

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: February 22, 2007 Time: 1:50 p.m.	Agenda Item No.: 3
Project Description: Combined Development Permit consisting of: (1) an Administrative Permit and Design Approval to allow the construction of a 12,843 square foot two-story single family dwelling with an attached four-car garage, (2) an Administrative Permit and Design Approval for a detached 762 square foot Senior Unit, and (3) a Design Approval for a 542 square foot detached Guesthouse, an equestrian facility (3,710 square foot stable and 1,450 square foot hay barn/three-car garage), the removal of twenty-eight Monterey Pine trees, and grading (approximately 8,982 cubic yards of cut and 9,075 cubic yards of fill).	
Project Location: 9 Goodrich Trail, Carmel	APN: 239-102-019-000
Planning File Number: PLN060510	Name: Anthonly & Gillian Thornley TRS, Property Owner/Agent
Plan Area: Carmel Valley Master Plan	Flagged and staked: Yes
Zoning Designation: "RG/10-D-S-RAZ" [Rural Grazing/10 acres per unit with Design Control, Site Plan Review and Residential Allocation Overlays]	
CEQA Action: Consider SEIR (EIR No.03-02) from Potrero Area Subdivision	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

1. Consider the Potrero Area Subdivision Supplemental EIR (EIR No. 03-02).
2. Deny the Combined Development Permit based on the Findings and Evidence (**Exhibit C**).

PROJECT OVERVIEW:

See Exhibit B

OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Valley Fire Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project.

The project was not referred to the Carmel Valley Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the project does not involve slope restrictions, does not involve ridgeline/viewshed development, and is exempt from CEQA. Additionally, the project does not involve a Lot Line Adjustment or a Variance.

Note: The decision on this project is appealable to the Planning Commission.

Jennifer Savage
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cc: Zoning Administrator; Carmel Valley Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Jacqueline Onciano, Planning & Building Services Manager; Jennifer Savage, Planner; Carol Allen; Anthonly & Gillian Thornley, Property Owners; Maureen Wruck Planning Consultants, Agent; Planning File PLN060510.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Overview
Exhibit C Recommended Findings and Evidence
Exhibit D Site Plan, Elevations, Floor Plans
Exhibit E Board of Supervisor's Resolution No. 05-046 (available at the Planning Department office)
Exhibit F Chapter 11 – Biological Resources, contained in SEIR (EIR No. 03-02) Potrero Subdivision (PLN010001) (available at the Planning Department office)
Exhibit G Revised Rancho San Carlos Cattle Grazing and Livestock Management Plan (available at the Planning Department office)
Exhibit H May 3, 2005 letter from Sage Associates re: Phase E Horsekeeping Plan (available at the Planning Department office)

This report was reviewed by Jacqueline R. Onciano, Planning and Building Services Manager.

EXHIBIT A

Project Information for PLN060510

Project Title: THORNLEY ANTHONLY & GILLIAN TR

Location:	Primary APN: 239-102-019-000
Applicable Plan: Carmel Valley Master Plan	Coastal Zone: No
Permit Type: Combined Development Permit	Zoning: RG/10-D-S-RAZ
Environmental Status: Exempt	Plan Designation: AG RUR GRAZ
Advisory Committee: N/A	Final Action Deadline (884): 12/19/2006

Project Site Data:

Lot Size: 32.2 AC	Coverage Allowed: 5%
Existing Structures (sf): 0	Coverage Proposed: 1.4%
Proposed Structures (sf): 22,245	Height Allowed: 35 FT
Total Sq. Ft.: 22,245	Height Proposed: 25.5 FT
	FAR Allowed: N/A
	FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes	Erosion Hazard Zone: VI
Biological Report #: EIRNO.0302	Soils Report #: EIRNO.0302
Forest Management Rpt. #: EIRNO.0302	
Archaeological Sensitivity Zone: MODERATE	Geologic Hazard Zone: IV
Archaeological Report #: EIRNO.03	Geologic Report #: EIRNO.03
Fire Hazard Zone: UNKNOWN	Traffic Report #: N/A

Other Information:

Water Source: MUTUAL WATER SYSTEM	Sewage Disposal (method): SEPTIC
Water Dist/Co: N/A	Sewer District Name: N/A
Fire District: CDF-COASTAL	Grading (cubic yds.): 18,057.0
Tree Removal: 31 MON. PINES	

EXHIBIT B PROJECT OVERVIEW

On February 15, 2005, Phase E of the Santa Lucia Preserve/Rancho San Carlos Partnership (Potrero Area Subdivision – [PLN010001]), a Standard Subdivision, was approved by the Board of Supervisors subject to 132 conditions. A Supplemental Environmental Impact Report (SEIR) was certified on the same day per Resolution No. 05-046. The Potrero Area Subdivision application consists of the division of a 1,286 acre parcel into 29 lots ranging in size from 14.47 to 67.21 acres, grading (approximately 29,600 cubic yards), a Use Permit to allow the removal of up to 295 protected trees and a Use Permit to allow development on slopes in excess of 30 percent. The subject parcel, Lot E 16, is one of the 29 lots resulting from the approval. As part of the approved subdivision, Homeland delineations were established prior to the recordation of the final map. Homelands are similar to recorded “building sites” in that development is restricted within the delineated area. Additionally, the project site plan illustrates an “Equestrian Facilities Only Zone”. According to the project’s representatives, this is a zone established by the Covenants, Conditions and Restrictions, or CC & R’s, where only structures relating to equestrian facilities may be located.

The subject 32.2 acre parcel contains a 5.1 acre Homeland. The parcel is zoned “RG/10-D-S-RAZ” or Rural Grazing, 10 acres per unit with Design Control, Site Plan Review, and Residential Allocation overlays. The proposed application consists of a 12,843 square foot partial two-story single family dwelling with an attached four-car garage and a detached 762 square foot Senior Unit; within the Equestrian Facilities Only Zone, a 542 square foot detached Guesthouse and equestrian facility (3,710 square foot stable and 1,450 square foot hay barn/three-car garage).

According to the Biological Resources chapter (Chapter 11) contained in the SEIR for PLN010001 (EIR No.03-02), the subject parcel, Lot E16, contains the only Homeland boundary with a stand of Monterey pines “extensive enough to be mapped as a Monterey pine forest.” The SEIR evaluated the removal of some Monterey pine habitat and individual Monterey pines as a potentially significant impact. Additionally, the SEIR identified that a secondary adverse effect on non-listed wildlife species could result from the removal of Monterey pine habitat. The certified SEIR mitigated the potentially significant impacts to a less than significant level with Mitigation 11.1 which states:

“Avoid removal of Monterey pines to the greatest extent feasible through design. For the unavoidable removal of Monterey pines (due to vegetation density, topography or other factors), implement the tree replacement and protection measures specified in the Forest Management Plan for the Potrero Area Subdivision of the Santa Lucia Preserve. In addition to those protection measures, all individual specimens of Monterey pine less than 6” shall be relocated. Specimens over 6” and under 24” diameter that are proposed for removal shall either be relocated, or replanted at a 5:1 ratio. Individual trees greater than 24” diameter shall be avoided in place. Any Monterey pine replantings will use RSC on-site nursery stock. Applicants for individual lot development shall demonstrate to the satisfaction of the Planning and Building Inspection Department the necessity of the tree removal greater than what is approved in the chart enforced by condition 25 and outlined by the final lot-by-lot tree removal chart for the Potrero Area Subdivision and why removal cannot be avoided. Additionally, GMPAP Condition number 24 relating to the monitoring of success of the replacement planting shall be applied to the Potrero Area Subdivision.”

[Mitigation 11.1 is Condition of Approval No. 57 of PLN010001 (Resolution No. 05-046) and Note No. 50 on the Santa Lucia Preserve Phase E Map filed in Volume 23 Cities & Towns Page 7.]

There are 48 trees within the Homeland boundary of the subject parcel - six Coast Live oaks and 42 Monterey pine trees. The Coast Live Oaks are not allowed to be removed per Condition No. 25 of PLN010001 (Resolution No. 05-046), nor are they proposed for removal. However, the project, as designed, is inconsistent with Condition No. 57 of Combined Development Permit PLN010001 (Resolution No. 05-046) and the Final Map in three ways.

First, the project's representatives have not demonstrated that the number of Monterey pines proposed for removal is the minimum amount needed. Condition No. 57 requires Monterey pine removal to be avoided to the greatest extent feasible by design. Thirty-one of the 42 Monterey pines (75%) within the homeland boundary are proposed for removal. The project's representatives met with County staff on December 15, 2006 and January 24, 2007 and expressed that the proposed location of the main residence is the most desirable location for the land owner. However, staff's analysis indicates that alternative locations exist, within the 5.1 acre homeland boundary away, from the significant Monterey pine forest, that would reduce or avoid the removal of Monterey pines. Modification of the Equestrian Facilities Only Zone, established by the CC& R's, is also an option.

Secondly, Condition No. 57 does not allow any Monterey pines 24 inches or more in diameter to be removed. However, the project proposes to remove 100% of the four Monterey pines that are 24 inches or more in diameter. Third, the proposed tree replacement is 3:1 for Monterey pines between 6" and 24" and none for Monterey pines under 6". Condition No. 57 requires 5:1 replacement or relocation for Monterey pines between 6" and 24" and relocation for Monterey pines under 6".

Carmel Valley Master Plan Policy 26.1.25 states "*The visible alteration of natural landforms caused by cutting, filling, grading, or vegetation removal shall be minimized through sensitive siting and design of all improvements and maximum possible restoration including botanically appropriate landscaping.*" Carmel Valley Master Plan Policy 3.1.4 states "*Grading shall be minimized through the use of step and pole foundations, where appropriate.*" The project proposes a total of 18,057 cubic yards of grading (8,982 cut/9,075 fill) and does not minimize the amount of grading. The project is inconsistent with the Carmel Valley Master Plan.

At the January 24th meeting, the representatives submitted a site plan that shifted the residence to the north, thereby preserving two of the 24 inches or more in diameter Monterey pines but potentially increasing the overall tree removal. Additionally, this shift would require that the residence be "lifted" approximately five feet in elevation, therefore requiring a substantial amount of fill material to be imported to the site.

Staff recommends denial of the Combined Development Permit PLN010001 as the proposed project does not comply with Condition of Approval No. 57 of Combined Development Permit PLN010001 (Resolution No. 05-046, Mitigation 11.1 of SEIR No. 03-02 and Note No. 50 on the Santa Lucia Preserve Phase E Map filed in Volume 23 Cities & Towns Page 7) and is not consistent with the Carmel Valley Master Plan.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING: INCONSISTENCY** – The project, as proposed, does not conform to, or is not consistent with, the policies, requirements, and standards of the Monterey County General Plan, the Carmel Valley Master Plan, the Supplemental Environmental Impact Report (EIR No. 03-02), Combined Development Permit PLN010001 (Board of Supervisors Resolution No. 05-046), and the Santa Lucia Preserve Phase E Map (Volume 23 Cities & Towns Page 7).
- (a) Carmel Valley Master Plan Policy 26.1.25 states:
“The visible alteration of natural landforms caused by cutting, filling, grading, or vegetation removal shall be minimized through sensitive siting and design of all improvements and maximum possible restoration including botanically appropriate landscaping.”
- (b) Carmel Valley Master Plan Policy 3.1.4 states:
“Grading shall be minimized through the use of step and pole foundations, where appropriate.”
- (c) The project proposes a total of 18,057 cubic yards of grading (8,982 cut/9,075 fill) and does not minimize the amount of grading. Therefore, the project is inconsistent with Carmel Valley Master Plan Policy 26.1.25 and Carmel Valley Master Plan Policy 3.1.4.
- (d) On February 15, 2005, Phase E of the Santa Lucia Preserve/Rancho San Carlos Partnership (Potrero Area Subdivision – [PLN010001]), a Standard Subdivision, was approved by the Board of Supervisors (BOS) subject to 132 conditions. At that meeting the BOS certified the Supplemental Environmental Impact Report (SEIR), per Resolution No. 05-046. The Potrero Area Subdivision application consists of the division of a 1,286 acre parcel into 29 lots ranging in size from 14.47 to 67.21 acres, grading (approximately 29,600 cubic yards), a Use Permit to allow the removal of up to 295 protected trees, and a Use Permit to allow development on slopes in excess of 30 percent. The subject parcel, Lot E 16, is one of the 29 lots resulting from the approval. As part of the approved subdivision, Homeland delineations were established prior to the recordation of the final map. Homelands are similar to recorded “building sites” in that development is restricted within the Homeland boundary. The project site plan illustrates an “Equestrian Facilities Only Zone” established by the Covenants, Conditions and Restrictions, or CC & R’s, where only structures relating to equestrian facilities may be located.
- (e) According to the Biological Resources chapter (Chapter 11) contained in the SEIR for PLN010001 (EIR No.03-02), the subject parcel, Lot E16, contains the only Homeland boundary with a stand of Monterey pines “extensive enough to be mapped as a Monterey pine forest.”
- (f) The notes on the Santa Lucia Preserve Phase E Map (Volume 23 Cities & Towns Page 7) have been reviewed. Note No. 50 on the map (Mitigation 11.1 of SEIR No. 03-02; Condition of Approval No. 57 of Resolution No. 05-046 for PLN010001) states
“Avoid removal of Monterey pines to the greatest extent feasible through design. For the unavoidable removal of Monterey pines (due to vegetation density, topography or other factors), implement the tree replacement and protection measures specified in the Forest Management

Plan for the Potrero Area Subdivision of the Santa Lucia Preserve. *In addition to those protection measure, all individual specimens of Monterey pine less than 6” shall be relocated. Specimens over 6” and under 24” diameter that are proposed for removal shall either be relocated, or replanted at a 5:1 ratio. Individual trees greater than 24” diameter shall be avoided in place. Any Monterey pine replantings will use RSC on-site nursery stock. Applicants for individual lot development shall demonstrate to the satisfaction of the Planning and Building Inspection Department the necessity of the tree removal greater than what is approved in the chart enforced by condition 25 and outlined by the final lot-by-lot tree removal chart for the Potrero Area Subdivision and why removal cannot be avoided. Additionally, GMPAP Condition #24 relating to the monitoring of success of the replacement planting shall be applied to the Potrero Area Subdivision.”*

- (g) The project, as proposed, does not conform to Condition No. 57, which requires Monterey pine tree removal to be avoided to the greatest extent feasible by design. The project’s representatives have not demonstrated that the number of Monterey pines proposed for removal is the minimum amount needed. Thirty-one of the 42 Monterey pines (75%) within the homeland boundary are proposed for removal. The project’s representatives met with County staff on December 15, 2006 and January 24, 2007 and expressed that the proposed location of the main residence is the most desirable location for the land owner. However, staff’s analysis indicates that alternative locations exist, within the 5.1 acre homeland boundary, away from the significant Monterey pine forest, that would reduce or eliminate the removal of Monterey pines. Modification of the Equestrian Facilities Only Zone, established by the CC& R’s, is also an option.
- (h) The replacement ratio, as proposed, is not in conformance with Condition No. 57, which requires 5:1 replacement for Monterey pines between 6” and 24” and relocation for Monterey pines under 6”. The proposed replacement is 3:1 for Monterey pines between 6” and 24” and none for Monterey pines under 6”.
- (i) Condition No. 57 does not allow any Monterey pines 24” or more in diameter to be removed. The project does not comply as all four (100%) Monterey pines 24” or more in diameter are proposed to be removed.
- (j) The project planner conducted a site visit on August 22, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
- (k) The project was not referred to the Carmel Valley Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 05-046, this application did not warrant referral to the LUAC because the project does not involve slope restrictions, does not involve ridgeline/viewshed development, and is exempt from CEQA. Additionally, the project does not involve a Lot Line Adjustment or a variance.
- (l) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File No. PLN060510.
- (m) Potrero Area Subdivision Supplemental Environmental Impact Report (EIR No. 03-02).

(n) Board of Supervisors Resolution No. 05-046 for PLN010001.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Valley Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development.
 - (b) The property is located at 9 Goodrich Trail, Carmel (Assessor's Parcel Number 239-102-019-000), Carmel Valley Master Plan. The 32.2 acre parcel is zoned Rural Grazing/10 acres per unit-Design Control-Site Plan Review-Residential Allocation ("RG/10-D-S-RAZ"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21.
 - (c) The subject parcel, Lot E 16, is one of the 29 lots resulting from the approval of Resolution No. 05-046. As part of the approved subdivision, Homeland delineations were established prior to the recordation of the final map. Homelands are similar to recorded "building sites" in that development is restricted within the Homeland boundary. The project site plan illustrates an "Equestrian Facilities Only Zone" established by the Covenants, Conditions and Restrictions, or CC & R's, where only structures relating to equestrian facilities may be located.
 - (d) A report by outside environmental consultants indicated that this site is suitable for the equestrian use. The following reports have been prepared:
"Revised Rancho San Carlos Cattle Grazing and Livestock Management Plan" (LIB060650) prepared by Sage Associates, Montecito, CA, April 6, 1998).
 - (e) A letter from Sage Associates (dated May 3, 2005, Exhibit H) designated Lot E16 as a full-time horsekeeping lot. The *Revised Rancho San Carlos Cattle Grazing and Livestock Management Plan* states that "owners of full-time horsekeeping lots may keep horses on their property" and "Permanent facilities shall be sited on designated areas of the Homeland site."
 - (f) Materials in Project File No. PLN060510.

3. FINDING: CEQA - A Supplemental Environmental Impact Report was adopted for the Potrero Area Subdivision.

- EVIDENCE:**
- (a) EIR No. 03-02.
 - (b) See Evidence (e) through (i) of Finding 1, Inconsistency.
 - (c) Removal of Monterey pine habitat may present a secondary adverse effect on non-listed wildlife species which utilize this habitat. Although a project specific biological report was not submitted, the arborist's report notes evidence of that deer use the Monterey Pine Forest habitat on the subject parcel.
 - (d) See preceding and following findings and supporting evidence.

4. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County RMA - Planning Department and the RMA - Building Services Department Monterey County records and is not aware of any violations existing on subject property.

- 5. FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

- 6. FINDING: TREE REMOVAL** – Monterey pines are not protected in the Carmel Valley Master Plan area. However, the proposed project is not in compliance with Condition No. 57 of Combined Development Permit PLN010001 (Resolution No. 05-046, Mitigation 11.1 of SEIR No. 03-02 and Note No. 50 on the Santa Lucia Preserve, Phase E Map filed in Volume 23 Cities & Towns Page 7).

EVIDENCE: (a) Monterey County Zoning Ordinance Title 21, Section 21.64.260.C.1 states, *“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 area without approval of the permit(s) required in Subsection 21.64.260.D.”* No oak trees are proposed for removal and Monterey pines are not protected in the Carmel Valley Master Plan area.

(b) The Coast Live Oaks are not allowed to be removed per Condition No. 25 of Combined Development Permit PLN010001 (Resolution No. 05-046), nor are they proposed for removal.

(c) See Evidence (e) through (i) of Finding 1, Inconsistency.

(d) As the project is proposed, the single family dwelling is placed in the exact location of the Monterey pine forest. Alternative locations exist within the homeland boundary away from the center of the Monterey pine forest that would reduce the amount of Monterey pine removal required. Additionally, areas remain away from the Monterey pine forest, within the homeland boundary, that may eliminate the need to remove any Monterey pines.

(e) One-hundred twenty-two seedlings are proposed for planting.

- 7. FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040 Monterey County Zoning Ordinance Title 21.