

County of Monterey

Monterey County Zoning Administrator
Monterey County Government Center - Board of Supervisors Chambers
168 W. Alisal St., 1st Floor



Meeting Agenda - Final

Thursday, January 12, 2023

9:30 AM

Monterey County Zoning Administrator

Mike Novo, Zoning Administrator

The Recommended Action indicates the staff recommendation at the time the agenda was prepared. That recommendation does not limit the Zoning Administrator's alternative actions on any matter before it.

IMPORTANT NOTICE REGARDING COVID-19 AND PARTICIPATION IN THE ZONING ADMINISTRATOR MEETING

Monterey County Zoning Administrator will be held by teleconference in order to minimize the spread of the COVID-19 virus, in accordance with the State of Emergency proclaimed by Governor Newsom on March 4, 2020, Executive Order N-29-20 issued by Governor Newsom on March 17, 2020, and the Shelter in Place Order issued by the Monterey County Health Officer on March 17, 2020, as may be periodically amended.

To participate in this Monterey County Zoning Administrator meeting, the public are invited to observe and address the Administrator telephonically or electronically. Instructions for public participation are below:

Participate via Zoom Meeting Link:

<https://montereycty.zoom.us/j/95939034276?pwd=Qis1Z21SVitFVmxlNmRQN1VQRHUxUT09>
Password: 116998

Participate via Phone: 1-669-900-6833; when prompted enter Meeting ID Access Code: 959 3903 4276

Public Participation Instructions:

The meeting will be conducted via teleconference using the Microsoft Zoom program, and Zoning Administrator will attend electronically or telephonically. The meeting will have no physical location to physically attend. The public may observe the Zoom meeting via computer by clicking on the following link:

<https://montereycty.zoom.us/j/95939034276?pwd=Qis1Z21SVitFVmxlNmRQN1VQRHUxUT09> password 116998, or the public may listen via phone by dialing 1-669-900-6833 and then when prompted, entering the Meeting ID Access Code 959 3903 4276. You will be asked for a "Participant ID". You do not need a Participant ID to join the meeting, press the pound key (#) again and you will be automatically connected.

1. If a member of the public wishes to comment on a particular agenda item, the public is strongly encouraged to submit their comments in writing via email to the County Resource Management Agency at zahearingcomments@co.monterey.ca.us by 2:00 p.m. on the Wednesday prior to the Zoning Administration meeting. To assist County staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Zoning Administrator date and agenda

number in the subject line. Comments received by the 2:00 p.m. Tuesday deadline will be distributed to the Commission and will be placed in the record.

2. Applicants and members of the public wishing to comment on a specific agenda item while the matter is being heard during the meeting may participate by any of the following means:

- a. When the Administrator calls for public comment on an agenda item, the Secretary of the Commission or his or her designee will first ascertain who wants to testify (among those who are in the meeting electronically or telephonically) and will then call on speakers and unmute their device one at a time. Public speakers including the applicant may be broadcast in audio form only.
- b. If speakers or other members of the public have documents they wish to distribute to the Administrator for an agenda item, they are encouraged to submit such documents by 2:00 p.m. on Tuesday before the meeting to: zahearingcomments@co.monterey.ca.us. To assist staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Zoning Administrator date and agenda number in the subject line.
- c. If applicants or members of the public want to present documents/Power Point presentations while speaking, they should submit the document electronically by 2:00 p.m. on Wednesday before the meeting at zahearingcomments@co.monterey.ca.us. (If submitted after that deadline, staff will make best efforts, but cannot guarantee, to make it available to present during the meeting.)
- d. While the matter is being heard, a member of the public may submit a comment via email, preferably limited to 250 words or less, to the Clerk of the Administrator at zahearingcomments@co.monterey.ca.us. To assist staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Zoning Administrator date and agenda number in the subject line. If the comment is received prior to close of public comment on an agenda item, every effort will be made to read the comment into the record, but some comments may not be read out loud due to time limitations or length of the comment (if the comment exceeds 250 words). Comments received prior to the close of the public comment period on an agenda item will be made part of the record for that item.

3. Members of the public who wish to make a general public comment for items not on the day's agenda may submit their comment via email, preferably limited to 250 words or less, to the Secretary of the meeting at zahearingcomments@co.monterey.ca.us. The Zoning Administrator date and "general comment" should be indicated in the subject line. The comment will be placed in the record for the meeting, and every effort will be made to read the comment into the record at the appropriate time on the agenda.

4. Individuals with disabilities who desire to request a reasonable accommodation or modification to observe or participate in the meeting may make such request by sending an email to zahearingcomments@co.monterey.ca.us. The request should be made no later than noon on the Tuesday prior to the Administrator meeting in order to provide time for County to address the request.

5. The Administrator and/or Clerk may set reasonable rules as needed to conduct the meeting in an orderly manner.

DOCUMENT DISTRIBUTION: Documents relating to agenda items that are distributed to the Zoning Administrator less than 72 hours prior to the meeting are available for public inspection at the front counter of the Resource Management Agency, Monterey County Government Center, 1441 Schilling Place – South, 2nd Floor, Salinas, CA. Documents distributed by County staff at the meeting of the Zoning Administrator will be available at the meeting.

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda please call the Monterey County Resource Management Agency at (831) 755-4800.

AVISO IMPORTANTE SOBRE COVID-19 Y PARTICIPACIÓN EN LA REUNIÓN DE EL ADMINISTRADOR DE ZONIFICACIÓN (THE ZONING ADMINISTRATOR)

La reunión de Administrador de Zonificación (The Zoning Administrator) del Condado de Monterey se llevará a cabo por teleconferencia para minimizar la propagación del virus COVID-19, de acuerdo con el Estado de Emergencia proclamado por el Gobernador Newsom el 4 de Marzo del 2020, Orden Ejecutiva N-29-20 emitida por el Gobernador Newsom el 17 de Marzo del 2020, y la Orden de Refugio en el Lugar (aka “Quedate en Casa”) emitida por el Oficial de Salud del Condado de Monterey el 17 de Marzo del 2020, según se pueda enmendar periódicamente.

Para participar en esta reunión de el Administrador de Zonificación del Condado de Monterey, el público están invitados a observar y hacer frente a el Administrador de Zonificación telefónicamente o por vía electrónica. Las instrucciones para la participación pública están a continuación:

Instrucciones de participación pública:

La reunión se llevará a cabo por teleconferencia utilizando el programa Microsoft Zoom, y el Administrador de Zonificación asistirán por vía electrónica o telefónica. La reunión no tendrá un lugar físico para asistir físicamente. El público puede observar la reunión Zoom a través de computadora haciendo clic en el siguiente enlace:

<https://montereycty.zoom.us/j/95939034276?pwd=Qis1Z21SVitFVmxlNmRQN1VQRHUxUT09>
Contraseña 116998, o el público puede escuchar a través del teléfono llamando al 1-669-900-6833 y cuando se le solicite el código de acceso para entrar a la reunión, presione los siguientes números: 959 3903 4276. Se le pedirá una "identificación de participante". No necesita una identificación de participante para unirse a la reunión, presione la tecla numeral (#) nuevamente y se conectará automáticamente.

1. Si un miembro del público desea comentar sobre un tema de la agenda en particular, se le es sumamente recomendable que envíe sus comentarios por escrito por correo electrónico a la Agencia de Administración de Recursos del Condado (Resource Management Agency) a zahearingcomments@co.monterey.ca.us antes de las 2:00 P. M. el Miércoles antes de la reunión del Administrador de Zonificación. Para ayudar al personal del Condado a identificar el número del proyecto de la agenda con el cual se relaciona el comentario, se solicita al público que indique la fecha del Administrador de Zonificación y el número de la agenda en la línea de asunto. Comentarios recibidos en la fecha límite del Miércoles a las 2 P.M, serán distribuidos a el Administrador de Zonificación y serán colocados en el registro.

2. Los aplicantes del proyecto y miembros del público que desean comentar en un proyecto específico, mientras que el proyecto se este presentando durante la reunión, pueden participar por cualquiera de los siguientes medios:

a. Cuando el Administrador de Zonificación solicite comentarios públicos sobre un tema de la agenda, el Administrador o su designado, primero determinará quién quiere testificar (entre los que están en la reunión por vía electrónica o telefónica) y luego llamará a los oradores (speakers) y activará la bocina para el orador, uno a la vez. Todo orador, incluyendo el aplicante del proyecto, serán transmitidos por audio en altavoz solamente.

b. Si los oradores u otros miembros del público tienen documentos que desean distribuir a el Administrador de Zonificación (The Zoning Administrator) para un tema o proyecto de la agenda, se les recomienda enviar dichos documentos antes de las 2:00 P.M. el Miércoles antes de la reunión a: zahearingcomments@co.monterey.ca.us . Para ayudar al personal a identificar el número del proyecto de la agenda con el cual se relaciona el comentario, se solicita al público que indique la fecha del Administrador de Zonificación y el número de agenda en la línea de asunto.

c. Si los aplicantes o miembros del público desean presentar documentos o presentaciones de PowerPoint mientras hablan, deben enviar el documento electrónicamente antes de las 2:00 P.M. del Miércoles antes de la reunión a zahearingcomments@co.monterey.ca.us [Si se presenta después de ese plazo, el personal hará los mejores esfuerzos, pero no puede garantizar que esté disponible su PowerPoint para presentar durante la reunión del Administrador de Zonificación].

d. Mientras se escucha el proyecto, un miembro del público puede enviar un comentario por correo electrónico, preferiblemente limitado a 250 palabras o menos, al Secretario del Administrador de Zonificación a zahearingcomments@co.monterey.ca.us . Para ayudar al personal a identificar el proyecto de la agenda con el cual se relaciona el comentario, se solicita al público que indique la fecha del Administrador de Zonificación y el número de agenda en la línea de asunto. Si el comentario se recibe antes del cierre del comentario público sobre un tema de la agenda, se hará todo lo posible para leer el comentario en el registro, pero algunos comentarios pueden no leerse en voz alta debido a limitaciones de tiempo o duración del comentario (si el comentario supera las 250 palabras). Los comentarios recibidos antes del cierre del período de comentarios públicos sobre un proyecto de la agenda serán parte del registro de ese proyecto.

3. Los miembros del público que deseen hacer un comentario público general para los temas que no están en la agenda del día pueden enviar su comentario por correo electrónico, preferiblemente limitado a 250 palabras o menos, al Administrador de Zonificación en

zahearingcomments@co.monterey.ca.us La fecha del Administrador de Zonificación y el "comentario general" deben indicarse en la línea de asunto. El comentario se colocará en el registro de la reunión, y se hará un gran esfuerzo para leer el comentario en voz alta para su registro verbalmente en el momento apropiado de la agenda.

4. Las personas con discapacidades que deseen solicitar una modificación o modificación razonable para observar o participar en la reunión pueden realizar dicha solicitud enviando un correo electrónico a zahearingcomments@co.monterey.ca.us . La solicitud debe hacerse a más tardar el mediodía del Martes antes de a la reunión del Administrador de Zonificación para dar tiempo al Condado para que atienda la solicitud .

5. El Administrador pueden establecer reglas razonables según sea necesario para llevar a cabo la reunión de manera ordenada.

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Staff Report.

9:30 A.M - Call to Order

ROLL CALL

Mike Novo, Zoning Administrator
Representative from Environmental Health
Representative from Public Works
Representative from Environmental Services

PUBLIC COMMENT

This is a time set aside for the public to comment on a matter that is not on the agenda.

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Zoning Administrator Clerk will announce agenda corrections, deletions and proposed additions, which may be acted on by the Zoning Administrator as provided in Sections 54954.2 of the California Government Code.

ACCEPTANCE OF MINUTES

- A.** Acceptance of the December 1, 2022 Zoning Administrator meeting minutes.

Attachments: [Draft ZA Meeting Minutes 120122](#)

9:30 A.M. - SCHEDULED ITEMS

1. 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

Attachments: [Staff Report](#)
 [Exhibit A – Project Data Sheet](#)
 [Exhibit B – Draft Resolution](#)
 [Exhibit C – Arborist Report](#)
 [Exhibit D – Vicinity Map](#)

OTHER MATTERS

ADJOURNMENT



County of Monterey

Item No.A

Board Report

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

Legistar File Number: MIN 22-127

January 12, 2023

Introduced: 12/13/2022

Current Status: Agenda Ready

Version: 1

Matter Type: Minutes

Acceptance of the December 1, 2022 Zoning Administrator meeting minutes.

County of Monterey

Monterey County Zoning Administrator
Monterey County Government Center - Board of Supervisors Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Minutes - Draft

Thursday, December 1, 2022

9:30 AM

Monterey County Zoning Administrator

Mike Novo, Zoning Administrator

9:30 A.M - Call to Order

The meeting was called to order by Zoning Administrator Novo at 9:30 a.m.

Zoning Administrator Novo went over Zoom procedures.

ROLL CALL**Present:**

Mike Novo, Zoning Administrator

Representative from Engineering Services, Armando Fernandez

Representative from Environmental Health, Bryan Escamilla

Absent:

Representative from Environmental Services

PUBLIC COMMENT

None

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

For the record, public correspondence was received and distributed by email for Agenda Item No. 2, PLN220096 – Las Lomas Water Company and Agenda Item No. 3, PLN200101 – Bornski.

ACCEPTANCE OF MINUTES

- A. Approval of the September 29, 2022 and October 27, 2022 Monterey County Zoning Administrator meeting minutes.

The Zoning Administrator accepted the September 29, 2022, and October 27, 2022, Monterey County Zoning Administrator meeting minutes.

9:30 A.M. - SCHEDULED ITEMS**1. PLN220150 - SANTIAGO**

Public hearing to consider an after the fact approval for a 64 sq. ft. pre-fab tool shed, a 200 sq. ft. pre-fab carport tent, two metal shipping containers of 160 sq. ft. each and a 168 sq. ft. pre-fab gazebo to partially clear code enforcement case 22CE00267 to allow; and allow the construction of a 4,511 sq. ft. single family dwelling, a 2,240 sq. ft. two-story attached garage inclusive of a storage space, a 800 sq. ft. accessory dwelling unit, a 1,920 sq. ft. pole barn, a 576 sq. ft. tractor barn, a 144 sq. ft. metal pump shed, two animal sheds of 240 sq. ft. each, and associated site improvements.

Project Location: 784 Old Stage Road, Salinas (Assessor's Parcel Number 211-051-013-000), Greater Salinas Area Plan.

Proposed CEQA action: Find the project Categorically Exempt per Section 15303, New Construction, of the CEQA Guidelines

Marlene Garcia, project planner, presented this item.

Public Comment: Peter Santiago (Applicant), Margie Kay

Decision: The Zoning Administrator found the project categorically exempt pursuant to Section 15303, New Construction, of the CEQA Guidelines and no exceptions pursuant to Section 15300.2 were determined; approved an after the fact Design Approval to partially clear code enforcement case (22CE00267) to allow a 64 square foot pre-fab tool shed, a 200 square foot pre-fab carport tent, two metal shipping containers of 160 square foot each and a 168 sq. ft. pre-fab gazebo; and approved a Design Approval to allow the construction of a 4,511 square foot single family dwelling, a 2,240 square foot two-story attached garage inclusive of a storage space, a 800 square foot accessory dwelling unit, a 1,920 square foot pole barn, a 576 square foot tractor barn, a 144 square foot metal pump shed, two animal sheds of 240 square foot each, and associated site improvements.

2. PLN220096 - LAS LOMAS WATER CO. (CALIFORNIA WATER SERVICE CO.)

Public hearing to consider construction of a 150,000-gallon water tank and associated site improvements, including 58 cubic yards of grading, on slopes exceeding 25%, a Variance to increase the required site coverage to 6%, and ridgeline development.

Project Location: 165 Las Lomas Drive, Royal Oaks, North County Land Use Plan

Proposed CEQA Action: Find the project categorically exempt pursuant to Section 15301 and Section 15303 of the California Environmental Quality Act Guidelines.

Fionna Jensen, project planner, presented this item.

Public Comment: Luis Zamudio (Applicant), Albert Sanchez (Applicant), Margie Kay, Albert Sanchez (Applicant)

Decision: The Zoning Administrator found that the project qualifies as Class 1 and Class 3 Categorical Exemption pursuant to Section 15301(b) and Section 15303(d) of the CEQA guidelines and there are no exceptions pursuant to Section 15300.2 of the CEQA guidelines; and approved a Combined Development Permit consisting of: a Coastal Administrative Permit to allow construction of a 150,000-gallon water tank; a Coastal Development Permit to allow development on slopes exceeding 25%; a Coastal Development Permit to allow ridgeline development; and a Variance to allow an increase in building site coverage from 3% to 6%.

3. PLN200101- BORNSKI MATTHEW & BORNSKI MARIA (FORMERLY WEATHERTOP RANCH LLC)

Public hearing to consider allowing the transient use of a residential property (three single family dwellings) for remuneration, commonly known as a short-term rental.

Project Location: 500 El Caminito Road, Carmel Valley, Toro Area Plan, (Assessor's Parcel Number 187-011-010-000).

Proposed CEQA action: Finding the project Categorically Exempt pursuant to CEQA Guidelines Section 15301.

Fionna Jensen, project planner, presented this item.

Public Comment: Matt Bornski (Applicant), Vince Hunt, Margie Kay, Glen Johnson, Suzanne Bohan, William Smith, Matt Bornski (Applicant), Susan Wallace, Ellen Kurnstenje

Decision: The Zoning Administrator referred this item to the Monterey County Planning Commission as there was potential precedent related to converting accessory agriculture residences to a short term rental as well as to consider whether this change of use can be allowed in a state responsibility area when the road exceeds the maximum length requirement.

OTHER MATTERS

None

ADJOURNMENT

This meeting was adjourned at 10:47 am

APPROVED:

Mike Novo, Zoning Administrator

ATTEST:

BY: _____
Felicia Peterson, Zoning Administrator Clerk
APPROVED ON _____



County of Monterey

Item No.1

Board Report

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

Legistar File Number: ZA 22-058

January 12, 2023

Introduced: 1/5/2023

Current Status: Agenda Ready

Version: 1

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



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

Introduced: 1/5/2023

Current Status: Agenda Ready

Version: 1

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

Exhibit A

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EXHIBIT A

Project Information for PLN220249

Application Name: Owls Perch Llc
Location: 27497 Schulte Rd A, Carmel
Applicable Plan: Carmel Valley Master Plan
Advisory Committee: Carmel Valley Advisory Committee
Permit Type: Use Permit
Environmental Status: Categorical Exemption
Zoning: RG/10-D-S-RAZ

Primary APN: 416-023-037-000
Coastal Zone: No
Final Action Deadline (884): 12/27/2022
Land Use Designation: Rural Grazing 10 - 160 Ac Min

Project Site Data:

Lot Size:	Coverage Allowed:
Existing Structures (sf):	Coverage Proposed:
Proposed Structures (sf):	Height Allowed:
Total Sq. Ft.:	Height Proposed:
Special Setbacks on Parcel:	FAR Allowed:
	FAR Proposed:

Resource Zones and Reports:

Seismic Hazard Zone: IV	Soils Report #:
Erosion Hazard Zone: High	Biological Report #:
Fire Hazard Zone: Very High	Forest Management Rpt. #:
Flood Hazard Zone: X (unshaded)	Geologic Report #:
Archaeological Sensitivity: moderate	Archaeological Report #:
Visual Sensitivity: Highly Sensitive	Traffic Report #:
	Historic Report #:

Other Information:

Water Source:	Grading (cubic yds.):
Water Purveyor:	Sewage Disposal (method):
Fire District: Monterey County Regional FPD	Sewer District Name:
Tree Removal: 6/OAK	

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Exhibit B

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DRAFT RESOLUTION

Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

OWLS PERCH LLC (PLN220249)

RESOLUTION NO. 23-

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding that the removal of 6 Coast live oak trees qualifies for a Class 4 Categorical Exemption pursuant to Section 15304 of the CEQA Guidelines and none of the exceptions listed in Section 15300.2 apply; and
- 2) Approving a Use Permit to allow the removal of 6 Coast live oak trees.

[PLN220249 Owl Perch LLC, 27497 Schulte Road, Carmel, Carmel Valley Master Plan (APN: 416-023-037-000)]

The OWLS PERCH LLC application (PLN220249) came on for a public hearing before the Monterey County Zoning Administrator on January 12, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Carmel Valley Master Plan; and
 - Monterey County Zoning Ordinance (Title 21).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) Allowed Use. The project is located at 27497 Schulte Road, Carmel Valley (Assessor's Parcel 416-023-037-000), within the Carmel Valley Master Plan area. The parcel is zoned 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”. The proposed project involves the removal of 6 Coast live oak trees. Pursuant CV-3.11, a permit shall be required for the removal of any healthy native oak tree with a trunk diameter in excess of 6 inches in diameter. Additionally, Title 21 Section 21.64.260 requires approval of a Use Permit for removal of more than 3 protected trees on a lot in a

one-year period shall. Therefore, the project is an allowed land use for this site, subject to the granting of a Use Permit.

- c) Lot Legality. The subject property (40.39 acres), APN 416-023-037-000, is identified as parcel D-2, on the Assessor's Parcel Map, recorded July 10, 1974 (Volume 6, Page 135). Therefore, the County recognizes the subject property as a legal lot of record.
- d) Tree Removal. The project is for the removal of 6 coast live oak trees. Pursuant Title 21 Section 21.64.260, the removal of more than three protected trees on a lot in a one-year period shall require a Forest Management Plan and approval of a Use Permit. As part of this permit, the applicant submitted an Arborist Report and Forest Management Plan, prepared by Albert Weisfuss.
- e) Land Use Advisory Committee (LUAC) Review. 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.
- f) The project planner conducted a site inspection on September 21, 2022, to verify that the project on the subject parcel conforms to the plans listed above.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220249.

2. FINDING: **SITE SUITABILITY** – The site is physically suitable for the proposed development and/or use.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional Fire Protection District. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to trees and the overall health of the site's forest condition. The following report has been prepared:
 - Arborist Report (LIB220269) prepared by Albert Weisfuss, Monterey Bay Treeworks, CARMEL, CA, August 19, 2022.County staff independently reviewed this report and concurs with its conclusions. There are no physical or environmental constraints that would indicate that the site is not suitable for the use. All development shall be in accordance with these reports.
 - c) Staff conducted a site inspection on September 21, 2022, to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220249.

3. **FINDING:** **TREE REMOVAL** – The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.
- EVIDENCE:**
- a) The project involves the removal of 6 protected Coast live oak trees. In accordance with the applicable policies of the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21), a Use Permit approval is required for the proposed removal of protect trees.
 - b) The Applicant submitted an Arborist Report/Forest Management Plan (see Finding 2, Evidence “b”) which provided tree assessments detailing the health, condition, and long-term suitability on all trees proposed for removal in relation to construction and site improvements of the previously approved ADU development. Trees #678, #683, #684, #685, #686, #687 and #688 were assessed. They were either determined to be in fair condition or dead. Additionally, #688 does not meet the criteria of a protected tree and does not require a permit for removal.
 - c) The Arborist conducted a site visit on August 10, 2022 and completed a walkthrough to assess the potential impacts that the previously approved development may bring to the surrounding trees. A visual assessment was made from the ground of the subject trees. Subject trees were located according to Mr. Tarantino and assessed for impacts from development along with signs of health, and vigor including foliage condition and density, extent of dieback or deadwood and wound wood response. Structural defects were also assessed such as bark inclusion and decay as well as the condition of the root crown and surface roots. The damage to the trees roots and canopy were considered in light of current arboriculture practice. Grounds surrounding the trees were assessed for fractures, heaving, and visible signs of movement. The previously approved ADU project includes a new on-site wastewater treatment system is located within the area of subject trees #687, #686, and #684. The installation of this system will have long term impacts to the tree’s root system. Subject trees #678 and #685 are with the footprint of the previously approved permeable patio. Retaining these trees will have long-term effects to the tree’s development. Additionally, subject tree #683 is dead with no living foliage and poses a high risk to structures and individuals nearby. Therefore, the proposed tree removal is the minimum required for this project.
 - d) The project parcel is established with an abundance of large mature Coast live oak trees. The proposed tree removal will have minimal impacts to the stand and the remaining canopy coverage will retain the perimeter of the stand and will not affect the viewshed of the surrounding properties. The proposed trees for removal are smaller diameter trees and will not have irreversible impacts to the existing habitat. Additionally, the initial ADU proposal was moved to avoid removing two protected trees of larger diameter.
 - e) The tree removal will not involve a risk of adverse environmental impacts to soil erosion, water quality, ecological impacts, noise pollution, air movement, and/or wildlife habitat. No bird nesting was observed within 300 feet of the proposed project.
 - f) The arborist recommends that the required 1:1 ratio for replacement be with saplings that have naturally propagated onsite. The applicant is

responsible for the survivability of the saplings for a period of one year. The varied recommendation is due to overcrowding and the possibility of spreading disease among the remaining habitat, reforesting within the established Coast live oak stand would be detrimental to the long term and maintenance of the remaining habitat.

4. **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:**
- a) The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional Fire Protection District. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Staff conducted a site inspection on September 21, 2022 to verify that the site is suitable for this use.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220249.
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.
- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on September 21, 2022 and researched County records to assess if any violation exists on the subject property.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220249.
6. **FINDING:** **CEQA (Exempt)** – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15304, categorically exempts minor alterations to land which do not involve removal of healthy, mature, scenic trees.
 - b) 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.

- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact
- d) No adverse environmental effects were identified during staff review of the development application during a site visit on September 21, 2022.
- e) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220249.

7. FINDING: **APPEALABILITY** – The decision on this project may be appealed to the Planning Commission.
EVIDENCE: Pursuant to Title 21 Section 21.86.040.A, an appeal may be made to the Planning Commission by any public agency or person aggrieved by this decision.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Monterey County Planning Commission does hereby:

- A. Find that the project qualifies for a Class 4 Categorical Exemption pursuant to Section 15304 of the CEQA Guidelines and none of the exceptions listed in Section 15300.2 apply; and
- B. Approve the Use Permit to allow the removal of 6 coast live oak trees.

All of which are in general conformance with the attached sketch and subject to the conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of January 2023.

Mike Novo, AICP
Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 1-27-2021

County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN220249

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Use Permit (PLN220249) allows the removal of six coast live oak trees. The property is located at 27497 Schulte Road, Carmel (Assessor's Parcel Number 416-023-037-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Use Permit (Resolution Number _____) was approved by Zoning Administrator for Assessor's Parcel Number 416-023-037-000 on January 12, 2023. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

5. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio 1:1
- Replacement ratio recommended by arborist 1:1
- The arborist recommends that the required 1:1 ratio for replacement be with saplings that have naturally propagated onsite.
- The applicant is responsible for the survivability of the saplings for a period of one year.

Replacement tree(s) shall be monitored and protected by applicant to promote survivability. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit evidence of tree monitoring and protection to HCD -Planning for review and approval. Evidence shall be photos of the replacement tree(s) being protected to promote survivability.

Six months after the tree protection has been set in place for the sapling tree(s), the Owner/Applicant shall submit evidence demonstrating that the sapling tree(s) are in a healthy, growing condition.

One year after the tree protection has been set in place for the sapling tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

6. PD049 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to beginning any tree removal, trees which are located close to trees approved for removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor submit evidence of tree protection to HCD -Planning for review and approval.

After construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit photos of the trees on the property to HCD -Planning to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

7. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (HCD - Planning)

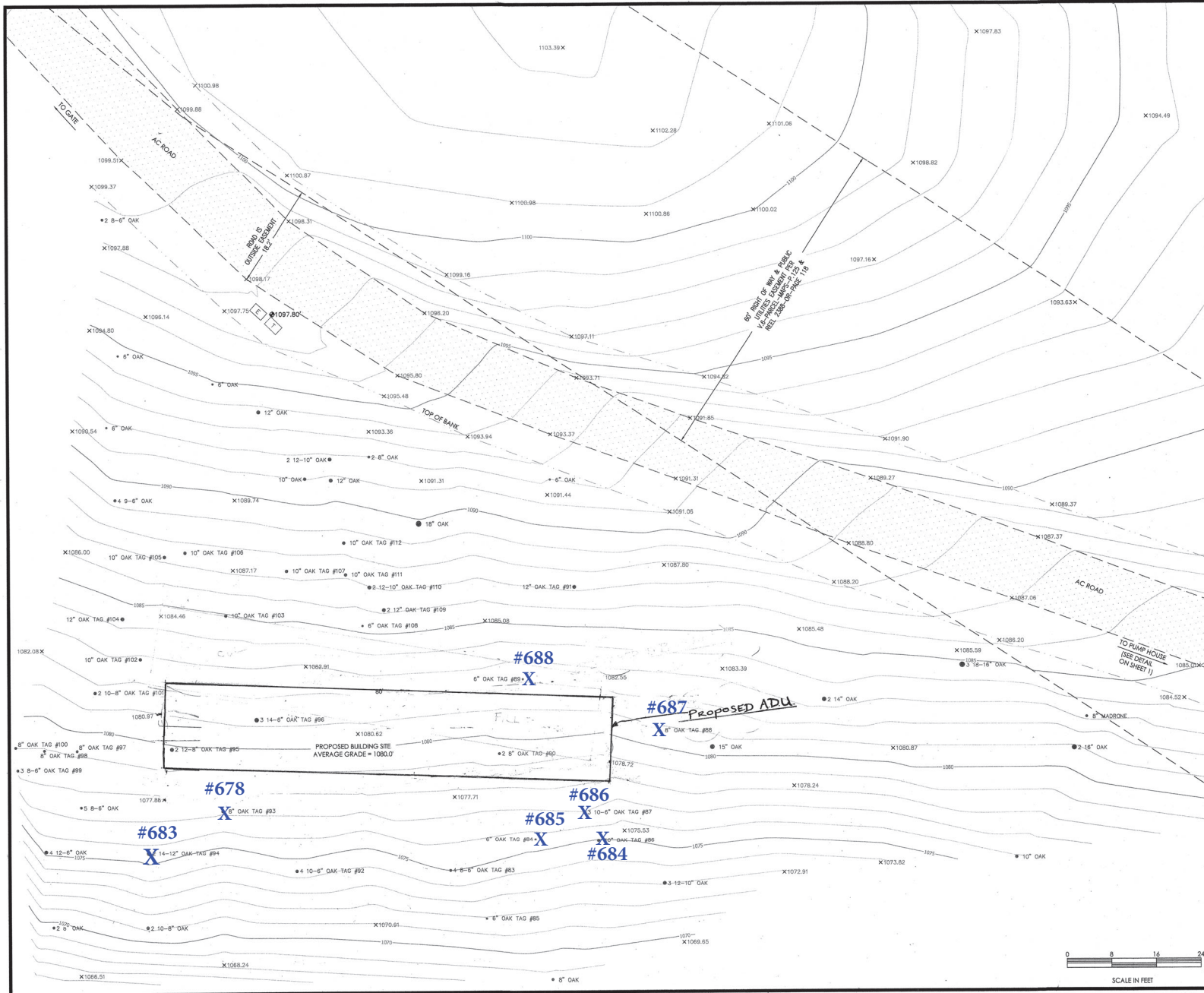
Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to HCD -Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

SITE SURVEY
OF
LANDS OF TARANTINO
NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 26
T. 16 S., R. 1 E., M.D.B.&M.
VOLUME 6 PARCEL MAPS PAGE 125
A.P.N. 416-023-037
27497 SCHULTE ROAD
CARMEL VALLEY, CALIFORNIA

LEGEND

- FOUND MONUMENT, AS NOTED
- SET MONUMENT, AS NOTED
- ⊗ WATER VALVE
- ⊕ WELL
- ⊞ ELECTRIC VAULT
- ⊞ TELEPHONE VAULT
- ⊞ UTILITY POLE
- ⊞ SIGN
- TREE, TYPE AND DIAMETER SPECIFIED
- PROPERTY LINE
- LOT LINE
- - - EDGE OF DIRT ROAD
- - - TOP OF BANK
- - - PROPOSED BUILDING SITE
- - - EXISTING BUILDING
- - - AC ROAD
- ◆ PROJECT BENCHMARK IS THE NORTH CORNER OF TELEPHONE VAULT ON THE SOUTH EDGE OF ROAD AT THE NORTH END OF BUILDING SITE. ELEVATION = 1077.80

R1 RECORD DATA PER VOLUME 6 - SURVEYS - PAGE 125

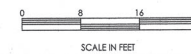


NOTES

1. DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
2. CONTOUR INTERVAL = 1'
3. ELEVATIONS SHOWN HEREON ARE BASED ON NAVD83.

PREPARED FOR: Bill Tarantino
SURVEYED BY: POLARIS CONSULTING
P.O. BOX 1378
CARMEL VALLEY, CA 93924
831-459-9554

SCALE: 1" = 8' VIEW: ARCH D DATE: January 25, 2021
FILE NAME: Tarantino Site JOB #20-196 Sheet 2 of 2



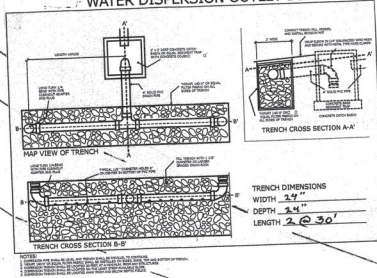
SITE PLAN

SCALE 1/8" = 1 FOOT

SEE SOIL SURVEYS INSPECTION SCHEDULE FOR THIS PROJECT ON SHEET A-4C

NOTE: 1512 SQ. FT. IMPERVIOUS
W/ THIS PROJECT
ADU - 1200 SQ. FT.
WATER STORAGE SLAB 320 SQ. FT.

WATER DISPERSION OUTLET DETAIL



Concentrated storm water runoff from the project site should not be allowed to discharge uncontrolled onto sloping ground. Suitable energy dispersion systems shall be designed where runoff must be concentrated, sloping ground. Suitable energy dispersion systems shall be designed where runoff must be concentrated, sloping ground. Suitable energy dispersion systems shall be designed where runoff must be concentrated, sloping ground.

OAK COVERED 60' EASEMENT

2 - NORWESCO 5000 GAL 11.75 DIA. X HIGH

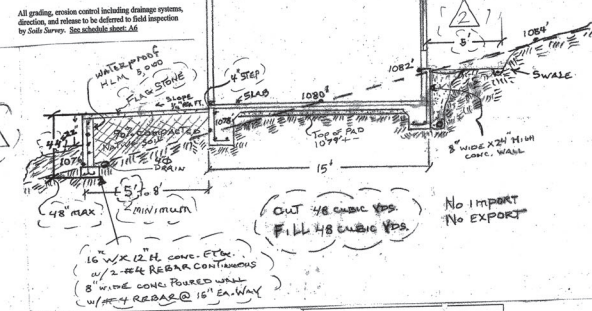
FIRE SUPPRESSION AND DOMESTIC

12" X 26" 312 SQ. FT. 6" THICK CONCRETE SLABS W/ #4 REBAR @ 24" O.C. OVER NATIVE SOIL UNDISTURBED

SECTION 1/4" = 1 FOOT

TOP OF SLAB - ELEVATION 1080'

All grading, erosion control including drainage systems, direction, and release to be deferred to final field inspection by Soil Survey. See schedule sheet A-4.



OUT 48\"/>

TYPICAL SERVICE TRENCH

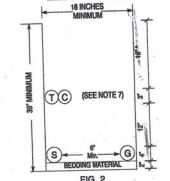


FIG. 2 (View facing Distribution Trench)

MINIMUM SEPARATION AND CLEARANCE REQUIREMENTS

	G	T	C	S	P
G (GAS) SEE NOTE 4, 7 & 10	12"	12"	12"	12"	12"
T (TELEPHONE) DUCT	12"	12"	12"	12"	12"
T (TELEPHONE) SURVEY	12"	12"	12"	12"	12"
C (CATV)	12"	12"	12"	12"	12"
S (ELECTRIC SECONDARY)	6"	12"	12"	12"	12"
P (ELECTRIC PRIMARY)	6"	12"	12"	12"	12"
SL (STREETLIGHT) SEE NOTE 5	6"	12"	12"	12"	12"

SEPARATION AND CLEARANCE DEFINITIONS

The term "cover" means the radial distance between the surface of an underground cable, conduit, pipe, or other substructure and the surface elevation grade.
The term "backfill" refers to the materials used to refill a cut or other excavation, or the act of such refilling after any needed shoring is performed.
The term "shoring" refers to the materials used to provide a means of separation between facilities installed at different levels within an excavation or cut.
The term "fill" is a layer of fill as spread or as compacted or a measurement of material depth that is the rated effective soil depth a contractor can achieve.
The term "backfill" refers to the materials installed beneath facilities at the bottom of a cut or other excavation and intended to provide support and/or protection for those facilities.

SEE OWTS PLAN SHEET

SHEET #
A 4
WILDAY DESIGN
DAVID WILDAY, DESIGNER
21491 SCHULTE ROAD A.D.U.
AFN 416-023-931-000
TARRANTINO 40.39 ACRE LOT
6-15-22

Exhibit C

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Prepared for:

Eric Tarantino
27497 Schulte RD
Carmel Valley CA 93923

Architects

Wilday Design
400 Foam St #205
Monterey, CA 93940

Proposed Project (ADU)

27497 Schulte RD
Carmel Valley CA 93923

Prepared by:

Monterey Bay Treeworks
Albert Weisfuss
PO Box 223374
Carmel, CA 93923
Cell (831) 869-2767

International Society of Arboriculture #1388
ISA Tree Risk Assessor

August 19, 2022

Disclosure:

1. Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of the trees and attempt to reduce the risk of living near trees. Arborists cannot detect every condition that could possibly lead to the structural failure to a tree. Since trees are living organisms, conditions are often hidden within the tree and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period of time. Likewise, remedial treatments cannot be guaranteed. Trees can be managed but they cannot be controlled. To live near trees is to accept some degree of risk and the only way to eliminate all risk associated with trees is to eliminate all of the trees.
2. Where the treatment, pruning and/or removal of trees are involved, it is the Client's responsibility to advise Consultant of any issues regarding property boundaries, property ownership, site lines, disputes between neighbors and other related issues.
3. Consultant shall invoice Client periodically for the services rendered. Client shall pay such invoices upon receipt. If invoices are not paid within 30 days, a late payment shall be charged of 1 ½ percent per month.
4. Consultant shall perform its services in a manner consistent with the standard of care and skill ordinarily exercised by members of the profession practicing under similar conditions in the geographic vicinity and at the time the services are performed. No warranty, representation or guarantee, express or implied, is intended by this agreement.
5. Services provided under this agreement, including all reports, information or recommendations prepared or issued by Consultant, are for the exclusive use of the Client for the project specified herein. No other use is authorized under this agreement. Client will not distribute or convey Consultant's reports or recommendations to any other person or organization other than those identified in the project description without Consultant's written authorization. Client releases Consultant from liability and agrees to defend, indemnify and hold harmless Consultant from any and all claims, liabilities, damages or expenses arising, in whole or in part, from such distribution.
6. Consultant is not responsible for the completion or quality of work that is dependent upon or performed by the Client or third parties not under the direct control of the Consultant, nor responsible for their acts or omissions or for any damages resulting there from.
7. Client and Consultant agree to mediate any claims or disputes arising out of this agreement, before initiating any litigation. The mediation shall be conducted by a mediation service acceptable to the parties. The parties shall make a demand for mediation within a reasonable time after a claim or dispute arises and the parties agree to mediate in good faith. In no event shall any demand for mediation be made after such claim or dispute would be barred by applicable law. Mediation fees would be shared equally. In the event that mediation does not resolve the issue, the parties agree to proceed through binding arbitration. The prevailing party in such proceeding shall be entitled to a reasonable sum for attorney's fees and expert witness fees.
8. Client agrees to indemnify, defend and hold harmless Consultant from and against any and all claims, liabilities, suits, demands, losses, costs and expenses, including, but not limited to, reasonable attorneys' fees and all legal expenses and fees incurred through appeal, and all interest thereon, accruing or resulting to any and all persons, firms or any other legal entities on account of any damages or losses to property or persons, including injuries or death, or economic losses, arising out of the project and/or this agreement, except to the extent that said damages or losses are caused by Consultant's sold negligence or willful misconduct.
9. If, during the course of performance of this agreement, conditions or circumstances are discovered which were not contemplated by Consultant at the commencement of this agreement, Consultant shall notify Client in writing of the newly discovered conditions or circumstances, and Client and Consultant shall renegotiate, in good faith, the terms and conditions of this agreement. If amended terms and conditions cannot be agreed upon within 30 days after notice, Consultant may terminate this agreement and be compensated under paragraph 4 in this agreement.
10. This agreement may be terminated by either party upon 10 days' notice sent first class mail. In the event of a termination, Client shall pay for all reasonable charges for work performed by Consultant through the 10th day after mailing the notice of termination. The limitation of liability and indemnity obligations of this agreement shall be binding notwithstanding any termination of this agreement.
11. This agreement is the entire and integrated agreement between Client and Consultant and supersedes all prior negotiations, statements or agreements, either written or oral. Writing signed by both parties may only amend this agreement.
12. In the event that any term or provision in this agreement is found to be unenforceable or invalid for any reason, the remainder of this agreement shall continue in full force and effect, and the parties agree that any unenforceable or invalid term or provision shall be amended to the minimum extent required to make such term or provision enforceable and valid.
13. Neither Client nor Consultant shall assign this agreement without the written consent of the other.
14. Nothing in this agreement shall create a contractual relationship for the benefit of any third party.

SUMMARY

A proposed Accessory Dwelling Unit (ADU) is proposed for the site located at 27497 Schulte RD. Because the site is forested with both protected and non-protected trees that may or may not require removal, my services were requested to review the proposed site and provide site plans to make available an objective assessment to monitor development of the site and minimize impacts during construction while securing the value of the flora and fauna habitat. The project proposes to develop an all electric detached dwelling unit on a 40.46 acre property. The project will include a new alternative, on-site waste-water treatment system. The proposed project will also consist of a permeable patio to the south facing side of the building. To complete the proposed project, six (6) protected trees and one (1) non-regulated tree are requested to be removed, while others will require tree protection and / or trimming that are identified for retention on the provided site plans. One subject tree #688 does not meet the requirement of a protected tree but is noted as a tree being removed. Tree #683 is dead with no living foliage. The tree poses a high risk to the structure and people nearby once development is concluded. No mitigation for recovery. Nearly 100 other Coast live oak trees outside the site and near the proposed project will be retained with proper tree protection installed. No bird nesting is within 300 feet of the proposed project.

The stand is a natural stand of Coast live oak (*Quercus agrifolia*). The subject trees and their health have been evaluated in conjunction with the surrounding upper canopy of trees as a whole. The subject trees appear to be even aged and consisting of trees that are about the same in height. This results in a single canopy and a total tree height of relatively uniform size and trunk diameter. The property slopes to the south with minimal understory.

This assessment was prepared by certified arborist Albert Weisfuss.

International Society of Arboriculture certification #WC-1338 in accordance with the County of Monterey ordinances.

Introduction

I, Albert Weisfuss conducted an assessment of regulated trees and prepared the following arborist's report for 27497 Schulte RD per the request of Eric Tarantino. Myself, Mr Tarantino, and project developer Mr. Wilday discussed the project onsite on August 10, 2022 reviewing requirements of the County of Monterey and preparation of construction. Forest management is the application of appropriate technical forestry principles, practices, and techniques. The management of an urban forest is to achieve the owner's objectives. Stated more simply, urban forest management is providing a forest the proper care so that it remains healthy and vigorous. Urban forest management is not so much a subject or a science as it is a process. Monterey County's primary management objective is to balance wildlife habitat protection and enhancement. A tree on publicly owned properties provides a multitude of aesthetic and environmental benefits. Beyond shade and beauty, trees also have practical benefits and a real monetary value that property owners sometimes are unaware of. Unlike other public infrastructure components, properly planted and maintained trees increase in value over time, which in turn increases the value of your property.

Methods / Limitations

This assignment is limited to a walkthrough and review of site plans provided by Mr. Tarantino to assess affects from potential construction impacts to trees within or adjacent to construction activities. This assessment is prepared for the parcel in preparation for the approved permitted development while 7 trees are requested for removal and 100+ subject trees are to be retained with tree protection.

An onsite walkthrough was conducted on August 10, 2022. A visual assessment was made from the ground of the subject trees. Subject trees were located according to Mr. Tarantino and assessed for impacts from development along with signs of health, and vigor including foliage condition and density, extent of dieback or deadwood and wound wood response. Structural defects were also assessed such as bark inclusion and decay as well as the condition of the root crown and surface roots. The damage to the trees roots and canopy were considered in light of current arboriculture practice. Grounds surrounding the trees were assessed for fractures, heaving, and visible signs of movement.

Monterey County Resource Management Agency requires a 1:1 ratio replacement for protected trees measuring less than 24" in diameter and 2:1 ratio replacement for protected trees measuring greater than 24" in diameter. Based on the requested removals, it is recommended replanting be with already established Coast live oak saplings on-site. Trees that have naturally propagated onsite have the best opportunity for survival and come from parent trees that have developed natural genes for longterm survivability. The applicant is responsible for the survivability of these saplings for a period of one year.

The removals will not involve a risk of adverse environmental impacts such as:

1. Soil erosion; Title 21 - 246
2. Water Quality: The removal of the trees will not substantially lessen the ability for the natural assimilation of nutrients, chemical pollutants, heavy metals, silt and other noxious substances from ground and surface waters;
3. Ecological Impacts: The removal will not have a substantial adverse impact upon existing biological and ecological systems, climatic conditions which affect these systems, or such removal will not create conditions which may adversely affect the dynamic equilibrium of associated systems;
4. Noise Pollution: The removal will not significantly increase ambient noise levels to the degree that a nuisance is anticipated to occur;
5. Air Movement: The removal will not significantly reduce the ability of the existing vegetation to reduce wind velocities to the degree that a nuisance is anticipated to occur;
6. Wildlife Habitat: The removal will not significantly reduce available habitat for wildlife existence and reproduction or result in the immigration of wildlife from adjacent or associated ecosystems; or c. 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 or disease.
7. Conditions of Approval: In granting any permit as provided herein, the appropriate authority may attach reasonable conditions to mitigate environmental impacts and ensure compliance with the provisions of this Section, including but not limited to replacement of trees removed.

• **Inventory Methods**

The assessment conducted consisted a general walkthrough on 8/10/2022 to begin assessment. The site visit composed the use of measuring with Lufkin diameter tape, digital camera and recording subject trees to a provided site map. The subject trees were identified with string by Mr. Tarantino. Using the above criteria all trees requested within the scope of work were inventoried and numbered with round aluminum tags and green ribbon. Information recorded for each of these trees included tree number, species, DBH, height and condition. Tree condition was rated good, fair, poor or dead with “poor” meaning that that tree was dying due to a variety of conditions.

The following trees have been recorded in the field and listed on table 1:1. Trees were rated as good, fair, poor, and dead with poor and dead being recommended for removal. Trees rated fair may have some degree of health conditions or structural integrity limiting their development. Trees rated as good would be considered the best candidates on site for the age and condition of the stand.

It is noted that trees have been inventoried in the past.

Subject trees

Table 1:1

Tree #	Species	DIAMETER inches	Condition	Remove	Comments
688	Quercus agrifolia	3,2,3,3,5 ÷ 5 = 3.2”	Fair	yes	Stump sprout. Not a regulated tree
687	Quercus agrifolia	8	Fair	yes	
686	Quercus agrifolia	11,7,9 ÷ 3 = 9”	Fair	yes	Suppressed
678	Quercus agrifolia	8	Fair	yes	
684	Quercus agrifolia	13	Fair	yes	
685	Quercus agrifolia	9	Fair	yes	
683	Quercus agrifolia	9	dead	yes	No living foliage. High risk

Tree protection

Planning Phase

1. Before assessing trees and other site structures and conditions, mark the site boundaries on plans and in the field to delineate which trees and stands of trees will be inventoried.
2. Perform a tree inventory that includes at minimum the location, size, and health of each tree and delineates quality stands of trees. Scope of the inventory should be based on communication and needs of the project team (developer, planner, engineer, architect, landscape architect, and other professionals involved), as well as City ordinances. This is the time to confer with the project team on conceptualizations for site design, so that way long- term tree protection and health gets integrated into the design.

Design Phase

3. Communicate with the project team to accurately site structures and utilities and determine the trees to remain on site. Conserve and protect trees in stands or groups where possible. Make sure the trees and stands of trees selected to be saved go into plans and construction documents. Include in all plans the Tree Protection Zone (TPZ) for all saved trees to avoid conflict with the protected area and placement of structures and utilities during construction.

Pre-construction Phase

4. Prior to pre-construction activities, including tree removal, access roads, construction staging areas, and building layout, erect tree protection barriers to visually indicate TPZs. Be sure to:
 - ⇒ Use tree protection barriers that are highly visible, sturdy, and restrict entry into the TPZ.
 - ⇒ Install or erect signs along the tree protection barrier stating that no one is allowed to disturb this area.
 - ⇒ Remove any branches or trees that pose an immediate risk to structures or people prior to any construction activities.

Construction Phase

5. Communicate the intent of the tree protection barriers to the construction manager and workers to ensure that TPZs are not disturbed during construction activities. Have the construction manager sign a contract of compliance.

Prohibit these activities in the TPZ:

- ⇒ Stockpiling of any type, including construction material, debris, soil, and mulch
- ⇒ Altering soils, including grade changes, surface treatment, and compaction due to vehicle, equipment, and foot traffic
- ⇒ Trenching for utility installation or repair and irrigation system installation
- ⇒ Attaching anything to trunks or use of equipment that causes injury to the tree

7. Schedule site visits to ensure the contract is being met by the construction manager and that tree health is not being compromised by construction activity. Inspect and monitor trees for any decline or damages.
8. Keep in place all tree protection barriers until the project is completed.

Post-construction Phase

9. Perform a final inspection and continue monitoring after construction. Monitoring includes maintaining mulch, managing soil moisture, assessing tree damage, inspecting for insects and pests, and fertilization if needed.

Grading Limitations within the Tree Protection Zone

1. Grade changes outside of the TPZ shall not significantly alter drainage to the tree.
2. Grade changes within the TPZ are not permitted.
3. Grade changes under specifically approved circumstances shall not allow more than 6-inches of fill soil added or allow more than 4-inches of existing soil to be removed from natural grade unless mitigated
4. Grade fills over 6-inches or impervious overlay shall incorporate notes: an approved permanent aeration system, permeable material or other approved mitigation.

5. Grade cuts exceeding 4-inches shall incorporate retaining walls or an appropriate transition equivalent.

Trenching, Excavation and Equipment Use

Notification. Contractor shall notify the project arborist a minimum of 24 hours in advance of the activity in the TPZ.

1. **Root Severance.** Roots that are encountered shall be cut to sound wood and repaired. Roots 2-inches and greater must remain injury free.
2. **Excavation.** Any approved excavation, demolition or extraction of material shall be performed with equipment sitting outside the TPZ. Methods permitted are by hand digging, hydraulic or pneumatic air excavation technology. Avoid excavation within the TPZ during hot, dry weather. If excavation or trenching for drainage, utilities, irrigation lines, etc., it is the duty of the contractor to tunnel under any roots 2-inches in diameter and greater. Prior to excavation for foundation/footings/walls, grading or trenching within the TPZ, roots shall first be severed cleanly 1-foot outside the TPZ and to the depth of the future excavation. The trench must then be hand dug and roots pruned with a saw, sawzall, narrow trencher with sharp blades or other approved root pruning equipment.
3. **Heavy Equipment.** Use of backhoes, steel tread tractors or any heavy vehicles within the TPZ is prohibited unless approved by the project arborist. If allowed, a protective root buffer is required. The protective buffer shall consist of a base course of tree chips spread over the root area to a minimum of 6-inch depth, layered by 3/4-inch quarry gravel to stabilize 3/4-inch plywood on top. This buffer within the TPZ shall be maintained throughout the entire construction process.
 - **Structural design.** If injurious activity or interference with roots greater than 2-inches will occur within the TPZ, plans shall specify a design of special foundation, footing, walls, concrete slab or pavement designs subject to project arborist approval. Discontinuous foundations such as concrete pier and structural grade beam must maintain natural grade (not to exceed a 4-inch cut), to minimize root loss and allow the tree to use the existing soil.

Tree Removal

⇒ Removal of trees that extend into the branches or roots of Regulated Trees shall not be attempted by demolition or construction personnel, grading or other heavy equipment. A certified arborist or tree worker shall remove the tree carefully in a manner that causes no damage above or below ground to trees that remain.

INSPECTION SCHEDULE

The project arborist or Landscape Architect retained by the applicant shall conduct the following required inspections of proposed construction site containing protected and designated trees. Inspections shall verify that the type of tree protection and/or plantings are consistent with the standards outlined within this arborist assessment.

Conclusion

Based on my professional opinion, the area selected to develop the ADU within this large mature stand of *Quercus agrifolia* will have the least impacts to the stand. The remaining canopy coverage will retain the perimeter of the stand so not to effect the view shed of surrounding properties. The requested removals are smaller diameter trees within the stand and will not have irreversible impacts to the remaining trees or surrounding habitat. Short-term impacts such as soil compaction and tree health can be avoided with proper tree protection and post treatment for tree health. It is recommended that remaining trees be monitored for health during and post construction with annual assessments by a qualified professional.

Certifying Statement

I, Albert Weisfuss, certify that:

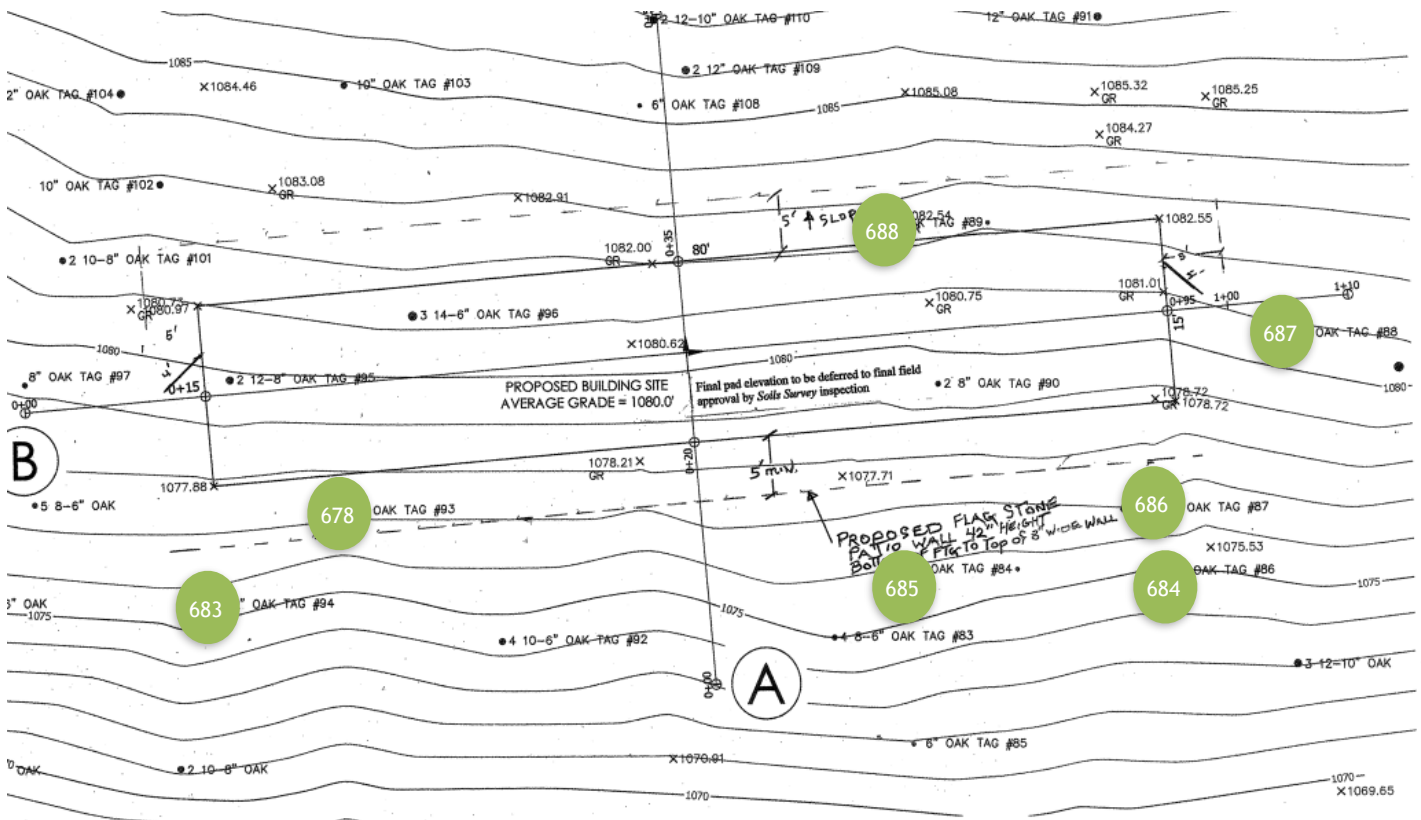
- I have personally overseen the inspection of this tree and property referred to in this report, and have stated my findings accurately.
- I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.
- The opinions and conclusions stated herein are my own.
- My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

August 19, 2022

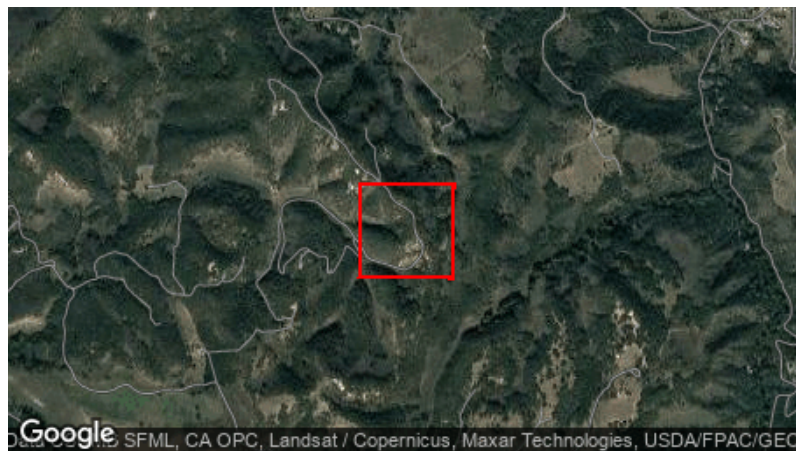
Albert Weisfuss

Albert Weisfuss

Date



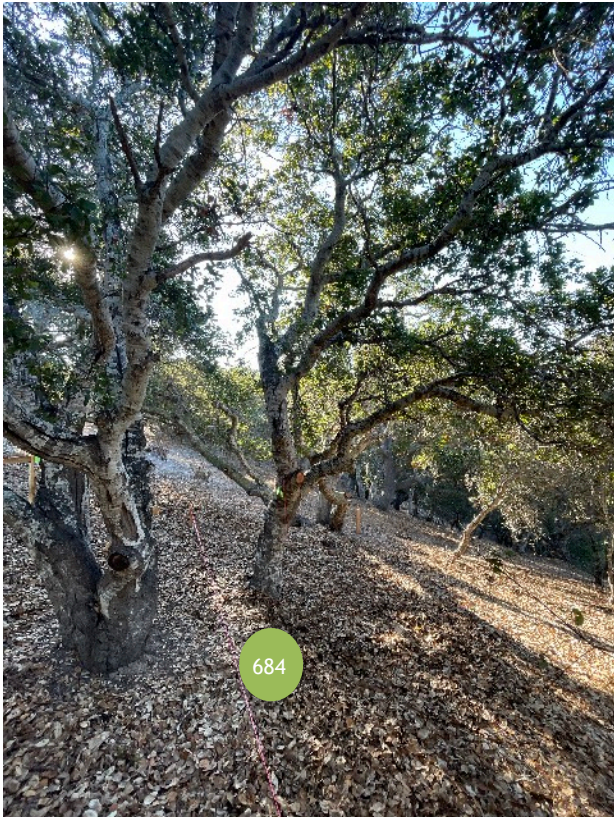
Location of subject trees on provided site map.





Subject tree #688

This tree (stump sprout) does not meet the requirement of 6" for regulated protection. The total of the 5 stems equals 3.2" based on ISA formulations to determine tree diameter.



Subject trees 687, 686 and 684 develop within the area of a new alternative on-site waste-water treatment system. The installation will have longterm impacts to the trees root system. It is not practical to retain trees with long term affects from development.



Subject trees 685 and 678 develop within the footprint of a proposed permeable patio. Retaining the trees will have longterm effects to the trees development. Tree 678 develops with a suppressed form. It is not practical to retain trees with poor form or having longterm effects from development.





Subject tree 683 is dead with no living foliage. No arboriculture treatment will support recovery. The tree poses a high risk to any structure under or nearby along with any foot traffic.



selected saplings for replacement trees.

MONTEREY BAY



Assessing One Tree at a Time

Albert Weisfuss

I.S.A. TRAQ

I.S.A. Certified Arborist

albertweisfuss@gmail.com

831~869~2767

October 20, 2022

Christina Vu, Assistant Planner
HCD – Planning Services

ERIC & KRISTA TARANTINO
OWLS PERCH LLC
27497 SCHULTE RD
CARMEL, CA 93923

Subject: PLN220249 OWLS PERCH LLC – Incomplete Application

Ms. Vu and Mr. Tarantino

Clarification on the varied recommendation and the hardship it poses on the remaining habitat.

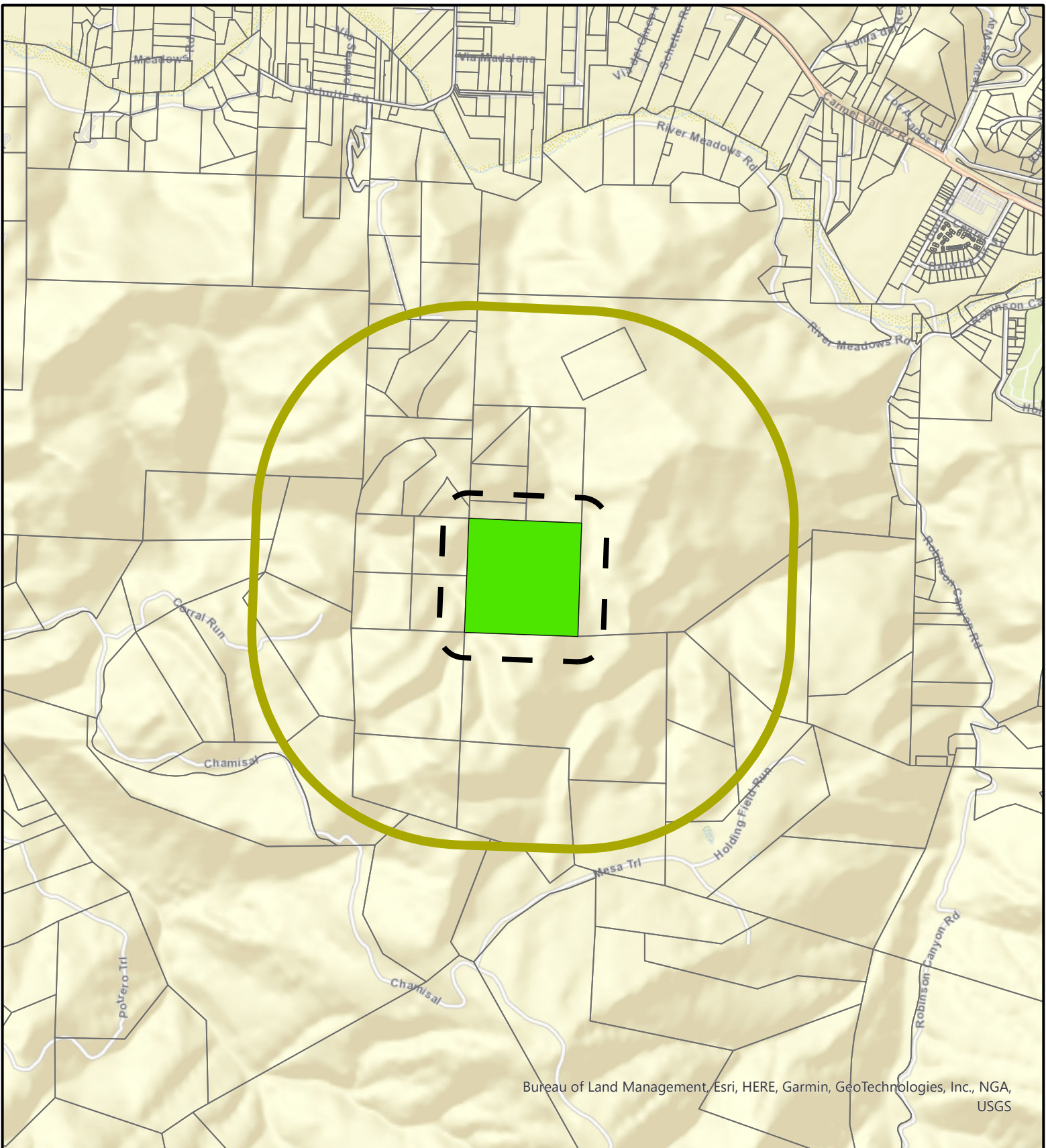
Reforestation within the established *Quercus agrifolia* stand would be detrimental to the long term and maintenance of the remaining habitat by overcrowding.

Albert Weisfuss
Albert Weisfuss

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Exhibit D

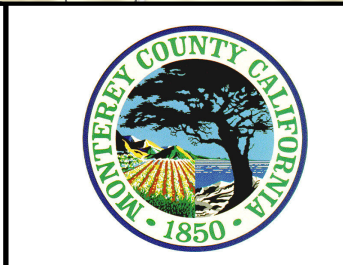
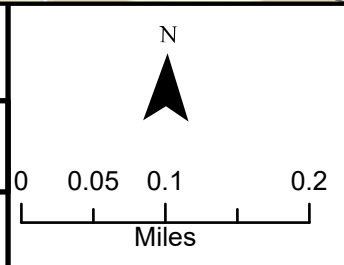
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APPLICANT: OWLS PERCH LLC

APNs: 416-023-037-000 FILE# PLN220249

2500BUF_300 Selected Parcel 300' Buffer



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