



County of Monterey Planning Commission

Item No.3

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

Agenda Item No.3

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PLN180503 - HARROD RAY M JR & LINDA (HARROD GREGORY MARK)

Public Hearing to consider the after-the-fact development on slopes in excess of 25% to partially clear Code Enforcement No. 18CE00070, construction of a 2,041 square foot single-family dwelling with a 520 square foot attached garage and a 1,500 square foot detached barn, associated site improvements, the removal of 49 Coast live oaks, and additional development on slopes in excess of 25%.

Project Location: 103A Laguna Place, Salinas (Assessor's Parcel Number 161-231-036-000), Toro Area Plan

Proposed CEQA action: Find the project Categorically Exempt per CEQA Guidelines section 15303, and there are no exceptions pursuant to Guidelines section 15300.2.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- 1) Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303, and that none of the exceptions set forth in CEQA Guidelines section 15300.2 apply; and
- 2) Approve a Combined Development Permit consisting of:
 - a. After-the-fact Use permit to allow development on slopes in excess of 25% to partially clear Code Enforcement No. 18CE00070;
 - b. Administrative Permit and Design Approval to allow the construction of a 2,041 square foot single family dwelling with a 520 square foot attached garage and a 1,500 square foot detached barn;
 - c. Use Permit for the removal of 49 Coast live oak trees; and
 - d. Use Permit to allow additional development on slopes in excess of 25%.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 16 conditions of approval.

PROJECT INFORMATION:

Property Owner: Gregory Mark Harrod

APN: 161-231-036-000

Parcel Size: 2.63 acres (114,563 square feet)

Zoning: Low Density Residential, one acre per unit, with Visual Sensitivity overlay zoning district [LDR/1 -VS]

Plan Area: Toro Area Plan

Flagged and Staked: Yes

Planner: Hya Honorato, Assistant Planner

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SUMMARY:

Located approximately 0.15 of a mile east from Highway 68 and 0.42 mile north of Laureles Grade sits the Harrod property (subject property). The 2.63-acre property is surrounded by dense vegetation and is heavily wooded and sloped. The proposal involves the construction of a 2,041 square foot single family dwelling with an attached 520 square foot garage, a 1,500 square foot detached barn, and associated site improvements. The project also involves after-the-fact development on slopes in excess of 25% to partially clear Code Enforcement No. 18CE0070, the removal of 49 Coast live oak trees, and development on additional slopes in excess of 25%. Grading consists of 2,430 cubic yards of cut and 144 cubic yards of fill. Water service will be provided by the Laguna Seca Water Company. As proposed, the project will be served by an onsite wastewater treatment system.

Based on staff analysis, the proposed project is consistent with all rules and regulations pertaining to zoning uses and any other applicable provisions of the 2010 Monterey County General Plan, Toro Area Plan (TAP), and Zoning Ordinance (Title 21).

Land Use & Development

The project complies with the development standards of the Low Density Residential (“LDR”) zoning district. The LDR zoning district allows a maximum height of 30 feet for main structures and barns. The proposed main structure is 14 feet and 6 inches tall, and the proposed barn's height is 14 feet 2 inches, both within the allowed limit. The total building site coverage is 4%, well below the 25% limit. Overall, the project meets all height, size, and setback requirements set forth in the development standards of the LDR zoning district.

Violation

The parcel is steeply sloped, leading up to a knoll where the proposed development would be located. An existing ranch road, which follows the contours and terrain of the property, is used to access the flatter, top portion of the property. The Applicant cleared and graded a small portion (>500 square feet) of this existing road to allow for the architect and consultants to access to the proposed building location. Following this grading work, the Applicant/Owner received a Code Enforcement violation (18CE0070), citing the need to obtain an after-the-fact Use Permit to allow such grading. This application also includes additional grading on slopes in excess of 25% to allow for the driveway to be properly graded and paved for the proposed development. As currently designed, the existing road will be regraded, resurfaced, widened to 12 feet (as required by the Fire District), and improved with erosion control measures. The improved road will become the driveway for the proposed single-family dwelling and barn.

Since grading work was done without the benefit of a Use Permit, the Applicant paid twice the application fee normally required pursuant to Monterey County Zoning Ordinance Section 21.84.140 (Fees for retroactive permit application). Title 21 section 21.84.130 requires that restoration shall be sought to abate the land disturbing violation, unless restoration would endanger the public health or

safety, or that restoration is unfeasible. In this case, restoration is not be feasible, and due to the topography of the property, eliminating or avoiding slopes in excess of 25% is not possible. The proposed project corrects existing violations regarding development on slopes in excess of 25%. Upon issuance of a final construction/grading permit, the subject property will be in compliance with all rules and regulations pertaining to the property and will abate the existing violation.

Design

The proposed exterior colors and materials are consistent with the area's setting and surrounding residences. As proposed, the colors and materials of the structures include moss green stucco walls with off-white trim, off white stone veneer walls, white vinyl windows, Class "A" composition shingle roofing in a dark-brown mix, and concrete masonry walls in a tan color pursuant to Toro Area Plan Policy T-3.1. The proposed project will have a comparatively similar layout, bulk, and mass to other residences in the vicinity. The proposed project will not be visible from Highway 68 or other common public viewing areas due to distance and topography.

Development on Slopes

Pursuant to General Plan Policy OS-3.5, development on slopes that exceed 25% is prohibited unless a Use Permit is obtained and the appropriate authority finds that there is no feasible alternative that would allow development to occur on slopes less than 25%, and/or the proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and applicable land use plan than other development alternatives.

The proposed project involves approximately 12,510 square feet of development on slopes in excess of 25%. In this case, there is no alternative that would allow access to the top, flat portion of the property without grading a road on slopes in excess of 25%. In addition, the proposed development on slopes, specifically the siting of the driveway, better balances the forest resource protection policies of the General Plan. The 2.63-acre property is situated on a forested knoll, surrounded by steep slopes to the east and west. The topography of the land leaves no opportunity for development on less steep slopes and requires that trees be removed in order to access the most feasible building site location. Furthermore, the proposed main dwelling is positioned in the most open, flat area within the property; however, a small portion of the main dwelling is on slopes in excess of 25% due to the irregular, steeper topography on this portion of the parcel.

Shifting this development (residence and driveway) would result in substantial impacts to protected trees. Reconfiguring the driveway could minimize development on slopes, but would not avoid steeper slopes. Further, any reconfiguration would increase tree removal and could require relocating the main residence, which would also impact additional protected trees. The proposed design and siting of the single-family dwelling, and driveway are consistent with the Toro Area Plan Policy T-3.7, which discourages the removal of healthy native oaks in the Toro Planning Area. However, improvements to the existing road are necessary to allow emergency vehicles to access the residence. Reducing the size of the main residence and ADU could potentially minimize development on steeper slopes, however, development on steeper slopes would still not be avoidable, and trees would still be impacted.

Therefore, the proposed development is the most feasible location and minimizes development on slopes in excess of 25%, while better meeting the resource protection goals and policies of the 2010 General Plan and Greater Monterey Peninsula Plan.

Tree Removal

Per the Tree Assessment report (**Exhibit B**; County of Monterey Library No. LIB200259) prepared by Frank Ono, there are an estimated 195 trees on the lot of various diameter. The site is covered predominantly with Coast live oaks, and is interspersed with Monterey pines. The canopy cover is semi-open with areas containing moderately dense clusters of trees with varied heights (many saplings and multiple stemmed groupings of Oaks). Per the arborist, the condition of Monterey pines appears healthy while the conditions of Oak trees vary, but most were considered in fair condition. Pursuant to the requirements of the Monterey County Zoning Ordinance Section 21.64.260 and Policy GMP-3.5, Oaks are a protected tree species.

The applicant proposes construction of a single-family dwelling and barn on the southwest portion of the parcel. The Tree Assessment found that the project would require the removal of 49 Coast Live Oak trees, which constitute approximately 25% of the total trees existing on the lot. Most of the trees on the property are of moderate size (less than 10" in diameter), many of which are within or near the building and driveway areas. No landmark sized oaks (trees that measure over 24" in diameter) were observed (within or near construction areas) that will be required for removal or impacted by development. The proposed location of the residence and barn minimizes development on slopes in excess of 25% and reduces the amount of tree removal. Any reconfiguration of the driveway or resiting of the residence would require the removal of an equal or greater number of trees. Although some grading was done prior to an entitlement, no trees were previously removed. Additionally, the proposed driveway improvements and design strategically took into consideration the minimum number of trees required for removal under the circumstances, and it does not involve a risk of adverse environmental impacts.

Per the arborist's recommendation and Monterey County Zoning Ordinance Section 21.64.260.D.4, replanting shall be a five-gallon stock on a 1:1 ratio. However, larger stock (such as 15-gallon size) on a 1:2 ratio with Coast live oak trees is preferred by the arborist due to the mixed maturity of the trees and increasing the long-term maintenance of the forest. Trees should be replanted in open areas for maximum sunlight and minimum competition, using larger stock with mature trees will enhance the forest and match sizes of existing trees found on the parcel. The spacing between replanted trees may be varied and planted in groupings to mimic multiple-stemmed clusters that were removed. These groupings should be at least 8 feet apart and may consist of five trees per group. It is recommended that a temporary drip irrigation system be installed to water new trees. Occasional deep watering (more than two weeks apart) during the late spring, summer, and fall is recommended during the first two years after establishment. Staff has reviewed these recommendations and agrees that both replacement ratios of 1:1 planting and 1:2 planting are appropriate for this parcel due to the varying maturity of the trees within the forest. These recommendations have been incorporated in Conditions Nos. 6 and 8, with the option of 1:1 or 1:2 replacement planting included in Condition No. 8.

CEQA:

California Environmental Quality Act (CEQA) Guidelines section 15303 categorically exempts the construction and location of limited numbers of new, small facilities or structures, including one single-family residence, and accessory structures within a residential zone. The proposed project

involves the construction of a 2,041 square foot single family dwelling, with an attached 520 square foot garage, and a 1,500 square foot barn, and associated site improvements. Therefore, the project is consistent with the categorical exemption requirements of CEQA Guidelines section 15303. There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects was identified during staff's review of the development application.

LUAC:

On May 12, 2025, the Toro Land Use Advisory Committee reviewed the project at a duly noticed meeting and voted 4-0 (with one abstention) to support the project as proposed (**Exhibit C**). The LUAC brought up concerns regarding the water source, there is a notable issue with Arsenic. The County of Monterey Environmental Health Bureau has reviewed the project and is aware of the presence of Arsenic within the water source and is actively working on a solution to incorporate all residences sharing the same water source to be on a shared water treatment facility.

OTHER AGENCY INVOLVEMENT:

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

Environmental Health Bureau
HCD-Development Services
HCD-Environmental Services
Monterey Regional Fire Protection Department

Prepared by: Hya Honorato, Assistant Planner, x5173
Reviewed by: Fionna Jensen, Principal Planner
Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with the HCD:

Exhibit A- Draft Resolution including:

- Conditions of approval
- Site Plans, Floor Plans & Elevations, Colors and Materials

Exhibit B - Tree Assessment

Exhibit C - Toro LUAC Minutes May 12, 2025

Exhibit D - Vicinity Map

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Hya Honorato, Planner; Gregory Mark Harrod, Property Owner; The Open Monterey Project; LandWatch (Executive Director); Laborers International Union of North America (Lozeau Drury LLP); Christina McGinnis, Keep Big Sur Wild; Planning File PLN180503.