



County of Monterey Planning Commission

Agenda Item No.1

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

Legistar File Number: PC 25-056

June 25, 2025

Introduced: 6/16/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLN240178 - SAHI NAVNEET SINGH

Public hearing to consider the removal of 53 Oak trees.

Project Location: 8730 Eagles Roost Rd, Salinas, North County Inland Area Plan

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines sections 15303 and 15304, and there are no exceptions pursuant to Guidelines section 15300.2

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- 1) Find that the project qualifies as a Class 3 and Class 4 Categorical Exemption pursuant to CEQA Guidelines sections 15303 and 15304, and there are no exceptions pursuant to section 15300.2; and
- 2) Approve a Use Permit to allow the removal of 53 Oak trees.

The attached draft resolution includes findings and evidence for consideration (Exhibit A).

PROJECT INFORMATION:

Agent: Rick Castillo

Property Owner: Sahi Navneet Singh

APN: 125-621-010-000

Parcel Size: 212,572.8 square feet

Zoning: Rural Density Residential with a density of 5.01 acres per unit, or "RDR/5.01"

Plan Area: North County Inland Area Plan

Flagged and Staked: No

Project Planner: Joseph Alameda, Associate Planner

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SUMMARY/DISCUSSION:

The property is located at 8730 Eagles Roost Road in Salinas (Assessor's Parcel Number: 125-621-010-000), within the North County Inland Area Plan. The project involves the removal of 53 protected Oak trees. The site plans (Exhibit A) included in this project illustrate a 5,546 square foot single family dwelling with associated site improvements. Pursuant to Title 21, section 21.16.030.A, the first single family dwelling per lot is allowed as a principally allowed use within the Rural Density Residential zoning district, and therefore is processed ministerially. Although a planning entitlement is not required and approval for the construction of the single-family dwelling is not a part of this application, the proposed tree removal is to allow for the future development of the single-family dwelling which will be processed separately.

Based on staff's review, the project is consistent with applicable goals and policies in the 2010 General Plan, policies in the North County Inland Area Plan, and Title 21 Zoning Ordinance.

Tree Removal

Title 21 section 21.64.260.D.3.a requires approval of a Use Permit by the Monterey County Planning Commission for the removal of more than three protected trees on one lot within a one-year period. Pursuant to Title 21 section 21.64.260.C.1 and North County Inland Area Plan policy 3.4, Oak and Madrone trees are native within the North County Inland Area Plan and are therefore protected. As proposed, the project involves the removal of 53 Oak trees and one non-native tree (Monterey Pine), which were identified in the Arborist report (LIB250011) (**Exhibit D**) to be in good to poor conditions and located within the proposed structural and landscape footprint. Title 21, section 21.64.260.C.5, defines landmark trees as those trees which are 24 inches or more in diameter when measured two feet above the ground. As proposed, the project involves the removal of 3 landmark Oak trees. Removal of the 53 Oak trees (including the 3 landmark trees) requires the granting of a Use Permit and on-site replanting. The project also proposes the removal on one Monterey Pine tree, which is not protected under the North County Inland Area Plan and therefore does not require a Use Permit for removal. As proposed, the siting and design of the proposed single-family dwelling and associated landscaping (which are to be processed ministerially separately), utilizes the most suitable portion of the subject property and avoids more heavily forested portions of the lot. Additionally, as proposed, the siting and design of the residence also avoids the removal of 24 other native trees within the Building Envelope, including several landmark and multi-stem trees. Staff analyzed the development of the proposed single-family dwelling and associated site improvements and found that proposed tree removal as illustrated is the minimum under the circumstances of the subject property. The subdivision recorded a Final Map that outlined two separate envelopes for the building and leach field. The proposed development and proposed tree removal are located entirely within those envelopes. The narrow building envelope can be accessed by an existing road adjacent to the property. The future development was designed to also allow for a turn-around within the driveway as required by Monterey County Fire Codes. Additionally, Monterey County Geographic Information System identifies the subject parcel within a high fire state responsibility hazard area. Chapter 18.56.090 outlines fuel modification standards to reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation and providing for setbacks for structures on parcels that are larger than one acre. Thus, the future development and associated site improvements within the building envelope is the minimum under these circumstances as outlined in Title 21 section 21.64.260.D.3. The proposed leach field is illustrated within the flattest area of the leach field envelope and has been carefully sited and designed to reduce the removal of other mature landmark trees. Therefore, the proposed tree removal is limited to that which is necessary for the proposed development.

OTHER AGENCY INVOLVEMENT:

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

HCD-Public Works
HCD-Environmental Services
North County Fire Protection District

LAND USE ADVISORY COMMITTEE

Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did warrant referral to the Land Use Advisory Committee (LUAC) for review as the project does not involve development requiring CEQA review (Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report), a Lot Line Adjustment involving conflicts, a Variance, or a Design Approval subject to a public hearing.

CEQA

This project is categorically exempt from environmental review pursuant to Sections 15303 and 15304 of the CEQA Guidelines. CEQA Guidelines section 15268(d) declares that “[w]here a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.” In such cases, while the whole project becomes subject to CEQA, it is only those discretionary components of the project - those parts which the reviewing agency (here, the County) has authority to shape, influence, approve, or deny (CEQA Guidelines section 15040; Public Resources Code section 21004). Accordingly, while the Planning Commission’s discretionary authority is limited to consideration of the proposed tree removal, the proposed residence is subject to CEQA. CEQA Guidelines section 15303 categorically exempts the construction and location of limited numbers of new structures including single-family dwellings in residential zones. CEQA Guidelines section 15304 categorically exempts minor alterations to land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees. There are no there are no exceptions pursuant to Section 15300.2

Prepared by: Joseph Alameda, Associate Planner, x7079

Reviewed by: Fionna Jensen, Principal Planner

Approved by: Melanie Beretti, AICP, Chief of Planning.

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution

- Site Plan
- Conditions of Approval

Exhibit B - Vicinity Map

Exhibit C - Biological Report

Exhibit D - Arborist Report

cc: Front Counter Copy; California Coastal Commission; North County Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Joseph Alameda, Associate Planner; Fionna Jensen, Principal Planner; Jacquelyn M. Nickerson, Principal Planner; Sahi Navneet Singh, Property Owners; Rick Castillo, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN240178.