



Monterey County Zoning Administrator

Agenda Item No. 5

Legistar File Number: ZA 18-032

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PLN170872 - HISS

Public hearing to consider the construction of single-family dwelling with an attached garage.

Project Location: 8380 Monterra Views, Monterey CA

Proposed CEQA action: Categorically Exempt per Section 15303 of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

- a. Find that the project is a single-family dwelling which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines and none of the exceptions under §15300.2 apply; and
- b. Approve an Administrative and Design Approval to allow the construction of a new two-story 5,145 square foot single family dwelling with attached 1,131 square foot three-car garage, a 185-square foot covered entry and 459-square foot covered porch, including 150 linear foot retaining wall and approximately 200 cubic yards of cut. This project will also require a Tree Removal Permit for the removal of two (2) 12" diameter Oak trees.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**).

PROJECT INFORMATION:

Agents: Sterling & Huddleson/Cindi Scarlett Ramsey

Property Owners: Paul Hiss

APN: 259-211-011-000

Parcel Size: 2.512 acres (109,423 SF)

Zoning: RDR/10-UR-VS

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: Yes

SUMMARY:

The applicant proposes construction of a 5,145-square foot, two story single-family dwelling with an attached 1,131-square foot garage. The project proposal is located within the Monterra Subdivision, approximately 0.25 miles from Monterey-Salinas Highway (Hwy 68). The application was originally scheduled for administrative approval on March 21, 2018, but pursuant to Section 21.70.060, the application was pulled from this administrative approval agenda and referred to the Zoning Administrator due to public controversy surrounding the proposed development.

DISCUSSION:

On March 20, 2018, staff received a letter of public concern regarding this project (**Exhibit I**). The letter requested a public hearing and objected to the project based on the following concerns:

1. **Concern: “This lot has a designated Building Envelope and surrounding dedicated Scenic Easement that is better depicted on the submitted plans. However, the building plans call for 200 cubic yards of cut and 895 cubic yards of fill and it is not clear where this will be. Thus, one cannot really tell where the average natural grade of 401.8 comes from.”**

County Response: After staff’s review of the preliminary Grading Plan (Sheet C4), it is clear that the darker/solid lines represent the new topographic contours in comparison to the lighter lines illustrating current topographic conditions. Within the designated building envelope, the proposed building site lies 50 to 70 feet south of a descending slope approximately 20 feet in height with a slope gradient of 10 to 12 percent. In order to create a building pad, these conditions require the applicant to cut into the slope (124 cy as shown on the Title Sheet). From contour lines 397 to 406, it is evident that the greatest amount of cut being proposed is in line with the footprint of the single-family dwelling. Staff finds that the development is sited properly and finds the cut and fill to be reasonable. A fair amount of fill is being proposed to level the motor court given the topography of the site (i.e. descending slope). A condition of approval (Condition No. 12) has been applied to the project by the Environmental Services Department which will require a comprehensive grading plan meeting the standards of this department.

Based on the information provided in the Exterior Elevations sheet (Sheet A-6.1), the average natural grade was calculated to be 401.8 from a high point of 406.4 and a low point of 397.2. The height allowance for RDR is a maximum of 30 feet (431.8). The maximum building height is shown to be approximately 30 feet (431.7 minus 401.8). Pursuant to Section 21.62.030 of the Zoning Ordinance (Title 21), the chimney shroud which extends beyond this 30-foot allowance, is exempted from the height standard.

2. **Concern: This lot is also categorized as highly visually sensitive, however, there are no photos online on Accela of staking and flagging.**

County Response: This is correct. Site visit photos were not made available to the public until May 9, 2018. Staff conducted a site visit on December 5, 2017 and again on May 3, 2018. The parcel is highly visually sensitive and is zoned as such (“VS” District overlay). The purpose of a VS District is to provide district regulations for the review of development in those areas of the County of Monterey in which such development could potentially create adverse visual impacts when viewed from a common public viewing area. Pursuant to Section 21.46.030 D, staff has the discretion to determine whether the proposed development will create a substantial adverse visual impact when viewed from a common public viewing area. After two site visits to observe installed staking and flagging, staff determined that the proposed development does not pose an adverse visual impact and therefore, is recommending the project be approved with an Administrative Permit instead of a Use Permit.

3. **Concern:** “I read the following: “The City has no objections to this project; however, the City is requesting the two (2) Oaks proposed for removal be replaced in kind. The project has not been condition to require the replacement planting of two oak trees. After reviewing the Tree Assessment and Tree Protection Plan submitted with the application packet, staff concurs with the arborist’s recommendation to not have the applicant replace the two Oaks. This determination was made for the following reasons: Removal of these specific trees will not impact the public viewshed and the replacement trees would result in overcrowding of trees on the lot.” I ask, what about Monterey County’s requirement for oak tree protection and replacement? Usually they are replaced at a ratio greater than one to one, I think, two or three replaced for every one cut down. Is there no room in the designated Scenic Easement area of this lot for oak trees? And if not, there must be room in nearby Monterra to replace oak trees with enough to ensure survivability of at least two.”

County Response: Pursuant to Title 21, Section 21.64.260, Part D.2 [Removal of Three or Less Protected Trees], the Director of Planning [Chief of Planning], may approve the removal of no more than three protected trees per lot in a one-year period. Prior to consideration of such removal, information regarding proposed visual impact mitigation measures the applicant intends to take (if appropriate) shall be provided. Size, location and species of replacement trees, if any, shall be indicated in the site plan. Staff received an Arborist Report dated December 18, 2017 from the applicant. The arborist identified two trees proposed for removal (Tree 1993 and Tree 1994). The first was found to be in poor condition, the latter was determined to potentially pose an unsafe condition because it is “heavily off balance with trunk rot and stress cracks.” The arborist recommends removal of the two oaks but does not recommend replacement because the site is “heavily stocked.” Because the applicant is not proposing to remove more than three (3) protected trees, a Forest Management Plan was not required. A Forest Management Plan would provide an in-depth analysis of the existing conditions and can make recommendations for off-site replacement, however, it was not required for this project for the reasons stated above. In Part D.4 of Monterey County Code Section 21.64.260, [Relocation or Replacement], a guide for tree replacement is presented, however, it also waives replacement if “[it] will create a special hardship in the use of the site or such replacement would be detrimental to the long-term health and maintenance of the remaining habitat.” Staff finds that the removal of the two oaks will not pose an adverse visual impact and is the least amount necessary for the proposed development. Therefore, staff concurs with the arborist’s recommendation to not replace them.

4. **Concern:** The submitted materials show no reference to the location of the easements for public hiking trails on Monterra Ranch, nor does the staff report analyze compatibility with ongoing Conditions and Mitigations for Monterra Ranch. A previous approval of a SFD in Monterra allowed, apparently in error, a driveway to cross a public hiking trail easement on Lot #75. Analysis is needed to prevent mistakes like this from happening again.

County Response: There is no dedicated public trail easement on or adjacent to the subject lot (Lot No. 154), see **Exhibit E**. An Irrevocable Offer to Dedicate (IOD) a public trail and the

associated Trail Dedication Map (**Exhibit H**) shows the location of the proposed lot is not within a reasonable distance to the proposed trail easement. This Irrevocable Offer to Dedicate (IOD) a public trail, as shown on the trail dedication map, identifies the timeline for the acceptance by the County and for the Developer to construct a trail between Monterra Ranch and Canada Woods North, however, the IOD was never enacted because it expired in 2015. Therefore, no public trail(s) were implemented in this area. Furthermore, staff found that Condition No. 16 of the originally approved permit for the Monterra Ranch subdivision (Resolution No. 87-527) referencing an agreement and an offer to dedicate for public use riding and hiking trails was deleted by the Board of Supervisors on June 19, 1990. Pursuant to Condition No. 1 of the approved tentative subdivision map (B/S Resolution No. 87-527), this building envelope represents the maximum potential building area as directed by the Director of Planning, after taking into account front, rear, and side yard setbacks, 30% slope areas, public viewshed, drainage easements, and existing vegetation.

The application has been reviewed by applicable land use agencies and was found to be consistent with the Monterey County 2010 General Plan, the applicable area plan. The site is physically suitable for the use proposed.

Development Standards: [RDR/10-UR-VS]

The applicable development standards include special regulations for the Rural Density Residential (RDR) zoning district in the Monterra Ranch Subdivision. The subject property includes a “UR” (Urban Reserve) zoning overlay, which requires development requiring an administrative permit be referred to the applicable city for review and recommendation. In addition, the subject property includes a “VS” (Visual Sensitivity) zoning overlay. The VS overlay provides regulations for the review of development in those areas of the County of Monterey in which such development could potentially create an adverse visual impact when viewed from a common public viewing area. The project is located within the Monterra Subdivision, approximately .25 miles from Monterey-Salinas Highway (Hwy 68) and is not visible from the highway. The height proposed is within the allowable height of 30 feet for the zoning district in which it is located. The project has been appropriately sited to minimize visual impact. Slopes in excess of 25% are avoided and the development will not adversely affect resources at the site or be adversely affected by those resources or potentially create a substantially adverse visual impact when viewed from a common public viewing area (Hwy 68).

The proposed project is within the existing building envelope and meets all development standards with respect to height, setbacks, and coverage for this area:

Main Structure Setback and Height Requirements:

- Front Setback: 30 feet (minimum)
- Side Setback: 20 feet (minimum)
- Rear Setback: 20 feet (minimum)
- Maximum height: 30 feet

The proposed project meets all standards as detailed below:

- Front Setback: 40+ feet
- Side Setback: 23+ feet

Rear Setback: 20+ feet
Maximum Height: 30 feet

The allowed maximum site coverage in the RDR district is 25 percent. The property is 109,423 square feet, which would allow site coverage of approximately 27,356 square feet. The proposed single-family dwelling unit and garage would result in site coverage of approximately 6,112 square feet or 5.6 percent. The Monterra Ranch Subdivision has also established a building envelope for these lots. Therefore, as proposed, the project meets all required development standards.

Design Review. The project is subject to regulations in a Design Control District. A “D” (Design Control) overlay, requires design review of structures in order to assure the protection of the public viewshed, neighborhood character, and the visual integrity of certain developments without imposing undue restrictions on private property. The proposed colors and materials include: bronze standing seam roofing, bronze clad windows, cedar board and batt siding, and stone veneer accents. The project design, materials and colors are consistent with those of other residences and structures within the Monterra subdivision. The proposed residence is compatible with the surrounding neighborhood character in terms of size, color, location and mass. The architecture style of the neighborhood is comprised of mixed designs ranging from modern to Mediterranean. The proposed dwelling incorporates an American Vernacular style with one dominant material - vertical cedar grooved siding. Staff conducted a site visit on December 5, 2017 and May 3, 2018. The project was staked and flagged and staff determined the proposed structure was appropriately sited for the lot. The lot is located on a cul-de-sac in a densely vegetated lot. The project will not have a substantial adverse visual impact from Hwy 68 or any other public roads.

Based on the above analysis, staff concludes that the proposed project is consistent with the 2010 Monterey County General Plan, the Greater Monterey Peninsula Area Plan, and the Zoning Code (Title 21) and the site is suitable for proposed dwelling.

OTHER AGENCY INVOLVEMENT:

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




- RMA-Public Works
- RMA-Environmental Services
- Environmental Health Bureau
- Water Resources Agency
- Monterey County Regional Fire Protection District California Coastal Commission

LUAC - NO QUORUM

The project was not originally referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review when it was scheduled for an administrative approval. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the proposed project does not require CEQA review (i.e. did not require an initial study); the project does not involve a lot line adjustment with conflicts; the project did not include a variance; and the project is not solely a Design Approval subject to the review of the Zoning Administrator or Planning Commission. However, after the project was elevated

to a public hearing, it was sent to LUAC for review.

The Greater Monterey Peninsula LUAC was scheduled to review this project on May 16th. On May 14th, staff was informed that all but two LUAC members would not be able to attend. Although staff attempted to coordinate, a quorum was not reached and the May 16th meeting was cancelled and this project was continued. Pursuant to the Board Approved LUAC Guidelines, projects cannot be continued more than twice at the LUAC. So, this project could be referred back to the LUAC one more time, on June 6th, for a recommendation. If a quorum was not reached for a second time on June 6th, then the project would proceed to the Appropriate Authority without being able to obtain a LUAC recommendation.

Prepared by: Maira Blanco, Assistant Planner, x5052 
Reviewed by: Brandon Swanson, RMA Services Manager 
Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Community Development 

The following attachments are on file with the RMA:

- Exhibit A - Project Data Sheet
- Exhibit B - Resolution
- Exhibit B.1 - Conditions
- Exhibit B.2 - Plans
- Exhibit C - Vicinity Map
- Exhibit D - Monterra Ranch Phase Map
- Exhibit E - Monterra Ranch Phase 6, Lot No. 154
- Exhibit F - Monterra Phase 6 and York Highlands Resubdivision boundary
- Exhibit G - Road and Utility Easements
- Exhibit H - Trail Dedication Map
- Exhibit I -Letter from Michael Weaver (opposed)

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Services Manager; Hiss, Property Owner; Cindi Scarlett-Ramsey; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Interested Party List in Accela (Michael Weaver); Project File PLN170872.