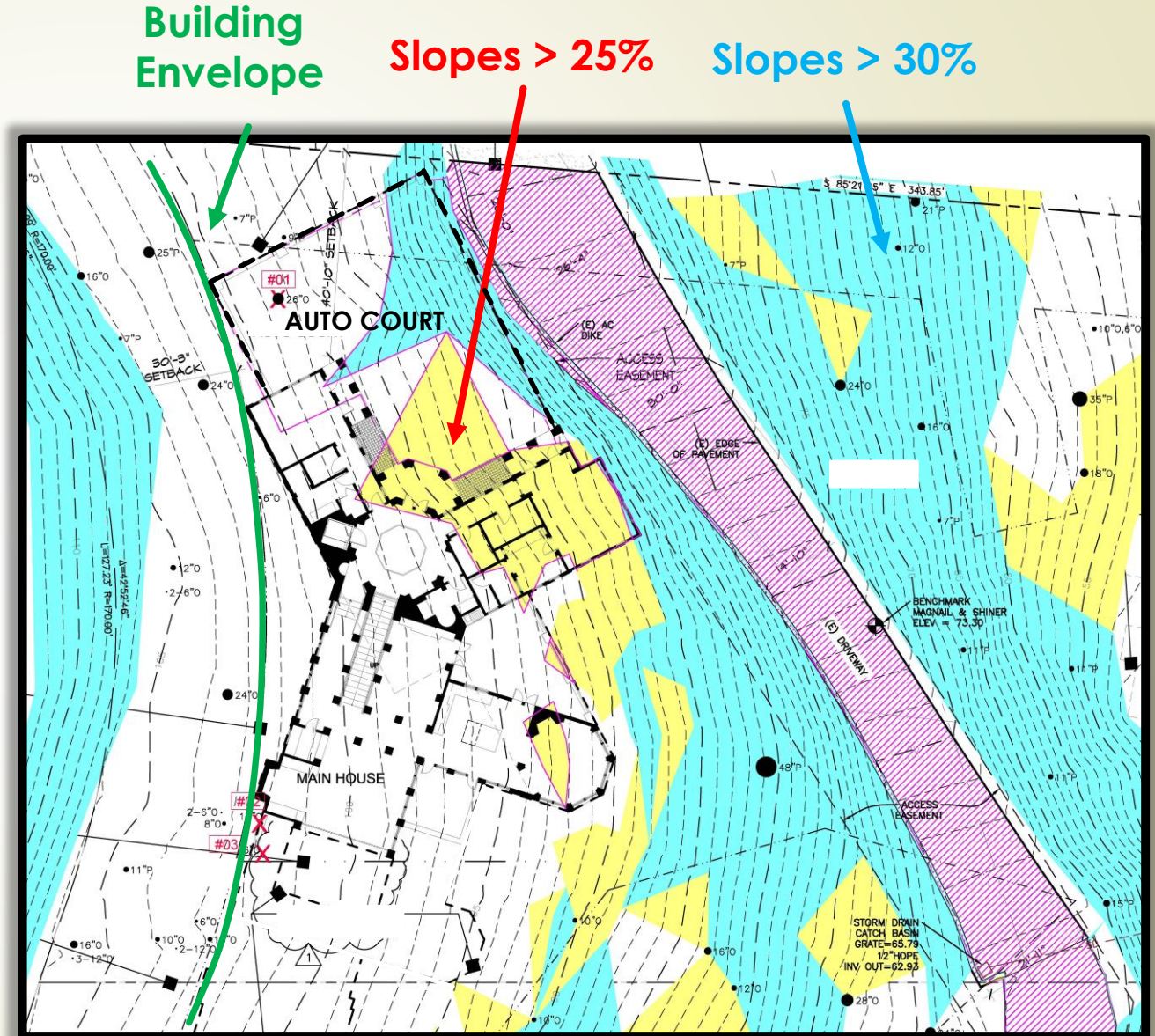
# Tree Removal

- ▶ **3 oak trees proposed for removal**
  - ▶ Fair or poor condition
  - ▶ 1 landmark tree (26" Diameter)
- ▶ **FMP: project not likely to significantly reduce wildlife habitat in long-term**
- ▶ **Conditions incorporated**



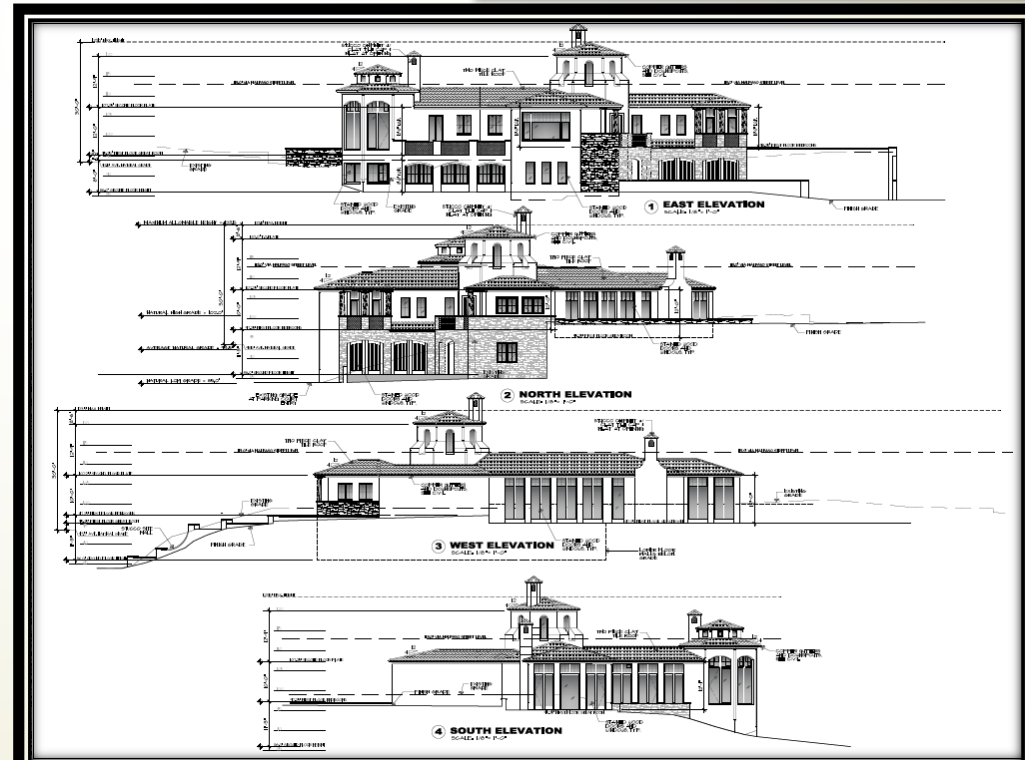
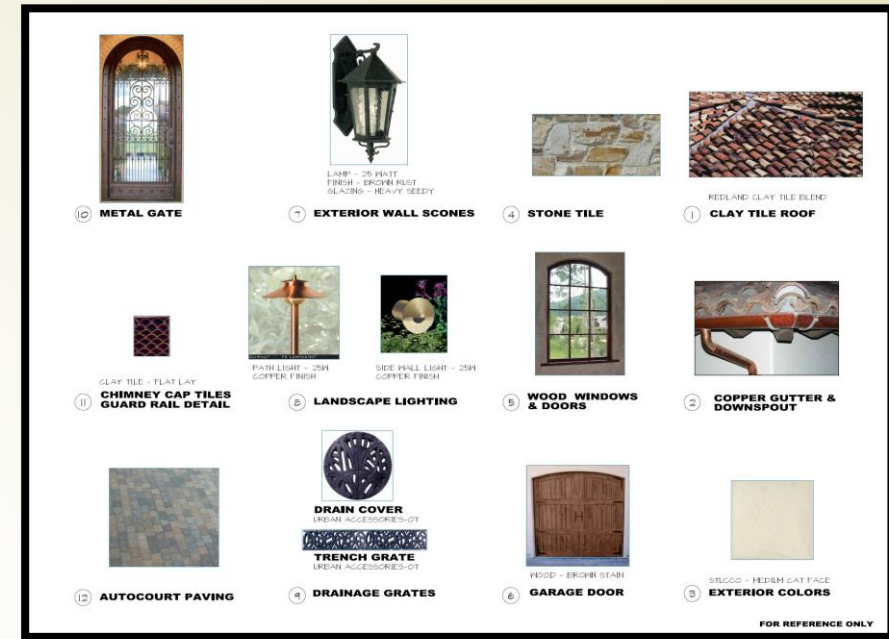
# Slopes

- Area Plan and Title 21.64 regulate development on slopes  $> 25\%$ 
  - No feasible alternative
- Natural terrain of property contains slopes  $> 25\%$
- Dwelling sited to avoid steeper slopes; unable to avoid slopes around auto court and northern portion of home
- Building Envelope constraints



# Design Review

- Spanish revival architectural style
- Elevation broken by varied roof pitches
- Colors & materials: cream stucco walls, stone tile, red clay tile roof, copper gutter
- Bulk and mass are proportionate to the site

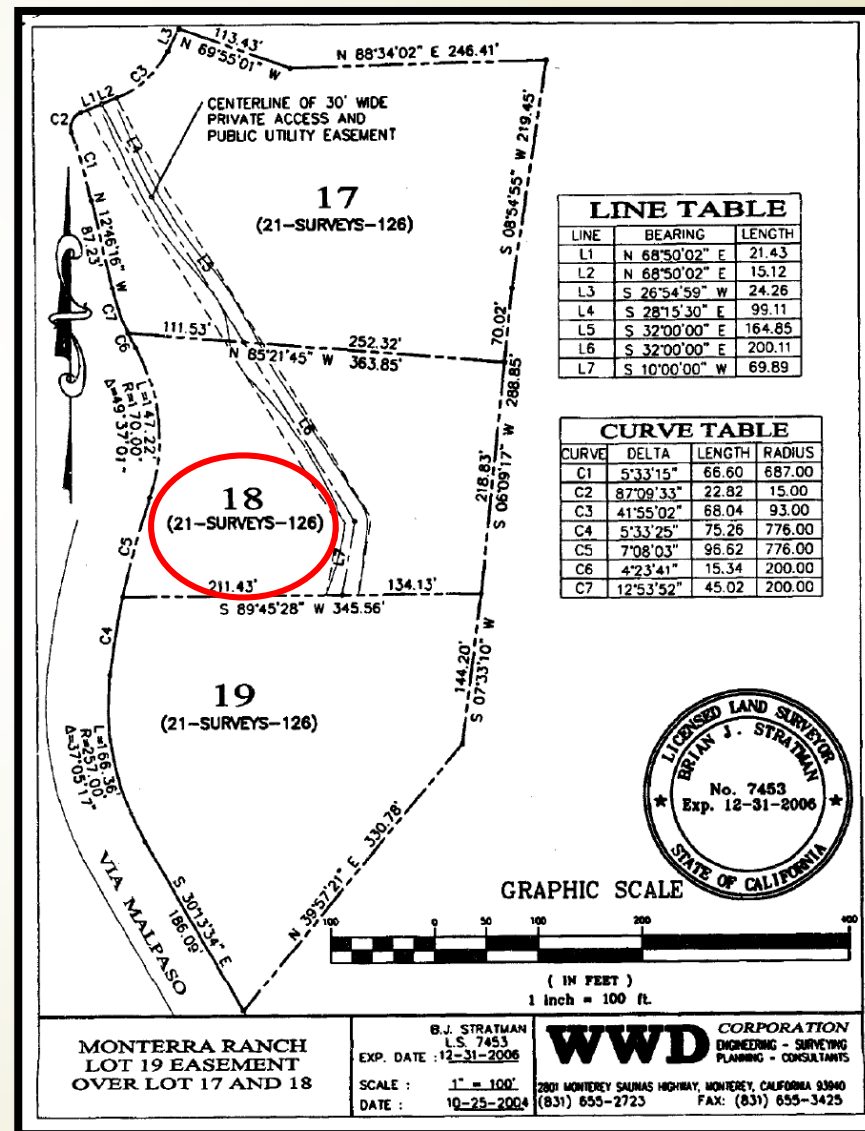
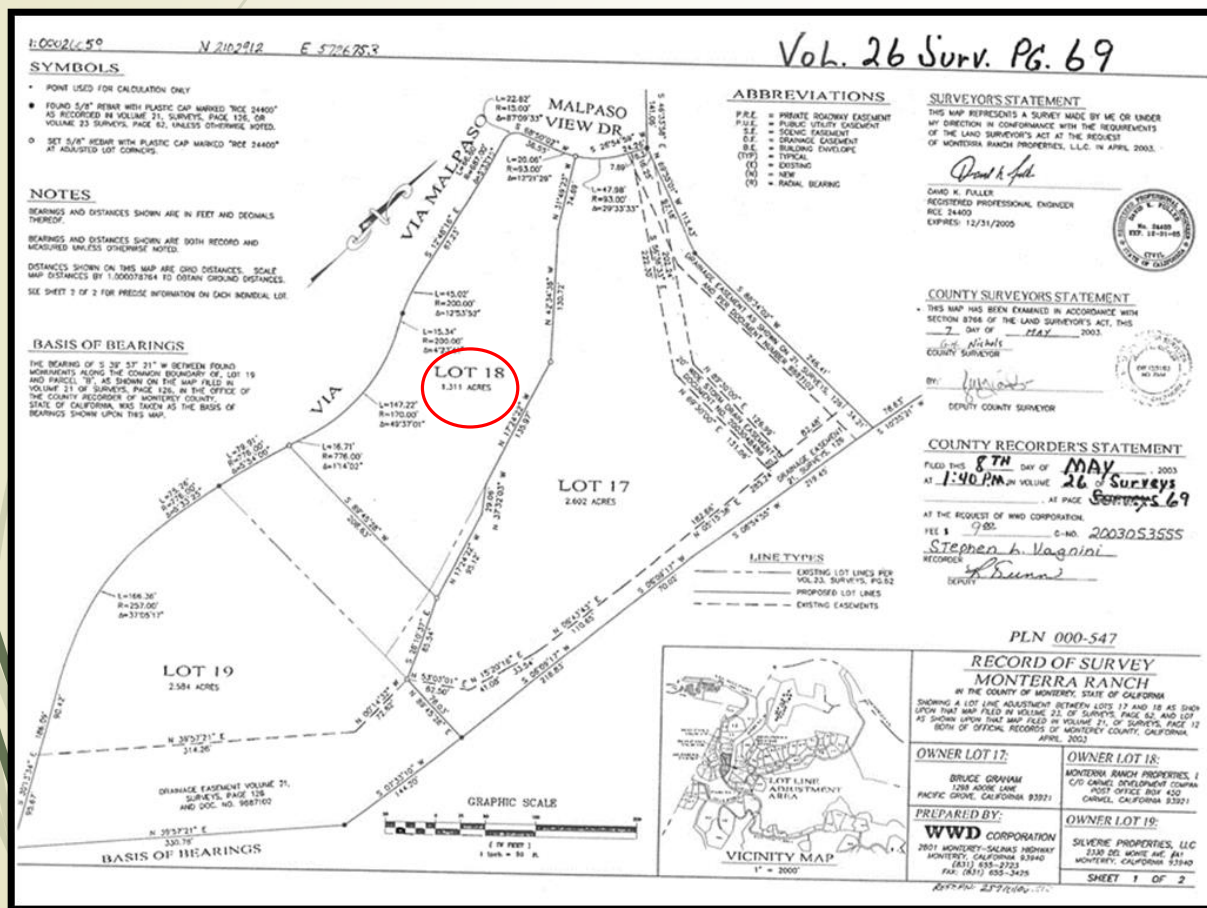




# Boundaries

## 2001 Lot Line Adjustment

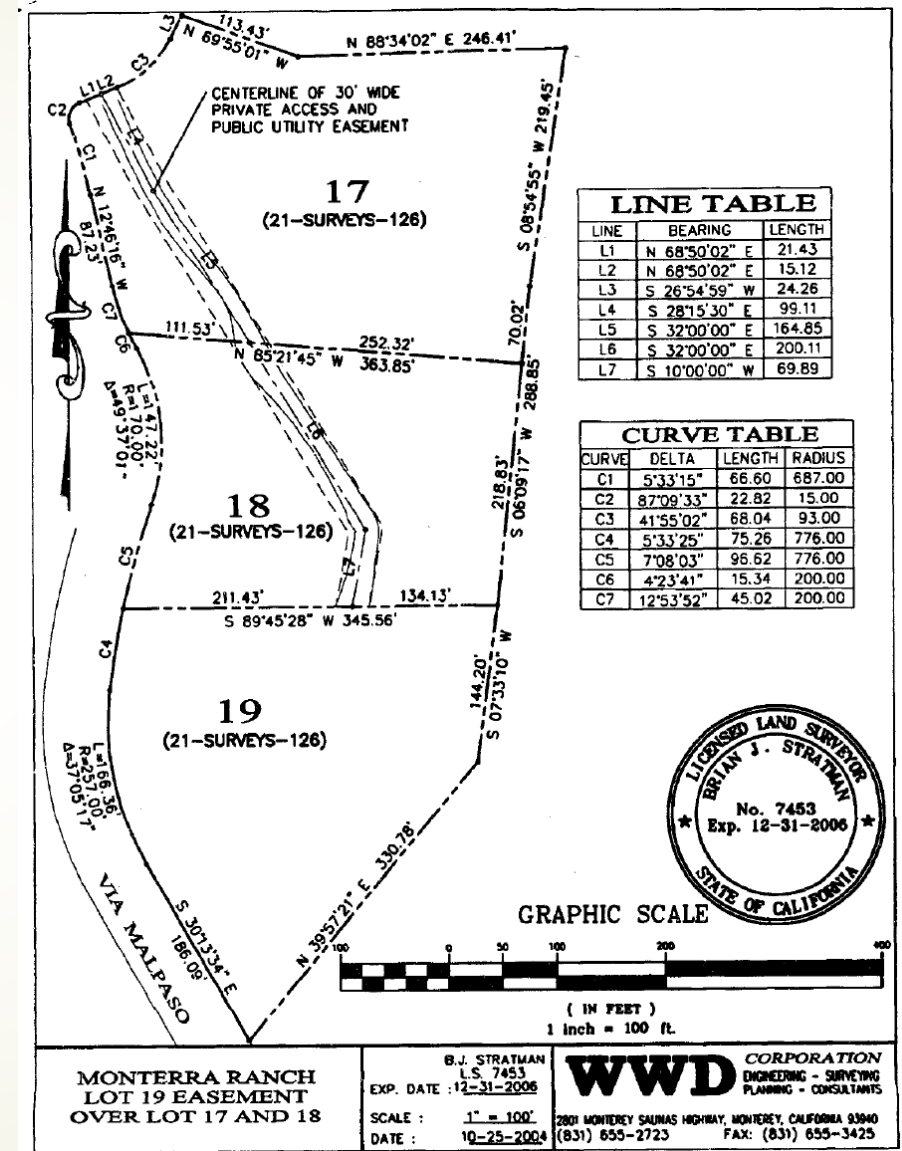
## 1998 Lot Line Adjustment





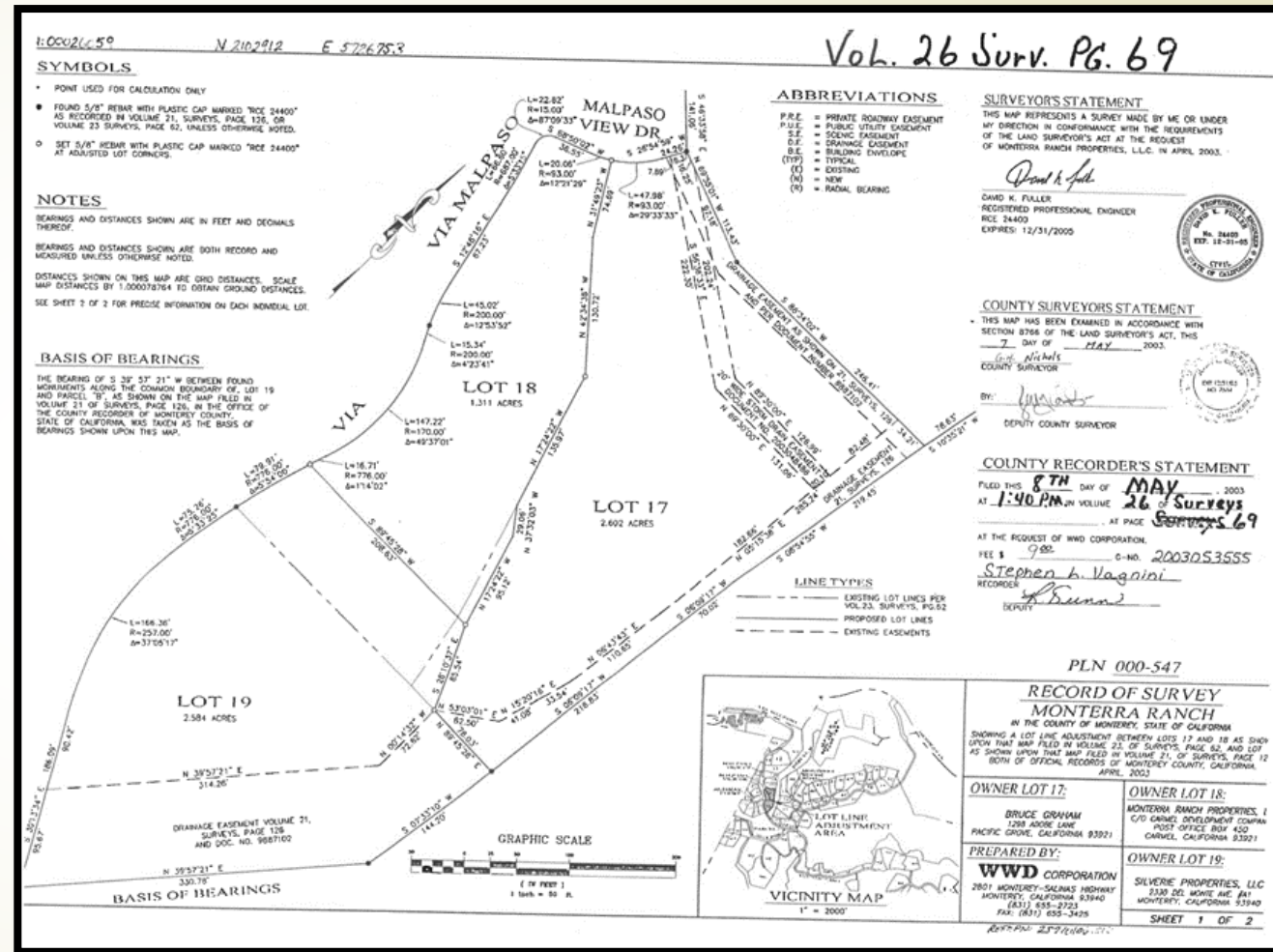
# 1998 LLA

- In 1998, Monterra Ranch Properties obtained a lot line adjustment (LLA), reflected in a record of survey showing the new boundaries at 21 Surveys 126.



# 2001 LLA

- In 2001, a second LLA was approved adjusting boundaries between three undeveloped lots (Lots 17, 18 and 19) to accommodate driveway and building envelopes and reduce the size of two parcels in a B-6 zoning district.





# Parcel Legality

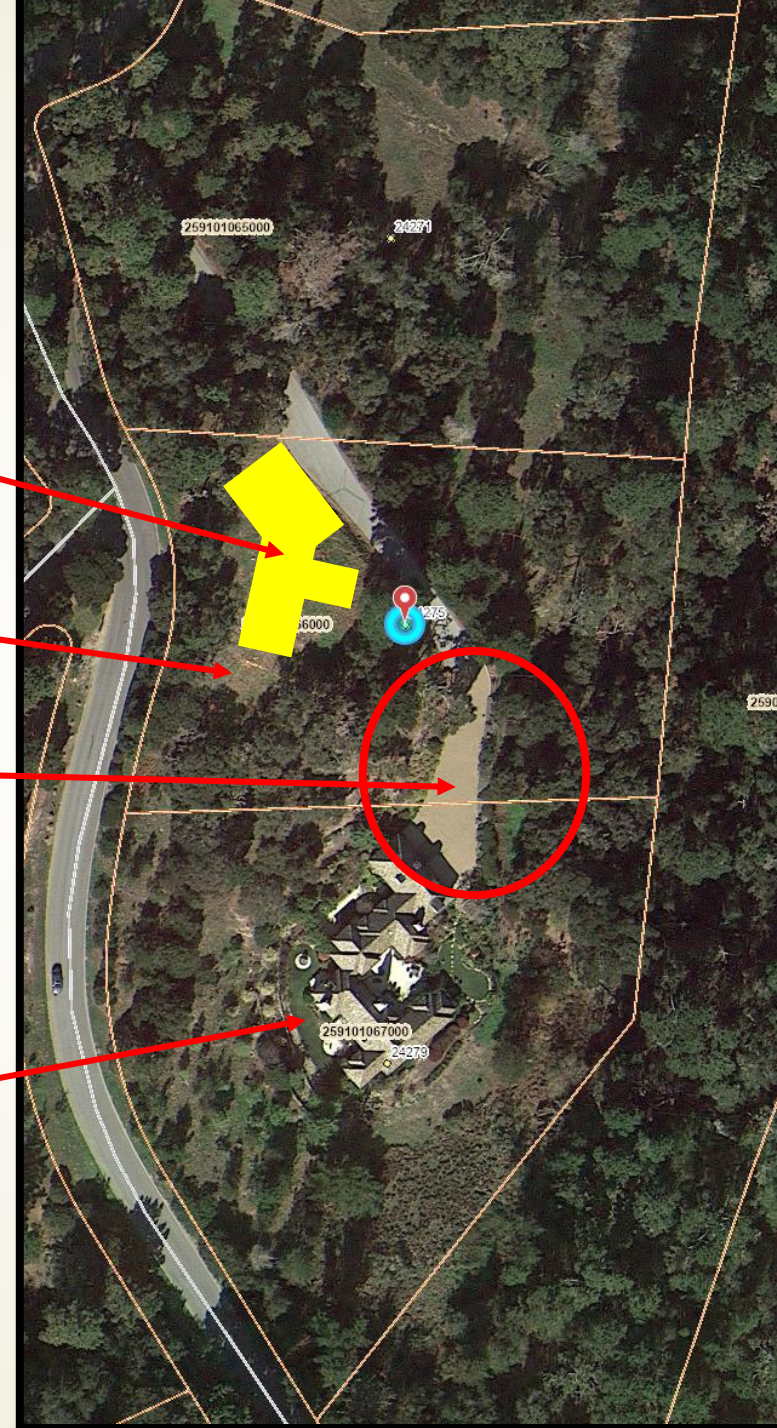
- ▶ Subdivision Map Act “The lot line adjustment shall be reflected in a deed, which shall be recorded”
  - ▶ 2001 and 2003 LLA not perfected through recorded deed
  - ▶ Lot legally created is 1998 LLA because it was recorded by grant deed
- ▶ Boundaries reflected in the deed (1998 LLA) are legal lots of record
  - ▶ In 2004 and 2006, Monterra Ranch executed deed of trust identifying Lot 18 by 1998 LLA
  - ▶ In 2018, Millers purchased Lot 18 as described under 1998 LLA
- ▶ Development re-designed to conform, regardless of litigation

Approximate  
Development  
Footprint w/  
Motor court

Lot 18

Disputed  
area

Lot 19



# CEQA

- **Categorically exempt from CEQA review pursuant to Section 15303(a), Class 3 for limited new development.**
- **None of the circumstances in Section 15300.2 disqualifying the project from a Class 3 Categorical exemption apply.**
- **Not Piecemeal under CEQA**



# Recommendation

- 1. Deny the appeal of Rebecca Tweten from the July 29, 2020 Planning Commission decision approving a Combined Development Permit [RMA Planning File No. PLN180289 – Miller]; and**
- 2. Find the project to construct a single-family dwelling qualifies as a Class 3 Categorical Exemption per Section 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply.**
- 3. Approve a Combined Development Permit consisting of:**
  - 1) Administrative Permit and Design Approval to construct a new single-family dwelling with attached garage (approximately 6,340 square feet);**
  - 2) Use Permit to remove three oak trees including one landmark tree 26 inches in diameter; and**
  - 3) Use Permit to allow development on slopes greater than 25% (approximately 800 square feet).**