



County of Monterey

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

Board Report

File #: PC 18-021, **Version:** 1

PLN170911 - PATTERSON MACKENZIE C JR & JUNGWIRTH CAROL

Public hearing to consider construction of a new 2,000 square foot single family dwelling and removal of 5 oak trees.

Project Location: 25345 Tierra Grande Drive, Carmel, CA 93923

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 a 2,000 sqft single-family dwelling with a 522 square foot deck, and a 576 square foot detached garage
 - 2) Use Permit to allow the removal of five oak trees

PROJECT INFORMATION:

Agent: Mackenzie Patterson

Owner: Mackenzie Patterson & Carol Jungwirth

APN: 169-363-009-000

Parcel Size: 1.03 acres

Plan Area: Carmel Valley Master Plan

Flagged and Staked: Yes

Application Submitted: January 3, 2018

Application Complete: February 23, 2018

SUMMARY:

A new 2,000 square foot single-family dwelling is proposed in the Tierra Grande neighborhood of Carmel Valley. The parcel is somewhat constrained by its shape, topography, and by the existence of many oak trees. This application is subject to Planning Commission consideration due to the proposed tree removal. The proposed one-story dwelling blends with the surrounding environment and is not visible from the road. Due to fire concerns, the proposed siding material is grey cement panels, which differs from the most commonly seen finish of stucco or wood siding on neighboring homes; However this material will still blend with the oak trees on the property. Carmel Valley Land Use Advisory Committee Supports the Design.

DISCUSSION:

Siting: The subject parcel is narrow at the street and widens toward the back of the property. The proposed

driveway will branch off of an existing driveway that serves the neighboring property to the North. An existing easement will continue to provide access for the neighbor. The back (eastern) portion of the property contains steep slopes, and the entire parcel is thickly forested with oak trees. The house has been sited on the flattest portion of the site to provide the most direct access from Tierra Grande Drive and to avoid development on steep slopes. It has been carefully sited to minimize the number of oak trees that will be impacted to the least amount necessary for reasonable development. The project meets required setbacks for Low Density Residential Parcels, which is 10 percent of average lot width. A setback on the north side is the minimum required at 15 feet, 9 inches. Expanding the side setback any wider would impact additional trees. Existing fencing and trees provide screening from the neighboring properties.

Design: This one-story, single-family dwelling has been designed to minimize visibility from Tierra Grande road and to blend with the natural environment. The proposed roofing material is standing-seam metal roofing. The roof color has been changed from blue as originally submitted to terra cotta to better blend with surrounding homes. The proposed siding for the house and detached garage is grey fiber cement panels, which was selected to minimize fire concerns because the property is in a very high fire hazard zone and borders densely forested area. The Carmel Valley Land Use Advisory Committee (LUAC) discussed and approved the design. The applicant also submitted a letter from the Architectural Review Board for Rancho Tierra Grande indicating they approved of the roof color change and overall design of the house. A neighboring property owner noted at the LUAC meeting and in a letter submitted to RMA-Planning that they had not been contacted by the Architectural Review Board and do not believe that entity has the authority to grant approval. Monterey County does not enforce private covenants, conditions or restrictions like operations of the Rancho Tierra Grande Architectural Review Board. RMA evaluates projects as it pertains to adopted County policies and regulations. A homeowners association (or ARB) may further refine a project provided it does not conflict with County Codes.

At 2000 square feet, the proposed house is consistent with surrounding homes and appropriate for a constrained lot of this size. The house design features gently sloping roofs and straight edges that are more modern than immediately adjacent homes; however, several existing homes in the Tierra Grande neighborhood do feature flat or gently sloping roofs and straight edges. The Tierra Grande neighborhood features a range of architectural forms and a variety of finishes including brick, stucco, and wood siding. 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 terra cotta roof color has been chosen to blend with the surrounding homes, while the grey siding will blend with the on-site oak trees. The project is consistent with Carmel Valley Master Plan Policy CV1.1 which states that development shall follow a rural architectural theme with Design Review. The modest-sized house prioritizes the existing wooded site and the colors have been selected to blend with the existing environment.

Landscape/Fuel Management: Due to fire concerns and the applicant's desire to preserve the natural look of the site, no additional landscaping is proposed. A few planted trees and all but five of the remaining oak trees are proposed to remain. The project plans incorporate Monterey County's Basic Defensible Space and Vegetation Management Guidelines including maintaining the area weed and brush free within 170 feet from all structures. Existing leaf and cypress mulch will continue to provide groundcover. Monterey County Regional Fire Protection District has reviewed and approves of the project plans.

Tree Removal: The one acre lot contains over 50 oak trees that range in size from 6 inches to 27 inches. Although the proposed structures have been carefully sited to minimize tree removal, 5 oak trees are located in

the footprint of the house and will need to be removed. Trees proposed for removal are: an 8 inch and 6 inch double-stemmed oak, an 8 inch and 8 inch double-stemmed oak, an 8 inch and 6 inch double stemmed oak, a 10 inch oak, and a 6 inch oak. All of these trees were found to be in “fair” condition by the project arborist. Siting the house as proposed allows for preservation of the larger and healthier trees near the house. Pursuant to Monterey County Code Section 21.64.260 a Forest Management Plan was prepared for the project and found that no long-term effects to the forest ecosystem area are anticipated as a result of this project and that it is not likely to significantly reduce the availability of wildlife habitat over the long term. The arborist has recommended tree protection measures for those trees that may be impacted by construction and determined that trees in close proximity will survive provided those measures are implemented. The project has been conditioned (Condition No. 4) to require the recommended measures to be installed and approved by a certified arborist prior to construction. Staff agrees with the Forest Management Plan but initially had concerns about impacts to trees close to the rear of the house. Although the arborist reaffirmed the trees would survive, the applicant has removed this concern by voluntarily redesigning the originally proposed back patio to a deck. The arborist reviewed the design change and provided a letter stating that this design would minimize disruption of tree roots and promote better gaseous interchange and moisture for the critical root zone for a stand of three oak trees of 14 inch, 18 inch and 14 inch diameters.

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. On this property, the arborist report recommends against replanting because the site is highly overstocked and overcrowded with trees. An overabundance of shade would not allow new trees to be sustained in a healthy condition, and replanting would create an overabundance of ladder fuels, which is vegetation that allows fire to climb up from the forest floor into the tree canopy.

Monterey Regional Fire Protection Department stated in conversations with RMA-Planning staff that the topography and vegetation cover of the site create significant fire concerns that would be worsened by adding additional trees. Staff agrees with the project arborist and with Monterey Regional Fire Protection Department that replacement trees are not appropriate for this project on this site. General Plan Policy OS-5.23 calls for the County to prepare, adopt, and implement a program that allows projects to mitigate the loss of oak woodlands, while also taking into consideration wildfire prevention/protection. In this particular case, the site is considered converted oak woodland and is not designated as a sensitive habitat area. The loss of five trees at the front of the property near existing development including the road and neighboring properties will not impact habitat connectivity, and over fifty oak trees on site will remain undisturbed in the more natural area of the site.

Construction Impacts: Adjacent property owners have expressed concerns due to noise and parking related to construction of the proposed residence. The subject site is one of the few remaining unbuilt parcels on Tierra Grande Drive, and the proposed residence is close to neighboring homes. The property shares a driveway entrance with the neighbor to the north. The project has been conditioned (Condition No. 5) to require submittal of a Construction Management Plan prior to the issuance of grading or construction permits. A draft construction management plan has been submitted showing designated parking areas for construction vehicles. The applicant has also volunteered to post signs on site to prohibit construction vehicles from blocking the driveway right-of-way or the neighbor’s driveway. The industry standard for construction hours is 7am to 7pm Monday through Saturday. The adjacent neighbor to the north has requested that construction hours be limited to Monday through Friday from 8am to 5pm to limit their exposure to construction noise. The Planning Commission has in the past limited construction hours beyond the industry standard when noise is a significant concern. In this case, the applicant is not willing to limit construction hours and is especially concerned with being able to work on Saturdays. Due to the built-out nature of the neighborhood and the close proximity to the

neighboring homes to the construction site, draft Condition No. 5 requires construction noise be limited between the hours of 8am-5pm Monday through Friday and 10am-5pm on Saturdays.

Comments Received: Staff received a letter from an adjacent property owner included as Exhibit G. Many of the comments in the letter reflect concerns that have been discussed above or have been addressed through changes in the project design. For example, the driveway design has been altered from the originally proposed design to avoid an exclusive easement that exists on the portion of the existing driveway providing access to the neighbor's property. Other identified concerns included tree removal, setbacks, visual inconsistency of the building material, the validity of the Architectural Control Committee of the Rancho Tierra Grande Association, construction noise, and construction parking.

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

The proposed project was reviewed by the Carmel Valley Land Use Advisory Committee (LUAC) on December 7, 2017. The LUAC voted unanimously to recommend approval of the project but expressed concerns relative to construction parking, the location of the water tank, and undergrounding of utilities. The construction management plan discussed above will designate parking areas for construction vehicles and will prevent blocking of neighboring driveways or visibility. A neighboring property owner to the south expressed concern that the water tank may be visible from her window. Alternative locations were discussed, but the proposed location is best for fire truck access and to avoid impacts to slopes or trees. The applicant plans to install landscaping to screen the water tank, but did not agree to a condition of approval for this. This was not included as a condition due to a lack of nexus in Monterey County Code to require landscaping to screen private views. All utility lines to serve the house are proposed to be underground. Condition 6 has been added to require all new utility and distribution lines to be placed underground.

Prepared by: Cheryl Ku, Senior Planner, ext. 6049

Reviewed by: Brandon Swanson, RMA Services Manager

Approved by: John M Dugan, AICP, RMA Deputy Director of Land use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution including:

- Site Plan
- Conditions of approval

Exhibit B - Vicinity Map

Exhibit C - Visual Simulations

Exhibit D - Arborist Report

Exhibit E - Letter from Arborist Re: Deck Re-design

Exhibit F - Carmel Valley LUAC Minutes

Exhibit G - Letter Received

cc: Front Counter Copy; Planning Commission, Brandon Swanson, RMA Services Manager; Mackenzie Patterson, Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN170911