



**Owner:** Marc Bordonaro  
**APN:** 416-293-003-000  
**Zoning:** LDR/5-VS  
**Parcel Size:** 6.11 acres  
**Plan Area:** Toro Area Plan  
**Flagged and Staked:** Yes

SUMMARY:

The project was heard before the Planning Commission on July 10, 2019. During this hearing, the Commission continued the hearing on the project to allow revisions to the recommended Conditions of Approval (Exhibit C) to include water treatment at the existing well versus a Point of Entry/Point of Use treatment system. Since this time, staff has worked with the Environmental Health Bureau (EHB) to adequately address the water system treatment and has revised conditions of approval to reflect the change.

The project involves the construction of an approximately 3,530 square foot two story single family dwelling with and attached two-car garage. This is a vacant property located on San Benancio Road within an established residential neighborhood, southeast of the intersection of Harper Canyon Road and San Benancio Road, approximately 2.5 miles southeast of Highway 68. Development, located within an approved building envelope, involves development on slopes in excess of 25%, ridgeline development (located on the crest of a ridge visible from San Benancio Road) and removal of four (4) Oak trees.

The proposed project has been evaluated for consistency with the 2010 General Plan (General Plan), Toro Area Plan (TAP) and the Monterey County Inland Zoning Ordinance (Title 21). A Combined Development Permit, with entitlements for development of a single family dwelling in a visually sensitive zoning district, located on slopes in excess of 25%; constituting “ridgeline development”, and involving removal of four (4) protected trees is required for the project. The criteria to grant the Combined Development Permit has been met in this case.

DISCUSSION:

*Project Overview*

The applicant proposes to construct an approximately 3,530 square foot two-story single family with an attached two-car garage. The single family dwelling will have an approximately 2,084 square foot main level, 790 square foot lower level and a 656 square foot attached two-car garage. The site is zoned Low Density Residential, 5 acres per unit with a Visually Sensitive zoning overlay (LDR/5-VS) in the Toro Planning area. Residential uses are principally permitted uses in the LDR zone. Reasonable development on this lot is constrained by slopes, trees, building envelopes, soils conditions, and aesthetic concerns.

The subject property is a vacant lot created through the Bordonaro Subdivision (PLN030613) recorded on a parcel map filed December 4, 2006. The parcel map identified two building envelopes for the property, a northern and southern envelope (see **Exhibit B**). The two buildings envelopes are surrounded by slopes. A Conservation and Scenic Easement Deed (**Exhibit H**) was filed with the parcel map for areas outside of the building envelope.

Staff has evaluated the potential for development on both the northern and southern building envelopes on the property. The applicant desires and proposes to build a home on southern building envelope. In review of the various constraints applicable to both building envelopes (see **Exhibit B**), staff has determined that development on the southern building envelope best meets the goals and policies of the General Plan and Zoning Ordinance. Development on both the northern and southern building envelopes will require

development on slopes, removal of Oak trees, and will result in ridgeline development. The magnitude of impacts on these resources would also be similar, if not more in the northern building envelope, due to the building areas and required setbacks (see **Exhibit B**), with comparable amounts of disturbance to slopes in both cases. more tree removal would be needed in the northern building envelope than the southern building envelope, and both envelopes are situated along a ridge line which will result in ridgeline development in both cases. The applicant has provided geotechnical recommendations that indicate that development on the southern envelope is superior from a geotechnical standpoint to development on the northern envelope, and the applicant desires to build on the southern envelope. Given the similarities between the two envelopes, the desire of the applicant, and the superior soils conditions, development on the southern envelope has been found to be appropriate in this circumstance.

### *Development Constraints*

General Plan Policy OS-1.3 and Policy OS-3.5 are designed to prohibit creating lots where there would be ridgeline development and development on slopes in excess of 25%. Exceptions can be made in cases where there is no feasible alternative, subject to approval of discretionary permits.

In this case, two building envelopes were created for this property as part of a subdivision approved in 2006. Staff has determined based on geotechnical information and the circumstances applicable to this site, that there is no feasible alternative that would avoid development on slopes or on the ridgeline. Geotechnical Evaluations provided by the applicant (see **Exhibit B and Exhibit G**) finds that one of the building envelopes (northern) is not feasible for development. Approximately half of the building envelope where development could feasibly occur (southern) contains slopes in excess of 25%. Development on this envelope would also create ridgeline development when viewed from a common public viewing area (San Benancio Road). As such, the building design and landscape plan are critical to soften the impact. Staff explored the option of additional excavation to lower the house profile (i.e.: create partially subterranean levels) and reduce the ridgeline impacts. However, in this specific case, further excavating to lower the house could cause undue risk of slope failure due to additional encroachment into slopes in excess of 25%. Due to the fact that neither ridgeline development or slopes can be fully avoided, the project has been balanced to reasonably minimize impacts to both of these resources. The project has been conditioned with a non-standard condition of approval for screening in areas visible from San Benancio Road, see **Exhibit B** for further detail. The challenge is that if not maintained properly, landscape screening is not effective to reduce the visibility.

### *Trees*

The project includes the removal of four (4) Oak trees. TAP Policy T-3.7 states that the removal of healthy, native oak trees in the Toro Planning Area shall be discouraged. Title 21 Section 21.64.260 provide regulations for the preservation of oak and other protected trees. As further discussed in **Exhibit B**, staff has analyzed the proposed tree removal relative to siting of development and minimizing removal. Staff finds that due to the existing topography and the site constraints, the tree removal is the minimum required in this case to allow development, reduce risk of fire and retain the long-term health of the forest/woodland both on and off site. A Forest Management Plan (**Exhibit F**) was provided by the applicant to evaluate the condition of the trees and on-going management to protect the health of the wooded areas and reduce fire risk.

A tree replanting ratio of 1:1 was recommended by the arborist for the project. This would equate to a total of four (4) five-gallon or larger trees being replanted. Staff is recommending additional trees to be replanted on top of the arborist's recommendation to provide more vegetative screening for the project when viewed from San Benancio Road. This results in a 3:1 ratio, for a total of 12 trees to be replanted rather than 4. The trees will be placed in areas that allow for maximum sunlight and are a minimum ten (10) feet apart in spacing as

recommended by the arborist. This placement will ensure that the additional trees will not create overcrowding. The arborist's recommended replacement ratio is the minimum needed to conform to County Code section 21.64.260.4, which requires a 1:1 ratio. Typically, arborist recommendations for tree replanting do not consider adding trees for the purpose of visual screening, as visual impacts are generally not within the purview of an arborist. In this case, staff has analyzed the overall project in conjunction with the arborist report and feels that given the parameters (i.e.: 10 foot spacing with open sunlight), there is sufficient space on the parcel to accommodate the eight (8) additional trees to provide enhanced screening for the development.

### *Water Quality*

The water quality results collected on February 2, 2019 from the well that serves this property indicated that Arsenic was over the maximum containment level of 10 parts per billion. This well may also serve two other parcels in the future which are part of the same 3-lot subdivision. Initially, the applicant was proposing to install a point of use/point of entry treatment system to reduce contamination levels to an acceptable amount at the subject parcel only. At the July 10<sup>th</sup> Planning Commission, the applicant agreed to install treatment at the well-head, effectively treating the water for future development on the remaining two parcels as well. A condition of approval has been incorporated by Environmental Health to ensure installation of treatment at the well.

### *Conclusion*

Building envelopes establish the area anticipated for development when a subdivision is approved. Based on the building envelope created in this case, staff finds that the size of the home is reasonable for this area and that shifting location of the home or additional excavation could create other impacts, such as effects on slopes, additional visual impacts or removal of more/healthier trees.

See **Exhibit B** for further discussion.

### DESIGN REVIEW AND DEVELOPMENT STANDARDS:

The project site and surrounding areas are designated as a Visual Sensitivity "VS" zoning district, which is intended to regulate development that could potentially create adverse visual impacts when viewed from a common public viewing area (San Benancio Road). As further discussed in **Exhibit B**, the project would be visible from San Benancio Road and would result in ridgeline development.

Staking and flagging of development was erected on both the northern and southern building envelopes. Staff conducted a site inspection to ascertain the potential for aesthetic impacts on the two potential building locations. During review, staff determined that, in both circumstances, development would be located on the crest of a ridge and silhouetted against the sky when viewed from San Benancio Road (ridgeline development). In both cases, the home is located more than 300 feet off San Benancio Road and Oak trees will aid in screening views of the home, but staking and flagging are visible behind the Oak trees. The southern building envelope actually provides more existing vegetation that screens the proposed development versus the northern building envelope due to less existing vegetation. In addition, the project has been conditioned to require additional landscaping and trees to screen the development when viewed from San Benancio Road. As designed and conditioned, staff has determined that, although the project will be visible, the project will not result in a substantially adverse visual impact when viewed from San Benancio Road. Visual impacts of development in both the northern and southern building envelopes would be substantially the same.

The applicant proposes to construct an approximately 3,530 square foot two-story single family dwelling with an attached two-car garage. The single family dwelling consists of an approximately 2,084 square foot main

level, 790 square foot lower level and a 656 square foot attached two-car garage. The colors and materials would have a modern ranch architectural style consisting of: tan stucco siding with dark brown eaves and trim, ivory and carmel stone veneer columns within dark bronze clad windows and doors, and charcoal composition roofing. The neighborhood consists of mainly ranch style homes similar with features. The exterior finishes blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other dwellings in the neighborhood. Therefore, the project is consistent with neighborhood character and will not detract from the surrounding environment.

***Main Structure Setback and Height:***

<u>Required:</u>	<u>Proposed:</u>
Front: 100 feet min.	Front: 341 feet
Side: 20 feet min.	Side: 151 feet
Rear: 20 feet min.	Rear: 300 feet
Height: 30 feet max.	Height: 27-6 feet

***Building Site Coverage:***

<u>Required:</u>	<u>Proposed:</u>
Coverage: 35%, 93,153 square feet	Coverage: 3.37%, 8,970 square feet

As summarized above, the proposed project as conditioned conforms to the design review guidelines listed in Title 21 Chapter 21.46, the development standards listed within this zoning district per Title 20 Section 20.14.060 and TAP Policy T-3.3.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

The project is categorically exempt from environmental review pursuant to Section 15303 (a) of the CEQA Guidelines. This exemption applies to the construction of new single family dwellings in residential zones. The construction of a 3,530 square foot two-story single family dwelling with an attached two-car garage is consistent with this exemption. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located on a hazardous waste site, near a scenic highway, is not likely to affect cultural resources and will not have a significant effect on the environment. Therefore, the project is categorically exempt.

**LAND USE ADVISORY COMMITTEE (LUAC):**

Based on the Land Use Advisory Committee (LUAC) procedure guidelines adopted by the Monterey County Board of Supervisors, the project was referred to the Toro LUAC for review on May 28, 2019. The LUAC recommended approval of the project with concerns and comments (**Exhibit E**). The LUAC suggested for the height of the structure to be lowered to where it is not visible above the ridgeline, had concerns about storm-water run-off and erosion resulting from development on slopes greater than 25% and recommended for a tree replacement ratio of 5:1 with mixed native species.

The height is below the maximum allowed per the LDR zoning district and the applicant does not desire to reduce the height of the single family dwelling. Although the project results in ridgeline development as discussed in Finding 6 the visual impact is not substantially adverse as the single family dwelling is screened by existing vegetation and is conditioned to provide additional vegetation screening from San Benancio Road.

Further, Title 21 allows for development on slopes in excess of 25% provided there are no alternative feasible options (see **Exhibit B**), which in this case is applicable. The project is conditioned for a stormwater control plan (see **Exhibit C**). Further, there is existing vegetation within the areas visible from San Benancio Road and the replanting of the trees would occur within this area. To allow for maximum growth and adequate spacing, the 5:1 ratio recommended by the LUAC was not applied. The arborist recommended a replanting ratio of 1:1 for the replacement of the 4 oak trees. As discussed above, Staff is recommending a 3:1 ratio resulting in 12 trees to be replanted (see **Exhibits B** and **C**).

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

Environmental Health Bureau  
Monterey County Regional Fire District  
RMA-Environmental Services  
RMA-Public Works

Prepared by: Jacquelyn M. Nickerson, Assistant Planner, Ext. 5240  
Reviewed by: Craig Spencer, Interim RMA Planning Services Manager  
Approved by: John M. Dugan, FAICP RMA Deputy Director of Land Use and  
Development Services

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet  
Exhibit B - Detailed Discussion  
Exhibit C - Draft Resolution, including:

- Conditions of approval
- Site plans
- Colors and materials

Exhibit D - Vicinity Map  
Exhibit E - Toro LUAC Minutes  
Exhibit F - Tree Assessment LIB180339  
Exhibit G - Geotechnical Reports LIB180433 and LIB190149  
Exhibit H - Conservation and Scenic Easement

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Toro Land Use Advisory Committee; Brandon Swanson, Interim Chief of Planning; Craig Spencer, Interim RMA Planning Manager; Aaron Tollefson, Agent; Marc Bordonaro, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN180032