



County of Monterey Planning Commission

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

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PLN210148 - PHELPS ERIC C & ERICA D TRS

Public hearing to consider construction of an approximately 5,495 square foot one-story single-family dwelling inclusive of an attached garage, a 936 square foot detached garage, a 598 square foot detached guesthouse, and associated site improvements. The project includes ridgeline development.

Project Location: The property is located at 25800 Paseo De Los Robles, Salinas, Toro Area Plan.

Proposed CEQA Action: Find the project Categorical Exemption pursuant to Section 15303 of the California Environmental Quality Act and none of the exceptions under Section 150300.2 apply.

RECOMMENDATIONS

It is recommended that the Planning Commission:

- 1) Finding that the project qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 of the California Environmental Quality Act and none of the exceptions under Section 150300.2 apply; and
- 2) Approving a Combined Development Permit consisting of:
 - a. Use Permit and Design Approval to allow construction of an approximately 5,010 square foot one-story single-family dwelling, 485 square foot attached garage, 936 square foot detached garage, 598 square foot detached guesthouse, and associated site improvements; and
 - b. Use Permit to allow ridgeline development.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 10 conditions of approval.

PROJECT INFORMATION

Property Owners: Eric and Emily Phelps TRS

Agent: Jeffrey Crockett, Architect

APNs: 161-561-011-000

Zoning: Rural Density Residence, with a B-8 and Visual Sensitivity overlay and a height limit of 20 feet (RDR/B-8-VS(20'))

Plan Area: Toro Area Plan

Flagged and Staked: Yes

SUMMARY

The subject property is located at 25800 Paseo De Los Robles (Assessor's Parcel Number [APN]: 161-561-011-000), approximately 1.65 miles south of the Highway 68 and Corral de Tierra Road intersection. The project involves the construction of an approximately 5,010 square foot one-story

single-family dwelling, 485 square foot attached garage, 936 square foot detached garage and workshop, 598 square foot detached guesthouse and associated site improvements. Site improvements include a 4,350 square foot patio, 350 square foot trellis extending from the main residence over the rear patio, 564 square feet of covered porches (main residence and guesthouse), a 4,800 square foot driveway, a pool, and an on-site septic system. Potable water will be supplied by California American Water Company. No trees are proposed for removal. The associated grading consists of 500 cubic yards of cut and 500 cubic yards of fill to be balanced on site.

All the improvements are located within the designated building envelope on the property except for the proposed on-site septic system. The septic system extends beyond the building envelope and into areas that are subject to a conservation and scenic easement. Staff has researched the easement deed language and found that utilities can be located within the easement as an exception to the restrictions in the easement.

The proposed structures are located on the crest of a hill and have the potential to create a silhouette against the sky when viewed from Corral de Tierra Road and from a pedestrian path adjacent to Corral de Tierra Road. Staking and flagging of the proposed dwelling (proposed to be 19 and ½ feet in height) was erected to aid in staff's assessment of potential visual impacts. Staff conducted multiple site visits and determined that the proposed project could be visible on the ridgeline when viewed through small openings in the tree canopy lining a portion of Corral de Tierra. When traveling in a vehicle, views of the site through small openings in the tree canopy are not readily visible. The proposed residence is setback more than 500 feet from the road and will not be visible to most travelers along Corral de Tierra Road. The project is more visible from the pedestrian path, but paths and trails are not generally considered "common public viewing areas" for the purposes of evaluating ridgeline development. Because of the building envelope, and locations of trees and slopes, the ridgeline development cannot be avoided in this case. The applicant has planted a line of trees behind where the proposed house would be built providing for a background to the house that includes tree tops rather than the sky. It is staff's assessment that due to the distance and vegetative screening, the proposed project will not have a significant adverse visual impact.

DISCUSSION

The subject lot (3.63 acres in size) is listed as Parcel 2 the 1991 Pattee Ranch subdivision. As indicated on the Final Map and in Document No. 42325 (recorded in July 1991), an approximate 2.4-acre scenic easement was granted to the County of Monterey. This easement was recorded in accordance with Condition No. 40 of the Pattee Ranch subdivision which required that a scenic easement be conveyed to the County over those portions of the property where the slope exceeds 30% and over all of the lots with the exception of the building site envelopes shown on the tentative map. In this case, there is an approximately 1.2 acre building envelope on the property.

As designed and proposed, the project meets all applicable site development standards for the Rural Density Residential zoning district (RDR). Required setbacks in the RDR district for main structures are typically 30 feet (front), 20 feet (rear), and 20 feet (sides), while accessory structures have required setbacks of 50 feet (front) and 6 feet (sides and rear). Additionally, main structures and accessory structures, including guesthouses, have a maximum height of 30 feet and 15 feet, respectively. However, pursuant to MCC Section 21.16.050.C, setbacks and height limits shown on a

recorded final supersede the required setbacks and heights of MCC Section 21.16.060. In this case, the recorded final map illustrates a 20-foot front setback for the subject property and does not illustrate a side or rear setback. The proposed development maintains the 20 feet front setback and is located entirely within the building envelope. The proposed garage has a side setback of 7 feet (north) and the proposed guesthouse has a side setback of 10 feet (south). Pattee Ranch subdivision rezoned the subject property, as well as all other residential lots east of Paseo de Los Robles, with a 20 foot height limit as these lots are most visible from Corral de Tierra Road. The proposed single-family dwelling is approximately 19.5 feet in height while the proposed guesthouse is 13.6 feet in height and the detached garage/workshop is 15 feet in height. Condition No. 8 has been applied to ensure the proposed residence is constructed at 19.5 feet. The proposed single-family dwelling, detached garage, detached guesthouse, coverage porches, and trellis will result in site coverage of 7,938 square feet (5 percent), which is within the allowed site coverage of 25 percent. The proposed development complies with all applicable site development standards.

The proposed on-site wastewater treatment is located within the property's conservation and scenic easement where the soils are more permeable. The associated easement deed allows for the installation of on-site septic systems (tanks and leach lines), subject to being located on slopes less than 30 percent. The proposed on-site septic system meets this requirement.

Viewshed

The project site is located within an area of visual sensitivity, as shown in Figure 16 (Toro Area Scenic Highway Corridors and Visual Sensitivity) of the 2010 Monterey County General Plan. Highway 68, located 1.65 miles north of the subject property, is designated as a scenic corridor. Corral de Tierra Road which intersects Highway 68 and runs adjacent to the subject property is also designated as a scenic route. The proposed development will not be visible from Highway 68 due to existing topography and distance. Although the project is consistent with the surrounding development and land uses, a portion of the eastern façade and roof of the main residence will be visible from two vantage points a long Corral de Tierra Road and various points along the walking path that parallels Corral de Tierra Road. From approximately 0.35 to 0.6 miles north of the subject property, the roof of the proposed main residence will be partially visible for approximately 13 seconds along Corral de Tierra Road. When viewed from this section of Corral de Tierra Road, the roof line of the proposed residence will be partially visible but will be surrounded by existing vegetation, the proposed guesthouse will be screened by the proposed main residence, and the proposed detached garage/workshop will be screened by the existing residence to the north of the property and the surrounding vegetation. Due to siting, design, and existing development and vegetation, the development from this vantage point does not create an adverse visual impact or constitute ridgeline development.

Ridgeline Development

Pursuant to Section 21.64.230 of the Monterey County Code (MCC), ridgeline development may be allowed upon issuance of a Use Permit. General Plan (GP) Policy OS-1.3 provides that ridgeline development could be allowed with exceptions considered at a publicly noticed hearing. The General plan policy prohibits ridgeline development unless the following findings can be made:

1. The ridgeline development will not create a substantially adverse visual impact when viewed from a common public viewing area; and either;
2. The proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives; or,
3. There is no feasible alternative to the ridgeline development.

The western portion of the property is relatively flat while the eastern portion drops approximately 80 feet in elevation. An existing berm is located on the eastern side of the building envelopment just before the elevation decreases. This effectively creates a ridge when viewing the subject property from the east. The project architect prepared a Visual Assessment (LIB220083; **Exhibit E**) illustrating views of the property from the north along Corral de Tierra. The proposed development is partially visible and is surrounded by vegetation and therefore does not constitute ridgeline development. However, there are brief instances further down Corral de Tierra Road where the proposed single-family dwelling and accessory structures can be seen on the ridge. For approximately 1 second while driving north along Corral de Tierra Road and for approximately 100 linear feet while walking along the Corral de Tierra walking path/trail, the upper 10 feet of the proposed single-family dwelling's eastern facade is entirely visible. The applicant has planted 25 to 30 junipers to create a vegetation screen and reduce visual impacts. Additionally, the proposed residence is set 18 inches below the existing grade to reduce the proposed roofline elevation. The berm shields the lower portion of the development. The proposed development is otherwise heavily screened along Corral de Tierra Road and the Corral de Tierra walking path due to the existing vegetation along the road and within the conservation and scenic easements of nearby properties. The primary colors and materials include a gray standing seam metal roof, 'washed' brown board and batt siding with natural stone accents, and black metal windows and doors. The proposed exterior finishes are consistent with the surrounding residential neighborhood character, and other dwellings in the neighborhood, and minimize all visual impacts.

Monterey County Code Section 21.64.260 prohibits the removal of landmark oak trees, unless the tree is diseased, injured, poses a health and safety strict to existing structures, or creates unsafe vision clearance. In this case, the subject property contains 5 healthy, landmark oak trees. If the proposed development was reconfigured to be sited directly adjacent to the front setback, the ridge of the development would still be visible from Corral de Tierra (road and trail) but would have reduced height as compared to the current proposal. However, this could result in the removal of up to 4 healthy, landmark oaks. Therefore, protection of native trees to the greatest feasible would best be achieved with the proposed plan.

For these reasons, staff believes the ridgeline development would not create a substantial adverse visual impact when viewed from common public viewing areas, there is no feasible alternative to ridgeline development, and the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan.

Archaeological Resources

The subject property is located in an area of high archaeological sensitivity. A Phase I Inventory of Archaeological Resources (LIB220080) and Phase II Archaeological Assessment (LIB220081) were prepared. Although these reports did identify one archaeological resource within 500 feet of the subject property, the field survey concluded that there was no evidence of cultural resources in the

form of shell fragments, broken or fire-affected cobbles or midden soils. Additionally, no cultural materials were discovered during the subsurface auger bore testing. Therefore, the archaeologist concluded that no cultural resources would be disturbed during construction activities. The potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County's standard project condition (Condition No. 3), which requires the contractor to stop work if previously unidentified resources are discovered during construction.

OTHER AGENCY INVOLVEMENT

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

- HCD-Engineering Services
- HCD-Environmental Services
- Environmental Health Bureau
- Monterey County Regional Fire Protection District

LUAC

The project was referred to the Toro Land Use Advisory Committee (LUAC) for review. The LUAC on October 24, 2022 voted 5 - 1, with 1 member absent, to support the project as proposed (**Exhibit D**). The LUAC members had questions about the location of the septic systems, site development standards, the permanence of the juniper hedge, and the findings required to approve ridgeline development. Responses to the LUAC member concerns are addressed in the draft resolution (**Exhibit B**). The LUAC members agreed that the proposed development was sited appropriately and would minimize public viewshed impacts.

Prepared by: Fionna Jensen, Associate Planner
Reviewed by: Anna Quenga, AICP, Principal Planner
Approved by: Craig Spencer, HCD Chief of Planning

The following attachments are on file with HCD:

- Exhibit A - Project Data Sheet
- Exhibit B - Draft Resolution, including;
 - o Conditions of Approval and Mitigation Measures
 - o Site Plan, Floor Plans, Elevations, and Colors and Materials
- Exhibit C - Vicinity Map
- Exhibit D - Toro LUAC Minutes
- Exhibit E - Visual Assessment (LIB220083), dated February 11, 2022

cc: Front Counter Copy; Monterey County Regional Fire Protection District; Environmental Health Bureau; HCD-Engineering Services; HCD-Environmental Services; Anna Quenga, AICP, Principal Planner; Craig Spencer, HCD Chief of Planning; Fionna Jensen, Project Planner; Jeff Crockett, Agent; Eric and Erica Phelps, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Planning File PLN210148