



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Legislation Details (With Board Report)

**File #:** PC 20-043 **Name:** PLN180289 MILLER  
**Type:** Planning Item **Status:** Agenda Ready  
**File created:** 7/17/2020 **In control:** Monterey County Planning Commission  
**On agenda:** 7/29/2020 **Final action:**  
**Title:** PLN180289 - MILLER  
Public hearing to consider the construction of a two-story single family dwelling with an attached garage (approximately 6,462 square feet) and the removal of four (4) oak trees.  
Project Location: 24275 Via Malpaso, Monterey, Greater Monterey Peninsula Area Plan.  
Proposed CEQA action: Categorically Exempt per §15303 (a) of the CEQA Guidelines

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Staff Report, 2. Exhibit A - Detailed Discussion, 3. Exhibit B- Draft Resolution, 4. Exhibit C - Vicinity Map, 5. Exhibit D - Plans, 6. Exhibit E - LUAC Minutes, 7. Exhibit F - Forest Management Plan, 8. Exhibit G - Biological Review

Date	Ver.	Action By	Action	Result
7/29/2020	1	Monterey County Planning Commission		

### PLN180289 - MILLER

Public hearing to consider the construction of a two-story single family dwelling with an attached garage (approximately 6,462 square feet) and the removal of four (4) oak trees.

**Project Location:** 24275 Via Malpaso, Monterey, Greater Monterey Peninsula Area Plan.

**Proposed CEQA action:** Categorically Exempt per §15303 (a) of the CEQA Guidelines

### RECOMMENDATION:

It is recommended the Planning Commission adopt a resolution to:

- Find that the project is construction of a single-family dwelling and accessory dwelling unit which qualifies as a Class 3 Categorical Exemption per Section 15303 (a) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
- Approve a Combined Development Permit consisting of:
  - 1) An Administrative Permit and Design Approval to allow the construction of a new single family dwelling with attached garage (6,462 square feet);
  - 2) A Use Permit to allow the removal of four oak trees including one landmark tree 26 inches in diameter; and
  - 3) A Use Permit to allow 800 square feet of development on slopes greater than 25%.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to thirteen (13) conditions of approval.

### PROJECT INFORMATION:

**Agent:** Carla Hashimoto

**Property Owners:** Eric and Greta Miller

**APN:** 259-101-066-000

**Parcel Size:** 1.79 acres

**Zoning:** RDR/B-6-UR-D-S

**Plan Area:** Greater Monterey Peninsula Area Plan

**Flagged and Staked:** Yes

**SUMMARY:**

The applicant (Millers) submitted plans to develop a vacant lot in the Monterra Ranch Subdivision. Plans include a 6,462 square foot, two-story, single family home with attached garage on 1.79 acres. The site location is sloped and populated with native Oak trees. Development has generally been sited to minimize impacts; however, this project will require the removal of four (4) Oak trees (6 inches in diameter, 10 inches, 10 inches, and 26 inches), and impact about 800 square feet of slopes exceeding 25% grade.

The proposed single family dwelling with the attached garage is located near the front half of the property. There is an existing driveway easement that cuts through the middle of this parcel to provide access to the western neighbor's property and the access would remain after this project is developed. The proposed development meets all site development standards for the RDR/B-6 zoning designation.

Staff finds that the project is consistent with the Greater Monterey Peninsula Area Plan and Title 21 of the Monterey County Code. The proposed residential use is consistent with the residential zoning. Siting and design of the residential structure would not detract from the character of the neighborhood or adversely affect views in the area, and development has generally been sited to minimize impacts to trees and slope.

The project consists of the first single family home with an attached garage. It is surrounded on all sides by residential development and/or roadways. Therefore, staff finds that the project can qualify as categorically exempt from CEQA review.

**DISCUSSION:**

Detailed discussion is provided in Attachment A.

**CEQA:**

This project is categorically exempt from CEQA review pursuant to Section 15303(a), Class 3 for limited new development. The project consists of the first single family home with an attached garage and detached accessory dwelling unit. None of the circumstances in Section 15300.2 disqualifying the project from a Class 3 Categorical exemption apply. Other than tree removal, which is addressed in this report, the site is not located in a particularly sensitive environment. It is surrounded on all sides by medium density residential development and/or roadways. Views from Highway 68 (a scenic highway) are protected and the lot is over a mile away from the Highway. There are no significant cumulative effects of residential development on residentially zoned lands, there are no historical resources and no hazardous waste sites involved. The project will not have a significant effect on the environment and qualifies for a Categorical exemption as one residential home on a residential lot.

**OTHER AGENCY INVOLVEMENT:**

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

RMA-Public Works

RMA-Environmental Services

Environmental Health Bureau

Water Resources Agency

Monterey County Regional FPD

**LUAC:**

The proposed project was reviewed by the Greater Monterey Peninsula Land Use Advisory Committee on

February 25, 2019. Several issues from the neighbor were raised, including an ongoing lot line dispute as it related to the proposed Accessory Dwelling Unit (ADU). 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 Exhibit A-Detailed Discussion). Moreover, the application has been amended to remove the ADU from the project. The project before the Planning Commission includes only the construction of the first single family dwelling on the site. Despite the concerns, the Miller project received a unanimous recommendation of approval (four ayes, 0 noes and 1 absent).

Prepared by: Yasmeen Hussain, Associate Planner, x6407

Reviewed by: Craig Spencer, RMA Planning Services Manager

Approved by: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Detailed Discussion

Exhibit B - Draft Resolution, including:

- Conditions
- Colors and Materials

Exhibit C - Vicinity Map

Exhibit D - Plans

Exhibit E - LUAC Minutes

Exhibit F - Forest Management Plan

Exhibit G - Biology Review

cc: Front Counter Copy; Planning Commission; Craig Spencer, RMA Planning Services Manager; Yasmeen Hussain, Project Planner; Eric and Greta Miller, property owners; Rebecca Tweten, neighbor; Christine Kemp, interested party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN180289.