



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

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PLN240187 - BOCCONE, NORMAN B & VICTORIA E IGEL CO-TRS AND ELKHORN SLOUGH FOUNDATION

Public hearing to consider a Coastal Development Permit to allow a Lot Line Adjustment between three legal lots of record consisting of Parcel A (approximately 18.17 acres, APN:

181-151-009-000), Parcel B (approximately 286.05 acres, APN: 181-011-022-000), and Parcel C (approximately 4.58 acres, APN: 181-151-008-000), resulting in three parcels of 13.53 acres (Adjusted Parcel A), 290.14 acres (Adjusted Parcel B), and 5.13 acres (Adjusted Parcel C).

Project Location: 827 Elkhorn Road and 695 Elkhorn Road, and a third adjacent parcel without address in Royal Oaks, CA 95076

Proposed CEQA action: Consider a Mitigated Negative Declaration (SCH#: 2025050246) and find that no further environmental review is warranted pursuant to Section 15162 of the CEQA Guidelines.

RECOMMENDATION:

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

- a. Consider a Mitigated Negative Declaration and find that no further environmental review is warranted pursuant to Section 15162 of the CEQA Guidelines; and
- b. Approve a Lot Line Adjustment between three legal lots of record consisting of Parcel A (approximately 18.17 acres; Assessor's Parcel Number 181-151-009-000), Parcel B, (approximately 286.05 acres; Assessor's Parcel Number 181-011-022-000), and Parcel C (approximately 4.58 acres; Assessor's Parcel Number 181-151-008-000), resulting in three parcels of 13.53 acres (Adjusted Parcel A), 290.14 acres (Adjusted Parcel B), and 5.13 acres (Adjusted Parcel C).

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

PROJECT INFORMATION

Agent: Norman B. Boccone (applicant)

Property Owners: Norman B. Boccone & Victoria E. Igel CO-TRS and Elkhorn Slough Foundation

APNs: 181-151-009-000, 181-011-022-000, and 181-151-008-000

Parcel Sizes: 18.17 acres, 286.05 acres, and 4.58 acres, respectively

Zoning: Rural Density Residential ("RDR")/10(CZ), RDR/40(CZ), RDR/5(CZ)

Plan Area: North County Land Use Plan

Flagged and Staked: N/A

Project Planner: Mary Israel, Supervising Planner

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SUMMARY

The subject parcels are located in a rural residential area, on Elkhorn Slough Road. The largest parcel (approx. 287 acres, APN 181-011-022-000) is the Blohm Ranch which is held in conservation by the Elkhorn Slough Foundation (ESF), and the smallest parcel (approx. 4.6 acres, APN 181-151-008-000) is also owned by the ESF. The midsized parcel (approx. 18 acres, APN 181-151-009-000) is owned by Norman B. Boccone & Victoria E. Igel Co-Trust. The properties are near Kirby Park and the Elkhorn Slough, surrounded residentially developed 5+ acre lots to the southeast and south. This project was referred to the County of Monterey Planning Commission in connection to PLN220229/ Norman B. Boccone & Victoria E. Igel Co-Trust which requires public hearing as a Combined Development Permit. The decision on this project is appealable to the Board of Supervisors.

PROJECT DESCRIPTION/DISCUSSION

The Project is a Lot Line Adjustment (LLA) between three legal lots of record with a total area of 308.80 acres.

Norman B. Boccone & Victoria E. Igel Co-Trust own Parcel A (approx. 18 acres, APN 181-151-009-000), a vacant residentially zoned parcel, and want to build a residence. This residence is being processed under a separate discretionary permit, subject to separate Planning Commission consideration, PLN220229. An existing shared driveway enters Parcel A from Elkhorn Slough Road and exits it onto Parcel C, which is owned by ESF (approx. 4.6 acres, APN 181-151-008-000). Under the current configuration of Parcel A, Boccone and Igel would need to construct a private driveway for the proposed residence on slopes in excess of 25 percent, resulting in excessive ground disturbance and Coast live oak tree removals on said steeper slopes. Therefore, in order to comply with North County LUP Resource Management policies that require development to be sited off steep slopes, minimize tree removal, and minimize ground disturbance, the owners want to adjust Parcel A's boundaries to construct a shorter driveway on flatter ground, which is currently part of Parcel C. To accomplish this, Boccone and Igel have worked with the adjacent property owner, ESF, to propose this LLA. The LLA rearranges acreage to achieve three primary goals: 1) allow a shorter driveway to the proposed residence on Parcel A by receiving 0.48 acres from Parcel C, 2) protect approximately 5 acres of contiguous oak woodland on Parcel A by transferring 4.09 acres to Parcel B and 1.03 acres to Parcel C, both of which are under ownership by ESF; and 3) bringing Parcel C into compliance with minimum building site requirements (5 acres) by receiving 1.03 acres from Parcel A.

The LLA between these three legal lots of record is proposed as follows:

- Parcel A, currently 18.17 acres in size (181-151-009-000), will gain 0.48 acres from Parcel C (181-151-008-000) and donate 1.03 acres to Parcel C; in sum will be adjusted to 13.53 acres. It is zoned Rural Density Residential ("RDR")/10(CZ) and is currently vacant, other than a shared private drive. A residence and site improvements are being concurrently processed under PLN220229.
- Parcel B, currently 286.05 acres in size (181-011-022-000), will be adjusted to 290.14 acres. It is zoned RDR/40(CZ). This parcel includes an existing residence with a septic system.
- Parcel C, currently 4.58 acres in size (181-151-008-000), will lose 0.48 acre from the southwestern corner to Parcel A and will gain 1.03 acre from Parcel A, adding to the northwest corner. In sum, Parcel C will be adjusted to 5.13 acres. It is zoned RDR/5(CZ). This parcel has a shared drive formalized in a December 31, 1979 agreement in Reel 1381 of Official Records, Page 285, but there is no residential development.

No resulting lots will be of a size or shape that are inconsistent with the underlying zoning district (RDR). Title 20 section 20.16.060.A requires RDR zoned properties to have a minimum building site of 5 acres. As described above, all resulting parcels will exceed the minimum 5 acre building site requirement. Parcels A, B, and C have varied maximum density development standards - 10 acres per unit, 40 acres per unit, and 5 units per acre, respectively.

With implementation of the proposed LLA, and subject to approval of PLN220229, Adjusted Parcel A would include the private driveway connection to a shared private driveway, construction of a single-family dwelling unit, attached carport and deck, detached guesthouse with an attached workshop and garage, solar energy system, water storage tanks and on-site wastewater treatment system. Adjusted Parcel B would retain its existing residence, and Adjusted Parcel C would continue to be vacant, except for an existing access easement.

The lot line adjustment is consistent with Title 19 (Coastal), the 1982 General Plan, and the Coastal Zoning Ordinance (Title 20). The resulting lots are of suitable size and shape for their respective zoning districts and will serve purposes allowable in RDR zoned lands. No new lots would be created. Sufficient access is provided to all three lots. The LLA will not result in foreseeable development being sited on slopes in excess of 30 percent and will allow Parcel A's driveway to be sited off of steeper slopes. The LLA will not cause excessive grading; it will remove the need for a lengthier private driveway to connect with the existing shared private drive on the same parcel.

CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15162 states that when a negative declaration has been adopted for a project, no subsequent environmental document shall be prepared unless the lead agency determines, on the basis of substantial evidence in the light of whole record, unless substantial changes are proposed in the project or with respect to the circumstances under which the project is undertaken, or new information of substantial importance which was not known has come forward since the adoption of the negative declaration.

An Initial Study/Mitigated Negative Declaration (IS/MND) (SCH# 2025050246) was prepared by the County of Monterey and analyzed the project as a whole: the proposed LLA, single-family dwelling, guesthouse, garage, and other associated site improvements on Parcel A. This IS/MND will be considered by the Planning Commission concurrent with consideration of the proposed development on Parcel A (PLN220229). The IS found that implementation of the proposed LLA (PLN240178) would not result in any direct or indirect physical impacts to the environment. However, the IS/MND found that potential direct and indirect impacts on the environment would result from the residential development proposed under PLN220229, and thus recommends mitigation measures to lessen the severity of impact, for which responsibilities are assigned to Boccone & Igel. The proposed LLA is the same as the one described in the IS/MND. Pursuant to CEQA Guidelines section 15162, there is no change, substantial or otherwise, in the project, the circumstances, or the available information about the project that warrants additional environmental review.

LAND USE ADVISORY COMMITTEE

On November 20, 2024, the North County Land Use Advisory Committee reviewed the project and voted unanimously to recommend approval as proposed (7 ayes, 0 noes, 2 absent) to support the project as proposed (**Exhibit B**). No concerns or comments were raised by the LUAC or members of the public.

OTHER AGENCY INVOLVEMENT

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

- HCD-Engineering Services
- Environmental Health Bureau
- HCD-Environmental Services
- North County Fire Protection District

Prepared by: Mary Israel, Supervising Planner, israelm@countyofmonterey.gov

Reviewed by: Fionna Jensen, Principal Planner

Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Lot Line Adjustment Map

Exhibit B - LUAC Meeting Minutes for November 20, 2024

Exhibit C - Mitigated Negative Declaration

cc: Front Counter Copy; North County Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Mary Israel, Project Planner; Fionna Jensen, Principal Planner; Norman B. Boccone & Victoria E. Igel, Property Owners; Elkhorn Slough Foundation, Property Owner; Lozeau Drury LLP; The Open Monterey Project; (Molly Erickson); LandWatch (Executive Director); Christina McGinnis, Keep Big Sur Wild; Planning File PLN240187.