



Monterey County
Planning Commission
Agenda Item No. 2
Legistar File Number: PC 18-031

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

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PLN170511 - ADVANCED LANGUAGE SYSTEMS INTERNATIONAL INC
(CONTINUED FROM APRIL 11, 2018)

Public hearing to consider the construction of a 2,816-square foot two-story single family dwelling with a 546-square foot attached garage and after-the-fact removal of seven (7) oak trees and one (1) pine tree, and to removal of two (2) additional Oak and one (1) additional Pine tree.

Project Location: 2884 Lasauen Road, Pebble Beach (Assessor's Parcel Number 007-181-021-000) Greater Monterey Peninsula Area Plan

Proposed CEQA action: Categorically Exempt per Section 15303 of the CEQA Guidelines

RECOMMENDATION:

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

- 1) Find the project is a single-family residence which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines; and there are no exceptions pursuant to Section 15300.2; and
- 2) Adopt a resolution to approve a Combined Development Permit consisting of:
 - a. A Design Approval to allow the construction of a 2,816-square foot two-story single family dwelling with a 546-square foot attached garage; and
 - b. A Use Permit to authorize after-the-fact removal of seven (7) oak trees and one (1) pine tree; and
 - c. A Use Permit to allow removal of two (2) Oak and one (1) Pine tree.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to 20 conditions of approval.

PROJECT INFORMATION:

Agent: Jeffery Kilpatrick

Property Owner: Advanced Language Systems International, Inc

APN: 007-181-021-000

Parcel Size: 9,630 sq. ft.

Zoning: MDR/B-6-D-RES

Plan Area: Greater Monterey Peninsula

Flagged and Staked: Staked

SUMMARY:

An application to construct a new single family residence and to allow removal of 11 trees on a vacant, residentially zoned lot in the country club area of Del Monte Forest was filed on December 4, 2017. The Zoning Administrator is the Appropriate Authority to consider a Design Approval for construction of a single-family residence on the site, however due to tree removal a Use Permit is required to be brought before the Planning Commission. This project was brought to the Planning Commission on April 11, 2018, but was continued at the request of the applicant. This was the first continuance request made by the applicant.

Staff has reviewed the proposed design of the improvements and analyzed the project's consistency with forest/tree protection policies of the Greater Monterey Peninsula Area Plan and the Inland Zoning Ordinance (Title 21). In reviewing the project, staff has determined that the proposed home is appropriately designed and located for the site. Many of the homes in the immediate neighborhood are one-story ranch homes surrounded by mature trees and vegetation with a few two-story homes interspersed randomly, including a two-story home immediately adjacent to the project site. The home meets all of the site development standards, the site is zoned for residential use, the design is keeping with the surrounding neighborhood, the massing will not detract from the neighborhood after replacement trees are provided to screen the mass of the new home, and tree removal is minimized under the circumstances of this case.

Nine (9) protected trees have been previously removed from the site without a permit. It is unclear when the tree removal actually occurred. The applicant has stated that the trees were removed prior to their purchase of the property in July of 2016. Regardless of when and by whom the trees were removed, the applicant has paid a double fee for the after-the-fact permit for tree removal at the site. Staff has reviewed the proposed project as though the trees were not previously removed to determine what recommendation would have been made originally. In this case, staff has determined that restoration of the site, prior to consideration of the permit to construct the single-family residence, would be counter-productive because trees restored on the site would eventually need to be removed in order to develop the lot for residential use and there are no alternative locations for future development that would minimize or avoid tree removal.

Trees proposed for removal are located in the center of the 9,630-square foot lot. In this case, the same number of trees would have been proposed for removal for the development of a new residence on the lot given the relatively small size of the property. The proposed home is also located in the center of the lot, in order to be able to comply with setbacks contained in the Zoning Code. One additional 20-inch oak tree in the front of the property is also recommended for removal by the arborist because it is dead and will likely collapse in the near future. Condition 10 is applied to require replacement of trees considered for removal on a 1:1 ratio (including those trees previously removed without a permit and those proposed to be removed). According to the arborist report prepared for the project, a higher ratio of replacement trees would result in overcrowding. Staff concurs with this overcrowding analysis based on previous site visits. In lieu of a higher ratio, the project has also been conditioned to plant larger trees than originally proposed by the applicant.

Approval of this project would resolve the violation and allow construction of a home on the property. If after-the-fact permits are not approved, the applicant must restore the site.

DISCUSSION:

The project site is zoned Medium Density Residential with Building Site 6, Design Control, and Recreational Equipment Storage zoning overlays (MDR/B-6-D-RES). Residential uses and development are allowed in this zoning district subject to a Design Approval. Removal of more than three (3) protected trees requires approval of a Use Permit pursuant to Section 21.64.260.D.3 of the Monterey County Code (Preservation of Oaks and Other Protected Trees). Therefore, the application for a new home and removal of 11 trees requires a Use Permit and Design Approval.

Design Review: The proposed home is a 3,326-square foot two-story single family residence located in the center of a currently vacant 9,630 square foot lot. The surrounding area is developed with a mix of ranch style and two-story homes with mature pines and oak trees lining the street and surrounding the existing houses. The proposed colors and materials include light brown stucco siding with an off-white trim; muted blue accents, and composition shingle roofing. The home, as proposed would be slightly larger in mass than some of the existing surrounding homes but not to a degree that would detract from the character of the neighborhood, particularly after replacement trees are provided and mature enough to screen the new residence. Replacement tree plantings in the front yard are required to replace trees removed for construction of the home and to preserve the forested setting of the site and surroundings. At least three of the replacement trees in the front yard will be required to be 15 gallons or larger to minimize a delay in screening qualities that might result from smaller trees that take longer to grow and mature.

The proposed project meets all of the development standards for the site including:

- Floor area ratio: 35% allowed - 34.9% proposed
- Coverage: 35% allowed - 29.7% proposed;
- Height: 27 feet allowed - 25 feet proposed; and
- Front, rear, side, and second story setbacks are all met

Tree Removal: In order to grant a Use Permit for removal of more than three trees, the Planning Commission must find that:

- 1) The tree removal is the minimum required under the circumstances of the case; and
- 2) The removal will not involve a risk of adverse environmental impacts.

A Forest Management Plan prepared by Frank Ono (**Attachment B**), was submitted with the permit application. The Forest Management Plan identifies that nine of the eleven trees proposed for removal have already been removed from the property. This includes:

- Three (3) six-inch diameter oaks
- One (1) multi-stemmed oak
- Two (2) eight inch oaks
- One (1) seventeen inch oak
- One (1) 22-inch pine; and
- One (1) 40-inch pine that has been topped.

Three additional trees proposed for removal include:

- One 29-inch pine tree in poor condition; and
- One 20-inch oak tree in fair condition with bark fungus and termites

With the exception of one 20-inch dead oak tree located in the front yard, the other 10 trees proposed for removal are/were located near the center of the property where the new home is proposed to be built. Trees located in the side and rear yards have not been removed and will remain. The proposed home would occupy a 2,800-square foot area near the center of the 9,630-square foot lot. Construction of a home anywhere on the property requires the removal of trees and there are no alternative locations for the proposed home on the subject parcel that would avoid or minimize removal of trees. Given the small size of the lot and the typical size of residences in the area, the home has been sited and designed appropriately and proposed tree removal is the minimum required under the circumstances of the case.

The tree removal will not involve the risk of adverse environmental impacts. The surrounding area is developed with residential uses surrounded by trees. The proposed project includes construction of a new home on a vacant lot and the new home will be surrounded by trees as well. The site is relatively flat, contains several non-native plant and tree species, and it does not appear to support any particularly sensitive environment.

As proposed, staff has determined that the findings to grant the Use Permit for tree removal can be made in this case.

CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15303(a) categorically exempts the construction up to three new single-family dwellings in a residential zone. The project involves the construction of one single-family dwelling in the Medium Density Residential zoning district. Therefore, the proposed development is consistent with the parameters of this Class 3 exemption. There are no exceptions pursuant to Section 15300.2. As conditioned to require replanting, and given the nature of the surrounding area which has been developed with residential uses, removal of trees on the site will significantly impact forest resources or forest habitat in the area. No other evidence of significant adverse environmental effects were identified during staff review of the development application.

OTHER AGENCY INVOLVEMENT:

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

Environmental Health Bureau
RMA-Public Works
RMA-Environmental Services
Water Resources Agency
Cypress Fire Protection Department

The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on April 5, 2018. The LUAC unanimously recommended approval of the project as proposed, but

expressed concern relative to the removal of trees without a permit. The LUAC suggested achieving a 1:1 replacement for trees removed. Staff concurs and has recommended a condition that requires replanting on a 1:1 basis.

FINANCING:

Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for RMA-Planning.

Prepared by: Craig Spencer, Supervising Planner, x5233
Reviewed by: Brandon Swanson, RMA Planning Services Manager
Approved by: John M Dugan, AICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- B1 - Conditions of approval
- B2 - Site Plans, Floor Plans & Elevations

Exhibit C - Vicinity Map

Exhibit D - Arborist Report

cc: Front Counter Copy; Planning Commission; Craig Spencer, Planner, Brandon Swanson, RMA Services Manager; Jeffery Kilpatrick, Agent; Advanced Language Systems, Owner; Anthony Davi, Attorney; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Project File PLN170511