County of Monterey Planning Commission

Item No.2

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

Legistar File Number: PC 25-028

March 26, 2025

Introduced: 3/20/2025 **Current Status:** Agenda Ready

Version: 1 **Matter Type:** Planning Item

PLN210142 - CORNEJO CARLOS V & LOPEZ SINDY HERNANDEZ

Public hearing to consider a permit for the construction of a single-family dwelling (Approximately 2,490 sq. ft.), a detached garage (Approximately 900 sq. ft.), a detached accessory dwelling unit (Approximately 752 sq. ft.), associated site improvements including the removal of 6 Coast live oak trees, development on slopes greater than 25% and an after-the-fact removal of 15 Coast live oak trees.

Project Location: 1909 San Juan Road, Aromas, North County Area Plan

Proposed CEQA action: Find the project Categorically Exempt per Section 15303, New Construction, of the CEQA Guidelines.

RECOMMENDATIONS

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

1) Find the project is for the construction of a single-family residence and accessory dwelling unit which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines; and there are no exceptions pursuant to Section 15300.2; and
2) Adopt a resolution to approve a Combined Development Permit consisting of:
   a. An Administrative Permit and Design Approval for the construction of an approximately 2,490 square foot single family dwelling, a 900 square foot detached garage and a 752 square foot detached accessory dwelling unit;
   b. A Use Permit to allow the removal of (6) protected Coast live oak trees;
   c. A Use Permit to allow development on slopes greater than 25%; and
   d. An After-the-fact Use Permit for the removal of 15 Coast live oak trees without a permit.

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

PROJECT INFORMATION

Agent: Elias Cosio
Property Owner: Cornejo Carlos V & Lopez Sindy Hernandez
APN: 267-041-023-000
Parcel Size: 2.547 acres (approximately 108,900 sq. ft.)
Zoning: Low Density Residential, 1 unit per 2.5 acres with Visual Sensitivity zoning district overlay or "LDR/2.5-VS".
Plan Area: North County Area Plan
Flagged and Staked: Yes

SUMMARY:

This permit includes a request from the property owner to construct a new single family dwelling and an accessory dwelling unit on a vacant property at 1909 San Juan Road in Aromas. The project includes removal of Coast Live Oak trees and staff requested that a "Tree Assessment and Fuel Management Plan" be prepared for the project. The Fuel Management Plan identified the need to remove 6 trees per the proposed development. Moreover, the comprehensive assessment included an estimated total of 21 trees (5 Eucalyptus, 15 Coast live oaks, and 1 Pine) were removed without a permit between 2018 and 2024. Of those 21 unpermited trees, 15 Coast live oaks are to be accounted for replacement and requirements.

Carlos Cornejo and Sindy Lopez Hernandez propose to construct a one story single family dwelling, a detached garage, a detached accessory dwelling unit and associated site improvements. The majority of the proposed building footprint is located outside of slopes. However, the undeveloped site has sporadic 25% slope areas on the north-western side of the parcel. Additionally, the property has a dedicated septic envelope area that is entirely on slopes in excess of 25%. To install the leach field and associated lateral trenching, approximately 150 cubic yards of excavation on slopes in excess of 25% is required. Installation of a septic system in this septic envelope was contemplated through approval of the subject subdivision, however a Use Permit is required to allow the proposed development on slopes (General Plan Policy OS-3.5). Additionally, to create a level building pad, the proposed residence's grading extends into the steeper slopes of the property. No structural development will be located on slopes in excess of 25%. A Use Permit is required to allow the proposed development on slopes in excess of 25%. In total, the project will impact approximately 4,805 square feet of slopes in excess of 25%. This square footage includes the trenching required to install the septic system. Relocating the structures to avoid slopes would result in additional tree removal. Given the sloped nature and site topography of the parcel and the existing vegetation, there is no alternative building site on the subject property that better meets the goals, policies, and objectives of the Monterey County General Plan.

Construction of the home, accessory structures, septic system, related grading and site improvements involves removal of six (6) trees. As such, a Use Permit is required for the removal of these additional six (6) trees, and an after-the-fact Use Permit is also captured here to reflect the 15 Coast live oak trees that were removed without a permit. The dwelling and assessory unit are proposed to be located on areas of the parcel where there are openings in the tree canopy. The six trees proposed for removal are located within the driveway turnaround area (4 trees) or adjacent to the proposed structures in areas that will be impacted by grading (2 trees).

DISCUSSION:

Tree Assessment:

Removal of trees is subject to regulations contained in Section 21.64.260 of the Monterey County Zoning Ordinance, Title 21 which requires making a finding that the tree removal is the minimum required under the circumstances of the case and that the removal will not involve a risk of adverse environmental impacts. For this project, a report was prepared by Albert Weisfuss, dated December 10, 2024. Six Coast live oak trees ranging from 9 inches to 14 inches in diameter are proposed for removal to accommodate construction of the proposed single-family dwelling and associated site improvements. None of these trees to be removed meet the "landmark" definition (24 inches or more

in diameter when measured two feet above the ground, or trees which are visually significant, historically significant, or exemplary of their species).

In this case, the location of the main single family dwelling, the detached garage and detached accessory dwelling unit is designed to take advantage of the flattest area of the lot and preserve the largest number of trees within the undeveloped site which also translates to the least amount of grading and overall disturbance to the property. The proposed structures, access road and emergency vehicle turnaround area are designed around several Coast live oak trees and away from larger clusters of oaks on the property. However, majority of those trees proposed for removal will be impacted by construction as they are located within the proposed road that provides access to the proposed development. The previously cut unpermitted trees were determined to be located far on the western side from the proposed development.

Tree Protection/Replacement:
Weisfuss reviewed the proposal and concluded that the tree removal will not create significant impacts to the surrounding. Tree protection measures are suggested to protect a number of trees near the proposed construction. These protective measures have been incorporated as a condition of approval (Condition #4). Also recommended by the forester (Weisfuss), a condition of approval requiring replanting of 21 oak trees has been included in this permit. This amount represents a 1:1 replacement ratio for non-landmark trees as recommended by the arborist and to compensate for possible failure of some new trees to achieve the 90% success rate (Condition No. 6). Staff has reviewed the forester recommendations which include limig of trees and concurs with the findings. The recommendations in the plan will be implemented part of the project (See Exhibit C).

Project:
The parcel is zoned Low Density Residential with a maximum gross density of 2.5 acres per unit with a Visual Sensitivity zoning overlay or "LDR/2.5-VS" which allows the development of single family dwellings and accessory structures as a principally allowed use within the LDR zoning district pursuant to Monterey County Zoning Ordinance (Title 21) Section 21.14 (Low Density Residential). However, Title 21 Section 21.46 (Visual Sensitivity) requires the approval of a Use Permit or Administrative Permit from the Appropriate Authority.

The proposed project involves the construction of an approximately 2,490 square foot one-story single-family dwelling with a 900 square foot detached garage, and a 752 square foot detached accessory dwelling unit. Site improvements include grading consisting of approximately 950 cubic yards of cut and 950 cubic yards of fill. A new onsite wastewater treatment system will be provided to serve the property and installed, operated and maintained in accordance with the manufacturer's recommendation.

Maximum allowed structure height is 30 feet for main structures and 16 feet for accessory structures. The proposed main home is 14 feet and 6 inches in height from average natural grade, consistent with the height limit for main structures; the garage is 14 feet and 6 inches in height from average natural grade; and the detached accessory dwelling unit is 15 feet 10 inches in height from average natural grade, consistent with the height limit for accessory structures (Condition No. 7). The project size, height, and setbacks are all within the allowed limits of the development standards of the LDR zoning

district. The maximum allowed building site coverage for lots over 20,000 square feet which are zoned LDR is 25% (27,225 square feet); the proposed site coverage is 0.152% (4,142 square feet). Therefore, as proposed, the project meets all required development standards.

Staff has determined that the proposed residence is compatible with the surrounding neighborhood character in terms of size, color and location. The proposed development is designed to reflect a modern style architecture that enhances the eclectic mix of residential design styles in the area. Exterior colors and materials of the single-story family dwelling and detached accessory dwelling unit consist of smooth white stucco for walls, black metal roofing, black aluminum framed windows and clear cedar wood siding overhangs as accent. The proposed exterior colors and materials are consistent with the area's setting and surrounding residences. As required on the exterior lighting plan, all proposed site lighting is downlit, shielded, and unobtrusive.

Visual Sensitivity:
The project site has a "Visual Sensitivity District" or "VS" overlay which requires the review of development in areas visible from a common public road or viewing area. The proposed project is located in an area of visual sensitivity due to the proximity of the San Juan Road. The proposed project is approximately 1,200 feet from the nearest viewing point. Due to natural topography and existing vegetation, the view is screened naturally along the frontage of the property by existing mature vegetation from San Juan Road. The project is not ridgeline development and does not block significant public views, would not result in adverse visual impacts, and the project is consistent with the visual integrity of the area. In accordance with the visual resource policies of the North County Area Plan and applicable regulations, the project has been conditioned to require submittal of final landscape and exterior lighting plans. The project, as conditioned, will not result in adverse visual impacts to San Juan Road. Further, the project is consistent with the applicable scenic resource policies of the 2010 General Plan and the North County Area Plan.

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, a detached garage, a detached accessory dwelling unit, associated site improvements including the removal of 6 Coast live oak trees, development on slopes greater than 25% and an after-the-fact removal of 15 Coast live oak trees. Therefore, the proposed development is consistent with the parameters of this Class 3 exemption. There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects was identified during staff review of the development application.

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

HCD-Planning
HCD-Engineering Services
Environmental Health Bureau
HCD-Environmental Services

Aromas Tri-County Fire Protection District

LAND USE ADVISORY COMMITTEE

The project was referred to the North County Land Use Advisory Committee, at which the LUAC on March 5, 2025, voted 7-0 (7 ayes, 0 nays) and with two members absent to recommend approval of the project as proposed.

Prepared by: Marlene Garcia, Assistant Planner, x5114
Reviewed by: Fionna Jensen, Acting Principal Planner
Approved by: Melanie Beretti, AICP, HCD Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Conditions of Approval
- Site Plans, Floor Plans & Elevations

Exhibit B - Arborist Report (LIB220104)
Exhibit C - LUAC Minutes
Exhibit D -Vicinity Map
Exhibit E - Public Comment

cc: Front Counter Copy; Aromas Tri- County Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Marlene Garcia, Assistant Planner; Fionna Jensen, Acting Principal Planner; Carlos V & Lopez Sindy Hernandez, Property Owners; Elias Cosio, Agent; The Open Monterey Project; LandWatch (Executive Director); Christina McGinnis; Planning File PLN210142