County of Monterey
Planning Commission

Agenda Item No.6

Legistar File Number: PC 26-075

Item No.6

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

August 12, 2026

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PLN260014 - WILLIAMS JASON & PAMELA FERNANDES TRS
Public hearing to consider the removal of 11 protected trees and construction of 215 linear feet of retaining walls on slopes in excess of 25%.
Project Location: 51 Marguerite, Carmel Valley, Carmel Valley Master Plan
Proposed CEQA Action: Find the project qualifies for a Class 4 Categorical Exemption pursuant to CEQA Guidelines section 15304 and that none of the exceptions apply pursuant to section 15300.2.

RECOMMENDATIONS

It is recommended that the Planning Commission:

1. Find that the project qualifies for a Class 4 Categorical Exemption pursuant to CEQA Guidelines section 15304 and that none of the exceptions apply pursuant to section 15300.2.
2. Approve a Combined Development Permit consisting of:
   a. Design Approval to allow construction of 215 linear feet of retaining walls;
   b. Use Permit to allow development on slopes exceeding 25 percent; and
   c. Use Permit to allow the removal of 11 protected trees.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval of the Amendment subject to 10 conditions of approval.

PROJECT INFORMATION

Property Owners: Jason and Pamela Williams
Agent: Andrew Goodwin
APN: 169-421-022-000
Zoning: Rural Density Residential, 10 acres per unit, with Design Control, Site Plan Review, and Residential Allocation Zoning overlays [RDR/10-D-S-RAZ]
Existing Parcel Sizes: 15.5 acres
Plan Area: Carmel Valley Master Plan
Project Planner: Kayla Nelson, Associate Planner
nelsonk@countyofmonterey.gov; (831) 796-6408

SUMMARY

The proposed project includes the construction of 215 linear feet of site retaining walls ranging in height from 2 to 9.5 feet and driveway access to a future single-family dwelling on slopes exceeding 25 percent and requires the removal of eleven 11 protected Coast live oak trees and five non-protected Monterey pine trees, which are subject to the approval of a Use Permit. The property is located at 51 Marguerite, Carmel (Assessor's Parcel Number

169-421-022-000), Carmel Valley Master Plan. The parcel is zoned Rural Density Residential, 10 acres per unit, with Design Control, Site Plan Review and Residential Allocation Zoning overlays [RDR/10-D-S-RAZ]. The first single-family dwelling is an allowed use in the RDR zone, respectively. Therefore, as proposed, the project involves a permitted use for this site.

DISCUSSION

The project involves driveway improvements to meet fire code standards by installing two fire turnouts, resulting in 215 linear feet of site retaining walls impacting slopes greater than 25%. To accommodate these necessary improvements, 11 protected Coast Live Oak trees and five non-protected Monterey Pine trees will be removed. An Arborist Report and Geotechnical Report were submitted with the project, which analyzed the potential environmental impacts with incorporated mitigation measures to ensure health, life, and safety standards are in compliance with the 2010 Monterey County General Plan, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21).

Tree Removal

The project includes an application for the removal of 11 protected Coast live oak trees. In accordance with the applicable policies of the Carmel Valley Master Plan (Policy CV-3.11) and the Monterey County Zoning Ordinance (Title 21 section 21.64.260.D.3), a Use Permit is required for the removal of more than three protected trees in a one-year period. A Forest Management Plan was prepared by Tope's Environmental, Inc. (County of Monterey Library No. LIB260086), which recommended the removal of 11 Coast live oak trees, including three 24-inch landmark trees, and five non-protected Monterey pines. The necessary cut and fill of the road to install soil-stabilizing retaining walls would significantly impact tree root systems, potentially leading to a hazardous condition. Without the necessary cuts for roadway improvements, the road will not meet fire code standards.

The required findings to grant a Use Permit to allow tree removal are: 1) the tree removal is the minimum required under the circumstances of the case, 2) the removal will not involve a risk of adverse environmental impacts, and 3) if the tree is diseased, injured, in danger of falling too close to existing or proposed structures, creates unsafe vision clearance, or is likely to promote the spread of insects of disease.

The project arborist surveyed 110 trees within the existing driveway easement (86 Coast live oaks, 23 Monterey pines, and one Pacific madrone tree). Of those trees, 11 protected oaks and five non-protected Monterey pines are proposed for removal. The trees were reported to be in fair condition but cannot be retained because the root zones will be impacted by road improvements. These road improvements must occur to meet fire code requirement and can only occur in this location due to the existing driveway easement configuration established through the approved subdivison.

Although 11 protected oak trees will be impacted, the removal is the minimum amount under the circumstances to meet fire department development standards. Additionally, the removal of these trees would not involve a risk of adverse environmental impacts since the driveway easement is heavily forested, which helps stabilize the soil and minimize erosion. The trees proposed for removal would be replaced on the project site, which provides habitat for wildlife and replenishes the health of the surrounding oak woodland. Furthermore, construction of the

retaining walls would create a danger of the adjacent trees falling too close to the two retaining walls proposed for fire turnouts. Therefore, the project meets the required findings for tree removal.

The project planner and Applicant/Owner discussed alternatives that may reduce or avoid additional tree removal. The applicant informed the project planner that a redesign would not be possible given the existing driveway easement configuration and steep topography of the project site. The planner's observation of the driveway confirmed how narrow the existing access easement is and that a redesign would further impact development on slopes and require additional tree removal. The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. The trees to be removed are adjacent to an existing dirt road. However, given the existing site constraints and the necessary road widening to accommodate fire truck access to the primary residence, the 11 protected trees and 5 non-protected trees to be removed are the minimum required to meet development standards.

The Forest Management Plan recommends 11 replacement plantings of 5 five-gallon Coast live oaks sourced from a local nursery in locations with the greatest openings to minimize competition and maximize sunlight. Watering for establishment within the first two months shall be at least once per week throughout the dry seasons. Furthermore, the replacement trees whose critical root zone was within the areas impacted by construction will be monitored annually by a qualified arborist for a period of no less than three years. If any noticeable decline in the health of any trees is observed, additional trees shall be planted onsite at a 1:1 ratio in a suitable location as determined by a qualified arborist or forester (**Exhibit C**).

Measures for tree protection during construction have been incorporated as conditions of approval and include tree root protection and a raptor and migratory bird nest survey if tree removal were to take place during February 1 through September 15 (**Attachment 1**). The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. The location of the trees to be removed is adjacent to an existing dirt road. However, given the existing site constraints and necessary road widening to accommodate fire truck access to the primary residence, the 11 protected trees and five non-protected trees to be removed are the minimum amount necessary to achieve development standards.

Development on slopes

The project involves development on slopes exceeding 25%. Pursuant to Title 21 Section 21.64.230 and General Plan Policy OS-3.5, development on slopes exceeding 25 % may be permitted through approval of a Use Permit where no feasible alternative exists on slopes less than 25 %, or where the project better achieves General Plan and applicable area plan objectives. The subject parcel exhibits slopes exceeding 25 % along the existing dirt driveway, thereby limiting feasible alternative locations for the required two fire turnouts to meet fire code standards. The proposed development has been sited to minimize grading and site disturbance while maintaining consistency with applicable land use policies. Similar to the project’s tree removal, these improvements must occur to meet fire code, and must occur in this location due to the existing driveway easement confirmation that was estbliahsed with the subdivison. Any changes to the easement would require a Final Map Amendment and would still require tree removal and/or development on slopes. As such, the project satisfies the threshold criteria for consideration of development on slopes exceeding 25 %.

A Geotechnical Report (County of Monterey Library No. LIB260087) prepared by Grice Engineering, Inc., dated August 23, 2024, demonstrates that the site is underlain by competent native bedrock at shallow depths and exhibits favorable geotechnical conditions when the report's recommendations are implemented. Geotechnical analysis indicates the absence of landslide hazards, slope instability, or other geologic constraints that would preclude development. With the implementation of recommended measures, including controlled grading, compaction, and use of suitable in situ or engineered fill, the proposed improvements can be constructed in a manner that ensures structural stability and consistency with Title 21 requirements.

ENVIRONMENTAL REVIEW

The project is categorically exempt from environmental review pursuant to CEQA Guidelines section 15304, which allows minor public or private alterations in the condition of land. The project consists of the removal of 11 protected Coast Live Oak trees and five non-protected Monterey pine trees, for a total of 16 trees to accommodate private road access to a future single-family dwelling on a legal lot of record. Although tree removal is proposed, the subject trees are not within a scenic highway and will not damage a scenic corridor. Therefore, the project has been found to meet this exemption. None of the exceptions under CEQA Guidelines section 15300.2 apply to this project. The project does not involve a designated historical resource. The project is also not located near a hazardous waste site or within view of a scenic highway corridor. The project, as proposed, does not cause any unusual circumstances that would result in a significant effect or would result in a cumulative significant impact. The project site is located within an area of moderate archaeological sensitivity. Pursuant to Title 21 section 21.66.050.C.1.b, a Phase I Inventory of Archaeological Resources was not required because the project does not require environmental assessment, such as an Initial Study, according to CEQA Guidelines section 15061. However, a standard condition of approval will be incorporated into this project to ensure construction and tree replanting is halted if archaeological resources are accidentally uncovered. Although tree removal is proposed, the subject trees are not within a scenic highway and will not damage a scenic corridor. Thus, there is no feature or condition of the project that distinguishes the project from the exempt class (**Exhibit A**).

CARMEL VALLEY LAND USE ADVISORY COMMITTEE (LUAC).

Based on the LUAC procedure guidelines adopted by the County of Monterey Board of Supervisors Resolution No. 15-103, the project was referred to the Carmel Valley LUAC for review on June 15, 2026 (**Exhibit D**). At the meeting, no questions or concerns were raised regarding the driveway improvements on slopes in excess of 25% or the proposed tree removal. The LUAC unanimously recommended approval of the project as proposed by a vote of 5-0, with three members absent.

OTHER AGENCY INVOLVEMENT

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

HCD-Environmental Services HCD-Engineering Services

Environmental Health Bureau Monterey County Regional Fire District

Prepared by: Kayla Nelson, Associate Planner, ext. 6408
Reviewed by: Fionna Jensen, Principal Planner
Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:
Exhibit A - Draft Resolution, including;

- Recommended Conditions of Approval
- Project Plans

Exhibit B - Vicinity Map
Exhibit C - Arborist Report and Tree Assessment (County of Monterey Library No. LIB260086), dated October 11, 2025
Exhibit D - Carmel Valley LUAC Minutes, June 15, 2026

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; Environmental Health Bureau; HCD-Development; HCD-Environmental Services; Fionna Jensen, Principal Planner; Kayla Nelson, Project Planner; Andrew Goodwin, Agent; Jason and Pamela Williams, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN260014.

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