

Exhibit A

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EXHIBIT A
PROJECT DISCUSSION
PLN180289 (Miller)

DISCUSSION:

The project site is an undeveloped lot located at 24275 Via Malpaso within the Monterra Ranch subdivision. Monterra Ranch can be characterized as a private (roads), gated community of single-family dwellings on large lots with an architectural style that can be generally described as Mediterranean (light colored stucco exterior with tile roofs) design. Lots are surrounded by large open spaces consisting largely of oak woodlands.

The applicant plans to develop the vacant lot with a two-story single family home, an attached garage, and detached accessory dwelling unit. The subject property is located in a sparsely populated wooded residential block containing two-story homes over 100 from each other. It is bound to the west by Via Malpaso and to the east and south by developed and undeveloped residential parcels. Highway 68 is about three quarters of a mile north of the project location, the area in between of which is principally occupied by open space.

Design Review:

The Miller conceptual design is a two-story single family dwelling with a Spanish revival architectural style. The proposed exterior colors, materials and finishes consisting predominantly of cream stucco walls, stone tile, red clay tile roof, and copper gutter and downspout are appropriate for the neighborhood and will blend in with the surrounding environment. Additionally, because the elevation of the home is broken up by varied roof pitches, the bulk and mass of the design are proportionate to the site and do not conflict with the surrounding neighborhood. In addition, the project has been reviewed and approved by the Monterra architectural review board.

The proposed project meets all development standards (height, setbacks, coverage, etc.) for this area:

Main Structure

Required:	Proposed:
Front Setback: 30 feet (minimum)	30 feet
Side Setback:	
<i>North Side:</i> 20 feet (minimum)	49 feet
<i>South Side:</i> 20 feet (minimum)	85.5 feet
Rear Setback: 20 feet (minimum)	212 feet
Maximum height: 30 feet	30 feet

Accessory Habitable Structures

Required	Proposed
Front Setback: 50 feet (minimum)	203 feet
Side Setback:	
<i>North Side:</i> 6 feet (minimum)	24 feet
<i>South Side:</i> 6 feet (minimum)	152 feet
Rear Setback: 6 feet (minimum)	93.75 feet

Maximum height: 15 feet

11.83 feet

Tree Removal

The project site is a vacant 1.79 acre lot surrounded by vacant parcels and spacious residential homes nestled in the Monterra Ranch Subdivision, over a mile southwest of Highway 68. Coast Live Oak trees are scattered throughout the site and the subdivision. Four oak trees are proposed for removal. The removal of more than three protected trees shall require a Use Permit pursuant to Section 21.64.260 of the zoning ordinance Title 21 (preservation of oaks and other protected trees) and policies of the Greater Monterey Peninsula Area Plan.

The Greater Monterey Peninsula Area Plan states that tree removal shall be minimized. The site is forested with Coast Live Oak and Monterey Pine trees, and development on this site would require the removal of four (4) Coast Live Oak trees ranging in size from 6 to 26 dbh. The applicant submitted an arborist report dated May 24, 2018, which analyzes the impact of six trees; however, the applicant has since revised the site plan which would further minimize impact to tree removal to four Coast Live Oak trees rather than four Oak trees and two Monterey Pine trees. Staff found that two pine trees could be avoided with minor adjustments, and the applicant agreed. The revised site plan shows the accessory dwelling unit shifted south of its original location to avoid the need to remove the Pine trees.

A Forest Management Plan (FMP) was prepared for the project by Frank Ono (**Exhibit F**). The FMP identifies impacts to four Coast Live Oak trees and two Monterey Pine trees based on the development as proposed; however, as noted earlier in this staff report, the applicant has modified the project so that the accessory dwelling unit would avoid the two Monterey Pine trees identified as Trees No. 5 and 6 would not be removed. The four Coast Live Oak trees identified as Trees No. 1- 4 removal would be removed for the development of the single-family dwelling. Those trees are described in the FMP as in fair or poor condition. The FMP concludes that the site is heavily wooded and the project as proposed is not likely to significantly reduce the availability of wildlife habitat over the long-term. The trees proposed for removal are on the edge of existing openings. The remainder of the property contains tree cover, which will remain undisturbed. Staff has reviewed the FMP and agrees with the conclusions. Recommended conditions have been included as conditions of approval for the project (**Exhibit B.1**).

Biology

The applicant submitted a biological report dated December 4, 2018, which found no species of biological significance on the parcel besides the presence of Coast Live Oak and Monterey Pine trees (**Exhibit G**). Therefore, development of this lot would not adversely affect sensitive species in the area. The subdivision created a drainage easement slightly below the applicant's property line to drain water runoff after heavy periods of rain. The biology review submitted with the application indicates the unnamed drainage presents neither riparian stream-side nor aquatic in-stream habitat (**Exhibit G**). The biologist also noted the drainage easement is a deeply incised reach across a heavy clay bedding and bears no vegetation between the channel banks across the easement area of Lot 18.

Fire Hazard Zone

The project site has also been identified as located within a very high fire hazard zone. A fuel

management plan was submitted with the application (**Exhibit D**). The plan includes a reduced fuel zone one hundred feet from the structure as well as a fuel break line thirty feet from the structure. It also includes a note that any flammable vegetation within the fire break line shall be removed and cleared away, which includes creating horizontal and vertical space between shrubs and trees, removing dead leaves from the ground, and mowing grass down.

Slopes

The Greater Monterey Peninsula Area Plan as well as Title 21.64 of the Monterey County Code regulate development on slopes greater than 25%. Development on slopes greater than 25% is prohibited unless findings are made that there is no feasible alternative which would allow development on slopes of less than 25% or the proposed development better achieves the resource protection objectives. The Open Space Element Policy OS-3.5 (c) of the Monterey County General Plan exempts a discretionary permit if slopes do not exceed 500 square feet of the total development footprint. The applicant proposes about 800 square feet of development on slopes greater than 25%, and therefore is subject to a Use Permit per Title 21.64.

The natural terrain on the Miller parcel contains slopes in excess of 25%. The applicant has sited development to avoid steeper slopes, but was not able to avoid impacting a few areas located around the auto court and the northern portion of their home. Impacts on slopes are primarily the result of needing to access a building area through a cut slope that was likely created with the construction of the existing access easement across the site. The applicant structured the home and the accessory dwelling unit to ensure their bulk and mass avoid slopes and oak trees that populate near the front property line while still meeting setbacks. The home and ADU are sited off the access road on the site to minimize grading for driveway access in addition to the proposed building sites. For these reasons, the attached resolution provides findings and evidence that there is no feasible alternative to avoid development on slopes and the proposed development is sited and designed to achieve compliance with resource protection objectives.

PARCEL LEGALITY:

A neighbor to the west of the parcel site, has expressed concerns about the proposal as it relates to the property boundary between the Miller property and their property. Counsel for the neighbor alleges that boundaries for Lot 18 (the Miller property) are subject to a lot line adjustment from 2003 rather than the original 1998 parcel boundaries created by the Monterra Ranch subdivision. There is a dispute regarding a parking area in the landscaped and improved paved driveway area occupied by Lot 19 south of the 2003 boundary. Landscaping and driveway improvements have been installed by the owner of lot 19 near the boundary with lot 18. Staff has reviewed the status of the Lot Line adjustment and determined that the boundaries shown on the survey submitted for the project reflect the current legal configuration of the property.

History

In 1992, a final subdivision map for Monterra Ranch, Tract No. 1177, was recorded in Volume 18 at Page 1. Then, in 1998, Monterra Ranch Properties LLC obtained a permit for a lot line adjustment (PLN980080), which was reflected in a record of survey showing the new boundaries at 21 Surveys 128. A second Lot Line Adjustment was approved on May 9, 2001, adjusting boundaries between three undeveloped lots (Lots 17, 18 and 19) to accommodate driveway and

building envelopes and reduce the size of two parcels in a B-6 zoning district (PLN000547). However, the 2001 lot line adjustment was never perfected through a recorded deed. Then in May 2004 and April 2006, the Monterra Ranch Properties executed a deeds of trust on Lot 18 identifying Lot 18 by reference to the 1998 lot line adjustment under Volume 21, Page 126, Surveys recorded July 24, 1998 (the first lot line adjustment). In 2018, the Millers purchased Lot 18, in which the deed identifies Lot 18 by reference to the 1998 lot line adjustment (not the 2001 approved configuration that was never executed through a deed).

Analysis

Government Code section 66412(d) of the Subdivision Map Act states that “The lot line adjustment shall be reflected in a deed, which shall be recorded”; accordingly, the lot that was legally created is the lot created by the 1998 Lot Line Adjustment because it was recorded by grant deed. Records of surveys alone do not effect a lot line adjustment, so the lot line adjustments in 2000 and 2003 never resulted in a revision to the boundary. The applicant provided a chain of title for Lot 18 to delineate which boundaries apply to the current property. Therefore, the legal lot is the 1998 boundary originally created by the subdivision. This means that the project, as proposed is in conformance with all setback requirements and does not encroach upon the neighbors property.