



# Monterey County Planning Commission

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## Agenda Item No. 4

Legistar File Number: PC 18-126

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### PLN170705 - MARTINEZ

Public hearing to consider the construction of a single family dwelling and attached garage (Approximately 3,140 sq. ft.), requiring the removal of three oak trees within 100 feet of environmentally sensitive habitat area (Central Maritime Chaparral, Pajaro Manzanita)

**Project Location:** 473 Paradise Rd, Salinas, CA 93907 North County Coastal Land Use Plan area (APN: 129-091-071-000)

**Proposed CEQA action:** Adopt a Mitigated Negative Declaration

### RECOMMENDATION:

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

- 1) Adopt the Mitigated Negative Declaration; and
- 2) Approve a Combined Development Permit consisting of:
  - a. A Coastal Administrative Permit to allow the construction of an approximately 2,460 square foot single family dwelling with an approximately 680 square foot attached two-car garage and storage area
  - b. A Coastal Development Permit for the removal of three oak trees
  - c. A Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat (Central Maritime Chaparral, Pajaro Manzanita).
- 3) Adopt a Mitigation Monitoring and Reporting Program.

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

### PROJECT INFORMATION:

**Property Owner:** David Martinez

**APN:** 129-091-071-000

**Parcel Size:** 0.73 acres

**Zoning:** Low Density Residential, 2.5 acres per unit, Coastal Zone or "LDR/2.5(CZ)"

**Plan Area:** North County Coastal Land Use Plan

**Flagged and Staked:** No

### SUMMARY:

The project is an approximately 2,460 square-foot single family dwelling on a vacant 0.73 acre lot located off of Paradise Road in the North County Coastal area. The property borders a developed Low Density Residential neighborhood to the South and undeveloped, densely vegetated Rural Density Residential parcels to the North. The lot contains Central Maritime Chaparral habitat and Pajaro manzanita, a sensitive species, and is further constrained by steep slopes and several oak trees. The proposed house and attached garage have been sited in a flat portion of the site that was cleared

by previous development of a single family residence. However, the proposed project will still require the removal of 3 oak trees. An Initial Study was prepared to address potential impacts to the sensitive habitat areas. The Initial Study identified potential impacts to biological resources (Maritime Chaparral), and Tribal Cultural resources caused by the site disturbance. Mitigation Measures have been incorporated to protect all chaparral during construction, and also to require the planting three Pajaro manzanitas on the property as mitigation for any effects that may occur due to construction. To mitigate any potential impacts to Tribal Cultral Resources, the applicant will be required to place a note on the construction plans requiring that work be halted if any cultural, archeological, historical, or paleontological resources are uncovered at the site until a qualified professional archeologist can evaluate them. With the implementation of these proposed Mitigation Measures, impacts will be reduced to less than significant.

DISCUSSION:

The property and the proposed development were analyzed for consistency with the policies and regulations contained in the 1982 General Plan, the North County Coastal Land Use Plan and Coastal Implementation Plan, and the Monterey County Zoning Ordinance. The proposed improvements require a Combined Development Permit to allow establishment of a single-family dwelling and attached garage, development within 100-feet of environmentally sensitive habitat area, and the removal of three oak trees. A biological report prepared for the property revealed that impacts to sensitive species could result from construction of the residence. Mitigation Measures recommended by the project biologist and the project arborist will reduce these impacts to a less than significant level. Additionally, the tribal consultation process revealed a concern relative to tribal cultural resources. These potential impacts and associated mitigation measures are further discussed below.

Biological:

The Monterey County Geographic Information system identified the potential for maritime chaparral, Pajaro Manzanita, and hooker's Manzanita to occur onsite. A Biological Survey (Exhibit E) for the property was submitted in accordance with the North County Coastal Implementation Plan Section 20.144.040. The survey confirmed that Central Maritime Chaparral exists on the sloped areas of the property and identified two sensitive plant species on the property: Pajaro manzanita and hooker's manzanita. The proposed location for the home was previously cleared prior to current property ownership and contains non-native grassland; however, development is proposed to be located within 100 feet of three sensitive plants:

- A cluster of 12 hybrid brittleleaf manzanita and Pajaro manazanita approximately 15 feet from the edge of the proposed garage
- A Pajaro manzanita approximately 25.5 feet from the proposed home
- A Pajaro manzanita approximately 65 feet upslope from the proposed driveway

Although no other sensitive plant species were located on the property, other species do have the potential to occur in the central maritime chaparral habitat located on portions of the property where no development is planned. No evidence of any sensitive animal species were observed on the property.

A suite of Mitigation Measures recommended in the biological report have been incorporated as Conditions of Approval, and will reduce the impacts to a less than significant level. Measures include a preconstruction survey and installation of preconstruction fencing to identify and mark sensitive species and to determine if any will require removal, and monitoring annually for two years by a qualified biologist. Although removal of Pajaro manzanita and the hybrid brittleleaf/Pajaro manzanita is not anticipated, three Pajaro manzanitas will be planted on the property as mitigation for any effects that may occur due to construction being closer than 100 feet from these sensitive species. In addition, restoration will be completed in accordance with a landscaping and restoration plan, which will detail removal of existing invasive exotic plants, planting plans for the Pajaro manzanita and other native plants of local origin to restore impacted areas and to assist with erosion control. Best management practices, detailed in the initial study, will be included on the construction plans and followed throughout the project to minimize impacts to trees and central maritime chaparral habitat.

In accordance with Policy 20.144.040.B.6 of the North County Coastal Implementation Plan and Policy 7.2.5 of the North County Coastal Land Use Plan, and with the recommended mitigations in the Biology Report, a conservation easement is required to preserve the best central maritime chaparral sensitive habitat areas on the property, which are in the un-cleared portions of the high point area and un-cleared slope areas. The area to be encumbered by the easement is shown on the site plan. The effect of the easement will be to prohibit structures, grading, or landscaping in in order to protect the habitat in its natural state. Mitigation Measure No. 3 requires the applicant to provide the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound to RMA - Planning for review and approval before issuance of building or grading permits. The conservation easement will ultimately be approved by the Board of Supervisors, and must be recorded prior to final of the construction permit for the house.

Several oak trees are located in and around the area proposed for development. The Monterey County North County Coastal Implementation Plan Section 20.144.050 protects oak trees over 6 inches in diameter at breast height. A forester's assessment was submitted in accordance with North County Coastal Implementation Plan Policy 20.144.050 B-1 (Exhibit F). Three oak trees are proposed for removal: two 12-inch diameter oak trees are located within the building footprint, and one 18-inch diameter oak tree is located at the site of the proposed retaining wall. Four additional trees are located close to areas of excavation for the proposed retaining wall; however, impacts to these trees are expected to be minimal and all four are expected to survive. Trees proposed for removal will be replaced at a 1:1 ratio in accordance with North County Coastal Implementation Plan Policy 20.144.050 B-1.

*Tribal Cultural Resources:*

The property is in a low archeologic sensitivity zone and is not located near any known archaeological sites. As required by Assembly Bill 52 - Native Americans: California Environmental Quality Act, tribal consultation was conducted because the project is not exempt from the California Environmental Quality Act. During the consultation on March 13, 2018 the tribal representative for the Ohlone/Costanoan Esselen Nation explained that tree removal could potentially disturb resources and requested that a tribal monitor be present during tree removal activities and during septic system

installation. The trees proposed for removal are 12-inches, 12-inches, and 18-inches in diameter. Since no site-specific information was indicated as contributing the potential for resources to be located on site and the trees proposed for removal are not particularly large, RMA-Planning staff did not feel that substantial evidence exists for the need to require a tribal monitor to be present on site.

Mitigation Measure Number 7 has been added to require that a note be placed on the construction plans requiring that work be halted if any cultural, archeological, historical, or paleontological resources are uncovered at the site until a qualified professional archeologist can evaluate it. Monterey County RMA - Planning, OCEN Tribal Council and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner, OCEN Tribal Council and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the recovery. Prior to resuming any further project-related ground disturbance, Owner/Applicant shall coordinate with the project planner, OCEN Tribal Council and a qualified archaeologist to determine a strategy for either return to the Tribe or reburial. Any artifacts found that are not associated with a skeletal finding shall be returned to the aboriginal tribe.

#### Other Considerations

The proposed development has been sited in the flattest portion of the site, which was cleared previously as part of prior development of a single family residence. This placement will minimize grading and disturbance of native vegetation. The property includes steep slopes in the front and back (east and west) of the building site, but the proposed construction avoids development on slopes and will require only minimal grading. A soils report was prepared in accordance with Monterey County Code Section 16.08. Environmental Services staff has reviewed the report and recommended standard conditions of approval, including submittal of grading and erosion control plans and inspections, to ensure that development is conducted in accordance with the report recommendations.

The proposed house will not be visible from any public viewing area due to distance from any public road, dense natural vegetation, and existing surrounding residential development. The proposed design and colors and materials, olive green stucco siding with an off-white trim and black shingle roofing, are consistent with the other single family homes in the area.

The proposed development is consistent with height, setback and coverage regulation for the LDR zoning designation. Maximum allowed height is 30 feet. The structure will be 26 feet, 2 inches at its tallest point. Required minimum setbacks are Front: 30 feet, Rear: 20 feet, Side: 20 feet. Setbacks for the proposed structure will be: Front: 34 feet, 2 inches; Rear: 26 feet, 4 inches; Side 23 feet, 4 inches, and 247 feet. Maximum allowed coverage is 15 percent. Total coverage will be 9.86 percent.

A 240 square foot storage shed currently located on the front of the property is proposed to be relocated to the North West corner of the property. The required rear setback is 1 foot and the proposed rear setback is 1 foot. The required side setback for the rear half of the property is one foot. The proposed setback is 11 feet, 10 inches.

RMA-Environmental Services has reviewed the project for consistency with grading, erosion control, and stormwater requirements, and has added standard conditions of approval to ensure that project implementation will meet all requirements.

The project is in a high fire hazard state responsibility area and the house will be located upslope from a densely-forested area. The North County Fire Protection Department reviewed the project plans and determined that the project meets minimum setback and access requirements and that adequate water for fire suppression is available, including a fire hydrant and two water storage tanks.

Water for the house will be provided through a connection to a small neighborhood water system, Paradise Road Water System Number 4. Environmental Health has reviewed and approved of the connection to this water system. Due to site constraints, an alternative septic system is required. The Environmental Health Bureau has reviewed and approved the preliminary septic system design. Additionally, the project biologist has reviewed the design and confirmed that the septic system facilities will not impact sensitive habitat.

CEQA:

An Initial Study/Mitigated Negative Declaration or IS/MND was prepared for the project and circulated from September 28, 2018 to October 29, 2018. No comments have been received as of the date of preparation of this staff report. Any comments received will be included as part of the presentation at the Planning Commission hearing.

The project would have no impact on population/housing, agriculture and forest resources, mineral resources, population and housing, public services, and recreation, and transportation/traffic. Less than significant impacts have been identified for aesthetics, agriculture and forest resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use planning, noise, utilities and service systems,

Potential impacts to biological resources, cultural resources and tribal cultural resources caused by site disturbance and the establishment of new structures have been identified. Mitigation measures have been recommended to reduce impacts to a less than significant level. Therefore, the project as proposed, conditioned, and mitigated, has been found to have a less than significant impact on the environment. Additional discussion and detail regarding environmental review are provided in the discussion above and in the draft resolution (Exhibit C).

OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- North County Fire Protection Department
- North County Land Use Advisory Committee
- California Coastal Commission

The proposed project was reviewed by The North County Land Use Advisory Committee (LUAC) on February 12, 2018. The LUAC recommended approval of the project as proposed by a vote of 6-0. (Exhibit D),

FINANCING:

Funding for staff time associated with this project is included in the FY17-18/18-19 Adopted Budgets for RMA-Planning.

Prepared by: Cheryl Ku, Senior Planner, x6049  
Reviewed by: Brandon Swanson, RMA Planning Services Manager  
Approved by: John M. Dugan, FAICP, Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- Conditions of approval
- Site Plans

Exhibit C - Initial Study/Mitigated Negative Declaration

Exhibit D - LUAC Minutes

Exhibit E - Biological Report

Exhibit F - Arborist Report

Exhibit G - Vicinity Map

cc: Front Counter Copy; Planning Commission, California Coastal Commission; Brandon Swanson, RMA Services Manager; Cheryl Ku, Project Planner; David and Antonia Martinez, Applicant/Owner; Louise Ramirez, Tribal Chairwoman Oholone/Coastanoan-Esselen Nation The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN170705.