



County of Monterey Zoning Administrator

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

Agenda Item No. 1
Legistar File Number: ZA 22-058

January 12, 2023

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Current Status: Agenda Ready

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Matter Type: Zoning Administrator

PLN220249 - OWLS PERCH LLC

Public hearing to consider action on a Use Permit to allow the removal of six Coast live oak trees.

Project Location: 27497 Schulte Road, Carmel Valley

Proposed CEQA action: Find the project qualifies for Class 4 Categorical Exemption pursuant to Section 15304 of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a Resolution:

1. Finding that the project qualifies for a Class 4 Categorical Exemption pursuant to Section 15304 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
2. Approving a Use Permit to allow the removal of six Coast live oak trees.

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

PROJECT INFORMATION:

Property Owner: Owls Perch LLC

Agent: Erik Tarantino

APN: 416-023-037-000

Parcel Size: 40.39 acres

Zoning: Rural Grazing, maximum gross density of 10 acres/unit, with Design Control, Site Plan Review, and Residential Allocation Zoning overlays or "RG/10-D-S-RAZ".

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No

SUMMARY:

Located approximately 1.05 miles off Schulte Road, the project site is located within the Carmel Valley Master Plan planning area. Set on approximately 40.46 acres, the site is densely forested, predominantly with Coast live oaks. An arborist report was prepared by certified arborist, Albert Weisfuss, which identifies trees located within the development footprint of a previously approved (construction permit 21CP03546) Accessory Dwelling Unit (ADU). The trees assessed were either in fair condition or dead. Due to the parcel's dense forestation, removal of trees is unavoidable; however, the previously approved ADU was shifted west from its initial location to minimize tree removal, avoiding impacts to trees of larger diameter (14 and 15 inches in diameter). The previously approved ADU is located off the easement right of way that runs through the property and is sited on

the flattest area of the property while also maintaining the minimum number of trees required for the site improvements associated with the previously approved ADU. Seven Coast live oak trees ranging from 3.2 inches to 13 inches in diameter are proposed for removal to accommodate the site improvements. None of trees proposed for removal meet “landmark” definition (24 inches or more in diameter when measured two feet above the ground, or trees which are visually significant, historically significant, or exemplary of their species).

Removal of trees is subject to regulations contained in Monterey County Zoning Ordinance Title 21 Section 21.64.260 of the Monterey County Zoning Ordinance which requires a Use Permit for the removal of more than three protected trees on a lot in a one-year period. Specific to the Carmel Valley Master Plan planning area, protected trees are defined in the Carmel Valley Master Plan, CV-3.11, as any healthy native oak tree with a trunk diameter in excess of 6 inches. In this case, of the 7 trees proposed for removal, 6 qualify as protected trees and require planning approval, subject to the granting of a Use Permit.

DISCUSSION:

Tree Assessment

Tree removal is subject to regulations contained in Title 21 Section 21.64.260, which requires a forest management plan and approval of a use permit. As well as making a finding that the tree removal is the minimum required under the circumstances of the case and that the removal will not involve a risk of adverse environmental impacts. As part of this permit, the applicant submitted an Arborist Report/Forest Management Plan, prepared by Albert Weisfuss, dated August 19, 2022 (**Exhibit C**).

On August 10, 2022, Weisfuss conducted a walkthrough of the property to complete a visual assessment of the subject trees. The subject trees were assessed based on the criteria of impacts from development, signs of health, foliage condition, foliage density, extent of dieback/deadwood, and wound wood response. Five trees (8, 9, and 13 inches in diameter) are proposed for removal to accommodate the installation of a new previously approved alternative on-site water treatment system and construction of a previously approved permeable patio. One tree (9 inches in diameter) proposed for removal was concluded to be dead with no living foliage, which Weisfuss found to pose a high risk of falling on to nearby structures.

Weisfuss concluded that the area selected for development in densely forested lot will have the least impacts to the surrounding oak stand. Tree protection measures are suggested to protect the surrounding trees within the construction site. A tree and root protection measure has been added as a condition of approval (Condition No. 6). Additionally, due to overcrowding and the possibility of spreading disease among the remaining habitat, Weisfuss recommended replanting be with 6 already established Coast live oak saplings found on-site (Condition No. 5). Saplings naturally propagated on-site have the best opportunity for survival and come from parent trees that have developed natural genes for long-term survivability.

CEQA:

The project qualifies as a categorical exemption from environmental review pursuant to Section 15304 of the CEQA guidelines. This exemption applies to minor alterations to land which do not involve

removal of healthy, mature, scenic trees. Mature trees are generally considered landmark trees which would be 24 inches or more in diameter or exemplary of their species. As discussed above and described in the Arborist Report, 5 trees to be removed are less than half the size of a landmark tree and all are in fair condition, one of which is suppressed. Two additional trees are proposed to be removed; however, one is dead, and the other is approximately 3 inches in diameter. Further, the tree removal allows fuel management of the heavily forested lot. Therefore, the proposed development is consistent with the parameters of this Class 4 exemption. There are no exceptions pursuant to Section 15300.2. No other evidence of significant adverse environmental effects were identified during staff review of the development application.

OTHER AGENCY INVOLVEMENT:

The following County agencies have reviewed this project, have comments, and/or have recommended conditions:

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

LUAC:

Based on the Land Use Advisory Committee (LUAC) procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application does not meet any of the criteria in the guidelines requiring LUAC review because the project is for tree removal and does not include any new structures at this time.

Prepared by: Christina Vu, Assistant Planner, x5139
Reviewed by: Anna Quenga, AICP, Principal Planner,
Approved by: Craig Spencer, HCD Chief of Planning

The following attachments are on file with the HCD:

- Exhibit A - Project Data Sheet
- Exhibit B - Draft Resolution, including:
 - Recommended Conditions of Approval
 - Site Plan
- Exhibit C - Arborist Report
- Exhibit D - Vicinity Map

cc: Front Counter Copy; Zoning Administrator; Cypress Fire Protection District; HCD-Engineering Services; HCD-Environmental Services; Christina Vu, Planner, Anna Quenga, AICP, Principal Planner; Owls Perch LLC, Property Owner; Erik Tarantino, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN220249