



# Monterey County Planning Commission

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

## Agenda Item No. 2

Legistar File Number: PC 19-080

November 13, 2019

Introduced: 11/5/2019

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

### PLN190059 - HOEKSTRA

Public hearing to consider the construction of a two-story single family dwelling with a detached garage and Accessory Dwelling Unit. The project also includes other site improvements including patio/retaining walls, pool/pool terrace, and removal of three (3) Coast Live Oak trees in addition to thirty tree (33) trees which were previously approved for removal on this property.

**Project Location:** 92 Chamisal Pass, Carmel - Santa Lucia Preserve (Assessor's Parcel Number 239-102-027-000), Carmel Valley Master Plan.

**Proposed CEQA action:** Addendum to the Santa Lucia Preserve Environmental Impact Report.

#### RECOMMENDATION:

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

- 1) Certify that they considered an Addendum together with the Portero Subdivision Supplemental Environmental Impact Report (EIR #94-005) pursuant to CEQA Guidelines Section 15164; and
- 2) Approve a Combined Development Permit consisting of:
  - a) An Administrative Permit and Design Approval to allow the construction of a 4,530 sq. ft. two-story single family dwelling and an 870 sq. ft. detached garage;
  - b) Administrative Permit and Design Approval for an 850 sq. ft. Accessory Dwelling Unit; and
  - c) Use Permit to allow the removal of three (3) Coast Live Oak trees.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to 10 conditions of approval.

#### PROJECT INFORMATION:

**Agent:** Greg Klein

**Property Owner:** Brian & Lorraine Hoekstra

**APN:** 239-102-027-000

**Parcel Size:** 40.4 acres

**Zoning:** RG/10-D-S-RAZ (Rural Grazing, 10 acres per unit -Design Control, Site and Residential Allocation Zoning District Overlays)

**Plan Area:** Carmel Valley Master Plan

**Flagged and Staked:** Yes

#### SUMMARY:

Located approximately 5 miles east of Highway 1, and 1.7 miles south of Carmel Valley Road, the project site is part of the Santa Lucia Preserve Subdivision (Lot E24), Phase E, the Potrero Subdivision. Phase E of the Santa Lucia Preserve is in a densely forested rural area of Carmel Valley

containing 29 lots ranging in size from 14 - 67 acres. Each parcel contains dedicated homeland boundaries (building envelopes) ranging in size from 2 to 4 acres. The remaining acreage outside of the homeland boundaries is dedicated with open space easements. Greg Klein (agent) on behalf of Brian and Lorrain Hoekstra propose to construct a two-story single family dwelling, garage, pool, and accessory dwelling unit within the homeland boundary on Lot E24 of the Portero subdivision. As designed, the construction requires removal of 36 oak trees ranging from 7"-27" in diameter. Thirty-tree (33) oak trees were analyzed and permitted for removal for this lot as part of the Portero subdivision and the Use Permit for tree removal within the subdivision. Construction of the home, accessory dwelling unit, septic system, and related grading and site improvements involves removal of three (3) trees more than permitted and analyzed for the lot. As such, a Use Permit is required for the removal of the three additional trees and an addendum to the previously certified EIR is needed to reflect the change in the number of trees removed for development of Lot E24.

Cumulatively, the number of trees removed for development within the Portero subdivision remains under the total number considered in the EIR. This particular homeland boundary is densely forested and contains slopes in excess of 30%. The development is sited to avoid slopes and the siting and design of the home is consistent with development patterns in the Santa Lucia Preserve. Findings to grant the Use Permit for removal of the three additional oak trees can be made in this case because it's the minimum required under the circumstances and it does not involve a risk of adverse environmental impacts.

**DISCUSSION:**

The property is located within Phase E of the Santa Lucia Preserve, known as the Portero subdivision. Phase E included creation of 29 residential lots, each with a homeland boundary that functions as a building envelope. Analysis of impacts from tree removal in this subdivision was informed by a Forest Management Plan prepared by Ralph Osterling Consultants Inc. on August 17, 2000 (**Exhibit F**). The Osterling report determined that impacts to tree resources would remain less than significant within the homeland boundary provided not more than 25% of the trees are removed for development within the homeland boundaries. The tree permit for the Santa Lucia Preserve (Phase E) allowed removal of 295 trees in total, 33 of which were allotted for the subject parcel (E24). The applicant is proposing to remove a total of 36 oak trees, 3 more than were allotted in the original permit. Even with the removal of 36 trees, this would put the total number removed to date at 189. If all remaining parcels were developed, and each removed the number of trees that were allotted through the EIR, the total tree removal would still be under the original cap by 33 trees. To illustrate this:

Total cap of trees allowed for removal Phase E.....	295
Total removed to date:.....	(153)
<u>Proposed removal for this project.....</u>	<u>(36)</u>
Trees remaining in cap for Phase E.....	106
Potential # of trees to be removed with full buildout of Phase E .....	(73)
<b>Remaining # trees after full buildout of Phase E.....</b>	<b>33</b>

Condition No. 25 of a the Use Permit granting removal of 33 trees on the property (PLN010001, Resolution No. 05-046), does not allow tree removal that exceeds the amount shown on the Maximum Tree Removal Chart within the Potrero subdivision without the benefit of a Use Permit

approved by the Planning Commission. Removal of trees in excess of the allotted amounts is subject to regulations contained in Section 21.64.260 of the Monterey County Zoning Ordinance, Title 21 (Preservation of Oaks and other Protected Trees) which require 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. Findings with evidence to support those findings are provided in the attached resolution (**Exhibit B**). Condition No. 28 (Mitigation Measure No. 11.8) of the Use Permit authorizing tree removal on the lot (Resolution No. 05-046) also applies. Condition 28 limits oak tree removal not to exceed 25% of all oak trees within the homeland boundary. There were a total of 221 trees surveyed on the lot, 36 of those trees are proposed for removal. The 36 trees represent 16% of the total number of trees on the lot.

A Forest Management Plan assessing trees and proposed tree removal on the site dated April 2019 (**Exhibit D**) was submitted by Maureen Hamb, Certified Arborist. Hamb observed 121 trees growing adjacent to the proposed development and approximately 100 additional trees are growing within the homeland boundary but are not in proximity to the development. All thirty-six trees proposed for removal are Coast Live Oaks (ranging from 7"-27" diameter). Four of the proposed trees are considered "landmark" trees due to their size. Pursuant to Monterey County Code, Chapter 21.64.260, landmark oak trees are defined as those trees which are twenty-four (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. Six trees proposed for removal were identified in the report as being at risk of failure based on a number of structural or health issues. Hamb concluded tree removal as proposed will not create a new "forest edge" or affect the existing qualities of the surrounding oak woodland or any other trees on the site. Over time, seedlings which were not identified in the 2000 Osterling report have now become full grown trees. Therefore, more trees are present on the lot today. Attempts have been made by staff, the applicant, and the arborist to avoid the removal of the additional three oak trees in excess of the allotted amount. However, based on the site of the homeland boundary, the site of the septic system, and the efforts to avoid development on slopes in excess of 30%, removal of three additional trees is appropriate in this case. Several trees around the perimeter of the main structure have been identified as being in poor condition and would be removed for development even if they were avoided through reduction in the footprint of development.

Staff finds that the proposed tree removal is consistent with the regulations contained in Section 21.64.260 (Preservation of Oak and Other Protected Trees) of the Monterey County Zoning Ordinance. Due to the dense forest conditions, development without tree removal is not feasible. The proposed development has been sited and designed to avoid impacting healthy landmark oak trees and to avoid development on slopes in excess of 30%. As sited and designed, and given slopes and dense forest conditions at the site, removal of 36 trees is the minimum required to accommodate construction of the single family dwelling and accessory dwelling unit in this case. As proposed and conditioned, tree removal will not involve a risk of significant adverse environmental impacts such as soil erosion, water quality degradation, ecological impacts upon existing biological or ecological systems, noise pollution, and movement or significant reduction of available wildlife habitat. The new home, located within a designated building envelope would be surrounded by oak woodlands that characterize the Portero Subdivision.

Pursuant to the Final Supplemental Environmental Report for the Santa Lucia Preserve (Resolution 05-046, Mitigation Measure #39), all non-landmark oak trees removed as a result of the project shall be replaced at a three-to-one (3:1) ratio and landmark trees at a five-to-one (5:1) ratio. The minimum replacement size shall be 5 gallons. In this case, 4 landmark oak trees and 32 non-landmark oak trees are proposed for removal. At replacement ratios of 3:1 and 5:1, oak tree replacement requirements total 116 trees. According to the arborist, smaller, 1 gallon replacements will have a better success rate (90% survivability) in comparison to a larger, 5 gallon replacements (50% survivability rate). As such, staff is recommending allowing replacement of trees with 1 gallon seedlings rather than 5 gallon saplings.

A tree replacement plan dated October 11, 2019, prepared by Maureen Hamb, Certified Arborist, was submitted with the application. The property is located in a densely forested area with steep slopes to the north, south and west. The long driveway that accesses the site is vegetated up to the pavement edges with French broom and other shrubby plant material. Due to the dense nature of vegetation at the site, replanting 116 oak trees cannot be accommodated without overcrowding. Young planted oaks need space for development and access to sunlight. In addition, the fuel management plan (Carol Rice 2/18/19) recommends the removal of one third of the small oaks (Less than three inches in diameter) growing within 200 feet of the development. This further limits the space available for the installation of replacement trees.

The fuel management plan prepared by Carol Rice includes irrigated landscaping within 30 feet of the proposed residence and ADU and vegetation management including mowing and tree trimming within 100 feet of the proposed structures. Living branches that are greater than 3 inches in diameter but lower than 8 feet in height can be retained. Within 100 feet of the structure, limbs of oaks resting on the ground need not be removed and all ground debris around and beneath the limbs must be removed to reduce fire risk. The Santa Lucia Conservancy reviews and approves all lot specific fuel management plans, as they are developed and updated prior to their implementation. The Fire district has also reviewed and approved the proposal including the fuel management plan. Landscape plans that incorporate fuel management recommendations are required as a condition of approval.

In accordance with the arborist's recommendations, and as informed by the fuel management plan, sixteen (16) of the replacement trees will be planted onsite along the existing driveway where adequate space exists. The remainder of the replacement trees (100) will be planted in areas designated by the Santa Lucia Preserve Conservancy in accordance with the adopted reforestation plan. The Conservancy has offered an easement and wildland areas for other property owners whose sites had similar limitations.

The arborist recommends monitoring of planted trees for a period of not less than 5 years after planting with the goal of achieving a success ratio threshold of no less than 90%. A condition of project approval, (Condition No. 7) requiring the replacement/replanting of trees has been applied to the project. In addition, a condition of project approval (Condition No. 5) has been applied for protection of trees to be retained that are close to the construction site.

*Design Review:*

The site is zoned Rural Grazing, 10 acres per unit, with Design Control, Site Plan Review, and

Residential Allocation Zoning overlays (RG/10-D-S-RAZ). The Santa Lucia Preserve has been designed with homeland boundaries (building envelopes) dedicated for development. The proposed structures will be located within the homeland boundary.

Maximum allowed structure height is 30 feet. The proposed height for the single-family dwelling is 24'. The allowed site coverage maximum in the Rural Grazing (RG) district is 5%. The property is 40.4 acres or 1,759,824 square feet, which would allow a max site coverage of approximately 87,991 square feet. The proposed single-family dwelling (4,530 sq. ft.), garage (870 sq. ft.), patio/retaining wall (850 sq. ft.), pool and pool terrace (2,705 sq. ft.) and accessory dwelling unit (850 sq. ft.) would result in total site coverage of 9,805 square feet or approximately 0.56%. 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 open, double-level contemporary architectural design incorporates simple straight lines to a modern design. Colors and materials are comprised of bronze or aluminum clad exterior windows and doors, exterior walls include stucco in a warm sand color and carmel stone in a natural blend. The proposed structure is consistent with the surrounding residential development. The proposed landscaping incorporates native, drought-tolerant, fire-resistant vegetation that will blend seamlessly with the surrounding natural environment of the Santa Lucia Preserve.

The project will be served by the Santa Lucia Mutual Water system for potable water and an on-site septic system will provide sewage disposal. The project will not involve development on slopes in excess of 30%. Associated grading consists of approximately 640 cubic yards of cut and 310 cubic yards of fill. Excess cut material will be hauled off-site to a facility permitted to receive fill material.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

Environmental impacts for the entire Santa Lucia Preserve were analyzed in Environmental Impact Report SCH #94083019. Subsequently, impacts specific to the Potrero subdivision were analyzed in a Supplemental Environmental Impact Report (SCH #200205109). The SEIR found that impacts would remain insignificant with the implementation of the proposed Mitigation Measures. Applicable mitigation measures have been incorporated into the Hoekstra project and the conditions of approval. An Addendum has been prepared to address tree removal beyond what was analyzed in the SEIR for the proposed lot. As part of the SEIR, removal of 295 trees was approved for the Potrero subdivision. Removal of 295 trees was determined to be less than significant. To date, 153 trees have been approved for removal and 15 of 29 lots have been built out (**Exhibit G**). If approved, the estimated 36 trees proposed for removal on Lot E24 would constitute less than 12% percent of the total trees existing within the homeland boundary on the site. The approval of the 36 trees proposed for this lot would account for an updated total of 189 trees within the Portrero subdivision as a whole, which would represent 64% of the overall approved count for the subdivision. The Potrero subdivision is well under the tree removal approved by Resolution 05-046 and analyzed in the SEIR and will remain under the approved tree removal limits if remaining lots stay within the allowed tree removal.

**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

Monterey County Regional Fire Protection Department

Prepared by: Son Pham-Gallardo, Associate Planner, x5226

Reviewed by: Craig Spencer, RMA Planning Services Manager

Approved by: John M Dugan, FAICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

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

Exhibit C - Vicinity Map

Exhibit D - Arborist Report (LIB190125)

Exhibit E - Arborist Tree Replacement Recommendation

Exhibit F - Forest Management Plan for Rancho San Carlos-Potrero

Exhibit G - Addendum to the Potrero SEIR

Exhibit H - Santa Lucia DRB Letter Approval of Design

Exhibit I - Fuel Management Plan

Exhibit J - Potrero Subdivision Tree Count

cc: Front Counter Copy; Planning Commission; Son Pham-Gallardo, Associate Planner, Craig Spencer, RMA Services Manager; Greg Klein, Agent; Brian and Lorraine Hoekstra  
Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN190059