

Exhibit E

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MINUTES
Toro Land Use Advisory Committee
Tuesday, May 28, 2019



1. Site visit at 3:10 PM at 257 SAN BENANCIO RD, SALINAS (BORDONARO)

ATTENDEES: Aaron Tollefson, Architect

LUAC Members: Bob Reiger, Mike Mueller, Bill Pyburn, Lauren Keenan, Mike Weaver, Beverly Bean

2. Meeting called to order by Weaver **at** 4:04 **pm**

3. Roll Call

Members Present: (6) Reiger, Pyburn, Keenan, Mueller, Weaver, Bean

Members Absent: (2) Gobets, Vandergrift

4. Approval of Minutes:

A. April 22, 2019

Toro LUAC, Monday April 22, 2019
478 Corral de Tierra Rd
Salinas, CA 93908
APN 416-452-032-000
Scott Russel Willard and Tamlyn Willard
PLN180561, PLN190106
Project Planner: Kenny Taylor

Toro LUAC voted to continue this item on April 22, 2019, so that applicant and County representative can define the designated building envelope on this parcel and define where the two proposed structures (one a code enforcement issue) are in relation to the designated building envelope.

Also, Re: Toro LUAC, January 14, 2019 meeting
Application: Mann, PLN17036, 299 River Road
APN: 139-061-003-000

Amend Toro LUAC Minutes to remove this sentence under "Recommendation": "Reject the project as it is incompatible with the character of the neighborhood" and replace it with: "The project is incompatible with the character of the neighborhood."



Motion: Bean (LUAC Member's Name)

Second: Reiger (LUAC Member's Name)

Ayes: (4) Pyburn, Reiger, Weaver, Bean

Noes: 0

Absent: (2) Vandergrift, Gobets

Abstain: (2) Keenan, Mueller [due to absence on 1/14/19]

5. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

6. **Scheduled Item(s)**

7. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

Memo received from County identifying concerns and that LUACs cannot say no.

8. **Meeting Adjourned:** 5:15 pm

Minutes taken by: Bean

Action by Land Use Advisory Committee

Project Referral Sheet

Monterey County RMA Planning
 1441 Schilling Place 2nd Floor
 Salinas CA 93901
 (831) 755-5025



Advisory Committee: Toro

1. **Project Name:** BORDONARO MARC
File Number: PLN180032
Project Location: 257 SAN BENANCIO RD SALINAS
Assessor's Parcel Number(s): 416-293-003-000
Project Planner: JACQUELY NICKERSON
Area Plan: TORO AREA PLAN
Project Description: Combined Development Permit consisting of: 1) an Administrative Permit and Design Approval to allow construction of a 2,873 square foot single family dwelling with a 656 square foot attached garage; 2) a Use Permit to allow development on slopes in excess of 25%; 3) a Use Permit to allow the removal of 4 protected trees; and 4) a Use Permit to allow ridgeline development.
Recommendation To: PLANNING COMMISSION

Was the Owner/Applicant/Representative present at meeting? Yes No

(Please include the names of the those present)

Marc Bordonaro, Owner

Aaron Tollefson, Architect

Was a County Staff/Representative present at meeting? Jacquelyn Nickerson & Son Pham-Gallardo (Names)

PUBLIC COMMENT: None

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
At 30-feet high from the average grade, the building height impinges on the ridgeline. The proposed project is within the Visual Sensitivity Area. Architect says it is below 30 feet, including the chimney.	2010 Toro Area General Plan Fig 16 Visual Sensitivity	Lower the height of the house to where it is not visible above ridgeline from San Benancio Rd (LUAC vote yes: 5, no: 1)
Development on slopes greater than 25% The map shows that one half the house is on slope over 25%. Engineer report says this will work and includes retaining walls and drainlines.	2010 Toro Area General Plan	LUAC unanimously has great concerns about run-off and erosion in spite of engineer report. Prohibition on slope development is in the Plan for a good reason and should not be violated.
Tree removal		LUAC recommends Oak Tree replacement rate of 5:1, not 1:1 and advises to use mixed native species.

ADDITIONAL LUAC COMMENTS

- Memo received from planner Nickerson that this project will go before the Planning Commission and referred to LUAC for design approval

- 1) The situs address numbers on this APN lot flip-flop from “Unit C to Unit A” on some County documents and Assessor site, according to Weaver
- 2) This lot (257 San Benancio, Unit C) has 2 building envelopes but one is too steep to build on, according to their engineer, the chosen building envelope is 40 feet off the ridgeline, according to the architect but the planned driveway is partly on the other building envelope. Architect says the driveway follows the topography and conforms to fire department requirements for turnaround.
- 3) Where is the Scenic Easement deed established for this 3 lot Minor Subdivision, and what restrictions exist? Is the proposed driveway to this building lot within the Scenic Easement?
- 4) Regarding, Underlying Minor Subdivision, three lots, approved by Monterey County Board of Supervisors on November 14, 2006 is: PLN030613 (Bordonaro)
- 5) The Toro LUAC approves the overall style and design elements of the house.



RECOMMENDATION:

Motion by: Bean (LUAC Member's Name)

Second by: Keenan (LUAC Member's Name)

 Support Project as proposed

 X Support Project with changes

 Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: (5) Reiger, Keenan, Bean, Weaver, Pyburn

NOES: (1) Mueller

ABSENT: (2) Vandergrift, Gobets

ABSTAIN: 0



Items submitted at the May 28th
Toro LUAC meeting



To: Ms. Jacquelyn Nickerson, Project Planner
C.c. Michele Friedrich
From Mike Weaver, Chair, Toro LUAC

Please add the following Memo with Attachments to the Toro LUAC Minutes for the Site Visit and Meeting of May 28, 2019.

Re: PLN180050, Marc Bordonaro, APN:416-293-003-000
257 Unit C San Benancio Rd., Salinas, Ca 93908

Attachment A: Regarding, Underlying Minor Subdivision, three lots, approved by the Monterey County Board of Supervisors on November 14, 2006 is; PLN030613

The current application PLN180032, Marc Bordonaro, is the first application for structural development on this subdivision.

- 1) The Board of Supervisors Consent Calendar Summary references the Subdivision is subject to 36 conditions. It also incorrectly identifies the Subdivision as being in the North County Coastal Plan Area.

Note: The ongoing Conditions of Project Approval for PLN030613 cannot be found on the County Accela website.

The LUAC question was; Do any of the Conditions or Mitigation Measures have to do with the siting or issues currently being reviewed by the Toro LUAC for PLN180032?

Attachment B: Trying to access the underlying minor subdivision PLN030613 on Accela identifies the address detail as being 257 San Benancio Rd, A, Salinas, CA 93908 However the referral to the LUAC and associated paperwork for the LUAC, APN: 416-293-003-000 is the APN for 257 San Benancio Rd, Unit C.

Attachment C: The Monterey County Assessor's website lists the APN 416-293-003-000 as having a situs address of 257 San Benancio Rd A Salinas, CA 93908-9185 However, the Google satellite photo shows the area as the one the Toro LUAC visited and is the "lot" closest to San Benancio Rd., the one that is known by RMA as Unit C.

Attachment D:

Note: The County of Monterey Assessor's Map Book 416 Page 29-2 identifies the 6.13 are lot as being Parcel "C". Recorded 12-4-06

Attachment E: 2010 Monterey County General Plan, Toro Area Plan, Figure 16 identifies the north side of San Benancio Road, that includes 257 San Benacio Rd (A,B,C) as being in the Scenic Highway Corridors and Visual Sensitivity (highlighted in yellow marking pen by Mike Weaver).

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: November, 14, 2006		CONSENT		AGENDA NO:	
SUBJECT: Mark Bordonaro – Northerly of San Benancio Road and north of Ridgeback Lane, Toro Area plan.					
<ul style="list-style-type: none"> a) Accept the Parcel Map for the Minor Subdivision of one existing 19.6 acre lot of record into three parcels of 7.9, 5.5 and 6.1 acres, Conservation and Scenic Easement Deed, Tax Report from the Tax Collector, Parcel Map Guarantee, Road and Drainage Agreement, Deed Restriction and Covenants, and Deed of Trust and Assignment of Rents. b) Direct the Chair to sign the Conservation and Scenic Easement Deed and Road and Drainage Agreement. c) Direct the Clerk to the Board to submit the Parcel Map, Conservation and Scenic Easement Deed, Deed Restriction and Covenants, Deed of Trust and Assignments of Rents, and Road and Drainage Agreement to the County Recorder for filing. d) Direct the Parks Department to deposit the recreation in Lieu Fee of \$ 2,691.00 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities in Toro Park. 					
Project Location:		The project is located on the north side of San Benancio, in the Toro Area.		APN: 416-291-001-000	
Planning Number: PLN030613				Name: Bordonaro	
Plan Area: NORTH COUNTY COASTAL				Flagged and Staked: YES	
Zoning Designation: LDR/5-VS					
CEQA Action: Mitigated Negative Declaration					
DEPARTMENT: RMA – Planning Department					

WRONG →

RECOMMENDATION:

It is recommended that the Board of Supervisors accept the following for the Bordonaro Minor Subdivision:

- a. Accept the Parcel Map, Conservation and Scenic Easement Deed, Tax Report from the Tax Collector, Parcel Map Guarantee, Road and Drainage Agreement, Deed Restriction and Covenants, and Deed of Trust and Assignment of Rents.
- b. Direct the Chair to sign the Conservation and Scenic Easement Deed and Road and Drainage Agreement.
- c. Direct the Clerk to the Board to submit the Parcel Map, Conservation and Scenic Easement Deed, Deed Restriction and Covenants, Deed of Trust and Assignments of Rents, and Road and Drainage Agreement to the County Recorder for filing.
- d. Direct the Parks Department to deposit the recreation in Lieu Fee of \$ 2,691.00 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities in Toro Park.

SUMMARY:

On February 10, 2005, the Minor Subdivision Committee approved the Bordonaro Minor Subdivision subject to 36 conditions. The developer has submitted a Tax Certificate in accordance with Section 66492 of the Subdivision Map Act and has met all conditions of approval of the tentative map. The preceding documents need to be accepted by the Board before the Parcel Map can be filed for record.



DISCUSSION:

The Bordonaro Subdivision (PLN030613) was approved by the Minor Subdivision Committee on February 10, 2005. The Parcel Map of said subdivision proposes to divide an existing 19.6 acre parcel into three parcels of 7.9, 5.5, and 6.1 acre lots. The applicant has met the requirements of the Inclusionary Housing Ordinance by agreeing to record a Deed Restriction and Covenants and a Deed of Trust and Assignment of Rents. The Recreation Requirements of the Subdivision Ordinance, Title 19, and Section 19.12.010 have been met by payment of \$ 2,691.00 to the County; this money will be used to finance parks and recreation programs and facilities at Toro Park.

FINANCING:

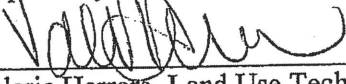
There is no financial impact on the County General Fund. Development fees have been collected to finance the processing and review required for the applicant to proceed.

OTHER AGENCY INVOLVEMENT:

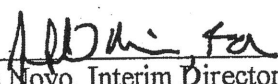
The following agencies have reviewed the project and those that are checked ("✓") have comments and/or recommended conditions:

✓	Salinas Rural Fire Protection District
✓	Public Works Department
✓	Parks Department
✓	Environmental Health Division
✓	Water Resources Agency

Prepared by:


Valerie Herrera, Land Use Technician
(831) 755-5227; herrerav@co.monterey.ca.us

Approved by:


Mike Novo, Interim Director
Planning Department

This report was prepared by Valerie Herrera and reviewed by Bob Schubert, Planning Manager.

cc: Environmental Health Division; Public Works; Monterey County Water Resources Agency; Salinas Rural Fire; Bob Schubert; Valerie Herrera; Marc Bordonaro, Sue Lombardo; Project File

Attachments: Board Order;
Cover Letter;
Final Map;
Conservation and Scenic Easement Deed;
Tax Report from Tax Collector;
Parcel Map Guarantee;
Road and Drainage Agreement;
Deed Restriction and Covenants;
Deed of Trust and Assignment of Rents



Before the Board of Supervisors in and for the

County of Monterey, State of California

- a. Accepts the Parcel Map, Conservation and Scenic Easement Deed, Tax Report from the Tax Collector, Parcel Map Guarantee, Road and Drainage Agreement, Deed Restriction and Covenants, and Deed of Trust and Assignment of Rents.)
- b. Directs the Chair to sign the Conservation and Scenic Easement Deed and Road and Drainage Agreement.)
- c. Directs the Clerk to the Board to submit the Parcel Map, Conservation and Scenic Easement Deed, Deed Restriction and Covenants, and Deed of Trust and Assignments of Rents to the County Recorder for filing.)
- d. Directs the Parks Department to deposit the recreation in Lieu Fee of \$ 2,691.00 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities in Toro Park.)



Upon motion of Supervisor _____, seconded by Supervisor _____, and carried by those members present, the Board hereby;

- a. Accepts the Parcel Map, Conservation and Scenic Easement Deed, Tax Report from the Tax Collector, Parcel Map Guarantee, Road and Drainage Agreement, Deed Restriction and Covenants, and Deed of Trust and Assignment of Rents.
- b. Directs the Chair to sign the Conservation and Scenic Easement Deed and Road and Drainage Agreement.
- c. Directs the Clerk to the Board to submit the Parcel Map, Conservation and Scenic Easement Deed, Deed Restriction and Covenants, Deed of Trust and Assignments of Rents, and Road and Drainage Agreement to the County Recorder for filing.
- d. Directs the Parks Department to deposit the recreation in Lieu Fee of \$ 2,691.00 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities in Toro Park.

PASSED AND ADOPTED on this 14th day of November, 2006, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page _____ of Minute Book _____, on _____, 2006

Dated: 2006

Lew C. Bauman
Clerk of the Board of Supervisors
County of Monterey and State of California.

By _____
Deputy



MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY



PLANNING DEPARTMENT, Mike Novo, Interim Director

168 W. Alisal St., 2nd Floor
Salinas, CA 93901

(831) 755-5025
FAX (831) 757-9516

November 14, 2006

Lew Bauman, Clerk of the Board of Supervisors
County of Monterey, Courthouse
240 Church Street
Salinas, Ca. 93901



SUBJECT: MINOR SUBDIVISION CORRESPONDENCE – PLN030613 (For Marc Bordonaro), located fronting on and northerly of San Benancio Road and north of Ridgeback Lane in the Toro Area Plan. (Subdivision of three parcels from one 19.6 acre lot).

Dear Mr. Bauman:

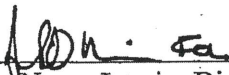
Enclosed are the necessary documents for the Board of Supervisor's approval to clear for filing of the Parcel Map for Marc Bordonaro, **approved by the Minor Subdivision Committee on February 10, 2005.**

The documents are:

- a) The original tracings of the Parcel Map
- b) Conservation and Scenic Easement Deed
- c) Tax Report from the Tax Collector certifying that there are no liens for unpaid taxes or special assessments on the lands shown on this map
- d) Parcel Map Guarantee
- e) Road and Drainage Agreement
- f) Deed Restriction and Covenants
- g) Deed of Trust and Assignment of Rents

The following are to be recorded:

- a) Parcel Map
- b) Conservation and Scenic Easement Deed
- c) Deed Restriction and Covenants
- d) Deed of Trust and Assignment of Rents
- e) Road and Drainage Agreement


Mike Novo, Interim Director
Resource Management Agency
Planning Department

Home Create Search Schedule

Announcements

Quick Search: Search for permit information in the box to the right.
Citizen Access account is not required for this search.

PLN030613

Property Information:
257 SAN BENANCIO RD, A, SALINAS CA 93908



Address Detail

257 SAN BENANCIO
RD, A, SALINAS CA
93908
Status:Enabled

Parcels

ADDRESS DETAIL "A" HAS "C" AND "UD3"

Showing 1-1 of 1

Parcel Number

416-293-003-000

Attachment C

Steve Vagnini , County Assessor

General Information

APN: **416-293-003-000** [Open Map](#)

Situs Address: **257 SAN BENANCIO RD A** *UJTD AS "A" ?*
 SALINAS CA 93908-9185

Mailing Address: 281 SAN BENANCIO
 SALINAS CA 93908

Legal Description:

Use Type: VACANT

Tax Rate Area: 139-014

Assessment

Year Assd: 2018

Land: \$160,387

Structure(s):

Other:

Total Land and Improv: \$160,387

HO Exempt?: N

Exemption Amt:



Property Characteristics

Bedrooms:

Baths (Full):

Baths (Half):

Bldg/Liv Area:

Year Built:

Lot Acres: **6.130**

Lot SqFt: 267,022

Recent Sale History

Recording Date: [Not Available](#)

Document #:

Transfer Amount: [View More History](#)

Natural Hazard Package Full Property Detail



[Property Reports](#)

[Add to Cart](#) \$ 19.95

[View Sample](#)

[Add to Cart](#) \$ 4.95

[View Sample](#)

**The information provided here is deemed reliable, but is not guaranteed.

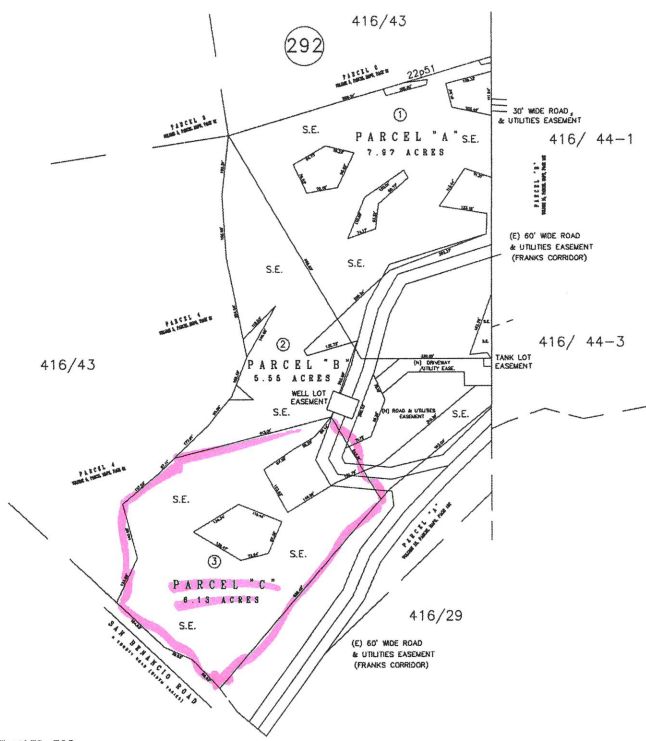


ATTACHMENT D



Provided by:
PARCEL QUEST

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 416 PAGE 29-2



THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY

POR. SEC. 12 T.16S., R.2 E.
RECORDED 12-04-06

ATTACHMENT E / TORO AREA PLAN FIGURE 6 2010 MD. CO GEN PLAN
 RE: 257 C SAN BENITO RD IN (YELLOW COLOR) V.S. ZONE

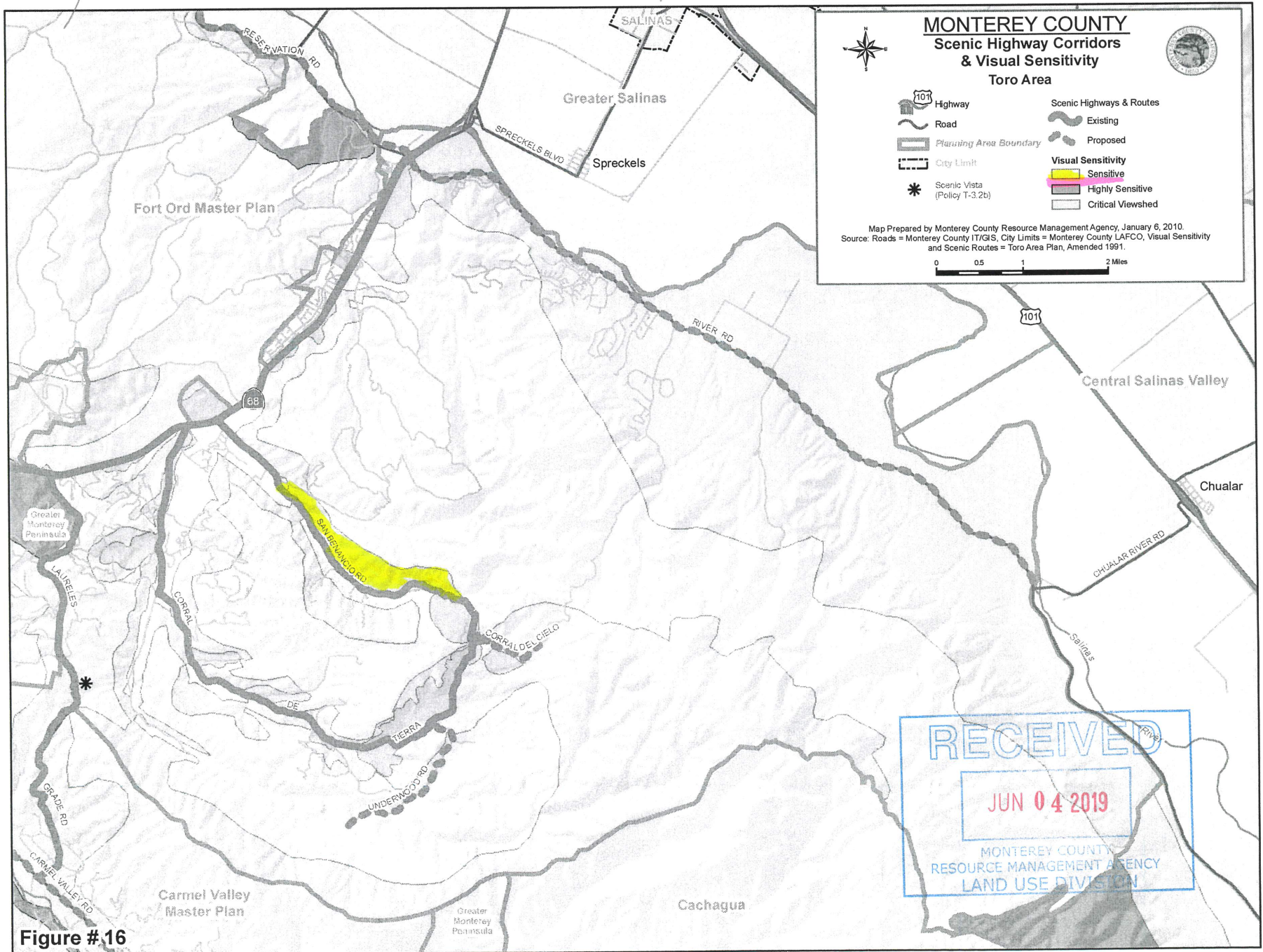


Figure #16

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