



County of Monterey Planning Commission

Item No.5

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

Agenda Item No. 5

April 10, 2024

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PLN230173 - FEHRMAN DAVID L & EMI TRS

Public hearing to consider the construction of a new one story 3,508 square foot single family dwelling, 360 square foot detached bedroom, 621 square foot detached two-car garage and 104 square foot covered terrace; development on slopes in excess of 30 percent and removal of a total of 12 protected trees (12 Coast live oaks and 2 Valley oaks). Grading consists of approximately 800 cubic yards of cut and 300 cubic yards of fill.

Project Location: 3 Wild Turkey Run, Carmel (Santa Lucia Preserve - Phase "A"), Greater Monterey Peninsula Area Plan

Proposed CEQA Action: Consider an Addendum together with a previously certified EIR for the Santa Lucia Preserve Project Final Environmental Impact Report (SCH #: 94083019) pursuant to CEQA Guidelines Section 15164.

RECOMMENDATION:

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

1. Consider an Addendum together with a previously certified EIR for the Santa Lucia Preserve Project Final Environmental Impact Report (SCH #: 94083019) pursuant to CEQA Guidelines Section 15164; and
2. Approve a Combined Development Permit consisting of:
 - a. Administrative Permit and Design Approval to allow the construction of a new one story 3,508 square foot single family dwelling, 360 square foot detached bedroom, 621 square foot detached two-car garage and 104 square foot covered terrace. The project includes grading of approximately 800 cubic yards of cut and 300 cubic yards of fill and the removal of 1 unprotected tree (Maple);
 - b. Use Permit to allow development on slopes in excess of 30 percent; and
 - c. Use Permit to allow removal of a total of 12 protected trees (10 Coast live oaks and 2 Valley oaks).

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 11 conditions of approval.

PROJECT INFORMATION:

Agent: Joel Panzer with Maureen Wruck Planning Consultant, LLC

Property Owner: FEHRMAN DAVID & EMI TRS

APN: 239-051-039-000

Parcel Size: 4.29 acres, inclusive of a 1.0 acre Homeland Boundary

Zoning: RC/40-D-S or Resource Conservation, 40 acres per unit with Design Control and Site

District Overlays

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: Yes

Project Planner: Marlene Garcia, Assistant Planner

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SUMMARY:

The project is located at 3 Wild Turkey Run in Carmel and is identified as “Lot 75” of Phase A - Rancho San Carlos, part of the Santa Lucia Preserve, which is an undeveloped lot that is 4.29 acres in size with a buildable homeland area of 1.0 acres. The project proposes construction of a new one story 3,508 square foot single family dwelling with a 360 square foot detached bedroom, 621 square foot detached two-car garage and a 104 square foot covered terrace; Use Permit to allow development on slopes in excess of 30 percent and a Use Permit for removal of a total of 12 trees (10 Coast live oak trees and 2 Valley oak trees). Grading consists of approximately 800 cubic yards of cut and 300 cubic yards of fill. The project proposes site improvements including a new driveway. The parcel is zoned Resource Conservation with a maximum gross density of one unit/40 acres with Design Control and Site Plan Review zoning overlays (RC/40-D-S) which allows one single family dwelling and accessory dwelling unit per legal lot of record. The Design Control zoning overlay requires the granting of a Design Approval for the proposed development and the Planning Commission is the appropriate authority in this case. Therefore, the project is an allowed land use for this site.

As demonstrated below, the proposed project and design of the home is consistent with applicable policies, regulations and development standards pertaining to zoning uses and any other applicable provisions of the 2010 Monterey County General Plan, Greater Monterey Peninsula Area Plan, and Zoning Ordinance (Title 21). Findings allowing tree removal and development on slopes in excess of 25% can be made in this case.

DISCUSSION:

Development Standards

The project meets the development standards for the RC zoning district identified in Title 21 Section 21.36.060. Required setbacks for main dwellings are 30 foot (front), 20 foot (sides), and 20 foot (rear) and the minimum distance between accessory and main structures is 10 feet. The maximum allowed height is 30 feet. As proposed, the single-story single family dwelling with detached bedroom and two-car garage meets and exceeds all setbacks. The height of the dwelling (21 feet 5 1/2 inches) is below the maximum allowed.

Pursuant to Title 21 Section 21.36.060.E, the maximum allowed site coverage is 25 percent. The property is 4.29-acres with a buildable homeland area of 1.0-acres or approximately 43,560 square feet, which allows site coverage of 10,890 square feet. The proposed project results in site coverage of 4,845 square feet which equals 2.59 percent of 8,447 square feet or 5.01 percent. Thus, the project coverage is within the maximum thresholds allowed.

Design Review

The project site and surrounding area are designated as a Design Control District (D District), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character as identified in Chapter 21.44, Title 21 (Zoning Ordinance) of the Monterey County Code (MCC).

The proposed design, massing, exterior colors and materials of the proposed structures are consistent with multiple homes in the area which includes a mix of single-story and two-story homes. The applicant proposes exterior colors and materials consistent with the residential setting. The primary colors include earth tone colors and materials consisting of medium tans and yellows building stone, “Sugi select” 6 inch vertical Japanese Cypress siding at primary exterior walls with accents of “Gendai” 6 inch vertical Japanese Cypress siding, barnwood brown color painted fascia, as well as soft espresso color aluminum dual glazed windows and doors. Half round copper gutters and roofing material consists of matte patina color standing seam metal. Site retaining walls will be rough natural board-formed concrete walls. Terraces will consist of natural sand finish concrete, gravel courtyard, cobble pavers at motor court and asphalt/chip seal paving at driveway. All detached accessory structures will be designed to match the main structure. Exterior lighting consists of VE Led downlit directional and Line-Voltage at step lights, lamp base at path light fixtures which complies with the Monterey County lighting ordinance. The project also includes a fuel management plan (**Exhibit F**). The proposed exterior finishes described above are designed to be fire resistant to ensure building safety, blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and other dwellings in the neighborhood.

The project would not block significant public views and would not result in adverse visual impacts. As proposed, the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.

Health and Safety

Necessary public facilities will be provided. The applicant submitted a letter from the Santa Lucia Community Services District (CSD) dated August 10, 2023, confirming public sewer utilities for this project and also indicating sufficient domestic potable water flow and pressure to serve the subject parcel. The parcel will be served by Santa Lucia which was reviewed and approved by the Environmental Health Bureau on January 18, 2024 (**Exhibit G**).

The subject parcel is located within a State Responsibility Area classified as having a very high fire hazard. The construction of the new single family dwelling is designed to be a fire-resistant structure that meets current fire and building code standard. The project also includes a Fuel Management Plan to ensure fire safety regulations are met for the proposed construction. Additionally, the parcel has a designated building envelope referred to as the homeland boundary that was established when the subdivision was created for the purpose of minimizing oak tree removal and potential impacts from debris flow (Planning Commission Resolution No. 96-060). The purpose of this boundary is to ensure future development would not encroach within the conservation easement over sloped areas surrounding the parcel. The project has been reviewed by the HCD-Planning Division and conditions have been recommended, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

Development on Slopes

The project proposes to excavate soil for required site improvements which include leveling out the areas of the driveway, the detached garage, motor court and segments throughout the development on

slopes in excess of 30 percent. Retaining walls, construction footprint, grading improvements and balancing grading to reduce trucking off-haul propose for less impact to site resources. The property is within Rancho San Carlos, and the Greater Monterey Peninsula Area Plan establishes Rancho San Carlos as a Special Treatment Area to follow policies of the Santa Lucia Preserve Comprehensive Plan which identifies slopes at 30%. In accordance with applicable policies of the 2010 General Plan and Title 21, a Use Permit is required for development on slopes exceeding 500 square feet. The County has reviewed the project plans and reviewed the site to analyze possible development alternatives. Alternative building locations that would reduce the amount of development on 30 percent slope would potentially result in additional tree removal. Given the sloped nature 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 and Greater Monterey Peninsula Area Plan.

Tree Removal

Results of the Tree Assessment/ Construction Impact Analysis (LIB230323, **Exhibit D**) confirmed that the proposed tree removal is necessary to allow the new development and would result in no potential impacts to natural resources. The project proposes to remove a total of 13 trees which consist of: 3 Coast live oaks in fair condition in the 6-11-inch diameter class, 6 Coast live oaks in fair condition in the 12-23-inch diameter class, 1 Coast live oak greater than 24-inches in fair condition, 1 Valley oak in the 12-23-inch diameter class in poor condition, 1 Valley oak larger than 24-inches and 1 Maple, which is not protected.

Before concluding on a final scheme for the proposed project, the project underwent multiple revisions such as downsizing from a detached 3-car garage to a detached 2-car garage as well as showing shifting the home to the west and/or to the east would potentially result in an impact to additional trees. Majority of those trees proposed for removal are located within the footprint of the proposed single family dwelling and will be impacted by construction. There is a row of planted trees lining the road on the east side with 1 small tree proposed for removal due to crowding and clearance for fuel mitigation (tree is factored into tree removal count). The remaining trees should experience minor impacts from excavation as the compaction should have lessened root growth in that area. Due to the high number of total trees on the site and surrounding sites and the low number of protected trees in the proposed home area, future development should minimally impact the landscape. While tree removal and pruning will be necessary to complete the project, the existing number of trees on this parcel and their relatively high vigor will allow the forest to continue to exist and regenerate over time.

The project requires an addendum to the Santa Lucia Preserve EIR (**Exhibit B**). Though the tree removal amount proposed exceeds what was approved for the lot, it is consistent with what was analyzed in the Santa Lucia Preserve EIR (Resolution No. 94-067). Therefore, the project includes a Use Permit for the removal of more than 3 trees and an Addendum to the EIR. Tree replacement will be at a ratio of 3:1 for non-landmark and 5:1 for landmark trees. Due to the smaller homeland on the property and fuel management concerns, the arborist recommended replanting be at a 1.5:1 ratio for a total of 18 trees (15 Coast live oaks and 3 Valley oaks as shown in landscape tree mitigation plan). Tree protection and maintenance measures found in the Santa Lucia Forest Management Plan have been applied as conditions to the project (**Exhibit A**).

CEQA:

An Addendum to a previously certified environmental Impact Report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164 to reflect changes or additions in a project that do not cause substantial changes or new information that would require major revisions to the certified EIR. A Final Environmental Impact Report for the Santa Lucia Preserve Project was prepared and certified by the Board of Supervisors February 6, 1996 (EIR #94-005/Resolution #96-059).

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, when an EIR has been certified, no subsequent EIR shall be prepared for the project unless the agency determines that substantial changes are proposed which require major revisions or substantial changes occur with respect to the circumstances under which the project is undertaken due to new significant environmental effects. In this case, no new information has been presented to warrant further environmental review. The proposed structures are within a designated building envelope, and the proposed tree removal is within the overall tree removal analyzed for the subdivision (**Exhibit B**). As such, staff recommends the Planning Commission consider the Addendum together with a previously certified EIR.

Staff recommends the Planning Commission consider the Addendum together with a previously certified EIR for the Santa Lucia Preserve Project Final Environmental Impact Report (SCH #: 94083019) pursuant to CEQA Guidelines Section 15164 to reflect changes or additions in a project that do not cause substantial changes or new information that would require major revisions to the certified EIR.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and Monterey County Regional Fire Protection District. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

LUAC:

Based on the Land Use Advisory Committee (LUAC) procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application does not meet any of the criteria in the guidelines requiring LUAC review because the project was reviewed by the Santa Lucia Preserve.

Prepared by: Marlene Garcia, Assistant Planner x-5114

Reviewed by: Anna Ginette Quenga, AICP, Principal Planner

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

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution, including:

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

Exhibit B - Addendum to Rancho San Carlos EIR

Exhibit C - SLP FEIR

Exhibit D - Arborist Report

Exhibit E - Tree Replacement Plan

Exhibit F - Lot Specific Fuel Management Plan

Exhibit G - Can and Will Serve Letter

Exhibit H - Letter from DRB

Exhibit I - Vicinity Map

cc: Front Counter Copy; Monterey County Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Marlene Garcia, Assistant Planner; Anna Quenga, AICP, Principal Planner; Fehrman David L & Emi TRS, Property Owners; Maureen Wruck, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230173.