

MONTEREY COUNTY PLANNING COMMISSION

Meeting: July 25, 2007	Time: 9:00am	Agenda Item No.: 4
Project Description: Combined Development Permit consisting of: (1) an Administrative Permit and Design Approval to allow the construction of a 13,346 square foot two-story single family dwelling with an attached four-car garage, (2) an Administrative Permit and Design Approval for a detached 773 square foot Senior Unit, and (3) a Design Approval for a 564 square foot detached guesthouse, an equestrian facility (3,602 square foot stable and 1,706 square foot hay barn/three-car garage), the removal of twenty-six Monterey pine trees and grading (6,300 cubic yards of cut/7,100 cubic yards of fill).		
Project Location: 9 Goodrich Trail, Carmel		APN: 239-102-019-000
Planning File Number: PLN060510		Name: Anthonly & Gillian Thornley, Property Owners
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: Statutorily Exempt per Section 15270		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission:

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

PROJECT OVERVIEW:

The project proposes a single family dwelling with an attached four-car garage, a Senior Citizen Unit, a Guesthouse, a barn, a stable, and 13,400 cubic yards of grading. The 5.1 acre building envelope, known as a Homeland boundary in the Santa Lucia Preserve subdivision, contains a unique Monterey pine forest, a group of Coast Live Oaks, and an extensive amount of grassland, mostly Coastal prairie, but no slopes of 30% or greater. Each habitat was evaluated in the Biological Assessment and the Supplement EIR for the Potrero Area Subdivision of the Santa Lucia Preserve. The potentially significant adverse environmental impact to Monterey Pine Forest habitat, caused by removing individual Monterey pines and Monterey pine forest, was mitigated by requiring Monterey pine tree removal to be minimized. The new single family dwelling, as designed and located, will result in the removal of 67% of the Monterey pines within the Homeland boundary. Other locations within the Homeland boundary provide feasible alternatives that would substantially reduce or eliminate the amount of Monterey pine tree removal proposed for the single family dwelling.

OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Valley Fire Protection District
California Department of Transportation, District 5
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
Regional Water Quality Control Board

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 final per Section 21.80.090.I, Title 21, Monterey County Zoning Ordinance.

Jennifer Savage
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cc: Planning Commission Members (10); County Counsel; Carmel Valley Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Carl Holm, Planning & Building Services Manager; Jennifer Savage, Planner; Carol Allen; Anthonly & Gillian Thornley, Property Owners; Maureen Wruck Planning Consultants, Agent; Project File No. PLN060510.

Attachments:	Exhibit A	Discussion
	Exhibit B	Project Data Sheet
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Site Plan, Floor Plan and Elevations
	Exhibit E	Board of Supervisor's Resolution No. 05-046
	Exhibit F	Chapter 11 – Biological Resources, contained in SEIR (EIR No. 03-02) Potrero Subdivision (PLN010001)
	Exhibit G	Biological Assessment for the Potrero Area Subdivision
	Exhibit H	Zoning Administrator Resolution No. 060510
	Exhibit I	Notice of Appeal
	Exhibit J	Staff Response to Appellant Contentions

(Above documents are available at the Planning Department office.)

EXHIBIT A DISCUSSION

Background:

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. As part of the approved subdivision, Homeland boundaries were established prior to the recordation of the final map. Homelands are similar to recorded building envelopes in that development is restricted within the delineated area. The subject parcel, Lot E 16, is one of the 29 lots resulting from the approval.

Property Description:

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 parcel is 32.2 acres; the Homeland is 5.1 acres. The project site plan illustrates an “Equestrian Facilities Only Zone” of 1.3 acres within the Homeland boundary. 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.

Within the Homeland of the subject parcel there is a group of Coast Live oaks, an extensive amount of grassland consisting mostly of Coastal prairie grassland, and a unique Monterey pine forest/savanna. The group of six Coast Live oaks covers approximately 0.29 acres within the Homeland boundary. The Monterey pine forest/savanna within the Homeland boundary is comprised of 39 Monterey pines of various size and age located on the knoll towards the center of the property and then extending west. There are no slopes of 30% or greater within the Homeland boundary. Approximately, 0.96 acres of the property within the Homeland are comprised of slopes of 20% to less than 30%.

Project Description:

The proposed application consists of a 13,346 square foot partial two-story single family dwelling with an attached four-car garage and a detached 773 square foot Senior Unit; within the Equestrian Facilities Only Zone, a 564 square foot detached Guesthouse and equestrian facility (3,602 square foot stable and 1,706 square foot hay barn/three-car garage); and 13,400 cubic yards of grading.

The single family dwelling is proposed at the center of the Monterey pine forest/savanna. The three wings of the residence sprawl towards the outer edge of the Monterey pine forest/savanna. The arrival court, auto court, pool, patios, terraces, and courtyards are all within the forest/savanna. A total of 26 Monterey pines are proposed for removal as part of the project (See tree removal discussion below). The stables, hay storage, equestrian auto court, and Guesthouse are within the Equestrian Facilities Only Zone. The Senior Unit is proposed just north of the Equestrian Facilities Only Zone. (Note: No Coast Live oaks are proposed for removal as part of this project.)

Tree Removal:

A. Inconsistency with Mitigation 11.1 of the SEIR for Potrero Area Subdivision, Condition No. 57 of Resolution No. 05-046, and Note No. 50 of the Santa Lucia

Preserve Map [Note: 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.]

According to the Biological Resources chapter (Chapter 11) of the SEIR for PLN010001 (EIR No.03-02), the subject parcel contains the only Homeland boundary with a stand of Monterey pines “extensive enough to be mapped as a Monterey pine forest.” The Biological Assessment for the Potrero Area Subdivision prepared by Denise Duffy & Associates, Inc. (July 2003) recognizes that “Monterey pine forest . . . [is a] sensitive habitat type that [is] of limited occurrence in the vicinity . . .” and that this Monterey pine forest “lies within one of three limited areas along the California coast in which Monterey pine is native.”

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.”

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, Monterey pine tree removal is not avoided to the greatest extent feasible by design because alternative locations for the single family dwelling exist. Twenty-six of the 39 Monterey pines (67%) 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, 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. Alternative locations are the north slope towards Goodrich Trail off the knoll, areas north on the saddle adjacent to the oak stand, and areas south towards the equestrian facility. 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 50% of the four Monterey pines that are 24 inches or more in diameter. Third, the project does not propose required mitigation for all Monterey pines under 6"; Condition No. 57 requires relocation for Monterey pines under 6." The project does not propose any mitigation for two Monterey pines classified as under 6" in diameter.

As another consideration, Monterey pine trees are located in the area labeled as "approved septic zone" and a large amount of pre-mitigation Monterey pines are planted there. Therefore, not only would the septic area location require additional tree removal, it may reduce the amount of proposed replacement trees.

B. Inconsistency with Monterey County General Plan

Policy 7.1.1, to provide carefully planned development to provide for the conservation of limited or threatened plant communities, stems from Objective 7.1 which is to inventory the County's most threatened or limited plant communities and promote the conservation of these communities. The objective was to perform an inventory but conservation of only inventoried plant communities is not the goal of this section. Objective 7.1 stems from Goal 7 which is to preserve the diversity and conserve the extent of the County's native vegetation.

The project, as proposed, is inconsistent with Monterey County General Plan Policy 7.1.1, Objective 7.1, and Goal 7 because the project does not provide for the conservation and maintenance of the Monterey pine forest/savanna, contained on the project site, as it is a limited and threatened resource. The project proposes to remove 67% (26 of 39 trees) of the unique Monterey pine forest/savanna although alternative locations for the single family dwelling exist.

C. Inconsistency with Carmel Valley Master Plan

The proposed project is inconsistent with Carmel Valley Master Plan Goal number 3 to protect natural resources with emphasis on biological communities. The project would remove 67% (26 of 39 trees) of the sensitive Monterey pine forest/savanna thereby not protecting, and for the most part eliminating, that limited unique biological community of the Monterey pine forest/savanna on the project site and in the general area.

Carmel Valley Master Plan Policy 7.1.1.1 guides development proposals to identify, and preserve as open space, biologically significant areas. This Monterey pine stand is considered biologically significant by California Native Plant Society (see Finding 1(g), the Biological Assessment, and the SEIR) and Monterey Pine Forest is considered a rare natural community by the Department of Fish & Game (see Finding 1(h)). Policy 7.1.1.1 allows a low level of development provided it does not occupy the most biologically significant area and the impacts on the resource are minimized. The project proposal occupies the most biologically significant portion of the property within the Homeland boundary given that the project proposes removal of two-thirds of the unique Monterey pine forest/savanna. The SEIR clearly evaluated the impact on this Monterey pine stand and precluded that in order to reduce the potentially significant adverse environmental impact to a less than significant level, the removal of Monterey pines shall be minimized. There are areas within the Homeland boundary that do not contain Monterey pine forest where the residence can be established. Therefore, the project is inconsistent with Carmel Valley Master Plan Policy 7.1.1.1.

Grading:

Grading was reduced from 18,057 cubic yards to 13,400 cubic yards to comply with Carmel Valley Master Plan Policies 3.1.4 and 26.1.25.

Conclusion:

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 and the Monterey County General Plan.

EXHIBIT B

Project Information for PLN060510

Project Title: THORNLEY ANTHONLY & GILLIAN TR

Location: 9 GOODRICH TRL CARMEL

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): 19,991

Height Allowed: 35 FT

Height Proposed: 24.25 FT

Total Sq. Ft.: 19,991

FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: No

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.0302

Geologic Report #: EIRNO.0302

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.): 13,400.0

Tree Removal: 26 MON. PINES

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, Monterey County Zoning Ordinance (Title 21), 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). Specifically the project is inconsistent with Monterey County General Plan Goal 7, Objective 7.1, and Policy 7.1.1; Carmel Valley Master Plan Goal 3 and Policy 7.1.1.1; SEIR Mitigation Measure 11.1; Resolution No. 05-046 Condition No. 57; and the Santa Lucia Preserve Map Note No. 50.

- EVIDENCE:** (a) 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. As part of the approved subdivision, Homeland boundaries 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 subject parcel, Lot E 16, is one of the 29 lots resulting from the approval.
- (b) 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 parcel is 32.2 acres; the Homeland is 5.1 acres. The project site plan illustrates an “Equestrian Facilities Only Zone” of 1.3 acres within the Homeland boundary. 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.
- (c) Within the Homeland of the subject parcel there is a group of Coast Live oaks, an extensive amount of grassland consisting mostly of Coastal prairie grassland, and a unique Monterey pine forest/savanna. The group of six Coast Live oaks covers approximately 0.29 acres within the Homeland boundary. The Monterey pine forest/savanna within the Homeland boundary is comprised of 39 Monterey pines of various size and age located on the knoll towards the center of the property and then extending west. There are no slopes of 30% or greater within the Homeland boundary. Approximately, 0.96 acres of the property within the Homeland are comprised of slopes of 20% to less than 30%.
- (d) The proposed application consists of a 13,346 square foot partial two-story single family dwelling with an attached four-car garage and a detached

773 square foot Senior Unit; within the Equestrian Facilities Only Zone, a 564 square foot detached Guesthouse and equestrian facility (3,602 square foot stable and 1,706 square foot hay barn/three-car garage); and 13,400 cubic yards of grading.

- (e) The single family dwelling is proposed at the center of the Monterey pine forest/savanna. The three wings of the residence sprawl towards the outer edge of the Monterey pine forest/savanna. The arrival court, auto court, pool, patios, terraces, and courtyards are all within the forest/savanna. A total of 26 Monterey pines are proposed for removal as part of the project. The stables, hay storage, equestrian auto court, and Guesthouse are within the Equestrian Facilities Only Zone. The Senior Unit is proposed just north of the Equestrian Facilities Only Zone. (Note: No Coast Live oaks are proposed for removal as part of this project.)
- (f) 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” (page 11-4). It also observed that “In envelope 16, sizable stands of Monterey pine occur, with good reproduction and all age classes present” (page 11-4). The Biological Assessment for the Potrero Area Subdivision prepared by Denise Duffy & Associates, Inc. (July 2003) recognizes that “Monterey pine forest . . . [is a] sensitive habitat type that [is] of limited occurrence in the vicinity . . .” and that this Monterey pine forest “lies within one of three limited areas along the California coast” where which Monterey pine is native (page 26). The Biological Assessment observed that Lot 16 contains “Seven mature Monterey pines . . . relatively widely spaced and the areas under and between the trees are vegetated with a dense cover dominated by grasses, largely native coastal prairie bunch grasses” (page 26). It also observed that “all ages classes of Monterey pine are present” . . . and that “Monterey pine is expanding within the envelope, with a number of seedling- and sapling-sized trees located at some distance from the mature trees” (page 26). The SEIR states on page 11-4 that “[Lot 16] contains a Monterey pine stand extensive enough to be mapped as Monterey pine forest. This habitat type is somewhat atypical in this envelope and would be more accurately described as Monterey pine savanna.” However, the stand of Monterey pines is mapped as Monterey Pine Forest.
- (g) Monterey pines are listed as a 1B.1 status by California Native Plant Society (CNPS). List 1B species are plants that are rare, threatened, or endangered in California or elsewhere. These species are subject to environmental review under the California Environmental Quality Act (CEQA), Guidelines Section 15380(d).
- (h) Monterey Pine Forest is considered a rare natural community by the California Department of Fish & Game (Department of Fish and Game, Biogeographic Data Branch, *The Vegetation Classification and Mapping Program* List of California Terrestrial Natural Communities Recognized by The California Natural Diversity Database, September 2003 Edition). A rare natural community is a community that is of highly limited distribution.
- (i) Monterey County General Plan Policy 7.1.1 stems from Objective 7.1 which is to inventory the County’s most threatened or limited plant

communities and promote the conservation of these communities. The objective was to perform an inventory but conservation of only inventoried plant communities is not the goal of this section. Objective 7.1 stems from Goal 7, to preserve the diversity and conserve the extent of the County's native vegetation. The project, as proposed, is inconsistent with Monterey County General Plan Policy 7.1.1, Objective 7.1, and Goal 7 because the project does not provide for the conservation and maintenance of the Monterey pine forest/savanna, contained on the project site, as it is a limited and threatened resource. The project proposes to remove 67% of the unique Monterey pine forest/savanna (the project proposes to remove 26 of 39 Monterey pines located in the center of the stand and within the Homeland boundary, a building envelope, recorded in Volume 23 Cities & Towns Page 7).

- (j) The proposed project is inconsistent with Carmel Valley Master Plan Goal number 3 to protect natural resources with emphasis on biological communities. The project removes 67% of the sensitive Monterey pine forest/savanna thereby not protecting, and for the most part eliminating, that limited unique biological community of the Monterey pine forest/savanna on the project site and in the general area. Of the 26 Monterey pines proposed for removal, 11 will be relocated as required by Mitigation 11.1.
- (k) The project proposal occupies the most biologically significant portion of the property within the Homeland boundary given that the project proposes removal of 67% of the unique Monterey pine forest/savanna (the project proposes to remove 26 of 39 Monterey pines located in the center of the stand). There are areas within the Homeland boundary that do not contain Monterey pine forest that the residence can be built in. Therefore, the project is inconsistent with Carmel Valley Master Plan Policy 7.1.1.1. Of the 26 Monterey pines proposed for removal, 11 will be relocated as required by Mitigation 11.1. Carmel Valley Master Plan Policy 7.1.1.1 guides development proposals to identify, and preserve as open space, biologically significant areas. This Monterey pine stand is considered biologically significant by CNPS (see Finding 1(g), the Biological Assessment, and the SEIR). Policy 7.1.1.1 allows a low level of development provided it does not occupy the most biologically significant area and the impacts on the resource are minimized. The SEIR clearly evaluated the impact on this Monterey pine stand and precluded that in order to reduce the potentially significant adverse environmental impact to a less than significant level, the removal of Monterey pines shall be minimized to the greatest extent feasible.
- (l) County staff met with the applicants to reduce the amount of tree removal. The applicant submitted two alternative locations on April 12, 2007. The alternative location site plans listed reasons of infeasibility. The infeasibility of the alternatives could be resolved by design changes. (Through verbal communication with Planning Department staff, the Environmental Health Department stated that it is feasible to provide a means to pump sewage to the currently proposed leach line area should the residence be proposed in the southern area of the Homeland boundary.)
- (m) The applicant's arborist consultant has provided evidence (Arborist Reports - December 11, 2006 and February 21, 2007) showing that the

Monterey pine forest/savanna has been degraded in the interim period between the preparation date of the biological assessment (Biological Assessment for the Potrero Area Subdivision prepared by Denise Duffy & Associates, Inc., July 2003) and the present conditions to include beetle infestations and deer rutting/furrowing. The consultant also concluded that some of the trees are in decline due to age.

- (n) 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.”

- (o) 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. Twenty-six of the 39 Monterey pines (67%) within the homeland boundary are proposed for removal. Of the 26 proposed for removal, 11 pines will be relocated as required by Mitigation 11.1. The other 15 Monterey pines will be mitigated with replacement trees with a 5:1 ratio. 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, alternative locations exist, within the 5.1 acre homeland boundary, away from the unique Monterey pine forest, that would reduce or eliminate the removal of Monterey pines. As identified during the Zoning Administrator hearing of February 22, 2007, areas for alternative development include: the north slope towards the road off the knoll; areas north on the saddle and adjacent to the Oak stand; and areas east toward the equestrian area. Driveway modification could include use of the existing road through the

easterly portion of the Monterey pine forest/savanna to provide for greater areas on the identified alternative sites. Modification of the Equestrian Facilities Only Zone, established by the CC& R's, to provide for larger development site in the easterly area is also an option.

- (p) Monterey pine trees are located in the area labeled as "approved septic zone" and a large amount of pre-mitigation Monterey pines are planted there. Therefore, not only would the septic area location require additional tree removal, it may reduce the amount of replacement trees on the property counted for tree removal mitigation. An alternative location for the septic area should be proposed elsewhere, if the planted pines are to be counted towards mitigation.
- (q) The replacement ratio, as proposed, is not in conformance with Condition No. 57, relocation for Monterey pines under 6". The project does not propose any mitigation for two Monterey pines classified as under 6" in diameter.
- (r) Condition No. 57 does not allow any Monterey pines 24" or more in diameter to be removed. The project does not comply as two of the four (50%) Monterey pines 24" or more in diameter are proposed to be removed.
- (s) The project planner conducted a site visit on August 22, 2006 to verify that the project on the subject parcel conformed to the plans submitted on September 20, 2006. A second site visit was conducted on February 6, 2007 to photograph the subject parcel. The plans submitted on February 13, 2007 reflect the same physical site characteristics that existed on the subject parcel during the two previous site visits.
- (t) 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.
- (u) The application, project plans (as revised and submitted on February 13, 2007), 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.
- (v) Potrero Area Subdivision Supplemental Environmental Impact Report (EIR No. 03-02).
- (w) Biological Assessment for the Potrero Area Subdivision prepared by Denise Duffy & Associates, Inc., July 2003.
- (x) 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 boundaries 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).
 - “Forest Management Plan & Construction Impact Analysis, Santa Lucia Preserve Lot E-16” prepared by Maureen Hamb, WCISA Certified Arborist #2280, Santa Cruz, CA, December 11, 2006
 - “Updated Forest Management Plan & Construction Impact Analysis, Santa Lucia Preserve Lot E-16” prepared by Maureen Hamb, WCISA Certified Arborist #2280, Santa Cruz, CA, February 21, 2007
- (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 - Project File No. PLN060510 is statutorily exempt per CEQA Guidelines Section 15270 which exempts project which are disapproved. The project is inconsistent with County plans and policies and is inconsistent with the requirements for mitigation of significant impacts to a less than significant level as provided for in the Supplemental Environmental Impact Report adopted for the Potrero Area Subdivision, EIR No. 03-02 because of the potential for significant impact to the unique Monterey pine forest/savanna from the subject project.

EVIDENCE: (a) A Supplemental Environmental Impact Report was adopted for the Potrero Area Subdivision, EIR No. 03-02.

(b) 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 Biological Assessment for the Potrero Area Subdivision prepared by Denise Duffy & Associates, Inc. (July 2003) recognizes that “Monterey pine forest . . . [is a] sensitive habitat type that [is] of limited occurrence in the vicinity . . .” and that this Monterey pine forest “lies within one of three limited areas along the California coast in which Monterey pine is native.” The Biological

Assessment observed that Lot 16 contains “Seven mature Monterey pines . . . relatively widely spaced and the areas under and between the trees are vegetated with a dense cover dominated by grasses, largely native coastal prairie bunch grasses.” It also observed that “all ages classes of Monterey pine are present” . . . and that “Monterey pine is expanding within the envelope, with a number of seedling- and sapling-sized trees located at some distance from the mature trees.” It also observed that “In envelope 16, sizable stands of Monterey pine occur, with good reproduction and all age classes present.”

- (c) Monterey pines are listed as a 1B.1 status by California Native Plant Society (CNPS). List 1B species are plants that are rare, threatened, or endangered in California or elsewhere. These species are subject to environmental review under the California Environmental Quality Act (CEQA), Guidelines Section 15380(d).
- (d) Monterey Pine Forest is considered a rare natural community by the California Department of Fish & Game (Department of Fish and Game, Biogeographic Data Branch, *The Vegetation Classification and Mapping Program* List of California Terrestrial Natural Communities Recognized by The California Natural Diversity Database, September 2003 Edition). A rare natural community is a community that is of highly limited distribution.
- (e) 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.”

- (f) The project, as proposed, does not conform to Condition No. 57 of Resolution No. 05-046, 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. The project proposes removal of 67% of the unique Monterey pine forest/savanna which represents removal of 26 of 39 Monterey pines located in the center of the stand. 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 for views of the ocean. As identified during the Zoning Administrator meeting of February 22, 2007, areas for alternative development include: the north slope towards the road off the knoll; areas north on the saddle and adjacent to the Oak stand; and areas east toward the equestrian area. Driveway modification could include use of the existing road through the easterly portion of the Monterey pine forest/savanna to provide for greater areas on the identified alternative sites. Modification of the Equestrian Facilities Only Zone, established by the CC& R's, to provide for a larger alternative development site in the easterly area is also an option.

- (g) The replacement ratio, as proposed, is not in conformance with Condition No. 57, relocation for Monterey pines under 6". The project does not propose any mitigation for the two Monterey pines they classified as under 6" in diameter.
- (h) Condition No. 57 does not allow any Monterey pines 24" or more in diameter to be removed. The project does not comply as two of the four (50%) Monterey pines 24" or more in diameter are proposed to be removed.
- (i) Removal of Monterey pine habitat may present a secondary adverse effect on non-listed wildlife species which utilize this habitat, as identified in EIR No. 03-02. EIR No. 03-02 (page 11-22) and the Biological Assessment for the Potrero Area Subdivision (prepared by Denise Duffy & Associates, Inc., July 2003) observed potential roosting habitat for bats and wood pecker cavities in Monterey pines greater than 24" in diameter. Additionally, the EIR No. 03-02 (page 11-22) and the Biological Assessment noted that some diurnal raptors, especially white-tailed kites, a state protected species, nest in Monterey pines. 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.
- (j) Although a SEIR was prepared for the subdivision (EIR No. 03-02), and given that among other mitigations Mitigation 11.1 was to ensure that significant impacts were reduced to a less than significant level for subsequent site development, there may be a potentially significant impact to the unique Monterey pine forest/savanna habitat as provided for in the preceding findings and evidence. Under normal circumstances this would require additional environmental review and analysis. However, the Monterey County Resource Management Agency - Planning Department recommends denial. CEQA Guidelines Section 15270 statutorily exempts projects which are disapproved from additional environmental review.
- (k) 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: See Findings and Evidence #2

- 6. FINDING: APPEALABILITY** - The decision on this project is final.

EVIDENCE: Section 21.80.090.I, Monterey County Zoning Ordinance Title 21.