



# Monterey County Planning Commission

## Agenda Item No. 1

Legistar File Number: PC 18-098

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August 29, 2018

**Introduced:** 8/15/2018

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** Planning Item

### **PLN170919 - MCANDREWS & HOLSCHUH**

Public hearing to consider the removal of five (5) and replanting of 23 Coast Live Oak Trees in the Santa Lucia Preserve

**Project Location:** 5 Goodrich Trail, Carmel (Assessor's Parcel Number 239-102-018-000), Carmel Valley Master Plan

**Proposed CEQA action:** Consider an Addendum to the Potrero Supplemental Environmental Impact Report.

#### RECOMMENDATION:

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

- 1) Consider an Addendum to the Potrero Supplemental Environmental Impact Report (SEIR).
- 2) Adopt a resolution to approve a Use Permit for removal of five (5) Coast Live Oak trees ranging from 8-13 inches in diameter.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to 7 conditions of approval.

#### PROJECT INFORMATION:

**Agent:** Maureen Wruck Planning Consultation, LLC/Joel Panzer

**Property Owner:** McAndrews & Holschuh

**APN:** 239-102-018-000

**Parcel Size:** 38.7 acres

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

**Plan Area:** Carmel Valley Master Plan

**Flagged and Staked:** No

#### SUMMARY:

Located approximately 4.5 miles east of Scenic Highway 1, and 1.3 miles from Carmel Valley Road, the project site is in the Santa Lucia Preserve (lot E15), and part of the Phase E, Potrero Subdivision. Phase E of the Santa Lucia Preserves 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) between 2 to 4 acres. The remaining acreage outside of the homeland boundaries is dedicated with open space easements. The subject parcel has a previously approved single family dwelling, which is currently under construction. The location and footprint of that development are not being modified or changed in any way. This project only consists of removal of five (5) protected

Coast Live Oak trees within the homeland boundary of lot E15, and the replanting of 23 new Coast Live Oak trees to provide better visual screening for the site and the development.

DISCUSSION:

History:

In March 2017, an application (PLN160790) for an Administrative Permit and Design Approval was submitted by the applicant to develop a new single family residence and guesthouse on a 38.7-acre parcel (lot E15). The approved location and footprint of this house is not changing as part of this current application for tree removal and replanting. The original application proposed removal of one (1) oak tree and relocation of five (5) oak trees. Staff supported the removal of the 1 oak tree (9.2" diameter) which was in poor condition and had structural defect at the main stem. Furthermore, the removal of this one tree allowed the house to be sited in a way that minimized impact to a nearby landmark oak tree (36.8" diameter). However, relocation of the 5 other oaks required further analysis. After analysis, staff informed the applicant at the time that "moving" trees would be treated and processed the same as if they would be removed from the site since there are no guarantees that the trees would survive once they are disturbed and uprooted. This in turn would have required a Use Permit. Therefore, the applicant decided at the time not to pursue the relocation of the 5 oak trees and struck it from the plans. Although the oak trees are within the homeland boundary, they were not located within the construction perimeter or dwelling footprint.

In November 2017, the applicant submitted the subject application for the removal of the same five (5) oak trees (ranging from 8"-13" in diameter) that were proposed in the original application for relocation. The applicant states these oak trees do not provide sufficient screening, and therefore do not meet the purpose of the trees which were preserved as part of the Santa Lucia Preserve. That is, to screen the roadway and properties across the canyon. Furthermore, the applicant expressed their opinion that these trees are non-native to the site since they have been purposely planted by the developer and therefore, did not meet the intent the 2010 General Development Plan, Carmel Valley Master Plan Section 3.0. The applicant suggested that since the Conservation/Open Space Element (Section CV-3.11) discourages the removal of healthy "native" trees in the Carmel Valley Master Plan, and since these trees were planted, then they would be exempt from the ordinance.

Definition:

Chapter 21.06.001.B (Definitions - General Provisions), *Terms in Common Usage* states:

"Any term, word, or phrase not specifically defined in this Chapter shall be defined, firstly, in the light of the other Chapters of the Monterey County Code; secondly, state law, particularly the State Planning Act; thirdly, as defined in "Anderson on Zoning", latest edition; fourthly as defined in Webster's New International Dictionary of the American Language, latest edition and fifthly, any accepted dictionary of the English language.

Merriam Webster dictionary defines the word “native” as grown, produced, or originating in a particular place or in the vicinity. Based on this definition, whether or not these oaks were planted by the developer of the Santa Lucia Preserve nor naturally grown, it simply does not rule out the fact that oak trees are native to the area. Oaks in Carmel Valley are an indigenous species. Therefore, the 5 oaks proposed for this project would not be exempt from the Monterey County Ordinance, 2010 General Plan or Carmel Valley Master Plan, and would require the appropriate entitlements for removal.

Potrero Subdivision Tree Assessment:

Condition No. 25 in Use Permit PLN010001, 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 consider a Use Permit for tree removal in excess of the allotted amount. Approval for excess tree removal amount shall be based on regulations pursuant to Section 21.64.260 of the Monterey County Zoning Ordinance, Title 21 and shall also comply with Condition No. 28 in (Mitigation Measure No. 11.8) in Use Permit PLN010001 (Resolution No. 05-046) in that oak tree removal shall not exceed 25% of all oak trees within the homeland boundary.

Analysis of the impacts from tree removal in this subdivision was informed by a Forest Management Plan for the Potrero Area Subdivision of the Santa Lucia Preserve prepared by Ralph Osterling Consultants Inc. in August, 2000 (**Exhibit J**). The Osterling report determined that impacts to tree resources would remain less than significant provided that no more than 25% of trees within the homeland boundary were removed. However, the report did not contain any tree count information within the homeland boundary of Lot E15 and noted that “trees were outside”. This could indicate the trees were not present or the trees were smaller than the reporting guidelines (only trees six inches or greater were included in the reporting).

Per Maureen Hamb, Certified Arborist, a report dated January 2017 (**Exhibit D**) was submitted with the original application which confirmed the placement of these trees were planted by Santa Lucia Preserve in the last 15 years. Since the location of these trees did not provide significant screening for the proposed development, she had recommended relocating them to the west where they can provide the desired screening. However, since this initial report, a follow-up letter dated May 2018 (**Exhibit E**) by Maureen was submitted. Following her site visit and consultation with a professional tree mover, she concluded the relocation of these trees is not feasible. She further noted the density and structural form of these tree are unlikely to achieve growth or form of an oak in the setting. The tree canopies have declined, demonstrating thinning and discoloration in the interior along with visible leaf loss. As the trees grow wider and encroach into each other, this type of suppressive die-back will continue.

The oak trees proposed for removal do not pose a risk of adverse environmental impacts and are currently in poor condition. Therefore, 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, no oak, madrone or redwood tree six inches or more in diameter two feet above ground level shall be removed in the Carmel Valley Master Plan without approval of the permit(s) required in Subsection 21.64.260D. Based on substantial evidence, the tree removal is the minimum required under the circumstance of the case and the removal will not involve a risk of adverse environmental impacts.

Mitigation Measures:

Pursuant to Resolution 05-046, Mitigation Measure #39 of the Final Supplemental Environmental Report for the Santa Lucia Preserve, 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, a 3:1 ratio would be required for replacement totaling 15 trees since the proposed tree removal are non-landmark trees. Although only 15 trees are required for replacement, the applicant is proposing an additional 8 oak trees for a total of 23 oak trees.

Furthermore, instead of the 5-gallon replacement suggested as mitigation, staff concurs with the arborist assessment to replace it with twenty-three (23) Coast Live Oaks in various sizes. The three (3) 72" box and two (2) 48" box would replace the original 5 oak trees proposed for removal. These would be planted at the southwest corner of the dwelling to achieve maximum screening from roadways and properties and with the greatest opening in the stand to allow for a minimum competition, maximum sunlight and wind protection. These five oak trees will be spaced to give the eventual appearance of a natural grove. The remaining eighteen (18) trees will be located near the corners and rear of the house and along the driveway.

Below is a summary of the total proposed tree replacement:

- Three (3) - 24-inch box
- Ten (10) - 48-inch box
- Ten (10) - 72-inch box

Totaling 23 oak trees

The reforestation program shall also include a monitoring element that guarantees a success period of not less than 5 years after planting and a success ratio threshold of no less than 90%. Therefore, planting the additional 8 trees would better achieve the 90% success ratio. A condition of project approval, (Condition No. 5) requiring the replacement/replanting of all removed trees has been applied to the project. In addition, a condition of project approval (Condition No. 10) was applied on the original application (PLN160790) for surrounding trees located close to the construction site shall be protected from construction equipment by fencing off the canopy driplines and/or critical root zones with protective materials.

In fact, the proposed tree removal would result in minimal conversion of native habitat. The addition of the 18 oak trees (from the original 5 oaks) would be a contribution to the woodland environment and will enhance the natural resources and wildlife in the Santa Lucia Preserve subdivision. These additional trees will also be a component of the natural oak woodland and are contributing to the woodland qualities that exist on the site. The Santa Lucia Preserve continues to meet the large contiguous expanses of open space throughout the subdivision and between development envelopes will allow for continued wildlife movement through the site. In addition, the Design Review Board of the Santa Lucia Preserve supported the removal of the trees proposed **(Exhibit I)**.

Environmental Review:

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 McAndrews & Holschuh project and the conditions of approval. An Addendum has been prepared to address tree removal. As part of the SEIR, removal of 295 trees was approved for the Potrero subdivision and determined to be less than significant. To date, 147 trees have been approved for removal and 15 of 29 lots have been built out **(Exhibit G)**. If approved, the estimated 5 trees proposed for removal on Lot E15 would constitute less than 2% percent of the total trees approved for removal within the homeland boundary. The approval of the 5 trees proposed for this lot would account for an updated total of 152 trees, which would represent 52% 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.

Upon review of the submitted information and site visit, staff recommends the removal of the 5 oak trees proposed that are currently in poor condition will not have a significant impact to the environment. In fact, the replacement of 23 oaks would further meet the goals and objectives of the Santa Lucia Preserve. That is, to screen the roadway and properties across the canyon. Furthermore, the replacement trees would create a positive impact to the environment by contributing to the indigenous plants and wildlife found, generating new habitats in the Santa Lucia Preserve.

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
- Water Resources Agency
- Cypress Fire Protection Department

LUAC:

The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because it did not meet any of the guidelines for referral.

FINANCING:

Funding for staff time associated with this project is included in the FY17-18 and FY18-19 Adopted Budget for RMA-Planning.

Prepared by: Son Pham-Gallardo, Associate Planner, x5226   
Reviewed by: Brandon Swanson, RMA Planning Services Manager   
Approved by: John M Dugan, AICP, 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:
  - B1 - Conditions of approval
  - B2 - Original Site Plan
  - B3 - Site Plan with Proposed Replanting
- Exhibit C - Vicinity Map
- Exhibit D - Arborist Report (LIB170096)
- Exhibit E - Arborist Follow-Up Letter
- Exhibit F - Arborist Tree Replacement Recommendation
- Exhibit G - Potrero Tree Status Update
- Exhibit H - Addendum to the Potrero Subdivision SEIR
- Exhibit I - Santa Lucia DRB Letter Approval of Tree Removal
- Exhibit J - Forest Management Plan for Potrero

cc: Front Counter Copy; Planning Commission; Son Pham-Gallardo, Associate Planner, Brandon Swanson, RMA Services Manager; Joel Panzer, Agent; Brian McAndrews & Elise Holschuh Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN170919