



Legislation Details (With Board Report)

**File #:** PC 18-036      **Name:** PLN160341 - Cox  
**Type:** Planning Item      **Status:** Agenda Ready  
**File created:** 5/2/2018      **In control:** County of Monterey Planning Commission  
**On agenda:** 5/9/2018      **Final action:**  
**Title:** PLN160341 - COX BRADLEY D & COX MUTSUYO TRS  
Public hearing to consider construction of a new one story single family dwelling unit, with attached garage, covered porches, and detached barn. The project also includes the removal of twenty-one (21) Oak trees.  
Project Location: 29003 Robinson Canyon Road, Carmel, CA 93923  
Proposed CEQA action: Categorically Exempt per Section 15303 of the CEQA Guidelines

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Draft Resolution, 4. Exhibit C - Vicinity Map, 5. Exhibit D - Tree Resource Assessment, 6. Exhibit E - Geotechnical Report, 7. Exhibit F - Carmel Valley LUAC Minutes, 8. Exhibit G - Setbacks for Low Density Residential Parcels, 9. Exhibit H - Oak Tree Removal Chart, 10. RESpc\_18-020\_PLN160341\_050918

Date	Ver.	Action By	Action	Result
5/9/2018	1	County of Monterey Planning Commission		

**PLN160341 - COX BRADLEY D & COX MUTSUYO TRS**

Public hearing to consider construction of a new one story single family dwelling unit, with attached garage, covered porches, and detached barn. The project also includes the removal of twenty-one (21) Oak trees.

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

RECOMMENDATION:

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

- a. Find that a single-family dwelling is a small structure and therefore qualifies as a Class 3 Categorical Exemption pursuant to section 15303 of the California Environmental Quality Act Guidelines and that none of the exceptions under Section 15300.2 apply.
- b. Approve a Combined Development Permit consisting of
  - 1) Administrative Permit and Design Approval to allow the construction of a 5,870 square foot single family dwelling, 1,011 square foot attached garage, 2,546 square feet of attached covered porches, and a 1,500 square foot detached barn;
  - 2) Use Permit to allow the removal twenty-one (21) protected Oak trees

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 22 conditions of approval.

PROJECT INFORMATION:

**Agent:** Bradley and Mutsuyo Cox

**Owner:** Bradley and Mutsuyo Cox

**APN:** 416-021-043-000

**Parcel Size:** 34.5 acres

**Zoning:** "LDR/2.5-D-S (RAZ) (Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning District overlays).

**Plan Area:** Carmel Valley Master Plan

**Flagged and Staked:** Yes

**Application Submitted:** December 1, 2017

**Application Complete:** May 15, 2017

### SUMMARY:

The proposed project is a new one-story single-family residential unit including a detached accessory barn structure on a vacant 34.5-acre parcel. The subject site is located within the Carmel Valley Master Plan Area. The parcel is constrained by its shape, topography, and by the existence of several native protective oak trees. Additionally, the site is encumbered with a Scenic Easement on portions of the property to protect viewshed. The easement (unbuildable area) is approximately 28.5 acres of land. This application is subject to Planning Commission consideration due to the removal of twenty-one (21) of the existing seven hundred and twenty (720) identified protected oak trees for the proposed site development. The proposed building architecture elements are compatible with the existing surrounding properties with no visibility from County scenic or public roadways. Carmel Valley Land Use Advisory Committee Supports the proposed design.

### DISCUSSION:

#### Project Overview

The proposed site development includes the construction of a one-story single family residential unit (4 bedroom, 5 bathrooms, front/rear cover terrace, lap pool, spa, private deck) with an attached three car garage at the northwestern side of the property and a one-story non-habitable detached accessory structure at the eastern corner of the property. The square footages for these structures are:

- Residence: 5,870 square feet
- Attached 3-Car Garage: 1,011 square feet
- Covered Porches/Terraces: 2,546 square feet
- Detached Barn: 1,500 square feet
- Total: 10,927 square feet

The topography of the 34.5 acre site encompasses an area containing slight to moderate slopes, generally to the south and west. The majority of the site ground cover includes native grass and oak forest trees. The proposed dwelling has been carefully sited to minimize the number of protected oak trees that will be impacted to the least amount necessary for reasonable development. As proposed, the new one-story, single-family residential unit and accessory structure will be constructed in the northwestern portion of the parcel which is the flattest portion of the site. No development nor grading will occur on slopes greater than 25 percent. The proposed new driveway will branch off an existing driveway that serves the neighboring property to the north to reduce

required grading. An existing road easement will continue to provide access for the neighbor.

### Design Review

The total lot coverage associated with this proposed project is 10,927 square feet (approximately 0.87% of lot coverage) of the existing 34.5-acre parcel. Associated grading for the residence including the detached barn will consist of 1,513 cubic yards of cut and 1,653 cubic yards of fill. The parcel will be served by one (1) existing well and four (4) existing 5,000 gallon water storage tanks. The well and tanks only serve this property. The existing well (Permit No. 00-436 was approved on December 19, 2000. The four (4) water tanks on site were installed in 2014 when the property was purchased to create an available fire suppression water supply. Water tanks, 5,000 gallons or smaller, do not require a permit per Monterey County Code. The project also includes the installation of two leach fields for the construction of a new 2,000-gallon septic tank. Currently, there are legal established private roads that access the parcel complying with the requirements of the local Fire Authority and RMA Public Works Department. Therefore, road improvements are not applicable according to Monterey County Code Section 21.64.320. The overall proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities, pursuant to Carmel Valley Master Plan Area and Monterey County Code Section 21.14.060.

The architectural style of the single-family residential unit and detached accessory barn building façade, materials, colors, and detached barn structure design are visually compatible with the rural character of the Carmel Valley Specific Plan and the surrounding property areas. The single-family residence design features an articulated façade that incorporates pop-outs, varied roof lines, attached patio shade covers, metal framed double pane windows, and wooden awnings. The primary building materials proposed on the exterior include board/batten vertical siding and limestone veneer accents as the primary exterior. The overall color scheme consists of a palette of Shake Gray and Malibu Beige, Weathered Oak, and hints of Rusty Gold. The proposed design is consistent with Carmel Valley Master Plan Policy CV-1.20 for Design and Site Plan overlay districts, which states that materials and colors used in construction shall be selected for compatibility with the structural system of the building and with the appearance of the building's natural and man-made surroundings. The existing native vegetation and trees provide appropriate screening from the neighboring properties and public viewing areas. The proposed project would not be considered as ridgeline development, nor would create a substantially adverse visual impact when viewed from common public viewing areas, including points on Carmel Valley Road.

The proposed project meets required setbacks for Low Density Residential Parcels as detailed in the chart attached as **Exhibit G**.

### Vegetation/Fuel Management

The applicant has submitted a landscaping/fuel management plan as requested by RMA Planning and Monterey Regional Fire District. The plan shows fire prevention spacing area from the dwelling unit including the natural plant and native vegetation features which will remain undisturbed as there are no defensible or vegetation management guidelines to reduce fire fuel loads in this area. Monterey County Regional Fire Protection District has reviewed and approved of the project plans.

### Tree Removal

The proposed development includes the removal of twenty-one (21) existing oak trees requiring permit in accordance with Monterey County General Plan OS-5.23 (Oak Woodlands), Code Ordinance Section 16.60.040 (c) (Preservation of Protected Trees) and the Carmel Valley Master Plan. A tree resource assessment report (**Exhibit D**) has been prepared by Certified Arborist #536 Frank Ono, on May 9, 2016, addressing potential affects the project may have to the existing tree resources on site, and lists recommendations for the sustainability of the existing remaining oak woodland forest resources. The provisions of Monterey County

General Plan and Code Ordinance designates the appropriate locations of development within hillside areas. The existing site topographic conditions such as (trees, extensive slopes, public viewsheds, and easements) prevents alternative areas for project development. Approximately eight (8) acres of the roughly thirty (34) acre parcel has oak crown cover. The site is approximated to have seven hundred and twenty (720) oak trees estimated through random point sampling. The sampling revealed an average of ninety (90) trees per acre in those areas within canopy coverage. As stated earlier, a little over 28 acres of the parcel is currently encumbered by an existing scenic easement. Much of this easement is over areas outside these eight (8) acres, thereby limiting the ability to develop outside this crown cover. Proposed tree removal will consist of twenty-one (21) trees. Seven (7) trees listed in poor condition have been identified in the Tree Resource Assessment as having structural defects caused by insect, decay, or fungal activity (**Exhibit D**). The remaining fourteen (14) trees are proposed for removal to accommodate the project development.

A chart prepared by the Arborist includes oak tree identification numbers, diameters, structures, health status, dominance, arborist comments, and recommendations for removal. This chart is includes as **Exhibit H**.

As previously stated, the proposed development is adjacent to an existing stand of live oak trees and the removal of twenty-one (21) trees on this site will be unavoidable due to the excess of scattered trees throughout the property site. Staff finds that the required tree removal findings can be made as the proposed number of oak trees to be removed is the minimum required for development given the constraints of the property. This includes siting the home on the flattest portion of the site to avoid slopes, locating near the existing road to reduce grading, avoiding an existing Scenic Easement, and ensuring that the existing habitat is not fractured. By allowing the tree removal at the proposed areas, the single-family residence and detached accessory barn will be developed in the least impactful areas. The tree removal will be approximately 2.6 % of existing oak tree cover. As previously stated, there is a Scenic Easement on portions of the property to protect viewshed. The easement (unbuildable area) is approximately 28.5 acres of land, which additionally limits the buildable area on the site. The proposed project location will avoid this land protected by scenic easement. Further, in accordance with Monterey County General Plan OS-5.23 (Oak Woodlands) requirements, the remainder of the property containing oak tree cover will be placed into an easement to ensure that it remains undisturbed. Staff has included Condition of Approval #17, designating the remaining scenic easement as (Oak Woodlands). No watercourses are near the planned construction.

The arborist report recommends against replanting because the site is highly overstocked and overcrowded with trees. However, staff has conducted further research including a site visit on April 25, 2018, and recommends tree replacement of 1:1 due to the availability of open, unshaded planting space on the northwest portion of the parcel. Subsequently, (Condition of Approval #18) has been included to ensure suitable tree replacement on the site. Monterey County Code Section 21.64.260 requires replacement of removed oak trees over 6 inches in diameter at a 1:1 ratio unless replacement will cause special hardship to the site or such replacement would be detrimental to the long-term health and maintenance of the remaining habitat. As stated, there is sufficient and appropriate space available on the site, so the replanting will not be detrimental to habitat health. This replacement also serves to further satisfy requirements General Plan Policy OS-5.23 with regard to Oak Woodlands.

#### 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 including a detached barn accessory structure within the Low-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. Furthermore, the proposed project development is not subject to CEQA Public Resources Code Section 21083.4. The proposed project would

eliminate twenty-one (21) out of seven hundred-twenty (720) protected Oak Woodland Trees on the existing site (less than 3%). This impact is not significant at a project level nor contribute to a significant County-wide cumulative impact in accordance to CEQA guidelines. Therefore, 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 not 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.

Carmel Valley Land Use Advisory Committee (LUAC)

The proposed project was reviewed by the Carmel Valley Land Use Advisory Committee (LUAC) on July 18, 2016. The LUAC voted unanimously (6-0) to recommend approval of the project.

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  
Monterey Regional Fire Protection District

Prepared by: Kenny Taylor, Associate Planner, ext. 5096

Reviewed by: Brandon Swanson, RMA Services Manager

Approved by: John M Dugan, FAICP, 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:

- Site Plan
- Conditions of approval

Exhibit C - Vicinity Map  
Exhibit D - Tree Resource Assessment  
Exhibit E - Geotechnical Report  
Exhibit F - Carmel Valley LUAC Minutes  
Exhibit G - Setbacks for Low Density Residential Parcels  
Exhibit H - Oak Tree Removal Chart

cc: Front Counter Copy; Planning Commission; Kenny Taylor, Associate Planner, Brandon Swanson, RMA Services Manager; Cheryl Burrell, Agent; Richard & Anne Patterson, Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN160341