



# County of Monterey Planning Commission

## Agenda Item No. 3

Legistar File Number: PC 25-058

## Item No.3

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

June 25, 2025

Introduced: 6/17/2025

Version: 1

Current Status: Agenda Ready

Matter Type: Planning Item

### **PLN220229 - BOCCONE NORMAN B AND VICTORIA E IGEL CO-TRUST**

Public hearing to consider construction of a 2,676 square foot single-family dwelling, a 414 square foot detached guesthouse, an attached 507 square foot workshop, and 415 square foot garage including associated site improvements. Project requires removal of 17 Coast live oak trees and development within 100 feet of Environmentally Sensitive Habitat Areas and on slopes in excess of 25 percent.

**Project Location:** 827 Elkhorn Slough Road, North County Land Use Plan.

**Proposed CEQA Action:** Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines.

### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution:

- 1) Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines (SCH#: 2025050246); and
- 2) Approving a Combined Development Permit consisting of:
  - a. Coastal Administrative Permit to allow construction of a split-level 2,676 square foot single-family dwelling with a 516 square foot attached carport and 471 square foot deck, and associated site improvements;
  - b. Coastal Administrative Permit to allow construction of a 414 square foot detached guesthouse with a 133 square foot covered porch, attached 507 square foot workshop and 415 square foot garage;
  - c. Coastal Development Permit to allow the removal of up to 17 Coast live oak trees including 1 landmark tree;
  - d. Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat Area (Pajaro manzanita and Oak woodland);
  - e. Coastal Development Permit to allow development on slopes in excess of 25 percent; and
- 3) Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**).

Staff recommends approval subject to 28 conditions.

### PROJECT INFORMATION:

**Project Owner:** Boccone Norman B & Victoria E Igel Co-Trs

**Agent:** Carol Riewe, Architect

**APNs:** 181-151-009-000

**Zoning:** Rural Density Residential, 10 acres per unit, within Coastal Zone (“RDR/10(CZ)”)

**Parcel Size:** 13.53 acres

**Flagged and Staked:** Yes

**Project Planner:** Mary Israel, Supervising Planner

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**SUMMARY:**

The subject parcel is located in a rural residential area, on Elkhorn Slough Road and adjacent to the Blohm Ranch, which is held in conservation by the Elkhorn Slough Foundation. The property is surrounded by residentially developed 5+ acre lots to the southeast and south. The applicant proposes to construct a single-family dwelling, guesthouse, workshop, garage and associated site improvements on the property. Associated site improvements include a photovoltaic system, a septic system, a driveway, and the removal of up to 20 Coast live oak trees, 17 of which are protected and include one landmark tree, and approximately 550 cubic yards of grading/excavation. Through a redesign, as enabled by a proposed lot line adjustment (LLA, PLN240187), the Applicant reduced grading by half of what would otherwise be required by changing access location for the proposed driveway to provide direct access on a flatter area.

The subject property will be served potable water from a private well (Elkhorn Road Well System #9) located on the subject property and under common ownership. Additionally, the Environmental Health Bureau reviewed and approved an on-site wastewater treatment system plans designed by Fox Onsite Solutions and did not apply any conditions of approval.

A Mitigated Negative Declaration was prepared that demonstrates the project, as mitigated, will avoid direct impacts to these and any other potentially present species. Based on staff analysis, the proposed project is consistent with all rules and regulations pertaining to zoning uses and any other applicable provisions of the 1982 Monterey County General Plan, North County Land Use Plan (LUP), Monterey County Coastal Implementation Plan (CIP, Part 5) and Zoning Ordinance (Title 20).

**DISCUSSION:**

*Development Standards*

The subject property is zoned for rural density residential (RDR) use, which allows development of the first single-family dwelling on a legal lot of record and accessory structures, subject to the granting of a Coastal Administrative Permit, in each case. Required setbacks in the RDR district for main dwelling units and attached accessory structures are 30 feet (front) and 20 feet (sides and rear). Detached accessory non-habitable structures are subject to setbacks of 50 feet (front), 6 feet (side front half), 1 foot (side rear half), and 1 foot (rear). As proposed and as illustrated on the attached plan (**Exhibit B2**), the split-level single-family dwelling and attached guesthouse would have front, side, and rear setbacks greater than 100 feet. The guesthouse and attached accessory structures would also have setbacks greater than what is required by the RDR zoning district (110 feet from the nearest property line). The two water tanks, designed to be 9 feet 8 inches in height, would be approximately 70 feet from the nearest side setback.

The maximum allowed height for main structures is 30 feet, whereas guesthouse structures are limited to 12 feet, and other accessory structures are limited to 15 feet in height. The proposed main structure would have a height of approximately 21 feet 7 inches from the average natural grade (ANG). The

guesthouse would have a maximum height of approximately 11 feet from ANG. The attached garage and workshop would have a height of approximately 8 feet from ANG. The site coverage maximum in this RDR district is 25 percent. The property is 18.14 acres which would allow site coverage of approximately 197,737 square feet. As proposed, the project would result in a site coverage of approximately 5,304 square feet (0.8% of the lot). Therefore, as proposed, the project meets all required development standards.

#### *Guesthouse*

The proposed project includes the construction of an approximately 414-square-foot guesthouse. Title 20, section 20.64.020 establishes regulations and standards for guesthouse structures. Consistent with the applicable requirements, the proposed guesthouse lacks cooking facilities, shares the same architectural design and colors and materials as the main residence, and thus is visually consistent and compatible with the primary dwelling unit, and is located in close proximity at 138 feet away. Consideration of slope and Oak woodland as well as potential impacts to viewshed also influenced the siting of the guesthouse. Additionally, the guesthouse will share the same utilities as the main residence and will have sufficient parking. Condition No. 11 has been applied to require that the Applicant/Owner record a deed restriction prohibiting separate rental of the guesthouse and conformance with other guesthouse regulations.

#### *Tree Removal*

A Forest Resource Analysis, Construction Impact Assessment and Tree Protection Plan was prepared for this project by James Allen, dated November 1, 2024 (County of Monterey HCD Library No. LIB230235; **Exhibit D**). This report evaluated the health, structure, and preservation suitability of each tree within or adjacent to the proposed development. The original siting of the proposed residence and driveway improvements required the removal of 35 individual Coast live oak trees, including three landmark trees. Although the tree removal was the minimum necessary under the specific design when the driveway was located entirely within the parcel, HCD-Planning staff raised concerns about the project's direct impacts to Oak woodland on slopes of 25 percent, which are aspects of development that are encouraged to be avoided by policy of the North County LUP. To better meet the resource protection goals and policies of the North County LUP and associated CIP, the Applicant presented staff with design revisions that reduced the number of native trees proposed for removal by 15. As a result, 20 Coast live oaks, 17 of which are protected, are proposed for removal. Design changes included reconfiguring the driveway, while continuing to meet North County Fire Protection District driveway standards. Either an access easement or a Lot Line Adjustment (LLA) would have been required to facilitate this driveway redesign. The owner of the neighboring property, Elkhorn Slough Foundation, and the Applicant agreed that LLA was the preferred path forward. The proposed LLA (PLN220229) will also be presented to the Planning Commission for consideration on June 25, 2025. A condition of approval has been applied to this project to ensure that the associated LLA is implemented, or that property owner obtain authorization to cross the neighboring parcel should the LLA not be approved or not be completed. If the applicant cannot complete the LLA or gain access, driveway construction entirely onsite would require an amendment permit, as it would include more development on slopes and more tree removal.

To meet North County Fire Protection District standards, the driveway is proposed to be 12 feet wide with a firetruck turnaround and turnout. Aligning the driveway in a manner afforded by the LLA, is the

most appropriate and feasible design for the driveway that minimizes the number of trees proposed for removal and better achieves the resource protection goals and policies of the North County LUP. The arborist recommended that an Oak Woodland Restoration Plan be implemented within one year of the development for an area of 0.12 acres, which is 148 percent of the area for which the arborist estimated potential canopy loss due to the project (0.8 acres). The Mitigated Negative Declaration required adaptive care and monitoring of the restoration area for seven years to ensure the oak woodland stand on the subject parcel is fully improved by the project.

*Environmentally Sensitive Habitat Area (ESHA)*

Pursuant to the Biological Report (County of Monterey HCD Library No. LIB230236; **Exhibit C**), prepared by Biotic Resources Group and Bryan Mori Biological Consulting, dated December 2024, including supplemental surveys in April 2025, the project site is adjacent to a patch of Pajaro manzanita, which is considered environmentally sensitive habitat pursuant to Chapter 2.3 of the North County LUP. In addition, five California Red-legged Frog (CRLF) individuals were found in pitfall traps in January 2025 within the vicinity of the project. Because of the presence of CRLF, the migratory upland habitat area is considered ESHA.

LUP Policy 2.3.2.1 does not allow development other than resource dependent uses within ESHA. The LUP Policy states: "with the exception of resource dependent uses, all development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be prohibited in the following environmentally sensitive habitat areas: riparian corridors, wetlands, dunes, sites of known rare and endangered species of plants and animals, rookeries, major roosting and haul out sites, and other wildlife breeding or nursery areas identified as environmentally sensitive." This policy does not include Oak woodland as an area where resource dependent uses are the only allowed use. Therefore, the proposed development may be sited within oak woodland, provided it complies with applicable LUP policies. Oak woodland is only referenced in two ESHA-related LUP Policies: Policy 2.3.3.A.4 states that disturbance of "Oak woodland on slopes of greater than 25 percent" shall be minimized, and Policy 2.3.3.A.5 requires that Oak woodland habitat in North County be subject to fuel management. The proposed development does not fall within an area specified by LUP Policy 2.3.2.1 and the proposed tree removal is not subject to LUP Policy 2.3.3.A.4.

Per Policy 2.3.2.1, all other development types (as allowed by the underlying zoning district) may be adjacent to or within 100 feet of ESHA, provided the development is compatible with the long-term maintenance of the resource. Siting of the residence does not conflict with Policy 2.3.2.1 of the North County LUP because impacts to Pajaro manzanita that could occur during construction are avoided. Additionally, through application of avoidance measures such as vegetation removal/grading/construction timing, monitoring, and exclusionary fencing, CRLF would be avoided.

On-going use and maintenance of the residence and driveway would be of a low intensity that will not disrupt or impact the sensitive habitats. The Applicant will be directly involved in a Habitat Adaptive Care Program, with the assistance of subject experts, and has indicated to staff that they are invested in remaining on the property and investing in ecological stewardship. The LLA associated with this development involves a donation of over 4 acres of Oak woodland to Elkhorn Slough Foundation, which will be added to the lands the organization conserves in perpetuity.

Condition No. 14 has been applied to require that an area of the property containing premium habitat be placed in an irrevocable conservation easement, as required by North County LUP Policy 2.3.2.6. The Applicant has expressed that the donation of land to Elkhorn Slough Foundation should be considered stronger mitigation than a conservation easement, and therefore replace the requirement. Staff discussed the potential for this interpretation with California Coastal Commission staff, and it was agreed that the specific wording of CIP section 20.144.040.B.6 does not signal an alternative to a conservation easement:

*“Deed restrictions or conservation easement dedications over environmentally sensitive habitat areas shall be required as a condition of approval for any development proposed on parcels containing environmentally sensitive habitats. Where the proposed project is to occur on an already-developed parcel, restrictions or easement dedications over the habitat area shall still be required. The restrictions and easements shall be in accordance with the requirements of Section 20.142.130. (Ref. Policy 2.3.2.6)”*

Therefore, as proposed and conditioned, the project complies with applicable ESHA policies of the North County LUP and the CIP, which encourages that sensitive habitats and plant/animal species be avoided and requires that new development be compatible with the long-term maintenance of the surrounding ESHA. Draft biological mitigation measures are briefly discussed below. The Applicant sent a comment letter on the IS/MND which is also discussed below.

#### *Public Viewshed*

The subject property is in an area of visual sensitivity. The property is east and above Elkhorn Slough, which is categorized in its entirety as a visually sensitive area by the North County LUP. Views of the project from Elkhorn Road, Highway 1, and most trailheads are interrupted by forest and topography. During application submittal reviews including a viewshed impact determination on May 7, 2024, staff determined potential for public viewshed impacts from the trail along the east side of the slough (North of Kirby Park). Staff received communications from neighboring organizations (ESF and Friends Artists and Neighbors of Elkhorn Slough, or FANS) with concerns about this potential impact, which staff also shared with the Applicant. In response to the feedback, the Applicant reduced the height and pitch of the roof of the main dwelling and updated colors and materials to muted natural colors. The project now proposes moss green painted horizontal board and batten body and earth tone trim and windows. The reduced mass, combined with muted natural colors and materials improved the potential to avoid negative visual impacts from Elkhorn Slough. The project's structures are surrounded by trees, and the topography helps to conceal the subject development. There are less than significant impacts to aesthetics, protected viewsheds, or public views, as discussed in the draft Initial Study.

#### *Development on Slopes*

The Applicant was able to design structures off of slopes in excess of 25 percent, but the Proposed Project requires an onsite wastewater treatment system, and that will entail trenching of approximately 350 feet (1 foot wide) on such slopes. A finding in support of this development can be made because the proposed development better achieves the goals, policies and objectives of the 1982 Monterey County General Plan and North County Land Use Plan than other development alternatives. The development on slopes will follow County regulation for erosion control and will be performed outside of the rainy season. The trenching allows the onsite wastewater treatment system to reach a lower area

of the parcel where the most feasible leach field would be placed on disturbed grassland. The only alternative locations for the septic would conflict more with the LUP. An alternative to trenching down the slope would be for the residence to be located below the slope near the leach field. Impacts to visual resources would be significant if the residence were placed along Elkhorn Slough Road, without the hillside masking the structures. Another alternative to trenching down the slope would be for the leach field to be closer to the residence, this would cause greater impacts to Oak woodland and would potentially impact slopes in excess of 25 percent. Therefore, the Proposed Project as designed with approximately 350 square feet of development of trenching on slope can be supported.

#### *Fire Safety*

The project is proposed in a high fire risk zone (State Regulated Area). To make the residence as defensible as possible against fire damage and to lower the risk that the use increases wildfire potential, the project is designed to be prepared by including the installation of two 5,000 gallon water tanks to serve the project's fire protection and the use of metal roofing materials and Hardee siding in structural construction. Fire hazards will also be addressed through compliance with mitigation measures for habitat management (BIO-9) and Condition No. 10, Defensible Space Requirements.

#### ENVIRONMENTAL REVIEW

The project underwent environmental review pursuant to CEQA, and an Initial Study was prepared, resulting in a Mitigated Negative Declaration (SCH#: 2025050246). The document was filed with the County Clerk on May 7, 2025, and circulated for public review from May 7, 2025 to June 6, 2025. The environmental analysis identified potentially significant impacts to Biological Resources and Tribal Cultural Resources that were reduced to less-than-significant levels through implementation of mitigation measures and standard conditions of approval, including. Ten mitigation measures related to Biological Resources and one mitigation measure related to Tribal Cultural Resources have been applied as Condition Nos. 15 through 27.

Potential impacts to Aesthetics and Wildfire were found less-than-significant in the regulatory setting of North County. Standard conditions address exterior lighting, defensible space, and the project design includes muted, natural exterior colors that are anticipated to blend into the grassland/oak canopy surrounding the residence. Topography and canopy as well as distance reduce potential impact to public viewshed, as discussed above.

The project includes comprehensive mitigation measures to protect sensitive habitat and species, including:

- Protection of Pajaro manzanita during construction
- Pre-construction wildlife surveys for special-status species
- Habitat adaptive care program with seven years of monitoring
- Oak woodland restoration to compensate for impact to Oak woodland
- At least 1:1 tree replacement for removal of protected trees (estimated at 15 trees) and 2:1 tree replacement for removal of one landmark tree
- Nesting bird surveys and bat surveys
- Construction timing restrictions
- Creation of a Conservation and Scenic Easement Deed

A portion of the Project site is with a “high archaeological sensitivity” area in County resource mapping, due to the proximity of the Elkhorn Slough. As required by California Assembly Bill (“AB”) 52, HCD-Planning notified Native American Tribal groups that had requested County notification on CEQA documents. Tribal notification letters were sent out on January 25, 2024. One request for consultation was received. The requesting Tribal Representative of the Ohlone/Costanoan-Esselen Nation (“OCEN”) met with HCD-Planning staff on February 13, 2024 and requested the presence of a Tribal Monitor during soil disturbing activities, protection of sacred sites, inclusion of mitigation and recovery programs, reburial of Ancestral remains and burial artifacts, return of cultural items to OCEN and 50 meters of protection surrounding remains and cultural disturbances. The IS/MND discussed tribal cultural resources following the Native American Tribal consultation; it was found that there is potential for impacts to Tribal cultural resources within and near the “high sensitivity” area of the western portion of the parcel during ground disturbance associated with installation of the onsite wastewater treatment system’s trenching and leach field and trenching for the new well waterline. A mitigation measure (TR-1) is applied to the project to ensure that an approved Tribal Monitor shall be onsite observing the ground disturbing work within and near the “high sensitivity” area of the western portion of the parcel. Two groups contacted County to indicate that they are available to do this monitoring - OCEN and the Amah Mutsun Land Trust.

1. Staff from the Geologic Energy Management Division of the California Dept. of Conservation sent a standardized letter alerting the property owners of all parcels that the division reviewed the parcels for presence of oil, gas or geothermal wells in the area of the proposed development. The letter concluded that no wells were found present.
2. Norman Boccone, the Applicant, sent comments on the IS to share his view of the history of the project, to correct for the record two misstatements he found in the body of the IS, and to request some minor clarification on two mitigations proposed in the MND. Staff is presenting the comments in brief here with staff responses.
  - Mr. Boccone found one instance of a miswritten count of proposed water tanks to serve the project’s fire safety. Staff notes this was found on page 78, in context of a water usage estimate. In all other instances of the mention of water tanks, the administrative draft had been corrected by HCD-Planning staff to read “two 5,000 gallon water tanks” in all key locations, including the Project Description (page 10), and in the Checklist (Chapter VI) Utilities (page 93) and Wildfire (page 96) sections. The effect on the water usage estimate was to make it more conservative. As an IS analyzes worst case impacts, no edit is required.
  - Mr. Boccone sought clarification as to how much area the MND was requiring for the CSE. He suggested that the IS was not specific about area/boundaries. The reason that the IS was not specific is that the County’s Condition of Approval for a CSED (Condition No. 14) requires a biologist to be consulted when developing the location of the CSE. The size of a CSE is location and project dependent. This project is in the Coastal Zone, where the North Coast CIP section 20.144.040.B.6 requires a CSE over “habitat areas.” In this case, the ESF indicated that the provision of access to the the proposed residence that would potentially cross an ESF-owned parcel would be preferably met by transfer of property. Similarly, ESF expressed preference for transfer of property over receipt of CSE for ESHA impacts. The owner worked with ESF on Lot Line Adjustment (“LLA,” PLN240187) to transfer 5 acres of

land to ESF and gain a 0.48-acre area from ESF to use for a shortened driveway. This LLA is on review for decision by the Planning Commission in the June 25, 2025 hearing. Therefore, in this case, staff recommends that the CSE area should total 3:1 of the permanently impacted areas on the parcel to be consistent with the requirement of the CIP. The MND arrived at “approximately one acre” in (Chapter VI) Biological Resources (top of page 62). This was an even-number estimate made from project application’s predicted permanent impacts (0.28 acres). The Applicant may request of the Planning Commission that the CSE be exactly 0.84 acres. The owner should consult a biologist in the design of the area to ensure highest quality migration habitat is included.

- Mr. Boccone expressed concern that wording in mitigation measure TR-1 states that a Tribal Monitor should not be required to write a daily report for every day they monitor, which suggests a greater amount of reporting than other project monitors. Staff agrees that the wording of TR-1 was unclear. The intent was for the Tribal Monitor to keep a daily log and to include the daily logs in the final report. Therefore, draft mitigation measure TR-1 has been clarified with the following phrase shown underlined:

*“The Tribal Monitor shall prepare daily monitoring reports (e.g. daily log) that shall be available upon request by HCD - Planning. If no resources are encountered during the contracted period, no further reporting shall be required. In the case that resources are encountered, a final report, including the daily monitoring schedule, shall be submitted to HCD - Planning for review and approval within 60 days of completion of ground disturbing activities.”*

- Mr. Boccone asked why the 5 year period of biological monitoring that was recommended in the first biological report was extended to 7 years. He asked why it would be longer after the LLA, reasoning that the LLA will strengthen the environmental enhancement of the Project. The increase from 5 to 7 years for biological enhancement in the MND relates to the final biological report, which found positive results for endangered species (CRLF). The biological enhancement occurs in the Oak woodland as well as grassland. Monitoring reports were extended for biological habitat enhancements to match the oak woodland restoration to ensure all activities done on the Oak woodland are found to best support CRLF.

One clarification to the IS/MND has been made in the Mitigation Monitoring and Reporting Plan (**Exhibit A**). No additional impacts would result from the clarifications identified as the mitigation measure ensures impact to Tribal Cultural resources shall be avoided. No additional mitigation measures are proposed as a result of the minor revisions after circulation of the IS/MND. Pursuant to CEQA Guidelines section 15073.5(c), recirculation of the IS/MND is not required because the project revision: 1) does not identify a new, avoidable significant effect requiring additional measures to reduce the effect to insignificance; and 2) the minor revisions were added in response to comments on the public draft that did not identify new, avoidable significant effects.

OTHER AGENCY INVOLVEMENT:

HCD - Environmental Services

HCD - Engineering Services

Environmental Health Bureau

North County Fire Protection District

LUAC:

Based on the Board of Supervisors adopted LUAC referral guidelines, the Proposed Project was referred to the North County LUAC because it involved the preparation of an environmental document. The project was reviewed by the North County LUAC on November 1, 2023, which voted unanimously to recommend approval (6 ayes, 0 noes, 1 absent). One public comment was received questioning consistency with visual and ESHA protection policies, which was addressed by the Applicant and found sufficient by the LUAC.

Prepared by: Mary Israel, Supervising Planner

Reviewed by: Fionna Jensen, Principal Planner

Approved by: Melanie Beretti, AICP, HCD Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, and Elevations

Exhibit B - Vicinity Map

Exhibit C - Biological Report

Exhibit D - Arborist Report

Exhibit E - Draft Initial Study/Mitigated Negative Declaration (IS/MND)

Exhibit F - Comments of the IS/MND

Exhibit G - North County LUAC Nov. 1, 2023 Meeting Minutes

cc: Front Counter Copy; California Coastal Commission, North County Fire Protection District; HCD-Environmental Services; HCD - Engineering Services; Environmental Health Bureau; Mary Israel, Project Planner; Fionna Jensen, AICP, Principal Planner; Boccone Norman B & Victoria E Igel Co-Trust, Property Owner; Carol Riewe, Agent/Architect; Elkhorn Slough Foundation, Interested Party; The Open Monterey Project (Molly Erickson); Laborers International Union of North America (Lozeau Drury LLP); Christina McGinnis, Keep Big Sur Wild; LandWatch; Project File PLN220229.