



County of Monterey

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

Board Report

File #: ZA 18-035, **Version:** 1

PLN170893 - BUTLER KEITH L & MIREILLE O

Public hearing to consider the after-the-fact relocation of a driveway approved on a previous permit and after-the-fact removal of seven unhealthy Monterey pine trees.

Project Location: 220 Upper Walden Road, Carmel, Carmel Area Land Use Plan

Proposed CEQA Action: Categorically exempt per Sections 15303(e) and 15304 of the CEQA Guidelines

RECOMMENDATION:

Staff recommends the Zoning Administrator:

- a. Find the project qualifies as a Class 3 categorical exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303(e), as a Class 4 categorical exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304 consisting of the minor alterations to the condition of land that does not involve removal of healthy, mature, scenic trees; and there are no exceptions pursuant to Section 15300.2 of the CEQA guidelines; and
- b. Approve an Amendment to the previously approved Combined Development Permit PLN080530 to allow after-the-fact construction of a previously permitted driveway in the location of the temporary driveway created for construction vehicles and staging
- c. Approve a Coastal Development Permit to allow after-the-fact removal of seven unhealthy Monterey pine trees.
- d. Approve a Design Approval to allow construction of a 6-foot fence, two stone columns, and decomposed granite pathways.

The attached resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends that the Zoning Administrator adopt the resolution approving PLN170893 subject to conditions of approval.

PROJECT INFORMATION:

Property Owner and Agent: BUTLER KEITH L & MIREILLE O

APN: 241-241-011-000

Parcel Size: 1.26 acres

Zoning: "LDR/1-D(CZ)" (Low Density Residential with maximum gross density of 1 acre per unit and a design overlay in the Coastal Zone)

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: yes

SUMMARY:

The subject application is for an Amendment to a previously approved permit (PLN080530), as extended by PLN150422 and amended by PLN160390, which previously allowed construction of a single family dwelling and attached garage, along with a driveway, well, and septic system. The developments approved under this previous permit are complete and existing on the property, with the exception of the driveway, which has been started, but is still in the process of completion. The proposed amendment will allow for the driveway alignment to change from what was approved with the original permit. This realignment will utilize areas of temporary driveway access built for construction vehicles and staging. The relocation reduces the amount of

development required on steep slopes.

DISCUSSION:

The property is a long trapezoidal shape with the eastern boundary along Upper Walden Road extending lengthwise westward in an east-west orientation. The main structure is at the western half of the parcel oriented lengthwise in a north-south orientation with the front toward the street. The parcel is amidst a large Monterey pine forest in a residential neighborhood of the Carmel Highlands area east of Highway 1. From Upper Walden Road, the narrow parcel slopes downward in steep and shallow inclines toward the western boundary. Access is from Upper Walden Road.

Driveway Location After-the-fact

The previously approved permit allowed a driveway and the removal of two Monterey pine trees. A driveway location was approved at the northern side of the property across an initial slope over 30%, with a hammerhead before the descent toward the motor court in front of the garage door. The driveway meandered diagonally to the southern side of the house where the garage door is located. The proposed relocation is at the southern edge of the property with a slight meander toward a circular driveway before the motor court in front of the garage door. This is the unpaved driveway currently being used for construction vehicles. The property is High status within an erosion area, which means there are portions of the property that are prone to erosion and slope failure. Relocation of the original alignment to the existing construction driveway eliminates additional development on steeper slopes that are more susceptible to erosion than the shallower slopes of the re-alignment proposal. Therefore, staff finds this re-alignment is more consistent with Carmel Area Coastal Implementation Plan (CIP) Policy 20.146.080.D.1.a that encourages development be sited to conform with topography, and minimize grading and other site preparation activities.

Retroactive Permit Approval for Tree Removal

The project includes an application for a Coastal Development Permit to allow after-the-fact removal of seven Monterey pine trees. Two Forester's Visual Tree Assessments were prepared by professional forester, Frank Ono (File Nos. LIB180118 and LIB180119), on 2 March 2017 and 27 April 2017, respectively, in order to ascertain the health of the trees proposed for removal. Ono's assessments found the trees required removal due to beetle infestation, poor structure, and uprooting, any of which issues could put the trees at risk of falling and causing damage or injury. These trees were not analyzed as part of the original 2008 permit (PLN080530), because at the time they were not in failing health. Since then, the trees have deteriorated and are now unhealthy. Removal of the trees would not significantly alter air movement, contribute to erosion, or create a significant impact to wildlife; and no active bird or animal nesting sites were observed at the time of assessment. Of the seven trees removed without permit approval, four were landmark trees according to the assessments prepared by Frank Ono. As he states in his report, County policy is 2-to-1 replacement ratio for removal of each landmark tree. The practice of the County for unpermitted tree removal is the use of 15-gallon container trees for replacements. Therefore, the County shall require eight (8) plus three (3) for a total of eleven (11) 15-gallon container trees for replacements of the seven (7) trees removed without permit approval (Condition No. 7).

Site Conditions

The subject parcel is in a State Responsibility Area (SRA) rated as Very High risk for fire hazard. North County Fire Protection District reviewed the project and will require that the development meet the current Fire Code Standards including maintaining vegetation around the structure, providing adequate access for emergency

purposes, and providing appropriate fire suppression systems within the structure. Therefore, no indication exists that implementation of the proposed project would compromise safety in a fire hazard.

The varied topography of the parcel requires retaining walls of various heights along the driveway. There are 130 linear feet of 2-foot high concrete retaining walls, 104 linear feet of concrete retaining walls from 2.5 to 3.5 feet high, and 80 linear feet of concrete curb.

Design

Warm gray cedar is proposed for the 1,030 linear feet of six-foot fencing along the property lines and trash/utility enclosure. Carmel stone columns are proposed at the driveway entrance. Light ombre brick color concrete pavers are proposed for the driveway. Decomposed granite is proposed for the walk paths. Colors and materials of the fencing, paving, and retaining walls are consistent with the neighborhood character and coastal conifer forest surroundings of the Carmel Highlands.

The project was not referred to the Carmel Area Land Use Advisory Committee (LUAC) for review because the project is categorically exempt from CEQA, does not involve variances or design approval subject to a public hearing, or conflict with a lot line adjustment.

CEQA:

Pursuant to §15303(e) of CEQA Guidelines, minor alterations to the condition of land that does not involve removal of healthy, mature, scenic trees is exempt from environmental review. None of the exceptions to a categorical exemption contained in 15300.2 of the CEQA Guidelines apply.

OTHER AGENCY INVOLVEMENT:

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

- Bureau of Environmental Health
- RMA-Public Works
- Water Resources Agency
- RMA-Environmental Services
- North County Fire Protection Department

Prepared by: Jaime Scott Guthrie, AICP Candidate, Associate Planner, ext. 6414

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: John M. Dugan, FAICP, Deputy Director of RMA Planning and Development Services.

The following attachments are on file with the RMA:

Exhibit A	Project Data Sheet
Exhibit B	Draft Resolution, including: <ul style="list-style-type: none">● B-1 Conditions of Approval; and● B-2 Plans
Exhibit C	Vicinity Map
Exhibit D	Report: Visual Tree Assessments, Frank Ono (LIB180118 and LIB180119)

cc: Front Counter Copy; Jacqueline R. Onciano, Chief of RMA-Planning, Julie Paulson, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN170893.