



County of Monterey

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

Board Report

File #: PC 17-099, **Version:** 1

PLN160136- CARLO PARCO (BARWICK)

Public hearing to consider the construction of a one-story single-family residence and a one-story detached recreation structure which will require the removal of a total of six (6) Coast live oak trees and the development within 100 feet of Environmentally Sensitive Habitat Area (ESHA- central maritime chaparral plant community, Pajaro Manzanita, Hooker's Manzanita, Monterey ceanothus).

Project Location: 15630 Plaza Serena, Salinas, North County Land Use Plan (Assessor's Parcel Number 129-096-034-000)

Proposed CEQA Action: Adopt a Mitigated Negative Declaration

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Adopt a Mitigated Negative Declaration;
- b. Approve a Combined Development Permit consisting of:
 - 1) Coastal Administrative Permit to allow the construction of an approximately 3,000 square foot one-story single family residence with attached garage and an approximately 1,050 square foot detached recreation room;
 - 2) Coastal Development Permit to allow the removal of five (5) Coast live oak trees and the "after-the-fact" removal of one (1) Landmark Coast live oak tree, for a total of six (6) Coast live oaks;
 - 3) Coastal Development Permit for development within 100 feet of Environmentally Sensitive Habitat Area. (ESHA- central maritime chaparral plant community, Pajaro Manzanita, Hooker's Manzanita, Monterey ceanothus); and
- c. Adopt a Mitigation Monitoring and Reporting Plan.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to 20 conditions of approval and 9* mitigation measures subject to a mitigation monitoring and reporting plan.

*(There are actually two mitigation measures: one for tribal monitoring and one for ESHA. The ESHA measure has six actions. See Exhibit C for recommended conditions of approval; mitigation measures and actions are Condition Nos. 21-29).

PROJECT INFORMATION:

Owner: Carlo Parco

APN: 129-096-034-000

Parcel Size: 2.5 acres

Zoning: LDR/2.5 (CZ) [Low Density Residential, 2.5 acres per unit, Coastal Zone]

Plan Area: North County Land Use Plan

Flagged and Staked: Yes

SUMMARY/DISCUSSION:

The project site is located at 15630 Plaza Serena in unincorporated Salinas. See **Exhibit G** for Vicinity Map. It is a vacant trapezoidal parcel of approximately 2.5 acres, created by a minor subdivision in 1986. Zoning of the property is Low Density Residential, 2.5 acres per unit, Coastal Zone. The site has mild to steep slopes (5 to 20 percent), with slopes of approximately ten percent in the areas of proposed development and is primarily covered with coast live oaks, non-native eucalyptus trees and grassland. The parcel has an “L” shaped scenic easement located in the middle of the property, the purpose of which was to prohibit development on slopes in excess of 30 percent. A biological survey (see **Exhibit F**) on the property, identified Environmental Sensitive Habitat Areas (ESHA) comprised of central maritime chaparral plant community, Pajaro manzanita, Hooker’s manzanita and Monterey ceanothus. Between abundance of coast live oaks, ESHA and the scenic easement located on the property, developable areas are difficult to site.

The proposed development includes the construction of a U-shaped one-story single family residence (4 bedroom, 2 baths) with an attached two car garage at the southeastern side of the property and a one-story non-habitable detached recreation structure with a half restroom (toilet and sink, no shower/bath) at the southwest corner of the property. The square footages for these structures are:

- Residence: 2,501 square feet
- Attached Garage: 431 square feet
- Residence Porch: 96 square feet
- Detached Recreation Structure: 996 square feet
- Recreation Structure Porch: 60 square feet

Total lot coverage proposed is 4,084 square feet (approximately 3.75% lot coverage). Associated grading for the residence will consist of 334 cubic yards of cut and 128 cubic yards of fill. The remaining 206 cubic yards of excess fill will be balanced on site to fill the area of the proposed recreation structure. The parcel will be served by two septic systems; one septic system for the residence and one for the recreation structure. It is necessary to have two systems since the residence and recreation structure are proposed at approximately 360 feet from one another. The reason these proposed developments are separated, is that each one is sited in areas that have a relatively flat topography and are void of major vegetation. The Environmental Health Bureau reviewed the project application and did not require any conditions, they only had comments that the septic system to serve the proposed recreation structure shall be a minimum of 750 gallons and 500 square feet of drain field and that the primary and secondary drain field shall be installed at initial construction. These requirements will be reviewed with the construction permit application.

There is an existing unpaved rough driveway, approximately 450 feet in length that begins at Plaza Serena and extends across the property. This driveway avoids the scenic easement located in the center of the property. In staff's review of County records, no permit for the driveway was found; the County requires a construction permit for driveways of more than 150 feet in length. It is unclear if the driveway was constructed at the time of subdivision improvements or sometime after. The existing driveway is required to be shown on the construction permit application(s) with any proposed widening and /or resurfacing for review and approval by the County.

Entitlements: The project requires the following entitlements: A Combined Development Permit consisting of:

- 1) A Coastal Administrative Permit to allow the construction of an approximately 3,000 square foot one-story single family residence with attached garage and an approximately 1,050 square foot detached recreation room;
- 2) A Coastal Development Permit to allow the removal of five (5) Coast live oak trees and the "after-the-fact" removal of one (1) Landmark Coast live oak tree, for a total of six (6) Coast live oaks; and
- 3) A Coastal Development Permit for development within 100 feet of Environmentally Sensitive Habitat Area (ESHA- central maritime chaparral plant community, Pajaro Manzanita, Hooker's Manzanita, Monterey ceanothus).

Initial Study/Project Issues: Tree removal, Development within 100 feet of Environmentally Sensitive Habitat Area (ESHA) and Tribal Cultural Resources. Staff prepared and circulated an Initial Study (see **Exhibit D**). The Initial Study concluded that the project has a less than significant impact, with mitigation incorporated, to biological and tribal cultural resources. The recommended mitigations for biological resources include one mitigation measure with several actions that would reduce the construction impacts to the identified ESHA to a less than significant level. The recommended mitigation for tribal cultural resources was the outcome of staff's consultation with the most likely descendant (MLD) of the Ohlone/Costanoan-Esselen Nation. Tree removal was also analyzed but these did not result in implementation of mitigation measures, but rather conditions of approval. The following is an overview of staff's analysis of these issues.

Tree Removal: The development includes the removal of six (6) oak trees including one (1) previously removed landmark oak tree (landmark oak tree is an oak tree of 24 inches or more in diameter); as well as the removal of eight (8) non-landmark and non-native eucalyptus trees, which are a non-protected tree species and therefore, do not require a permit for removal. A Coastal Development Permit is only required for the removal of the six (6) oak trees, pursuant to Forest Resources Development Standards contained in Section 20.144.050 of the *Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area*, which identifies Coast live oaks, 6 inches or more in diameter as protected trees. Coast live oaks of 24 inches or more in diameter are not only protected, but are considered "landmark" trees with specific findings for their removal. The tree chart below is an excerpt from the Tree Resource Assessment report (**Exhibit E**) and identifies each tree to be removed by an identification number, referencing back to a map with size, structure and health and under "comments", the location of the tree within either the proposed leach field

area or building footprint of the proposed single family residence:

<u>Tree ID</u>	<u>Diameter</u>	<u>Species</u>	<u>Structure</u>	<u>Health</u>	<u>Location</u>
325	6-inch	Oak	Fair	Fair	Leach Field
326	10-inch	Oak	Fair	Fair	Leach Field
327	10-inch	Oak	Fair	Fair	Leach Field
328	6-inch	Oak	Fair	Fair	Building Footprint
329	9-inch	Oak	Fair	Fair	Building Footprint
158	20 & 7-inch	Eucalyptus	Poor	Fair	Building Footprint
159	Multi-stem	Eucalyptus	Poor	Fair	Building Footprint
160	7 & 5-inch	Eucalyptus	Poor	Fair	Building Footprint
161	15 & 10-inch	Eucalyptus	Poor	Poor	Building Footprint
162	13-inch	Eucalyptus	Fair	Fair	Building Footprint
163	17-inch	Eucalyptus	Fair	Fair	Building Footprint
164	10-inch	Eucalyptus	Fair	Fair	Building Footprint
165	Multi-stem	Eucalyptus	Poor	Fair	Building Footprint

Staff finds that the tree removal findings can be made as the proposed number of oak trees to be removed is the minimum required given the site constraints of the property. By allowing the tree removal at the proposed areas, the single-family residence will be developed in the least impactful areas by avoiding development on slopes of over 25% and by avoiding disruption of the forest continuity as the proposed removal of the Coast live oaks are trees located at the edge of existing stands of trees. With the exception of the 24 inch diameter tree that was previously removed, the proposed Coast live oaks to be removed are considerably small (6 inches to 10 inches). As previously noted, in order to remove a landmark tree, specific findings would need to be made. The findings are: 1) the tree cannot be visually or historically significant; and 2) not be exemplary of its species or more than 1000 years old.

The arborist observed one stump where a 24" diameter Oak tree (ID #333) was removed without a permit, which has been added to the tree removal count. The tree stump is located within the proposed building footprint. The arborist concludes that judging by its stump measurement, the tree should be classified as a landmark oak. Evidence suggests that the tree was not visually significant, did not have historical value or it was not more than 1000 years old. The removal of the tree would have been required with this site plan due to the configuration of the lot, which has a scenic easement that makes designing a house difficult on this property. For these reasons, staff's opinion is that a recommendation of approval for removal of this landmark tree would have been made if an application was made.

Biological Resources: Biological surveys confirmed the presence of the following environmentally sensitive habitats within 100 feet of proposed development: Central maritime chaparral plant community, Pajaro manzanita, Hooker's manzanita and Monterey ceanothus. The biological survey update dated September 15, 2017, attaches a map with approximate locations of these plants. See **Exhibit F**. Pajaro manzanita and Hooker's manzanita are both present in places close to the existing driveway. The impacts to these plants would result from widening of the driveway to meet current fire standards. In addition to the sensitive plant species located near the existing driveway, the biologist confirmed the presence of a large area of maritime

chaparral on the property, containing Pajaro manzanita, Hooker's manzanita and Monterey ceanothus located north of the proposed home site. No removal of these plants is anticipated although some trimming may be necessary. In order to reduce construction impacts to less than significant levels to these sensitive species the following mitigation measures have been incorporated: Landscaping plans shall include native landscaping and eradication of invasive plants, preconstruction survey for presence of sensitive wildlife will take place ten days before construction activities begin, maintenance and monitoring of ESHA and conveyance of portions of the subject property where central maritime chaparral exists to the County of Monterey through a conservation and scenic easement.

The proposed project is within the jurisdiction of the North County Fire Protection District (FPD) and in an urban wildfire interface zone. The North County Fire Department did not have conditions of approval, but did comment that the project shall comply with 2013 California Fire Code and Monterey County amendments, which requires that construction plans include a Fire Protection Plan which will employ fuel management techniques. The Plan shall include a "clear vegetation" note requiring that flammable vegetation shall at all times maintain a 30-foot cleared distance from any structures. The fire note also takes into consideration ESHA and describes that the clearance distant shall be determined by the Fire Chief and the Chief of the Planning Department. In this case, the proposed structures are more than 30 feet from ESHA. The majority of the identified ESHA is adjacent to the existing driveway.

Tribal Cultural Resources: Although the site is located in a low archaeological sensitivity zone, which means that there is a low possibility that the project area was suitable for Native American habitation, the MLD expressed concerns with the proposed oak tree removal and the excavation for the septic leach field areas. The project involves removal of five Coast live oaks and the stump removal of a 24-inch in diameter Coast live oak, previously cut. The MLD expressed that Coast live oaks were considered important and frequented by her people for food and burials. Also, she had concerns with the excavation depth of the proposed septic and septic leach field areas. Therefore, in order to reduce impacts to tribal cultural resources to a less than significant level, a mitigation measure has been added requiring a tribal monitor to be onsite during the removal of the proposed Coast live oaks and during the excavation of the septic and septic leach field areas.

ADDITIONAL DISCUSSION:

Additional detailed technical discussion is provided in **Exhibit B**.

CEQA

An Initial Study/Draft Mitigated Negative Declaration (IS/MND) was prepared in accordance with CEQA and circulated for public review from October 17, 2017 to November 15, 2017. Issues analyzed in the MND were Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Tribal Cultural Resources and Mandatory Findings of Significance. Potential impacts to Biological Resources and Tribal Cultural Resources were identified. Mitigation measures proposed are designed to mitigate for the impacts to ESHA and to manage the discovery of cultural resources during construction. The impacts are mitigated to a less-than-significant level through the implementation of these mitigation measures. Staff did not receive any comment letter(s) during the public review period.

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
North County Fire Protection District

The proposed project will be referred to the North County Coastal/Non-Coastal Land Use Advisory Committee (LUAC) for review at their meeting on December 6, 2017. This report was written prior to December 6, 2017, therefore the LUAC's summary and recommendation is not available. Staff will be prepared to submit the LUAC's comments and recommendation at the December 13, 2017 Planning Commission Hearing.

FINANCING:

Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for RMA-Planning.

Prepared by: Nadia Amador, Associate Planner, Ph. 831-755-5114
Reviewed by: Brandon Swanson, RMA Services Manager
Approved by: John M. Dugan, AICP, RMA Deputy Director
Carl P. Holm, AICP, RMA Director

The following attachments are on file with the RMA:

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

- Recommended Conditions of Approval
- Plans

Exhibit D - Mitigated Negative Declaration (Draft Initial Study)
Exhibit E - Tree Resource Assessment, dated September 5, 2017
Exhibit F - Biological survey update for the Barwick Property, dated September 15, 2017
Exhibit G - Vicinity Map

cc: Front Counter Copy; Monterey County Planning Commission; California Coastal Commission; RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Brandon Swanson, RMA Services Manager; Carlo Parco, Owner; Dennis and Janece Barwick, Former Owners; Gisela Moreno, Agent; Christine G. Kemp, Attorney; Frank Ono, Arborist; Ed Mercurio, Biologist; The Open

Monterey Project (Molly Erickson); LandWatch; Project File PLN160136