



County of Monterey Planning Commission

Item No.6

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

Agenda Item No. 6

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PLN230079 - S & E CREATIVE LLC

Public hearing to consider the construction of an approximately 5,740 square foot two-story single family dwelling inclusive of an attached garage with 815 square feet in roof decks, 1,450 square feet of landscape decks and a 950 square foot pool, 490 square feet of site walls and features and up to 7,275 square feet of improved driveway; and removal of 21 oak trees. Colors and materials consist of dark gray treated wood and fiber cement siding, black powder coated metal for the windows and trim, beige board formed concrete retaining walls and stone site walls, and slate gray thermoplastic polyolefin (TPO) roof.

Project Location: 8 San Clemente Trail, Carmel

Proposed CEQA Action: Consider an Addendum together with a previously certified EIR for the Santa Lucia Preserve Subdivision (EIR No. 94-005, SCH#94083019)

RECOMMENDATIONS

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 Subdivision (EIR No. 94-005, SCH#94083019) pursuant to CEQA Guidelines Section 15164; and
- 2) Approve a Combined Development Permit consisting of an:
 - a) Administrative Permit and Design Approval for the development of an approximately 5,740 square foot two-story single family dwelling inclusive of an attached garage with 815 square feet in roof decks, 1,450 square feet of landscape decks and a 950 square foot pool, 490 square feet of site walls and features and up to 7,275 square feet of improved driveway. Colors and materials consist of dark gray treated wood and fiber cement siding, black powder coated metal for the windows and trim, beige board formed concrete retaining walls and stone site walls, and slate gray thermoplastic polyolefin (TPO) roof; and
 - b) a Use Permit for the removal of 21 oak trees.

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

PROJECT INFORMATION

Agent: Joel Panzer

Property Owner: S & E Creative LLC

APN: 239-091-012-000

Parcel Size: 3.9 acres

Zoning: Resource Conservation with a density of 1 unit per 40 acres and Design Control and Site Plan Review overlay zones (RC/40-D-S)

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: Yes

Project Planner: Mary Israel, x. 5183, israelm@co.monterey.ca.us

SUMMARY

The project site is located approximately seven miles east of Scenic Highway 1, and four miles off Carmel Valley Road in a forested rural area of Carmel Valley. The subject parcel is lot 87 in Phase B of the Santa Lucia Preserve Subdivision (Phases A-C/Rancho San Carlos), which is comprised of 254 lots. Each individual parcel contains dedicated “homeland boundary” (building envelope); also the remaining acreage outside of the homeland boundary is dedicated with an open space easement. In Santa Lucia Preserve Phase B there are a total of 3,446.36 acres of conservation easements, consisting of 2,084 areas of outright land dedication to the Santa Lucia Conservancy and another 2,088 acres of easements placed over the owners’ properties (per the Phase B final map, Volume 20 Cities and Towns, page 33). The subject project’s structural development is fully within the homeland boundary and consists of a two-story single family dwelling and attached garage, decks, a pool and site improvements. The project requires the removal of 21 protected trees: four Black oaks, one of which is a landmark tree, nine Coast live oaks, and eight Valley oaks. The oaks range in size from six to 52 inches in diameter and all but one were found by a qualified arborist to be in “poor” or “fair” condition. The subject parcel was not indicated to have any tree removal at the time such impacts were analyzed (1994).

DISCUSSION

Land Use

Based on staff review of the planning application materials, the property complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 2010 Monterey County General Plan, Greater Monterey Peninsula Area Plan, and applicable sections of the Monterey County Zoning Ordinance, Title 21. The parcel is zoned Resource Conservation with a density of 1 unit per 40 acres and Design Control and Site Plan Review overlay zones (RC/40-D-S). The parcel is number 87 in Volume 20 Cities & Towns, Pg 33 (Tract No. 1333, Santa Lucia Preserve Phase B) sheet 11 of 37. The parcel was established with a “homeland boundary” that includes meadow and large Valley oaks near the frontage on San Clemente Trail and slopes uphill gradually to a rear lot area that is full of mixed oaks. The purpose of Resource Conservation zoning is to protect natural resources and also allow development such as the proposed single family dwelling, provided that such development can be achieved without adverse effect and will be subordinate to the resources of the site and area. After substantial review and analysis, staff found the proposed development achieves this because: 1) most landmark oaks and the savannah-like meadow are kept intact; and 2) tree removals, though greater than anticipated for the lot in the EIR, were not found to adversely affect the woodland ecology, as stated in reports by the project biologist and the project arborist.

Site Plan Review

HCD-Environmental Services, Environmental Health Bureau and Monterey Regional Fire District reviewed the submitted application materials and indicated no concerns with the proposed development and did not apply conditions of approval. The project will be served by the Santa Lucia Community Services District for potable water and sewage disposal. As discussed below, 21 protected oaks are proposed to be removed to accommodate the design of the single family dwelling,

decks, site improvements, and the driveway. HCD-Planning staff requested redesign during project review to reduce impacts to trees. Project resubmittals did not offer alternative site design but rather included discussions of a previous redesign for Santa Lucia Preserve Design Review Board which resulted in 13 fewer trees removed. In that resubmittal, it was explained that the development envelope was further constrained by the CC&Rs for the subdivision. A “no build zone” that extends approximately 120 feet back than the front homeland boundary and another “no vertical zone” approximately 35 feet further back (at center and tapering to the sides) were placed on the subject lot to protect the viewshed from the golf course fairway that aligns with the subject parcel from across the street. After a site visit and completeness of the application submittal, staff analyzed alternative layouts of the same general improvements (same house and garage, which are relatively modest, and a pool with a deck and a driveway with appropriate turnaround spacing for the Fire District) without crossing the “no vertical zone” with main structures. Two alternative site plans yielded roughly the same number of trees removed, and both required removal of two, rather than the proposed design’s one, landmark tree. Although County does not enforce the CC&Rs of a subdivision, staff found the proposed project could be supported as designed because alternatives site designs had equivalent impacts. Therefore, staff prepared an Addendum to the EIR to add 21 trees to the running total of trees removed in Phases A-C.

Grading of approximately 1,185 cubic yards of cut and 675 cubic yards of fill is planned. From an empty 3.9 acre lot, it will create 17,580 square feet of impervious surfaces. The application included a draft grading plan and drainage plan. These were reviewed by HCD-Environmental Services and found sufficient to demonstrate that the project can proceed as designed without creating erosion or drainage issues of a significant nature. In accordance with Title 16 - Environment, of the Monterey County Code, the HCD group shall review the construction permit application and require certification from the licensed practitioner that the geotechnical recommendations have been incorporated into the construction-level Grading and Drainage Plan to ensure the development adheres to the draft erosion and drainage controls. After construction begins, the HCD group shall conduct site inspections to ensure adherence with the controls has been effective.

Biological Assessment and Tree Assessment

Because the parcel is currently undeveloped and part of the northern toe of the Santa Lucia Range which is home to many native species, the applicant caused Jeffrey Froke, PhD, to conduct a biological assessment of the parcel. Dr. Froke found potential for many protected birds in a desktop review of the California Natural Diversity Database and his experienced observations at the Santa Lucia Preserve. During field investigation, he did not encounter listed flora or fauna species within the homeland boundary in winter and springtime assessments of the “oldfield brush pasture” and “mixed broadleaf-evergreen woodland.” Dr. Froke noted that the meadow is “brushy oldfield [that] has been regularly mowed since 1998” to create a savanna-like area. In “Biological Resources Report/2021” (HCD Library Document No. LIB230134, March 2023), Dr. Froke recommended a migratory bird and raptor survey be done fewer than 15 days prior to any construction or site work if the work commences between December and July. This recommendation has been applied to the development project as Condition No. 8.

The subject application requests the removal of 21 protected trees ranging from six to 52 inches in diameter: four Black oaks, one of which is a landmark tree, nine Coast live oaks, and eight Valley oaks. The trees are growing within the area proposed for the house and garage, landscape decks and driveway. The Forest Management Plan prepared for the Environmental Impact Report (EIR) in 1994 for Phase B estimated zero trees would require removal at this site. Due to the forest conditions, development without tree removal is not feasible. 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. 24 in PC94067. The proposed 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.

Analysis of impacts from tree removal in this subdivision was informed by a Forest Management Plan prepared by Ralph Osterling Consultants Inc., in February 18, 1994 (**Exhibit D**). The Osterling report determined that impacts to tree resources would remain less than significant within the homeland boundaries applied to all homestead parcels. The tree permit for the Santa Lucia Preserve (Phases A-C) allowed removal of 1,480 trees in total. The removal of these 21 trees will bring the total number of trees removed or anticipated to be removed to 668, or 45%. Therefore, total tree removal is still well under the total allotment allowed for these Phases A-C, at roughly 45% buildout.

A report dated April 2023 by Rob Thompson, Certified Arborist, was submitted as part of the application. Thompson observed 56 trees growing within the driveway and homeland boundary of this lot. Two were unprotected toyon and madrone and the remaining 54 are oaks (ranging from six inches to 52 inches diameter). In addition to the 56 trees inventoried within the homeland boundary and driveway area, the lot itself is forested with an oak forest to the rear of the parcel outside the development area. Thompson assess the species and condition of the oaks and found that eight of the 21 proposed for removal are in poor condition, one is in good condition, and the rest are in fair condition. The site design will require removal of one landmark Valley oak (52 inch diameter) in poor condition. Thompson concluded the proposed tree removal would not affect the health of the surrounding oaks or the health of the forest on the site. He recognized another 24 oaks that would have potential to be impacted by the construction phase of the project, and therefore recommended tree protection controls. This has been incorporated into the project as a condition of project approval (Condition No. 5). The trees surrounding the construction site shall be protected from construction equipment by fencing off the canopy driplines and/or critical root zones with protective materials. A pre-construction meeting (Condition No. 6) will involve the Arborist so they can communicate to construction crews the tree protections that are applicable to the grading and construction phases of the development.

As discussed above under “Site Plan Review” the applicant provided evidence of redesigning the project where the current proposal resulted in reducing the amount of tree removal from 34 to 21. Further, development on the subject property is constrained by the building envelop delineated on the final map, the no build zone and no vertical zone requirements of the subdivision. Based in these constraints, development has been sited on the property so that improvements are located within the most open areas outside of contiguous tree canopy.

Based on substantial evidence, the trees proposed for removal are the minimum required under the circumstance of the case and will not involve a risk of adverse environmental impacts. Therefore, the proposed tree removal is consistent with the regulations contained in Title 21 Section 21.64.260 (Preservation of Oak and Other Protected Trees) and with approval of the Use Permit required in Subsection 21.64.260(D).

Tree Replacement

All non-landmark oak trees removed as a result of the project shall be replaced at a three-to-one (3:1) ratio and the landmark tree at a five-to-one (5:1) ratio. The minimum replacement size shall be five gallon containers. In this case, Thompson, the arborist, recommended to replace all removed trees with fifteen gallon containers for most Coast live oak and larger boxed trees for Valley oak, Black oak, and a portion of the Coast live oaks. These oaks would be planted throughout the homeland boundary. The various sized oaks containers would add age diversity to the woodland system as it currently exists. The reforestation program shall also include a monitoring element that guarantees a success period of not less than 5 years after planting. In keeping with the EIR that created the subject parcel, the replanting success ratio threshold shall be 90%. A condition of project approval (Condition No. 7) requiring the replacement/replanting of all removed trees has been applied to the project and staff will review a final Replanting Plan.

In the project-specific Arborist Report, Thompson considered a reduced replanting regimen from the mitigation set by the EIR. The applicant did not propose to reopen the EIR for this project, so staff set aside the Arborist's recommended mitigation ratio and instead abided by those established for Phase B of the subdivision. A formal Mitigation Monitoring and Reporting program (MMRP) was not implemented for Phase A-C, only conditions of approval. Therefore, conditions described above for tree replacement and monitoring (Conditions No. 7) were carried over pursuant to Resolution No. 96-060, Condition No. 24 in Permit PC94067.

The addition of the 65 oak trees would contribute to the woodland environment and would enhance the natural resources and wildlife in the Santa Lucia Preserve subdivision. If approved, the project will not prevent the Santa Lucia Preserve from continuing to provide large contiguous expanses of open space throughout the subdivision and between development envelopes to allow for wildlife movement through the site. In addition, after a redesign to reduce the impacts to trees, the Design Review Board of the Santa Lucia Preserve supported the project as proposed (**Exhibit E**).

Upon review of the submitted information, a site visit, and staff-level site design analysis, staff finds the removal of the 21 trees proposed is the least possible for the proposed development and will not have a significant impact to the environment. The replacement of 65 oaks would further meet the goals and objectives of the Santa Lucia Preserve. The replacement trees would create a positive impact to the environment by contributing to the natural environment established in the Santa Lucia Preserve.

Design Review

The development standards for the RC zoning district are identified in MCC Section 21.36.060. Required setbacks in the RC district for main dwelling units are 30 feet (front), 20 feet (rear), and 20 feet (sides). However, the Santa Lucia Preserves have been designed with homeland boundaries (building envelopes) dedicated for development. The proposed structures are all within the homeland

boundary.

Maximum allowed structure height is 30 feet. The proposed height for the single-family dwelling is 26 feet and 6 inches from average natural grade. The allowed site coverage maximum in the Resource Conservation (RC) district is 25%, which on this parcel of 3.9 acres (169,884 square feet) is 43,124 square feet. The proposed site coverage is 5.2% (8,787 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, location and mass. The open, multi-level ranch architectural incorporates natural mixed materials with modern design elements. Colors and materials consist of dark gray treated wood and fiber cement siding, black powder coated metal for the windows and trim, beige board formed concrete retaining walls and stone site walls, and slate gray thermoplastic polyolefin (TPO) roof. A lighting plan and examples of the exterior lighting fixtures was provided in the Plans (**Exhibit A**, sheets L5.0 and L5.1) which comply with County exterior lighting regulations. The proposed landscaping incorporates native vegetation that will blend harmoniously with decks, pool and other site improvements and with the surrounding open natural environment of the Santa Lucia Preserve. Additionally, the design was reviewed and approved by the Santa Lucia Preserve Design Review Board on March 16, 2023 (**Exhibit E**).

Environmental Review

Environmental impacts for the entire Santa Lucia Preserve were analyzed in the Environmental Impact Report (EIR) Resolution No. #94-005 (SCH#94083019, **Exhibit C**). The subject parcel was identified in the original EIR (Jones & Stoke, 1995) done for the subdivision. The EIR for the Santa Lucia Preserve addressed anticipated removal of trees within the homeland boundary for each individual lot. Further mitigation for tree removal was to change the 1:1 replacement ratios of trees removed to a 3:1 and 5:1 ratio (PC94067, Condition No. 24). The applicable conditions of approval from the original EIR have been incorporated into the proposed S & E Creative project. An Addendum to the EIR is also included as part of this project (**Exhibit B**). As part of the Combined Development Permit, removal of 1,480 trees was approved for the subdivision (Phase A-C) with a Major Use Permit because the EIR determined the impact, with conditions of approval applied, to be less than significant. To date, 647 trees have been approved for removal. If approved, the estimated 21 trees proposed for removal on Lot 87 would constitute 1.4% of the total trees approved for removal within homeland boundaries in the subdivision. The approval of the 21 trees proposed to be removed from this lot would account for an updated total of 668 trees, which would represent approximately 45% of the overall approved count for the subdivision. As a whole, even though 113 of 254 lots have been built out, the Santa Lucia Preserve Subdivision (Phase A-C/Rancho San Carlos) is well under the tree removal approved and analyzed by the EIR and will remain under the approved tree removal limits if remaining lots stay within the allowed tree removal. Though the tree removal amount proposed (21) exceeds what was approved for this lot (0), it is consistent with the area-wide impact that was analyzed in the Santa Lucia Preserve EIR.

OTHER AGENCY INVOLVEMENT

The following agencies and HCD groups have reviewed the project, have comments, and/or have recommended conditions:

HCD-Engineering Services
HCD-Environmental Services
Environmental Health Bureau
Monterey County Regional Fire Protection District

Prepared by: Mary Israel, Supervising Planner, x5183, israelm@co.monterey.ca.us
Reviewed by: Anna Ginette Quenga, AICP, Principal Planner
Approved by: Melanie Beretti, AICP, Acting Chief of Planning

The following attachments are on file with HCD:

- Exhibit A - Draft Resolution including:
- Recommended Conditions of Approval
 - Site Plans, Floor Plans, Elevations and Draft Landscape Plans
- Exhibit B - Addendum to the Santa Lucia Preserve EIR
Exhibit C - Santa Lucia Preserve EIR
Exhibit D - Forest Management Plan by Ralph Osterling-Rancho San Carlos
Exhibit E - Letter from the Santa Lucia Preserve Design Review Board
Exhibit F - Vicinity Map

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Mary Israel, Planner; Anna Ginette Quenga, AICP, Principal Planner; Joel Panzer, Agent; S & E Creative LLC, Owner; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project; LandWatch (Executive Director); Planning File PLN230079

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