

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 is a private, 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). Lots are surrounded by large open spaces consisting largely of oak woodlands.

The applicant plans to develop a vacant lot within the Monterra Ranch subdivision with a two-story single family home and an attached garage. The subject property is located in a sparsely populated wooded residential block containing two-story homes over 100 feet 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, and the area between the highway and the project site 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

Slopes

The Greater Monterey Peninsula Area Plan, as well as Section 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 less than 500 square feet of the total development footprint will impact slopes. The applicant proposes 800 square feet of development on slopes greater than 25%, therefore the project is subject to a Use Permit per Title 21.64.

The natural terrain on the Miller parcel slopes down from Via Malpaso Road to the rear of the property and contains slopes in excess of 25% along Via MalPaso Road and along the access easement bisecting the property. The applicant has sited development between Via Malpaso Road and the access easement, in an area with slopes less than 25% but impacts to slopes cannot be avoided (**Exhibit D**). Impacts to slopes will primarily occur to obtain access from the easement to the proposed garage and fire department turnaround area along the northern portion of the proposed 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 bulk and mass of the home avoids slopes and oak trees that populate near the front property line. The home is also 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 design to achieve compliance with resource protection objectives (trees).

Tree Removal

The project site is a vacant 1.79 acre lot surrounded by vacant parcels and large custom residential homes in the Monterra Ranch Subdivision. 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 requires 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. The applicant is proposing to remove four (4) Coast Live Oak trees ranging in size from 6 to 26 dbh in association with construction of the new residence. The applicant submitted an arborist report dated May 24, 2018, which analyzes the impact of removal of six trees; however, the applicant has since revised the site plan to minimize impact to tree removal from six trees down to four. Staff found that two pine trees could be avoided with minor adjustments, and the applicant agreed.

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 in the FMP as Trees No. 1- 4) 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 project as proposed will not significantly reduce the availability of wildlife habitat over the long-term. The trees proposed for removal are on the edge of existing openings in tree canopy. Alternative locations for the home were considered; however, the proposed location is sited within an area that has the largest opening in tree canopy and is sensitive to slopes on the lot. As designed, siting the project elsewhere on the property would impact more trees and could increase development on slopes. A smaller home could further reduce the amount of trees required for removal, however the proposed home meets all site development standards and is consistent with the size and mass of other homes in the Monterra subdivision. 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 habitat 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. The proposed development is located more than 100 feet from the drainage easement.

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. Fire clearance can be accomplished without removing additional trees.

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. Attorney's for the neighbor allege 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. See discussion below.

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 which is a step required by the Subdivision Map Act to officially adjust parcel boundaries and descriptions (Government Code section 66412(d)). 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. 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). This means that the project, as proposed is in conformance with all setback requirements and does not encroach upon the neighbor's property.