



# County of Monterey

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

## Board Report

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**File #:** PC 16-030, **Version:** 1

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### **PLN160205/Nicola**

Public hearing to consider action on a Design Approval and Use Permit for the construction of a single family dwelling including removal of 21 Coast Live Oak trees

**Proposed CEQA Action:** Categorically Exempt per CEQA Guidelines Section 15303  
113 San Benancio Rd, Salinas, Toro Area Plan.

#### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution:

- 1) Finding the project categorically exempt per California Environmental Quality Act Section 15303;
- 2) Approving a Use Permit for removal of 21 Coast Live Oak trees; and
- 3) Approving a Design Approval for the construction of a new 4,052 square foot, two-story single family dwelling.

#### PROJECT INFORMATION:

**Planning File Number:** PLN160205

**Owner:** Anthony Nicola

**APN:** 416-221-041-000

**Zoning:** LDR/5-D

**Parcel Size:** 0.99 acres

**Plan Area:** Toro Area Plan

**Flagged and Staked:** Yes, flagging and staking was installed prior to the LUAC meeting on May 23, 2016 and it is still in place

#### SUMMARY:

The applicant desires to build a new, 3,060 square foot two-story home with a 960 square foot attached garage and 298 square foot deck (total 4,052 square feet) on a site that is approximately one acre located near the intersection of San Benancio Road and Harper Canyon Road, across from Titus Park. This is a vacant site zoned for residential use and the proposed design would require removal of 21 oak trees.

Primary issues with the proposed project include tree removal and neighborhood character:

- a. Tree Removal. Staff finds that there is not a good alternative location on this site where a house could be placed and result in less tree removal. Based on the project design that meets development standards, staff finds the minimum number of trees would be removed and that the project does not pose adverse impacts associated with the tree removal.
- b. Neighborhood Character. The Toro Land Use Advisory Committee suggested that the height of the proposed home be reduced to fit in with the surrounding one-story ranch homes in the neighborhood in accordance with Design control zoning requirements. This is not included in the recommendation by staff, as the site is not critically visible from the surrounding area, and the two story design has a smaller footprint than a single story structure which minimizes the disruption to the oak trees on the site.

Staff recommends approval of the Use Permit subject to planting replacement trees and the Design Approval as proposed.

#### DISCUSSION:

The Planning Commission is the appropriate authority to consider the proposed project pursuant to Section 21.64.260.D.3.a of the inland zoning ordinance, Title 21, because the project involves the removal of more than three protected oak trees. The underlying development of a single family residence, meeting all the zoning requirements, requires only a Design Approval. Design Approval is contingent on approval of a Use Permit for tree removal and dependant on the number of trees approved for removal.

#### **Use Permit - Tree Removal**

Tree protection policies of the General Plan, Toro Area Plan, and the zoning ordinance Title 21 have been reviewed. Pursuant to zoning regulations, findings required in order to grant a Use Permit for the removal of trees include:

1. The tree removal is the minimum required under the circumstances of the case; and
2. The removal will not involve a risk of adverse environmental impacts; or
3. The trees are diseased, injured, a danger to existing or proposed structures, or are likely to promote the spread of insects or disease.

Taking into consideration the topography of the site, desired setbacks from neighboring properties, and location of associated utilities, the proposed development appears to meet the intent of the zoning ordinance.

In an attempt to minimize removal of trees, staff has evaluated options to site the proposed home further toward the southern boundary of the lot where there are fewer trees. This has undesirable consequences as moving the home to this location would place the structure closer to the neighboring property, be located on the highest point of the lot making the home appear taller from off-site, and require reconfiguration of the utilities and the driveway which would impact other trees. There is a fine balance on this site between minimizing tree removal and designing and locating the structure on the property in the best manner to maintain neighborhood character. Relocating the home on the southern portion of the property would also interfere with the proposed leach areas for the septic system which are proposed here to meet county code requirements. The proposed two-story design of the home affords the desired square footage while minimizing the footprint. Lot coverage of 6.5% is proposed; well under the 25% allowed by zoning.

A Forest Management Plan (FMP) was prepared for the project by Rob Thompson (**Exhibit C**) that reaches a similar conclusion and addresses the environmental impacts of the project on the forested lot. A corresponding Fuel Management Plan was also prepared to address fire clearance and defensibility which includes clearing underbrush and limbing up oak trees (**Exhibit D**). The one-acre lot is located in a low density residential neighborhood and is surrounded by residential development. Because of this condition, and given that trees are proposed to be retained in and around the proposed development, the FMP concludes that ecological impacts of the proposed tree removal will be minimal. One tree on the site is dead and is recommended for removal by the arborist since it may attract harmful insects which could affect the surrounding trees. Conditions are suggested that would require appropriate tree protection measures during construction, including erosion control measures, to preserve the trees near the developed areas and to require planting new five-gallon oak trees as replacements for those removed for construction (See Conditions 8, 9 and 14.) With these conditions, the project meets General Plan, Toro Area Plan, and zoning requirements.

#### **Design Approval**

The proposed improvements are subject to design control requirements contained in Chapter 21.44 of the inland zoning ordinance. Design requirements include consideration of the location, size, configuration, materials and colors of structures and fences for the protection of public views and neighborhood character.

a. Site Design

The location is off of a small private road, west of San Benancio Road. Location and siting of the home meets all of the site development standards for the lot. The site design places the house at a 90 degree angle to the road resulting in a curved driveway with a large back up space. This design is conducive to providing off street parking, but does expand the footprint of the development. Staff finds that this is not necessarily the best design to minimize tree impacts, but it provides more visual interest to the streetscape as the garage is not the dominant feature of the house from the street.

Staff generally supports the balance reached by this site design. However, the site grading should be adjusted so that there will not be significant excavation within the driplines of the trees which will be retained. A condition of approval has been added to minimize excavation within the driplines of the trees, and to require any trenching be accomplished by hand and that roots over one inch in diameter are not cut. (Condition 23)

b. Architecture

Concerns were raised by the Toro Land Use Advisory Committee regarding the two-story design of the home in comparison to the neighborhood which contains mostly one-story ranch style homes (**Exhibit E**). In general, the design of the home is slightly bulky for the area and simplistic in design with a Mediterranean influence. There are a few examples along San Benancio Road of similar architectural designs and features to those proposed, although the majority of homes in the immediate area are older one-story homes.

The proposed home would be about 27 feet in height from average natural grade, which is three feet under the allowable 30 foot height limit. As described in the tree removal analysis, the two-story design balances the desired square footage while providing a relatively small footprint. There are a number of larger homes in the area and, if the proposed home were designed as a one-story structure, a larger footprint would be sought. A larger footprint would likely result in removal of more trees. The site is located on a private road and the home will not be visible from San Benancio Road or other public viewing areas due to screening provided by trees. Proposed colors and materials include beige stucco and tile roofing which are common within the County and within the Highway 68 corridor. Trees are proposed to be retained or new trees will be planted surrounding the proposed home to provide visual screening of the home from off-site. As proposed and conditioned, the structure appears to meet the design criteria of Chapter 21.44.

c. Landscape Plan

The site will be required to replant trees on site; this will need to be accommodated in the landscaping on site. No landscaping has been proposed at this time, but the standard landscape plan condition has been applied (Condition 12). Any proposed fencing will be evaluated as part of the landscaping plans. Staff will be seeking a balance of green space utilizing native plants and fuel management.

d. Lighting

This is not a visible location, but the cumulative effect of lighting is a concern. The standard lighting condition has been applied to this project (Condition 13.)

e. Visual Sensitivity

This is a visually sensitive area, but the development will not be visible from a public road or common public viewing area. The colors and materials are consistent with blending the development into the natural environment. The project is thus consistent with the requirements for development within a visually sensitive area.

### **California Environmental Quality Act - CEQA**

The project is categorically exempt from the provisions of CEQA under Section 15303 (new construction). The development involves construction of one single family dwelling on a vacant lot in a rural residential neighborhood and will not result in significant effects on the environment.

### OTHER AGENCY INVOLVEMENT:

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

- ☒ Environmental Health Bureau
- ☒ RMA-Public Works
- ☒ RMA-Environmental Services
- ☒ Water Resources Agency
- Salinas Rural Fire Protection District
- ☒ Toro Area Land Use Advisory Committee

Departments/Agencies marked with an ✓ recommended conditions of approval.

The proposed project was reviewed by the Toro Land Use Advisory Committee (LUAC) on May 23, 2016 and June 13, 2016. The Toro LUAC recommended approval of the project by a vote of 6 ayes, 0 noes, with 3 absent (**Attachment E**), but expressed concerns relative to incomplete information on the plans submitted, the height of the proposed dwelling, impacts of the septic leach fields on oak trees, and address assignment. Staff has addressed these concerns in coordination with the applicant. Plans have been updated to reflect more information, the address assignment has been verified with Public Works and Fire, and a discussion of the neighborhood character issues are provided in the discussion above.

### FINANCING:

Funding for staff time associated with this project is included in the FY16-17 Adopted Budget for RMA-Planning.

Prepared by: Craig W. Spencer, Senior Planner, x5233

Reviewed by: John Ford, RMA-Planning Services Manager, x5158

Approved by: Carl Holm, AICP, Director of the RMA

### Attachments:

- Exhibit A - Project Data Sheet
- Exhibit B - Draft Resolution for approval
- Exhibit C - Forest Management Plan
- Exhibit D - Fuel Management Plan
- Exhibit E - Toro Land Use Advisory Committee recommendation

cc: Front Counter Copy; John Ford, RMA Services Manager; Anthony Nicola, Applicant/Owner; Hope Belli Tinney (neighbor); The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN160205

