



County of Monterey Zoning Administrator

Item No.

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

Legistar File Number: ZA 24-057

December 12, 2024

Introduced: 12/6/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

PLN230174 - TERRANOVA MICHAEL R & LINNEA E

Continued from a Public Hearing on November 14, 2024, consider allowing construction of a 3,340 square foot two-story single-family dwelling with 1,008 square foot attached three-car garage, removal of three Coast live oak trees, and development on slopes greater than 25%.

Project Location: 12167 Saddle Road, Carmel Valley

Proposed CEQA action: Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Article 19 Section 15303, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a Resolution:

1. Finding the project categorically exempt pursuant CEQA Guidelines section 15303 and none of the exceptions in Section 15300.2 apply to the project; and
2. Approving a Combined Development Permit consisting of:
 - a. Administrative Permit and Design Approval to allow construction of a 3,340 square foot two-story single-family dwelling with 815 square feet of balconies and decks and a 1,008 square foot attached three-car garage. Colors and materials consist of beige plaster siding, brown vinyl windows and doors, grey composition shingle roof and dark brown metal gutters, downspouts, chimney shroud and guardrails. The project includes removal of three Coast live oak trees; and
 - b. Use Permit to allow development on slopes greater than 25%.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 9 conditions of approval.

PROJECT INFORMATION

Agent: Claudio Ortiz

Property Owner: Terranova Michael R & Linnea E

APN: 416-122-036-000

Parcel Size: 5.1 Acres

Zoning: Low Density Residential, 5 acres per unit with Visual Sensitivity overlay district and a 20-foot maximum height limit or "LDR/5-VS(20)'"

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: Yes

SUMMARY

The project is located at 12137 Saddle Road, Carmel Valley, and is subject to the policies of the 2010 County of Monterey General Plan and the Greater Monterey Peninsula Area Plan. The proposed project includes construction of a 3,340 square foot two-story single-family dwelling with an attached 1,008 square foot three-car garage, and the removal of three Coast live oak trees. There is development on slopes exceeding 25% to develop the project. This project was previously scheduled for the November 14, 2024 Zoning Administrator Hearing. However, the hearing was continued to allow staff further time to provide findings and evidence.

The project is consistent with applicable goals and policies in the 2010 County of Monterey General Plan, policies in the Greater Monterey Peninsula Area Plan, and regulations and development standards contained in Title 21 Zoning Ordinance.

Three protected Coast live oaks are proposed for removal. The Arborist Report (LIB240020) confirmed three trees must be removed to allow the new construction as they are within the footprint of the proposed single-family dwelling and driveway. No discretionary permit has been applied to this project for the removal of these trees. Pursuant to Title 21 Section 21.64.260.D.2, removal of three or fewer protected trees in a one-year period may be approved administratively.

Approximately 613 square feet of development on slopes exceeding 25% is proposed for the project. A Use Permit has been applied for the development on slopes. As discussed below and demonstrated in the attached draft Resolution, the necessary finding supporting approval of the Use Permit can be made in this case.

DISCUSSION:

Land Use & Development Standards

The parcel is zoned Low Density Residential with a maximum gross density of 5 acres per unit, with a Visual Sensitivity overlay district and a 20-foot maximum height limit, or “LDR/5-VS(20).” The proposal for a single-family dwelling and attached garage is consistent with the allowed uses of LDR as described in Title 21 Section 21.14.030.

The minimum required setbacks for main structures are 30 feet (front), 20 feet (rear), and 10% percent of the average lot width, to a maximum required of 20 feet (sides). The proposed single-family dwelling is over 100 feet from the front property line adjacent to Saddle Road, approximately 55 feet from the 20 foot wide access and utility easement adjacent to the western property line (side), over 80 feet from the eastern property line (side), and approximately 600 feet from the northern property line (rear). Therefore, the proposed project is in compliance with the minimum setback requirements.

The residence and attached garage are 19 feet, 2 and one quarter inches in height from average natural grade, in compliance with the 20 foot height limit. The subject property is 5.11 acres, or 222,591 square feet. The maximum allowed site coverage in the LDR district is 25% and the proposed project would result in a lot coverage of 4,348 square feet, or 1.9%, which is below the maximum established. Therefore, the proposed development complies with all applicable development standards.

Visual Sensitivity

The property is within a Visual Sensitivity zoning overlay district. The site is approximately 0.15 miles west from Laureles Grade and 1.5 miles south of Highway 68. Staking and flagging was observed by staff which demonstrated that the proposed structures would not be visible from scenic Highway 68, Laureles Grade, or from any common public viewing area due to vegetation and terrain. Therefore, the proposed structures would have no adverse visual impacts and approval of an Administrative Permit and Design Approval is appropriate in this case.

Tree Removal

Tree removal is subject to the regulations contained in Monterey County Code Chapter 16.60 and Title 21 section 21.64.260, which requires approval by the Chief of Planning for the removal of three or fewer protected trees in a one-year period. Approval requires that findings be made demonstrating tree removal is the minimum required under the circumstances and removal will not involve risk of adverse environmental impacts. As part of this permit, the applicant submitted a Tree Assessment/Forest Management Plan prepared by Thompson Wildland Management dated December 19, 2023 (**Exhibit D**, County of Monterey Document No. LIB240020).

The proposed tree removal is limited to three Coast live oak trees with diameters at breast height (DBH) of 15, 8, and 13 inches. The trees are in fair condition and are proposed for removal because they are located within the proposed building footprint. The proposed tree removal is the minimum required under the circumstances. The existing condition of the subject parcel is on a hillside with more than half of the property encumbered by slopes in excess of 25%. Over 30 oak trees are located in the front portion of the property and cover approximately 2/3rds of the area from east to west. As proposed, the siting of the structure is in an area that minimizes development in relation to existing trees and slopes. Relocating the structure would not result in avoiding tree removal, potentially encumber the septic envelope or scenic easements, and/or involve additional development on slopes in excess of 25%.

Development on Slopes

Development on slopes that exceed 25% is prohibited unless there is no feasible alternative that would allow development to occur on slopes less than 25%, or the proposed development better achieves the goals, policies, and objectives of the County of Monterey General Plan and applicable land use plan than other development alternatives. In this case, there is no feasible alternative. The 5.11 acre property is located on a hillside with the flattest portion closest to Saddle Road. Development on the site is further constrained by oak trees, scenic easements and a dedicated septic envelope.

CEQA:

California Environmental Quality Act (CEQA) Guidelines Section 15303(a) categorically exempts the construction of new, small facilities or structures, including structures accessory to a single-family dwelling or residential use. The project involves the construction of a single-family dwelling, non-habitable accessory structure, and removal of trees where residential development is anticipated. All the necessary reports have been obtained and have concluded that it is unlikely the project would result in impacts to archaeological, forest, or aesthetic resources. There are no exceptions pursuant to Section 15300.2. The project does not involve a designated historical resource, a hazardous waste site, or development located within a scenic highway. No evidence of significant adverse environmental

effects was identified during staff review of the development application. Therefore, the proposed development is consistent with the parameters of this Class 3 exemption.

OTHER AGENCY INVOLVEMENT

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

- HCD-Engineering Services
- Environmental Health Bureau
- HCD-Environmental Services
- Monterey County Regional Fire District

LUAC

The project requires review by a Land Use Advisory Committee (LUAC) in accordance with Board of Supervisor's Resolution 15-103. However, the project was not reviewed by the Greater LUAC. The LUAC was scheduled to review the project application twice and cancelled twice due to lack of quorum.

Prepared by: Benjamin Moulton, Assistant Planner, x5240

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with HCD:

- Exhibit A - Project Data Sheet
- Exhibit B - Draft Resolution, including:
 - Conditions of Approval
 - Site Plans, Floor Plans, Colors & Materials
- Exhibit C - Vicinity Map
- Exhibit D - Arborist Report

cc: Front Counter Copy; Monterey County Regional Fire District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Benjamin Moulton, Planner; Anna Ginette Quenga, AICP, Principal Planner; Terranova Michael R & Linnea E, Property Owners; Claudio Ortiz, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230174