

MONTEREY COUNTY PLANNING COMMISSION

Meeting: October 31, 2007 9:00 AM:	Agenda Item No.: 5
Project Description: <i>Continued Appeal of Zoning Administrator Decision.</i> 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 23 Monterey pine trees (1 landmark) 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: Addendum to EIR 94-005	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Approve the Appeal;
2. Consider an Addendum (**Exhibit E**) to the Environmental Impact Report for the Santa Lucia Preserve (EIR 94-005); and
2. Approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

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 Monterey pine forest, a group of Coast Live Oaks, and grassland. On July 25, 2007, the Planning Commission continued this item with direction for staff to evaluate alternatives that could reduce impact to the Monterey pine trees.

Between two alternatives identified, staff focused our attention on one alternative (Alternative A) as the most feasible. Staff requested that the applicants explore this alternative further and provide an analysis from their perspective (**Exhibit G**). Based on issues raised in that analysis, staff worked with the applicant to create a new revised design that reduces removal to a total of 23 Monterey pine trees, including one unhealthy landmark tree. This is a reduction from the original plan that proposed removal of 31 trees including four landmark trees. The revised plans include retaining a unique 63-inch diameter tree (Tree #28) and avoid impact to any protected trees.

The revised design (dated October 10, 2007) and supplemental alternative analysis (dated April 2007) prepared by the applicant provide new evidence not considered by the Zoning Administrator. Based on assumptions and interpretations outlined in the discussion section of the October 31, 2007 staff report to the Planning Commission, the current design removes the fewest trees under the circumstances for this case. Technical reports prepared and updated for this project conclude that the removal will not involve a risk of environmental impacts relative to soil erosion, water quality, ecology, noise, or air movement. An addendum has been prepared

per CEQA Guidelines Article 11, Section 15164 (**Exhibit E**). The entire EIR is available for review at the RMA – Planning Department.

Exhibit B provides a more detailed discussion of this analysis and the conclusions of this analysis are found in the findings and evidence (**Exhibit C**).

OTHER AGENCY INVOLVEMENT:

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

The above checked agencies and departments have reviewed this project.

Although the project is located within the boundaries of the Carmel Valley Master Plan, County maps illustrate that the Santa Lucia Preserve is located outside of any Land Use Advisory Committee jurisdiction. However, the Design Review Board (DRB) for the Preserve reviewed the project for consistency with their CC&Rs and County regulations relative to tree removal, development on slopes, fire set backs, vegetation/landscape, building materials/design, and visibility from public roads. On June 15, 2006 the DRB took action to approve the project.

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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; Carol Allen; Property Owners (Anthonly & Gillian Thornley); Agent (Maureen Wruck Planning Consultants); Representative (B Finegan), Representative, SLP DRB (L. Lerable), Project File No. PLN060510.

Attachments: Exhibit A Project Data Sheet
Exhibit B Discussion
Exhibit C Recommended Findings and Evidence
Exhibit D Recommended Conditions of Approval
Exhibit E Addendum Pursuant to CEQA, Article 11, Section 15164 for PLN060548
Exhibit F July 25, 2007 Planning Commission report with Attachments
(*COMMISSIONERS & COUNTY COUNSEL ONLY*)
Exhibit G Alternative A Analysis
Exhibit H Revised Site Plan, dated October 10, 2007

EXHIBIT B
DISCUSSION
PLN060510/Thornley

I. INTRODUCTION

A. BACKGROUND

On February 15, 2005, Phase E of the Santa Lucia Preserve/Rancho San Carlos Partnership (Potrero Area Subdivision – [PLN010001]) was approved by the Board of Supervisors subject to 126 conditions. This approval allowed subdivision 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 remove up to 295 protected trees, and a Use Permit to allow development on slopes in excess of 30 percent. A Supplemental Environmental Impact Report (SEIR) was certified for the Potrero Area Subdivision (Resolution No. 05-046) consistent with the Santa Lucia Preserve Final EIR (Resolution 96-059) and the Santa Lucia Preserve Comprehensive Development Plan (Resolutions 96-060 and 96-061 as amended by Resolution 97-360).

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.

B. SITE 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. A group of six Coast Live oaks covers approximately 0.29 acres within the Homeland boundary and Monterey pine forest 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. The area identified as “Equestrian Facilities Only Zone” is comprised primarily of prairie grasslands. Although there are no slopes of 30% or greater within the Homeland boundary, approximately 0.96 acres (25%) of the property within the Homeland has 20-30% slopes.

C. PROPOSED PROJECT

The proposed application consists of developing the site with:

- 13,346 square foot, 2-story, single family dwelling with an attached 4-car garage including an arrival court, auto court, pool, patios, terraces, and courtyards.
- Detached Senior Unit (773 square feet)
- Detached Guesthouse (564 square feet) within the Equestrian Facilities Only Zone.

- Equestrian facility consisting of a 3,602 square foot stable, 1,706 square foot hay barn, and an auto court (3-car garage) within the Equestrian Facilities Only Zone.
- Removing 23 Monterey pines including 1 landmark tree; and
- Grading totaling about 13,400 cubic yards.

The single family dwelling is proposed at the center of the Monterey pine forest/savanna with three wings radiating out in different directions. A total of 23 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. No protected trees (oak, redwood, madrone) are proposed for removal as part of this project, so no use permit is required for tree removal.

II. ANALYSIS

A. BACKGROUND

This project was heard by the Zoning Administrator on February 22, 2007. Based on the information available at that time the Zoning Administrator denied the project. On March 23, 2007 an appeal was filed and new information was presented. On July 25, 2007, the Planning Commission held a public hearing and continued the item for staff to evaluate if there is any feasible alternative design that could reduce removal of Monterey pine trees. The staff report from that hearing is attached for your reference (**Exhibit F**).

B. ALTERNATIVE SITE ANALYSIS

At the Planning Commission on July 25, staff noted that the applicant had conceptually considered three alternative plans that were identified by the Zoning Administrator hearing in February. In reviewing these alternatives, staff focused our attention on one alternative (Alternative A) as the most feasible out of the three. We met with the applicants to discuss details of the feasibility of this plan and requested that they provide an analysis from their perspective. Copies of plans detailing the applicant's analysis of Alternative A are attached as **Exhibit G**. Staff reviewed these plans as part of our alternative site analysis.

In reading the EIR and conditions for the Preserve, staff has made the following interpretations and assumptions:

- While staff acknowledges a different design could be created that is more compact (proposed home has three wings radiating out), we worked under an assumption to consider the plans presented by the applicant. Under this assumption, the only possible alternative location to reduce tree removal would be in the grasslands area that is encumbered with an equestrian easement.
- Although the easement could be moved and re-recorded, that would place a new home in close proximity to one of the equestrian trails, which would have impacts to the home and the trail.
- Homeland boundaries established as part of the Portrero Subdivision provide direction where development was to take place. As such, the SEIR for Phase E (Portrero Subdivision) generally evaluated significant environmental impacts associated with the subject lot.
- Monterey pine trees within Homeland boundaries are not protected, but shall be mitigated by relocation or replacement. Projects are to design around landmark Monterey pine trees to the greatest extent feasible. Monterey pine tree between 6-inches and 24-inches in diameter shall be replaced at a 5:1 ratio.

On August 6, 2007, staff met with the applicant's representative at the site to evaluate possible alternatives. This site visit verified contentions by the applicant regarding the feasibility constraints based on the proposed design. Multiple meetings and conversations between staff and the applicant's representatives, we were able to create a revised design that reduces removal of Monterey pine trees to 23 trees, which is a reduction from 31 trees in the original design. In addition, these revisions reduced removal of landmark trees from four to one unhealthy tree. Table 1 illustrates the breakdown of tree removal in the current plans.

Size (dbh)	Fair/Poor	Diseased	Structural Defect	Total
<6"	2	2	0	4
6"-23"	7	9	2	18
24+''	0	0	1	1
Total	9	11	3	23

The revised design and supplemental alternative analysis prepared by the applicant provide new evidence not considered by the Zoning Administrator. Staff finds that based on the assumptions and interpretations above, the current design removes the fewest trees under the circumstances for this case. Technical reports prepared and updated for this project conclude that the removal will not involve a risk of environmental impacts relative to soil erosion, water quality, ecology, noise or air movement.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project analyzed in the Santa Lucia Preserve Final Environmental Impact Report (**Exhibit E**). The purpose of this addendum is to identify minor technical changes and provide clarifications of the site-specific conditions for the proposed residential development. The EIR recognizes that there are site-specific conditions and that creating Homeland boundaries is intended to direct development to areas with the least impact to the forest overall and considering preservation of 99% of the Monterey pine forest resources within the Santa Lucia Preserve. Therefore, grading and tree removal associated with the subject project are not considered substantial changes and do not warrant the preparation of a subsequent environmental document. With the minor technical clarifications for PLN060510, the project is consistent with the certified EIR (as amended in the SEIR/Resolution No. 05-046).

EXHIBIT A



EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, the Monterey County Zoning Ordinance (Title 21), and the Comprehensive Development Plan for the Santa Lucia Preserve, which designates this area as appropriate for residential development.

EVIDENCE:

- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- (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 with Design Control, Site Plan Review, and Residential Allocation overlays ("RG/10-D-S-RAZ").
- (c) In March 1993, the Monterey County Board of Supervisors adopted Resolution No. 93-115 designating Rancho San Carlos as a Comprehensive Planned Use area, and required that a Comprehensive Development Plan be prepared for the entire 20,000-acres Rancho San Carlos. Resolution No. 93-115 provided the legal and entitlements framework to the County in its planning of the property. (Resolution No. 93-115; EIR No. 94-005, p. 2-4; SEIR No. 03-02, p. 2-7).
- (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 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 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. Figure 1-20 of the Comprehensive Development Plan (CDP) for the Santa Lucia Preserve (April 1994) designates 5.1 acres of the subject site as "Homeland". Approximately 1.3 acres within the Homeland boundary is shown on proposed plans as an "Equestrian Facilities Only Zone" established by the Covenants, Conditions and

Restrictions (CC&R's), where only structures relating to equestrian facilities may be located.

- (e) The project, as proposed, conforms to, or is 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).
- (f) The proposed application consists of entitlements for:
 - 13,346 square foot, 2-story, single family dwelling with an attached 4-car garage including an arrival court, auto court, pool, patios, terraces, and courtyards.
 - Detached Senior Unit (773 square feet)
 - Detached Guesthouse (564 square feet) within the Equestrian Facilities Only Zone.
 - Equestrian facility consisting of a 3,602 square foot stable, 1,706 square foot hay barn, and an auto court (3-car garage) within the Equestrian Facilities Only Zone.
 - Removing 23 Monterey pines including 1 landmark tree (*See Finding 3*).

There would be approximately 13,400 cubic yards of grading associated with this project.

- (g) Design Control or "D" zoning requires design review of structures to assure the protection of the public viewshed, neighborhood character, and the visually integrity of certain developments without imposing undue restrictions on private property. The project design, materials, and color treatments chosen for the residence and improvements blend with the natural landscape and are in keeping with materials and treatment approved for other residences and structures in the Santa Lucia Preserve. This home is designed as a split level home with three wings extending through the trees. The Santa Lucia Preserve is not located within boundaries of any established Land Use Advisory Committee. However, the Design Review Board (DRB) for the Preserve reviewed the project for consistency with their CC&Rs and County regulations relative to tree removal, development on slopes, fire set backs, vegetation/landscape, building materials/design, and visibility from public roads. On June 15, 2006 the DRB took action to approve the project.
- (h) The project proposes to remove 23 Monterey pine trees within the building site/homeland area. Tree removal for protected trees (oak, madrone and redwood) not approved by the Rancho San Carlos Building Site Tree Removal Summary, as contained within the "Rancho San Carlos Forest Management Plan," requires a Use Permit pursuant Section 21.64.260.D.3 of the Monterey County Zoning Ordinance (Title 21). Monterey pine trees are not protected in this area and no protected trees

would be removed as part of this permit; therefore, a use permit is not required for this project. (*See Finding #3*).

- (i) The project, as proposed, is consistent with the requirements of Carmel Valley Master Plan Goal 3 and Policy 7.1.1.1. Carmel Valley Master Plan Goal 3 is “To protect all natural resources with emphasis on biological communities, agricultural lands, the Carmel River and its riparian corridor, air quality and scenic resources.” Carmel Valley Master Plan Policy 7.1.1.1 identifies areas of biological significance “to be preserved as open space” (the redwood community of Robinson Canyon and the riparian community and redwood community of Garzas Creek, all wetlands, native bunchgrass stands and natural meadows, cliffs, rock outcrops and unusual geologic substrates, ridgelines and wildlife migration routes). None of the resources listed in Policy 7.1.1.1 is present on the project site.
- (j) 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%.
- (k) Section 1.2.7 of the Comprehensive Development Plan analyzes environmentally sensitive habitat resources as defined in the Monterey County General Plan and the Monterey County Zoning Ordinance; and Figure 1-7 shows no Environmentally Sensitive Habitat Resources on the project site.
- (l) Conditions of approval for the subdivision require a pre-construction survey for the protection of wildlife plant and wildlife species, the implementation of erosion control measures, and best management practices consistent with the conditions applied to the Santa Lucia Preserve project. Applicable conditions from Resolution 05-046 are hereby incorporated herein by reference (**Condition 16**). As conditioned, the proposed project will not involve a risk of adverse environmental impacts such as soil erosion, water quality, ecological impacts, noise pollution, air movement, or wildlife habitat.
- (m) Lot E-16 is designated as a lot within the Santa Lucia Preserve that is allowed a senior unit in addition to the main house. The project includes a 773 square foot detached senior unit. This structure complies with the regulations for senior units in accordance with Section 21.64.010.C of the Monterey County Zoning Code. A condition has been incorporated requiring the applicant to record a senior unit deed restriction (**Condition 11**).
- (n) Lot E-16 is designated as a lot within the Santa Lucia Preserve that is allowed a guest house in addition to the main house. The project includes a 564 square foot detached guesthouse located within the Equestrian Facilities Only Zone. This structure complies with the regulations for guesthouses in accordance with Section 21.64.020.C of the Monterey County Zoning Code. A condition has been incorporated requiring the applicant to record a guesthouse deed restriction (**Condition 12**).
- (o) 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 applicant submitted revised plans on February 13, 2007 and then conceptual plans (submitted April 12, 2007) with justification why alternatives identified at the Zoning Administrator hearing in February were not feasible. In response to Planning Commission comments at a hearing on July 25, 2007, staff conducted a site visit on August 6, 2007 to evaluate possible options including the applicant's alternative analysis. As a result, the applicant submitted revised project plans (dated October 10, 2007) that modified the design to reduce tree removal.

- (p) 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.
- (q) 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) Reports by outside consultants prepared to address the Comprehensive Development Plan for the Santa Lucia Preserve indicate that this site is suitable for the proposed project. 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.
 - A letter from Sage Associates (dated May 3, 2005) designated Lot E-16 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.”
 - Biological Assessment for the Potrero Area Subdivision prepared by Denise Duffy & Associates, Inc., July 2003.
 - “Rancho San Carlos Forest Management Plan” prepared by Ralph Osterling Consultants, Inc., San Mateo, February 18, 1994 approved the removal of 451 protected trees for building sites and 1,029 protected trees for roads and driveways.
 - Santa Lucia Preserve Environmental Impact Report (EIR No. 94-005). Monterey County Board of Supervisors Resolution No. 96-059.

- (c) Outside consultants were retained to provide technical reports that address specific development of the subject project (Lot E-16). The following reports indicate that this site is suitable for the proposed project:
- “Forest Management Plan and Construction Impact Analysis, Santa Lucia Preserve Lot E-16” prepared by Maureen Hamb, WCISA Certified Arborist #2280, Santa Cruz, CA, December 11, 2006. (Library No. LIB070192)
 - “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. This report was prepared to assess tree removal in relation to conditions and mitigation measures for the Preserve (Library No. LIB070193).
 - “Third Party Arborist Review, Santa Lucia Preserve Lot E-16” prepared by Roy Webster, Registered Professional Forester #1765, ISA Certified Arborist #WE-6314A, July 20, 2007.
- These reports conclude that there are no physical or environmental constraints that would indicate the site is not suitable for the use proposed. A third party peer review for Monterey County prepared by Roy Webster dated July 20, 2007 confirms conclusions of the Hamb reports. *See Finding 3.*
- (d) Potrero Area Subdivision Supplemental Environmental Impact Report (EIR No. 03-02).
- (e) Materials in Project File No. PLN060510.

3. FINDING: TREE REMOVAL (Minimum Required and Adverse Environmental Impacts) – The project, as conditioned, is consistent with the regulations for Preservation of Oak and Other Protected Trees, Section 21.64.260.D of the Monterey County Zoning Ordinance (Title 21). As such, the proposed tree removal is the minimum required under the circumstances of the case and will not involve a risk of adverse environmental impacts.

EVIDENCE:

- (a) The Santa Lucia Preserve Environmental Impact Report (EIR No. 94-005) addressed the environmental implications for a Combined Development Permit (Resolution No. 96-060) that included removal of 451 protected trees for building sites and 1,029 protected trees for roads and driveways. It incorporated recommendations prescribed by the “Rancho San Carlos Forest Management Plan” prepared by Ralph Osterling Consultants, Inc., San Mateo, February 18, 1994.
- (b) The Potrero Area Subdivision approval included a Use Permit to allow tree removal for development of the roads and driveways. Removal of certain protected trees (oaks, redwoods, madrones) was permitted on certain lots, but the subject parcel (Lot E-16 of the Potrero Area Subdivision) was not allotted removal of protected trees within the building site/homeland area. No protected trees are proposed for removal on the subject lot; however, the project does include removal of 23 Monterey pines located within the

Homeland boundary. Therefore, the subject project includes a Use Permit for tree removal in accordance with Chapter 21.64.260 of the Monterey County Zoning Code.

- (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. The project proposes the removal of 23 Monterey pine trees as follows:

Size (dbh)	Fair/Poor	Diseased	Structural Defect	Total
<6"	2	2	0	4
6"-23"	7	9	2	18
24+''	0	0	1	1
Total	9	11	3	23

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. A peer review prepared by Roy Webster on the behalf of Monterey County, supports the conclusions in the Hamb reports.

- (d) In designing the project, a consulting design firm evaluated the opportunities and constraints of the site. 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. Alternative areas identified during the Zoning Administrator hearing of February 22, 2007, 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. On April 12, 2007, the applicant's consultant's submitted site plans with their analysis of why these alternatives were not feasible. Through the course of this review process, the applicants have redesigned the project reducing the number of trees proposed for removal from 31 Monterey pine trees (including four landmark-sized trees) to 23 total trees (including one landmark-sized tree and 4 trees less than 6'' dbh), all classified as in poor condition. While a home that is smaller and/or more compact could reduce the number of trees removed, the project is located within the defined building envelope

of Lot 16. The site is constrained with an equestrian easement (most open and flat part of the site) and protected oaks trees that have been avoided. Modification of the Equestrian Facilities Only Zone, established by the CC&R's, to provide for larger development site in the easterly area was determined to not be a feasible option because the impact it would have on the trail located along that boundary. The applicants have demonstrated with site and alternative analyses that removal of protected trees has been avoided to the greatest extent feasible by design (Condition 57 of the Santa Lucia Preserve CDP).

- (e) The Monterey County Zoning Ordinance, Section 21.64.260.D.4 requires replacement at a rate of 1:1 for protected tree species removed. Required 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) directs to 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. Condition No. 57 of the Portrero Subdivision does not allow any Monterey pines 24" or more in diameter to be removed and four Monterey pines 24" or more in diameter are located within the project area. All Monterey pines over 6" will either be relocated or replanted at a 5:1 ratio. Tree replacement requirements of the Forest Management Plan would require removal of 23 Monterey pine trees to be replaced with a total of 115 trees. The project has pre-mitigated by planting 150 healthy Monterey pine saplings and seedlings on the Subject Property outside of the Homeland, using on-site nursery stock. Monitoring of these plantings shall be required to demonstrate success for at least 115 (23 * 5) plantings (**Condition 15**).
- (r) The project includes removal of one Monterey pine tree greater than 24" d.b.h. (Tree #19) and is designed to retain the other three landmark pine trees. On one hand individual trees greater than 24" diameter are to be retained in place. On the other hand, the EIR recognizes that there are cases to remove such trees but steps should be taken to "Avoid removal of landmark-sized trees to the greatest extent feasible" (Mitigation Measure 11.6). A Certified arborist for the project concludes that Tree #19 is impaired with structural defects, root decay and insect infestations; and therefore, is not feasible to retain this one landmark-sized tree.
- (s) The project does not exceed the tree removal limits contained in the final lot-by-lot tree removal chart enforced by Condition 25 of the Portrero Subdivision (as referenced in Final Map Note #50). Condition 25 provides that the total protected tree removal for the Potrero Subdivision shall not exceed 295 healthy protected trees (oaks, redwoods and madrones). "Protected" trees are defined in Condition 25 and in the chart as oaks, redwood and madrone, none of which are proposed for removal.

Monterey pine is not a “protected” tree. The proposed tree removal is the minimum required under the circumstances of the case and does not involve a risk of adverse environmental impacts (*See Finding 4*).

- (t) The application, 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 PLN060510.
- (u) Staff conducted an on-site inspection on June 19, 2006 to verify that the proposed tree removal plan is consistent with the site conditions.

4. FINDING: CEQA - The project, as conditioned and mitigated, will not have significant environmental impacts. The project is consistent with County plans and policies and is consistent 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.

EVIDENCE:

- (a) The development is contained in an area analyzed by the Final EIR for the Santa Lucia Preserve (EIR 94-005), Resolution No. 96-059, Planning File No.s PC94067 and PC94218, State Clearinghouse No.s SCH# 1994083019 and 1995023036, as an area for disturbance (pre-determined building site).
- (b) Addendum to the Supplemental Environmental Impact Report was adopted for the Potrero Area Subdivision, EIR No. 03-02 (PLN010001) Resolution 05-046), Pursuant to CEQA, Article 11 Section 15164 prepared for the Thornley Combined Development Permit, Planning File No. PLN060510.
- (c) A total of 23 Monterey pine trees would be removed as part of the subject project. Monterey pines are listed as a 1B.1 status by California Native Plant Society (CNPS), which are plants that are rare, threatened, or endangered in California or elsewhere. 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. These species are subject to environmental review under the California Environmental Quality Act (CEQA), Guidelines Section 15380(d).
- (d) 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). Although 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), this stand was included within a Homeland boundary thereby directing development to this area. On balance of the whole Preserve, over 99 percent of the Monterey pine habitat is being preserved in conservation easements. (SEIR No. 03-02, p. 11-32.)

- (e) 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.
- (f) The project conforms with Mitigation Measures and Conditions regarding removal and replacement of Monterey pine trees (*See Finding #3*).
- (g) The EIR prepared for the Santa Lucia Preserve recognizes that there are site-specific conditions and that creating Homeland boundaries is intended to direct development to areas with the least impact to the forest overall. The scope of work on the subject site includes grading and tree removal that are not considered substantial changes; and therefore, do not warrant the preparation of a subsequent environmental document. With the minor technical clarifications for PLN060510, the project is consistent with the certified EIR (as amended in the SEIR/Resolution No. 95-046).
- (h) There are no changes in the project description, changes in circumstances, or significant new information that would result in new significant environmental effects or a substantial increase in the severity of environmental impacts not already analyzed in the Santa Lucia Preserve EIR.
- (i) No significantly adverse environmental impacts were identified during staff review of the development application during multiple site visits between August 2006 and August 2007.
- (j) See preceding and following findings and supporting evidence.

5. 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.

6. 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 prior Findings and Evidence.

- 7. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 21151(c) of the Public Resources Code.

FINDINGS FOR THE APPEAL

- 7. FINDING: FILING APPEAL** - An appeal of the February 22, 2007 action of the Zoning Administrator, denying the Thornley Combined Development Permit (PLN060510) was timely filed.

EVIDENCE:

- (a) On March 23, 2007, Anthony and Gillian Thornley, represented by Brian Finegan, filed an appeal from the February 22, 2007 approval by the Zoning Administrator of a Combined Development Permit. This Permit consisted 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 26 Monterey pine trees and grading (6,300 cubic yards of cut/7,100 cubic yards of fill).
- (b) Said appeal has been filed with the Secretary of the Planning Commission within the 10-day time prescribed by Monterey County pursuant to Zoning Ordinance Chapter 20.80.
- (c) Said appeal has been determined to be complete and set for hearing within 60 days of receiving the appeal.
- (d) Said appeal was timely brought to public hearing before the Planning Commission on May 9, 2007. The matter was continued to July 25, 2007, at which time the Planning Commission held a duly noticed hearing. The item was continued for various reasons upon agreement of the appellants with a final hearing before the Planning Commission on October 31, 2007.

- 8. FINDING: APPEAL** - Upon consideration of the documentary information in the files, the staff reports, the oral and written testimony and other evidence presented before the Planning Commission, the Commission approves the appeal and approves the project (PLN060510/Thornley), based on the following responses to appellant's contentions:

APPELLANT CONTENTION: FINDINGS AND DECISION NOT SUPPORTED BY EVIDENCE AND THE DECISION IS CONTRARY TO LAW

Appellant's Statement

Anthony and Gillian Thornley appealed the February 22, 2007 decision of the Zoning Administrator to deny a Combined Development Permit (PLN060510/Thornley). This appeal is brought on the basis that the Zoning Administrator's Findings and Decision are not supported by the evidence (Resolution No. 060510) and the decision was contrary to law in that:

- *Only 15 of the 42 Monterey pines are proposed for removal as opposed to 29 of 42 as stated in Findings 1(d), (e), (f), and (i);*
- *Other site constraints render alternative site infeasible although Finding 1(i) states alternative locations exist;*
- *The required replacement ratio is met as opposed to not being in conformance as stated in Finding 1(j);*
- *The decision finds the Monterey pines to be environmentally sensitive habitat because the pines constitute a Monterey pine forest when the pines "could be better characterized as Monterey pine savanna" as observed in the SEIR (EIR No. 03-02);*
- *The decision interprets the term "minimize" to mean "totally abstain from";*
- *The decision concludes the project does not conform to Condition No. 57;*
- *The decision concludes that the project is inconsistent with General Plan Policy 7.1.1 but it does not apply to Monterey pines; and*
- *The decision concludes that the project is inconsistent with Carmel Valley Master Plan Policy 7.1.1.1.*

A complete copy of the appeal is on file with the Secretary of the Planning Commission (March 23, 2007).

EVIDENCE:

- (a) Relocation is required for removal of Monterey pines under 6 inches in diameter and optional mitigation for removal of Monterey pines between 6 inches and 24 inches in diameter per Mitigation 11.1 of the SEIR for Potrero Area Subdivision. The option of relocation instead of replacement is also in Condition No. 57 of Resolution No. 05-046 and Note No. 50 of the Santa Lucia Preserve Map. The project has been amended where there would be no relocation due to the health of the trees. As such the number of trees being removed is 23, which requires replacement of at least 115 Monterey pine trees. The applicant pre-mitigated by planting 150 sapling trees from the site in conservation areas surrounding the site. **Condition 15** for PLN060510 requires monitoring reports to verify the survival of at least 115 of these trees.
- (b) During the hearing before the Zoning Administrator, there were two possible alternative locations identified: 1) the north slope towards

Goodrich Trail off the knoll, and 2) areas south towards the equestrian facility. On April 12, 2007, the applicant submitted new site plans with notes addressing how each alternative is infeasible.

- (c) The SEIR recognizes the Monterey pine forest as a sensitive habitat. The Santa Lucia Preserve as a whole was designed to preserve 99% of the Monterey pine habitat. Mitigation 11.1 was included to reduce potentially significant impacts of Monterey pine removal to a less than significant level. Homeland boundaries were created to direct development to less significant habitat areas; however, the EIR recognizes one especially unique Monterey pine tree within the Homeland boundary of Lot E-16 (Tree 28). Plans have been revised to retain three out of four landmark trees within the Homeland boundary, including Tree 28. Monterey pine trees, including one landmark tree, proposed for removal has been evaluated by Maureen Hamb, a certified Arborist hired by the applicant, with a third party peer review by Roy Webster, a certified Arborist hired by Monterey County. Both reports conclude that present conditions include beetle infestations and deer rutting/furrowing with some of the trees in decline due to age.
- (d) Mitigation No. 11.1 of EIR No. 03-02 requires that Monterey pines greater than 24' in diameter shall be avoided in place requires and that removal of individual Monterey pines and Monterey pine forest is minimized to the greatest extent feasible by design. Staff met with the applicant on site to consider alternative designs and found that there was a feasible alternative to the proposed design. On October 10, 2007, the applicant submitted new plans reducing removal of pines trees from 31 to 23 trees. These revised plans have minimized removal of individual pine trees to the greatest extent feasible given the proposed design and existing site constraints.
- (e) In evaluating this project and making the decision to grant the appeal and approve the project, the Planning Commission has given great weight to the total body of evidence in the EIRs for the Santa Lucia Preserve Project (EIR No. 94-005), the Supplemental Environmental Impact Report for the Potrero Area Subdivision (SEIR No. 03-02), the Forest Management Plans for the project, the pre-mitigation program carried out by the applicant, and revised plans submitted October 10, 2007.
- (f) The revised design (dated October 10, 2007) and supplemental alternative analysis (dated April 2007) prepared by the applicant provide new evidence not considered by the Zoning Administrator. Based on assumptions and interpretations outlined in the discussion section of the October 31, 2007 staff report to the Planning Commission, the current design removes the fewest trees under the circumstances for this case. Technical reports prepared and updated for this project conclude that the removal will not involve a risk of environmental impacts relative to soil erosion, water quality, ecology, noise, or air movement.
- (g) See preceding evidence.