



Monterey County Zoning Administrator

Agenda Item No. 4

Legistar File Number: ZA 18-074

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PLN170908 - OLIMPIA

Public hearing to consider construction of an approximately 80 feet high by 160 linear feet safety net for a single family dwelling adjacent to a driving range, and associated tree removal (13 non-native Leland cypress or Canary Island pine, and one Coast Live oak).

Project Location: 13755 Vista Dorada, Corral de Tierra (Salinas), Toro Area Plan

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 the project is the construction of safety netting, which qualifies as a Class 3 categorical exemption per Section 15303 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- b. Approve a Use Permit and Design Approval to allow construction of an approximately 80 feet high by 160 linear feet safety net for a single-family dwelling adjacent to a driving range, and associated tree removal.

A draft resolution with findings and evidence supporting this recommendation is attached for consideration (**Exhibit B**). Staff recommends approval subject to 6 conditions.

PROJECT INFORMATION:

Owners: Gary Olimpia TR

APN: 161-411-022-000

Zoning: LDR/B-8-D (Low Density Residential, with Building Site 8 and Design Control overlays)

Parcel Size: approximately 36, 679 square feet (0.842-acre)

Plan Area: Toro Area Plan

Flagged and Staked: Not required because the project site is not located within a visually sensitive area; the project does not involve ridgeline development; and, due to the type of development proposed, the cost of staking and flagging would have been excessive.

SUMMARY:

The Applicant proposes to construct safety netting approximately 80 feet high by 160 linear feet, and remove planted trees in the immediate vicinity of the netting. The netting would be supported between four steel poles, each with a maximum base width of 16 inches. The netting is proposed to provide protection to a single-family dwelling and yard area adjacent to a golf course driving range. According to the Applicant, golf balls hit from the driving range tees regularly land on the subject residential parcel, resulting in a safety hazard to residents and limiting use of the yard area.

DISCUSSION:

The project parcel is located at the end of a private driveway, and is bordered on the west by the Corral de Tierra Country Club golf course driving range, and on the north and east by the golf course. The property is zoned for low density residential use, and has an existing single-family dwelling with an attached garage. The Design Control zoning overlay requires the granting of a Design Approval for the proposed development. Furthermore, pursuant to Monterey County Code (MCC) Section 21.62.030.B, Height and Setback Exceptions, the proposed height of the poles needed to support the netting require the granting of a Use Permit because the poles would be constructed to a greater height than the limit established for the district. The property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of the 2010 Monterey County General Plan, Toro Area Plan, and zoning ordinance (Title 21).

The development standards for non-habitable accessory structures in the LDR zoning district are identified in MCC Section 21.14.060, and the project, as proposed, conforms to applicable development standards. The proposed structure would have a front setback of 115 feet, a rear setback of 40 feet, and a minimum side setback of 6 feet. The site coverage maximum in this LDR district is 25 percent for lots greater than 20,000 square feet. The existing lot is approximately 0.842-acres or 36,679 square feet, which would allow site coverage of approximately 9,170 square feet. The existing single-family dwelling and attached garage result in site coverage of 4,454 square feet (12.14 percent). However, in this case, due to the type of structure proposed, the proposed safety netting would not increase the existing site coverage. The maximum allowed height in this LDR zoning district for non-habitable accessory structures is 15 feet above average natural grade. The proposed safety netting and poles would have a height of 80 feet above average natural grade. Pursuant to MCC Section 21.62.030.B, Height and Setback Exceptions, poles may be constructed to a greater height than the limit established for the district subject to securing a Use Permit. In this case, consistent with MCC, the Applicant has applied for a Use Permit to allow the poles (and netting) to exceed the established height limit. Additionally, the County has applied Condition No. 6, Height Verification, to ensure the height of the finished safety netting structure, including the poles, conforms to the plans and a maximum allowed height of 80 feet.

As proposed, the project would not result in adverse visual impacts, and the project is consistent with the applicable scenic resource policies of the 2010 General Plan and the Toro Area Plan. Per the Visual Impact Analysis (LIB180110; **Exhibit E**) prepared by Denise Duffy & Associates for the proposed development, the project site is not located within, nor visible from, a visually sensitive area. Also, the site is predominantly not visible from any public viewing area or roads. The visual analysis also noted that views of the proposed safety netting would be obscured by site topography, vegetation, existing structures and infrastructure (Corral de Tierra Country Club utilities and fencing), distance, and minimized by design. Additionally, the proposed development would not block views of any natural features in the area, and would not detract from the natural beauty of the surrounding undeveloped ridgelines and slopes within the public viewshed. The project site is also not visible from Highway 68 due to distance, and is not readily visible from Corral de Tierra Road due to screening from topography, vegetation, and existing structures and infrastructure. The visual analysis concluded that the potential visual impacts from the project are limited, would not obstruct the surrounding scenic viewshed, and would not result in an adverse change to the visual quality or visual characteristics of the overall vicinity of the project site.

Per the arborist report (LIB180291) prepared by Michael Bench for the proposed development, the project may result in removal of up to 14 planted trees, 13 of which are non-native Leland cypress or Canary Island pine. Non-native trees do not require a County entitlement prior to removal. One native tree, a 10-inch diameter Coast Live oak, may be removed as a result of the proposed development. Coast Live oaks are considered protected under MCC; however, pursuant to MCC Section 21.64.260.D.2, up to three protected trees on a lot may be removed in a one-year period. Therefore, the proposed tree removal is consistent with MCC, and does not require an entitlement to be approved by the Zoning Administrator.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15303(a) categorically exempts the construction of new facilities or structures. The project involves the construction of a safety netting structure approximately 80 feet high and 160 linear feet in length. The netting would provide protection from golf balls for a single-family dwelling and yard area located on the project parcel and adjacent to a golf course driving range. Therefore, the proposed development is consistent with the parameters of this Class 3 exemption. No evidence of significant adverse environmental effects was identified during staff review of the development application. Per the biological survey prepared by Ed Mercurio for the proposed development (LIB180293), the project would not result in impacts to sensitive plant or wildlife species, or habitat. Based on available sources, the type of safety netting proposed (i.e., golf course netting) is not considered hazardous to birds and bats, and reports of entanglements are rare.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- Monterey County Regional Fire Protection District (FPD)

The project was referred to the Toro Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the proposed project at a duly-noticed public meeting on August 27, 2018, at which all persons had the opportunity to be heard, and voted 4 - 0 - 1 (3 LUAC members absent) to continue the item to the next LUAC meeting on September 10, 2018. At the meeting on September 10, 2018, the LUAC again reviewed the proposed development, and voted 3 - 2 (3 LUAC members absent) to support the project with a proposed change to move 2 poles to reduce the potential visual impact for neighbors (**Exhibit C**). At the LUAC meetings, interested members of the public expressed concerns related to the proposed height and potential viewshed impacts, staking and flagging, accuracy of the project description. The questions and concerns regarding the project description and location were answered and resolved at the LUAC meeting on September 10, 2018.

Regarding staking and flagging, the County did not require staking and flagging for the following reasons: the project site is not located within a visually sensitive area, as shown on the Toro Area Scenic Highway Corridors and Visual Sensitivity map (Figure 16); the project does not involve ridgeline development; and, due to the type of development proposed, the cost of staking and flagging

would have been excessive and an undue cost burden on the applicant. Additionally, the visual analysis prepared by Denise Duffy & Associates for the proposed project (LIB180110; **Exhibit E**) concluded that the development would not result in impacts to the surrounding viewshed and would not be visible from a visually sensitive area. The County's adopted staking and flagging criteria allow flexibility and discretion in determining the scope of staking and flagging required for a project. Based on the reasons stated above, as well as a County staff site inspection on October 20, 2017, staking and flagging was not required in this case. The visual analysis submitted for the proposed development, a copy of which was provided to the Toro LUAC, satisfied the County's requirement for review. The LUAC members also asked if the poles could be moved behind remaining trees to provide additional screening, or if the number of poles could be reduced from 4 to 3. The Applicant agreed to consider these options when submitting construction plans.

Prepared by: Joe Sidor, Associate Planner, x5262

Reviewed by: Brandon Swanson, RMA Services Manager

Approved by: John M. Dugan, FAICP, RMA Deputy Director for Land Use and Development Services

The following attachments are on file with the RMA:

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| Exhibit A | Project Data |
| Exhibit B | Draft Resolution, including: <ul style="list-style-type: none">• Recommended Conditions of Approval• Site Plan and Elevations |
| Exhibit C | LUAC Minutes (August 27 and September 10, 2018) |
| Exhibit D | Vicinity Map |
| Exhibit E | Visual Impact Assessment (March 8, 2018) |

cc: Front Counter Copy; Monterey County Regional FPD; RMA-Public Works;
RMA-Environmental Services; Water Resources Agency; Joseph Sidor, Planner; Brandon Swanson, RMA Services Manager; Gary Olimpia, Property Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN170908