

Exhibit B

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DISCUSSION

Existing Site and Building Envelopes

The subject property is a vacant lot created through the Bordonaro Subdivision¹ recorded on a parcel map filed December 4, 2006. The parcel map identified two building envelopes for the property, a northern and southern envelope, see **Figure 1**. The two buildings envelopes are surrounded by slopes. A Conservation and Scenic Easement Deed (**Exhibit H**) was filed with the parcel map for areas outside of the building envelope for slopes in excess of 30%.

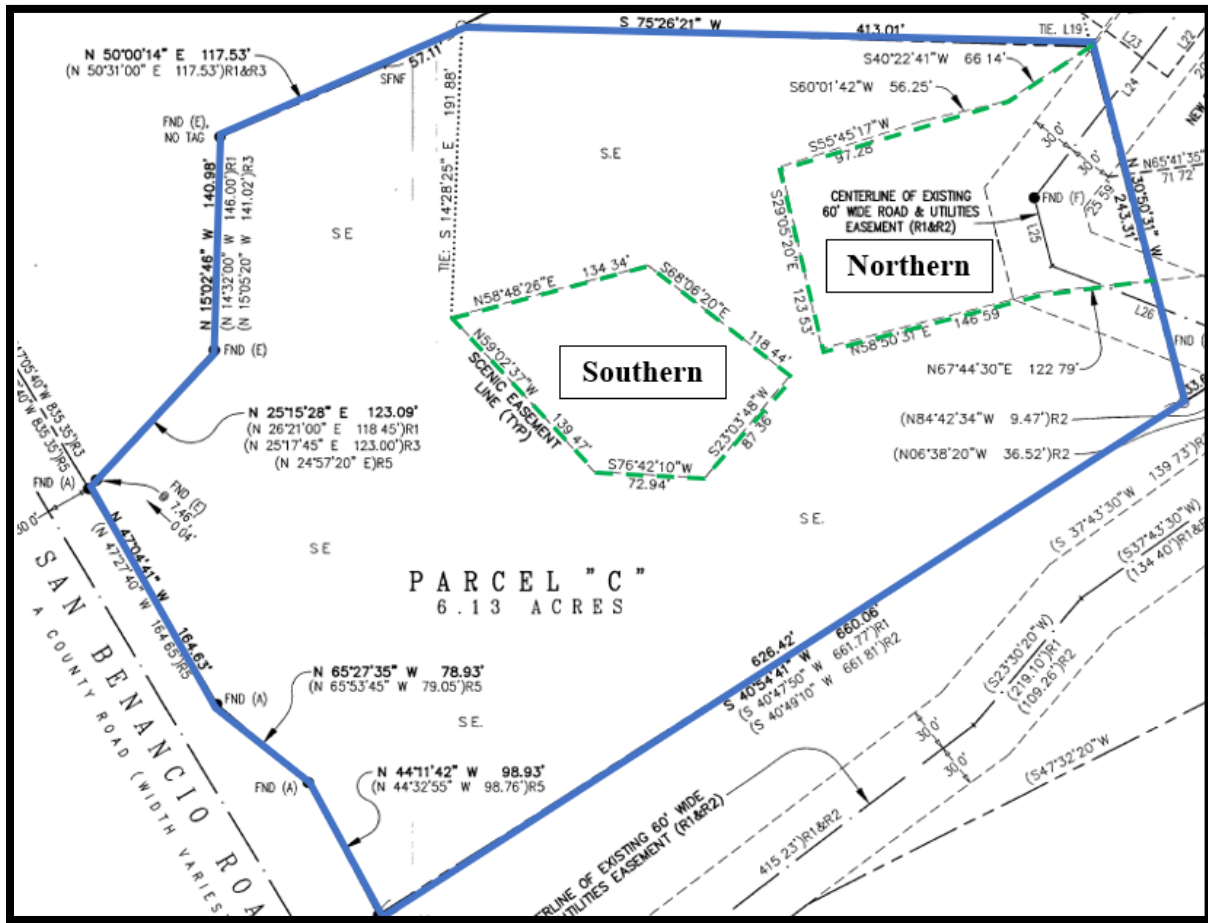


Figure 1 – Building Envelopes

These two building envelopes allow the applicant to identify which envelope would better suit for the proposed development while taking into account the County policies and regulations for the zoning district. The proposed development would be constrained on either building envelope due to the topography of the parcel, having slopes in excess of 25%, existing trees, visibility from San Benancio Road, and an existing road and utilities easement on the northern envelope (see **Figure 2**). The project has been evaluated for the potential development on both the

¹ PLN030613 – Parcel map for the division of an existing, approximately 19.6-acre parcel located in the "LDR/5-VS" zoning district, into three parcels of 7.9, 5.5 and 6.1 acres respectively. The property is located on the north side of San Benancio Road, Salinas (Assessor's Parcel Number 416-291-001-000), north of Ridgeback lane, Toro Area.¹

northern and southern building envelopes of the property as discussed below; however, the applicant desires and proposes to build a home on the southern building envelope.

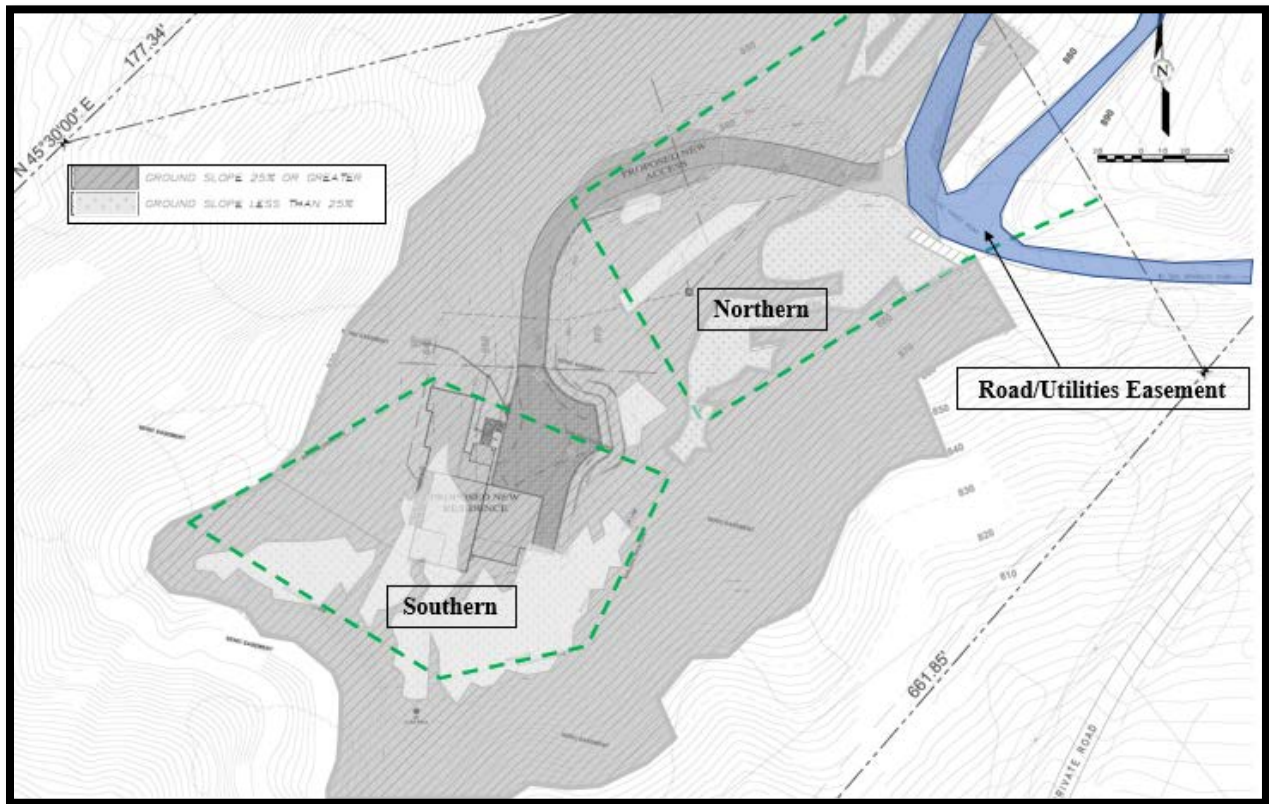


Figure 2 – Existing Topography

Project Description

The applicant proposes to construct an approximately 3,530 square foot two-story single family with an attached two-car garage on the southern envelope (see **Figure 2**). The single family dwelling will have an approximately 2,084 square foot main level, 790 square foot lower level and a 656 square foot attached two-car garage. The project also includes the construction of an approximately 5,480 square foot driveway, 95 square foot porch and 665 square foot deck.

Project Analysis

Development of the property is subject to the policies and regulations contained in the 2010 General Plan (General Plan), Toro Area Plan (TAP) and the Monterey County Inland Zoning Ordinance (Title 21). The subject property is zoned Low Density Residential with a maximum density of five (5) acres per unit, with a VS overlay. Title 21 Section 21.14.030.A allows for the first single family dwelling per lot not subject to any entitlements; however, the development, after staking and flagging, has the potential to create a substantial adverse visual impact when viewed from a common public viewing area (San Benancio Road). Therefore, a Use Permit is required per Title 21 Section 21.46.030.D.1.

Staff has identified the following concerns, further discussed below, resulting from construction of the single family dwelling and related development:

- Ridgeline Development;
- Development on slopes in excess of 25%;
- Tree Removal; and
- Development within a Visual Sensitivity “VS” zoning district of the Toro Area.

Ridgeline Development: The General Plan Policy OS-1.3 states that ridgeline development shall not be allowed to be able to preserve the County’s scenic qualities. An exception to this policy may be made provided that the ridgeline development will not create a substantially adverse visual impact when viewed from a common public viewing area; and either, the proposed development better achieves the goals and policies of the General Plan; or there is no feasible alternative to the ridgeline development. Title 21 Section 21.66.010 provides development standards for ridgeline development, which would be subject to a Use Permit. These development standards are similar to the policy language within the General Plan, stating that ridgeline development may be approved provide that substantial evidence indicates that project would not create a substantial adverse visual impact when viewed from a common public viewing area. After staking and flagging of the proposed development on the southern envelope, the project has the potential to create a substantially adverse visual impact when viewed from a common public viewing area – San Benancio Road (**Figure 3**), resulting in ridgeline development.



Figure 3 – Southern Building Envelope – Ridgeline Development

Two Geotechnical Evaluations prepared by Grice Engineering and Landset Engineers (**Exhibit G**) were provided for the proposed development. Grice Engineering stated that “...the northern building envelope unfeasible for development...the southern envelope [*where the development is currently proposed*] will provide for a more stable development and with less concern of slope

erosion and effects from other site characteristics.” The subsequent evaluation prepared by Landset Engineers supported the conclusion of Grice Engineering and also adding specific slope setback requirements. These requirements would make for a more suitable development on the southern building envelope. Therefore, the northern building envelope, as illustrated in **Figures 1 and 2**, would not be a feasible alternative for development, from a geotechnical perspective.

The building envelopes created at the time of the subdivision did not address any issues related to any visibility concerns (see attached report in **Exhibit H**). In fact, the report concluded that the subdivision conforms with the requirements of the Monterey County Code 21.46 for the VS district, and that future development of one single family dwelling on each of the parcels created would be consistent with the site zoning of LDR/5-VS. The applicant has two approved building envelopes on this parcel, a northern and southern building envelope as illustrated in **Figures 1 and 2**. The applicant also staked and flagged the northern envelope in the most viable location for the proposed development. As demonstrated in **Figure 4**, the proposed development would also have the potential to create a substantial adverse visual impact when viewed San Benancio Road, and unlike the southern envelope, there is no existing vegetation lessening the impact. The visual impact of development on the northern building envelope would be the same or greater than the impact caused by the proposed development on the southern building envelope.

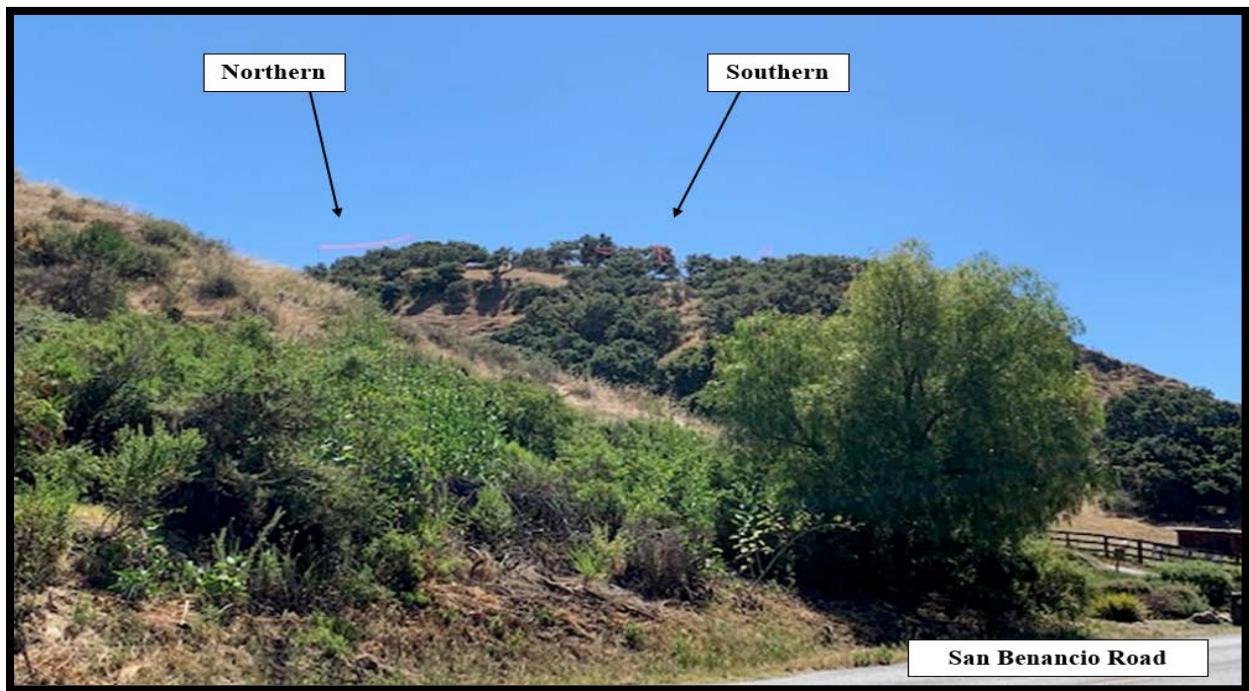


Figure 4 – Northern Building Envelope – Ridgeline Development (Facing East)

The standards identified in Title 21 states that ridgeline development may be approved provided there is no feasible alternative and that the project does not create a substantial adverse visual impact when viewed from a common public viewing area. The visual impacts are relatively similar in both the northern and southern building envelopes; however, geotechnical evaluations identify the southern being more feasible and the applicant desires to build on the southern

envelope. This visual impact on the southern envelope (**Figure 2, 3 and 6**) is reduced to a non-substantial level with the implementation of a non-standard condition of approval (see **Exhibit C**) for the applicant to plant two trees for every one tree being removed along the southwestern and southeastern portions of the single family dwelling (see **Exhibit C**), in addition to the recommendation of the arborist. Further, the proposed development illustrates a height of 27-6 feet, less than the maximum height of 30 feet identified for this zoning district. In this case, the proposed development on the southern building envelope does not have any feasible alternative and as conditioned, would not create a substantial visual impact when viewed from San Benancio Road.

Slopes in Excess of 25%: General Plan Policy OS-3.5 states that development on slopes in excess of 25% shall be prohibited except where there is no feasible alternative or the proposed development better achieves the goals and policies of the General Plan and Area Plan. Development on slopes in excess of 25% is subject to a Use Permit as outlined in Title 21 Section 21.64.230, which also provides regulations similar to the criteria listed in the General Plan.

When the subject parcel was created, a Conservation and Scenic Easement Deed (**Exhibit H**) was recorded on areas of the parcel that identified slopes in excess of 30%. Since this time, County regulations have changed and now require specific findings and entitlements for slopes in excess of 25%. The Monterey County Geographic Informational System (GIS) identifies the subject parcel to have slopes in excess of 25% (**Figure 5**) and the applicant has also provided a site plan (**Figures 2 and 3**) that illustrates this information.

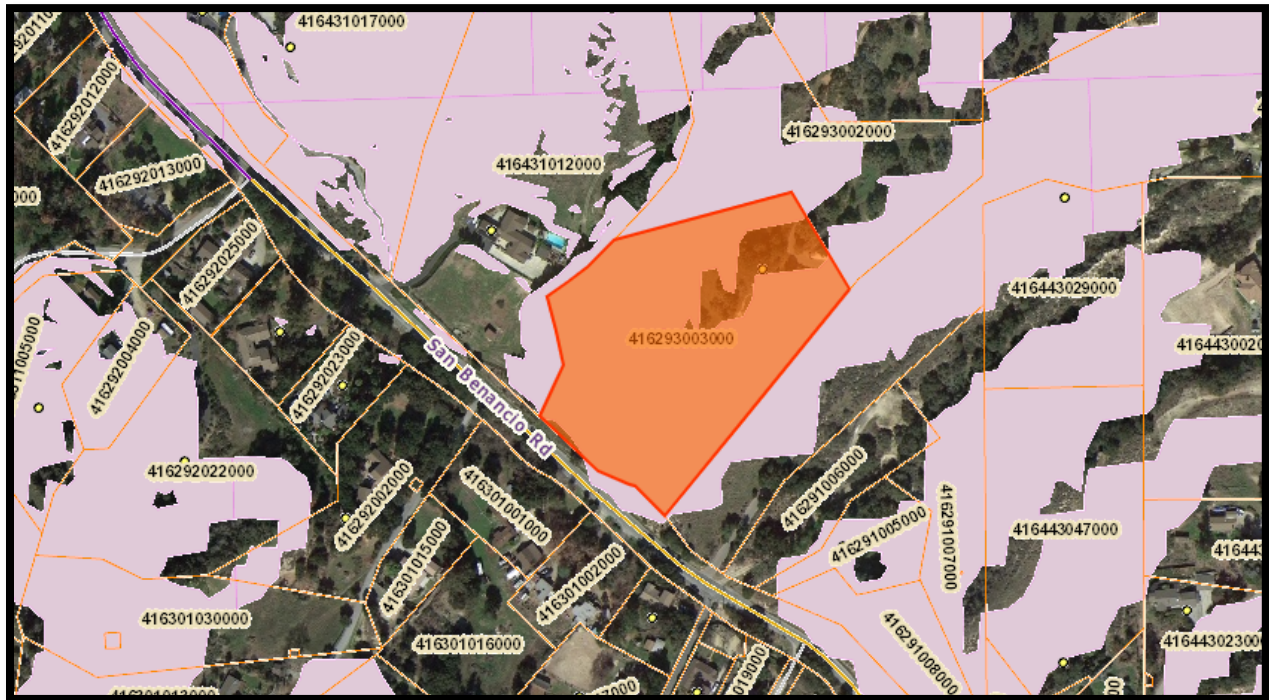


Figure 5 – Monterey County GIS, slopes > 25%

The two approved building envelopes (**Figure 1**) have been evaluated by licensed professionals which indicate the northern envelope to not be feasible for development (**Exhibit G**), leaving the southern envelope as the only alternative option. As illustrated in **Figures 2, 5 and 5**, each building envelope is constrained with more than 50% of the envelope with slopes in excess of 25%. The southern envelope has a minimal area of slopes less than 25% which is where a portion of the proposed development is sited. The northern envelope has less of a building area when taking into consideration the setbacks from the existing easement and ridge line (**Figure 6**). The applicant has also staked and flagged (**Figure 4**), and provided a site study diagram (**Figure 6**) that indicates the location of the proposed development if it were to be on the northern building envelope. The proposed development on the northern envelope would be mainly, if not entirely, on slopes in excess of 25% as opposed to the southern envelope.

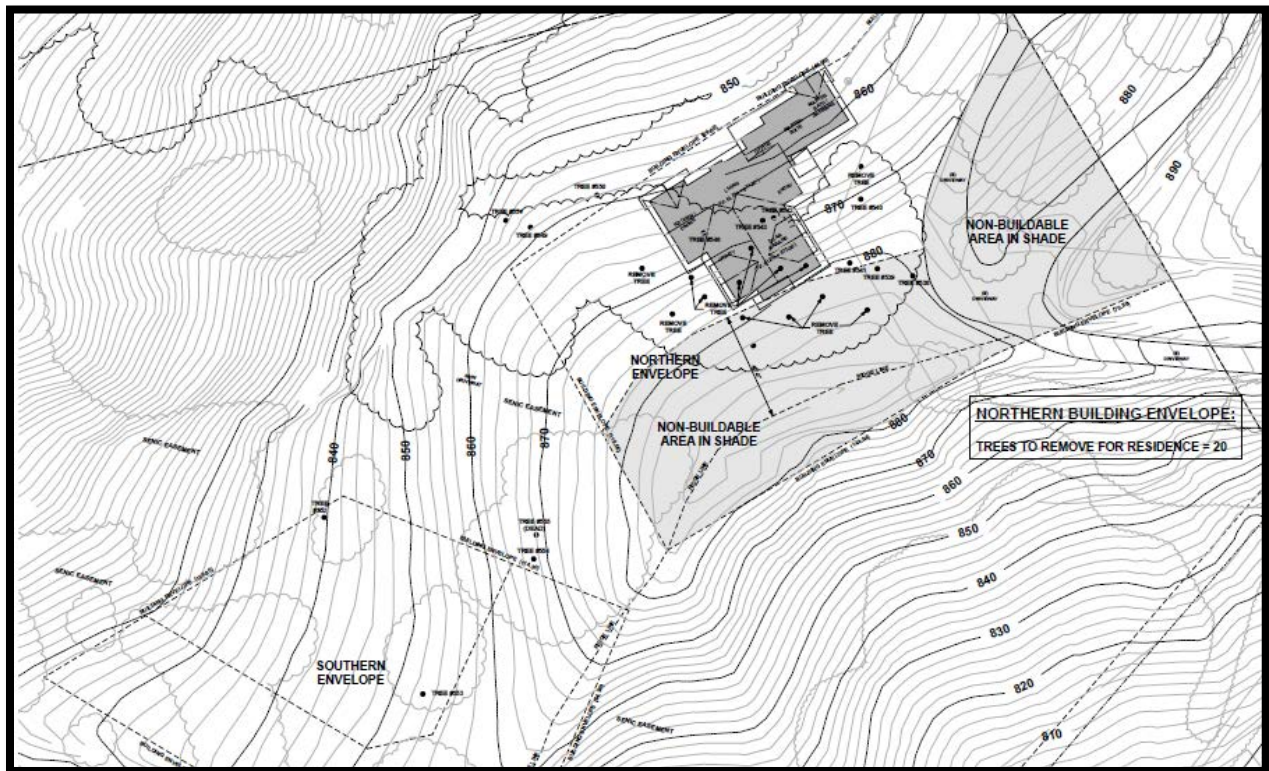


Figure 6 – Site Study Diagram for Northern Building Envelope

Alternatively, Grice Engineering explained that the characteristics of a ridge are defined by the presence of a specific type of soil called capstone. These soils, overtime, are exposed through natural weather and can result in a change of slope to the land. As illustrated in **Figure 7** and further explained in **Exhibit G**, the ridge line lies on a portion of the northern envelope and south of the southern envelope on areas less than 25% in slopes. Moving the proposed development further south, towards this ridge line, away from slopes in excess of 25%, would not only be closer to the ridge but also create a more visual impact from San Benancio Road. The development is sited in a manner to create less erosion by following the topography of the land create less damage to the soils and to reduce the amount of erosion, avoiding slopes in excess of 25% to the intent feasible, and avoiding the development near the ridge. Based off of staff’s site visit, the building envelopes, the geotechnical evaluations, the Monterey County GIS and plans

provided by the applicant, and given the similarities between the two envelopes, development on the southern envelope has been found to be appropriate in this circumstance.

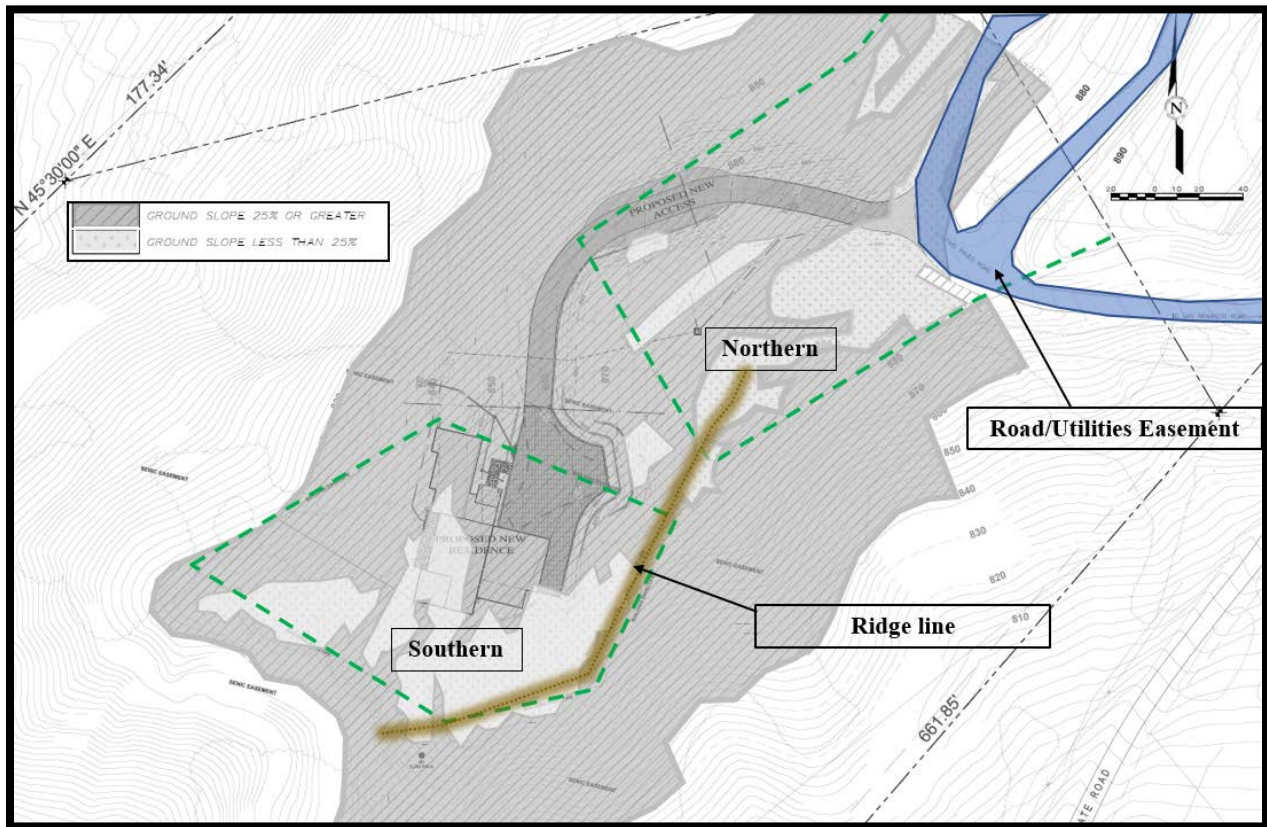


Figure 7 – Ridge line

Tree Removal: TAP Policy T-3.7 states that the removal of healthy, native oak trees in the Toro Planning Area shall be discouraged. Title 21 Section 21.64.260 provide regulations for the preservation of oak and other protected trees. The project includes the removal of four (4) Oak trees and pursuant to Title 21 Section 21.64.260.D.3.b, a Tree Assessment/Forest Management Plan (**Exhibit F**) was provided by Frank Ono, Urban Forester. The assessment concluded that the site is vegetated with a mixed oak woodland and Coastal scrub type. The mixture contains scattered Coast live oaks, poison oak, Sticky Monkey Flower and Coyote Brush. Oak trees are located within both building envelopes; however, the trees located within the southern building envelope are more scattered versus the trees located within the northern envelope are more clustered together. The trees range in health condition from dead to fair.

The project includes removal of four (4) Oak trees. Three Oak trees, 8 inch, 13 inch and 11 inch in diameter, are within the proposed driveway footprint, and the remaining Oak tree, approximately 9 inch in diameter, is within the building footprint (**Figure 8**). Staff has analyzed the proposed tree removal relative to siting of development and minimizing removal. The siting of the single family dwelling is located within the approved building envelope away from the ridge line as recommended by the licensed professional (**Exhibit G**) and to reduce visibility from San Benancio Road. The proposed driveway is constructed in a manner to follow the topography

of the land, meet fire safety regulations and lessen the impact of erosion. If the proposed development were to be constructed on the northern building envelope, it would result in removal of more trees as illustrated below in **Figure 9**. Therefore, development on the southern building envelope would better support the policy and regulation of requiring the minimum tree removal for development.

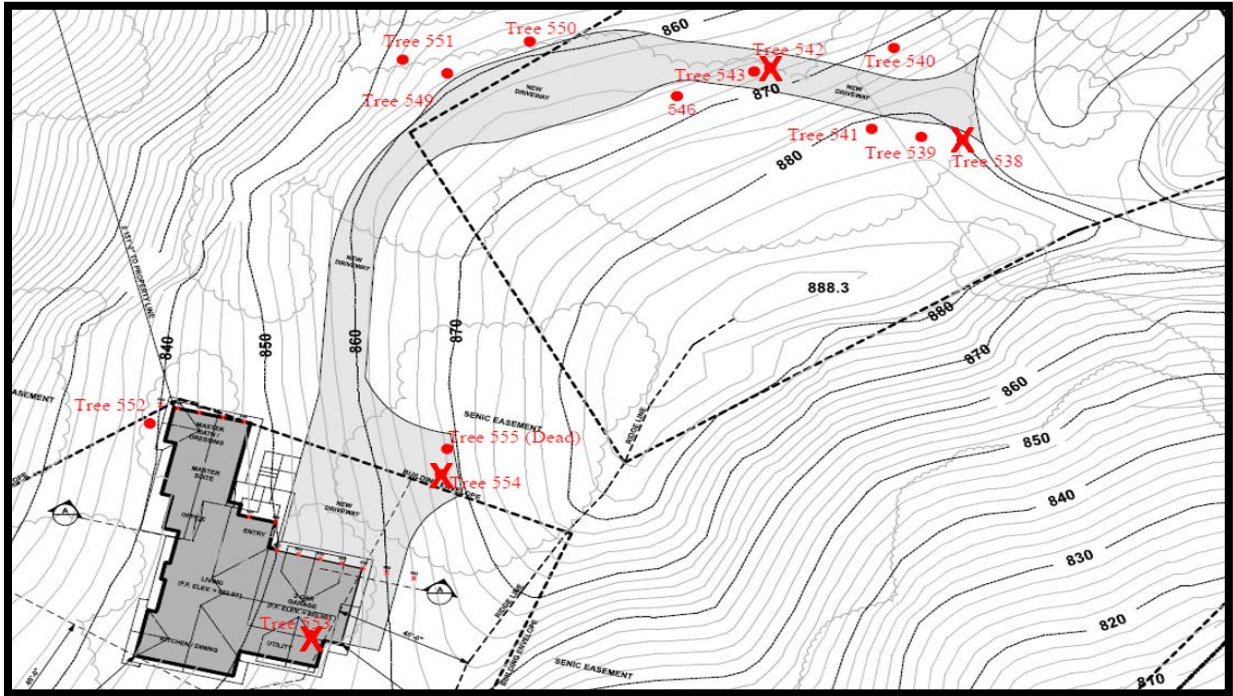


Figure 8 – Tree Removal for Southern Building Envelope

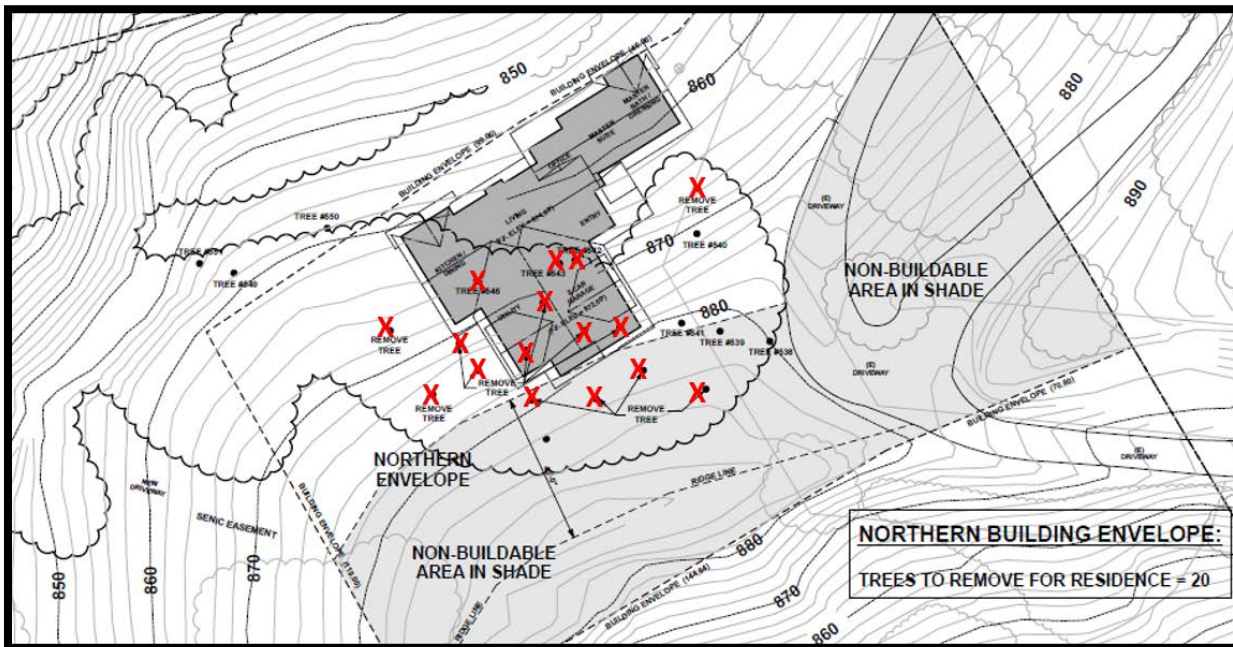


Figure 9 – Tree Removal for Northern Building Envelope

Further, the Monterey County GIS indicates the subject property to be within a very high fire hazard. A fuel management plan has been provided as a part of the application materials and are within the recommended draft resolution of approval (**Exhibit C**). The fuel management plan indicates two zones for defensible space. The replanting of the trees recommended by the arborist and by the non-standard condition of approval are to be replanted within zone 1 (**Exhibit C**) and according to the fuel management plan and requirements by the state and county, this area is required to be maintained and would not conflict with the fuel management plan. The applicant would be required to maintain and trimmed of all dead and dying foliage.

The Forest Management Plan has listed several recommendations that have been incorporated as conditions of approval (**Exhibit C**). A tree replanting ratio of 1:1 has been applied to the project, for a total of four (4) five-gallon or larger trees. Staff finds that due to the existing topography, the site constraints, the tree removal is the minimum required in this case to allow development, reduce risk of fire and retain the long-term health of the forest/woodland both on and off site.

Visually Sensitive: TAP Policy T-3.1 states that development in areas designated as “visually sensitive” on the Toro Scenic Highway Corridors and Visual Sensitivity Map, may be permitted if the developed is located and designed in a manner that will enhance the scenic value of the area. Figure 16 of the TAP illustrates the subject property within a visually sensitive area (**Figure 10**) and the project site and surrounding area are zoning as Visually Sensitive or “VS.” Title 21 Chapter 21.46 is intended to regulate development that would substantially adverse visual impact when viewed from a common public viewing area. As discussed in the sections and shown in the figures above, the subject property is visible from San Benancio Road, which is designated as an existing Scenic route on Figure 16 of the TAP.

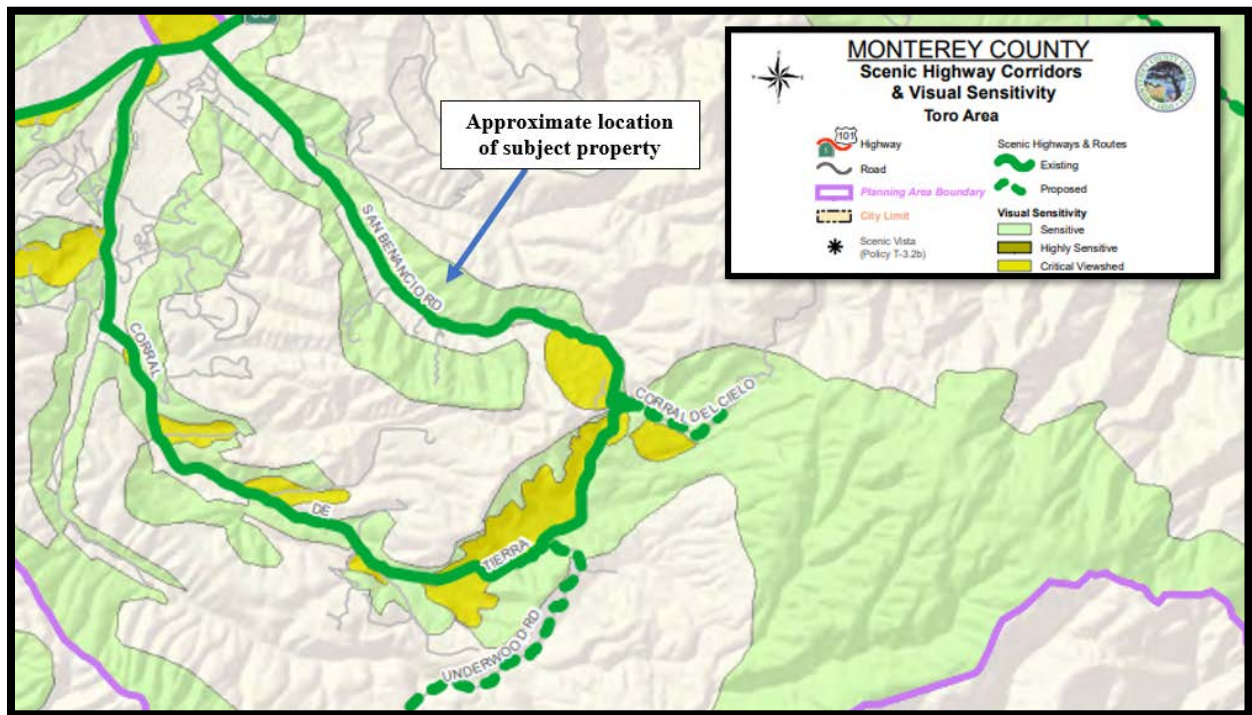


Figure 10 – Visual Sensitivity: Toro Area

Staking and flagging of development was erected on both the northern and southern building envelopes. Staff conducted a site inspection to ascertain the potential for aesthetic impacts on the two potential building locations. During review, staff determined that, in both circumstances, development would be located on the crest of a ridge and silhouetted against the sky when viewed from San Benancio Road (ridgeline development). In both cases, the home is located more than 300 off San Benancio Road and Oak trees will aid in screening views of the home but staking and flagging are visible behind the Oak trees. The southern building envelope actually provides more existing vegetation that screens the proposed development versus the northern building envelope due to less existing vegetation and the need for more tree removal.

The applicant proposes to construct an approximately 3,530 square foot two-story single family with an attached two-car garage. The single family dwelling would consist of an approximately 2,084 square foot main level, 790 square foot lower level and a 656 square foot attached two-car garage. The proposed colors and materials would have a modern ranch architectural consisting of: tan stucco siding with dark brown eaves and trim, ivory and carmel stone veneer columns within dark bronze clad windows and doors and charcoal composition roofing. The neighborhood consists of mainly ranch style homes similar in features. The exterior finishes blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other dwellings in the neighborhood. Further, TAP Policy T-3.5 states that exterior lighting shall be located, designed, and enforced to minimize light sources and preservice the quality of darkness. The project has been conditioned to ensure the lighting fixtures are consistent with the County's Exterior Lighting Guidelines. Therefore, the siting and location of the proposed development, as conditioned, is consistent with neighborhood character, would not detract from the surrounding environment and would not create a substantial visual impact.

Conclusion

The northern and southern building envelopes provide several similar constraints such as existing topography, ridgeline development, slopes in excess of 25% and tree removal. Geotechnical evaluations were prepared that stated the northern building envelope was unfeasible to develop on, and the southern building envelope would be more favorable for the proposed development. After staking and flagging of the proposed development on both building envelopes, the visual impact would be the same, if not less on the southern building envelope due to existing and proposed screening. Each building envelope contains more than 50% of envelope with slopes in excess of 25%. The proposed development on the southern envelope would be sited with a portion of the development on slopes less than 25%, while the proposed development on the northern envelope would be sited with a greater portion, if not all, of the development on slopes in excess of 25%. The tree removal would result in less of an impact on the southern envelope versus the northern envelope. Therefore, staff concurs with the Geotechnical evaluations, the applicant's primary proposal and finds that the southern building envelope is appropriate in this circumstance.