

Attachment B

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From: [Kristie M. Campbell](#)
To: [Zepp, Zoe](#)
Cc: [Alex J. Lorca](#)
Subject: Letter from Alex Lorca re PLN240104 (Kitayama)
Date: Friday, January 10, 2025 5:10:53 PM
Attachments: [LTT Zoe Zepp - Re. PLN240104 \(1-10-25\) \(01679462\).pdf](#)

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Good afternoon, Ms. Zepp. Please see the attached letter from Alex Lorca regarding the above matter that will be considered by the Chief of Planning of the HCD on January 15, 2025, and by this email we request a public hearing. Thank you.

Sincerely,
Kristie

Kristie M. Campbell
Paralegal

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ALEX J. LORCA

January 10, 2025

ALorca@fentonkeller.com
ext. 258

VIA EMAIL ZEPPZ@COUNTYOFMONTEREY.GOV

Zoe Zepp, Assistant Planner
County of Monterey, Housing and Community Development
1441 Schilling Place – South Second Floor
Salinas, CA 93901

Re: PLN240104 (Kitayama)
Our File: 60107.70158

Dear Ms. Zepp:

Our office represents Thomas and Anne Hill Russ in connection with the application made to the County of Monterey Housing and Community Development Department (“HCD”) by Nagafuji Kitayama for a Coastal Administrative Permit and Design Approval (“Application”) for the property located at 25745 Hatton Canyon Road in Carmel, California 93923 (“Kitayama Property”). The Application is for the construction of a 1,200 square foot Accessory Dwelling Unit (“Project”).

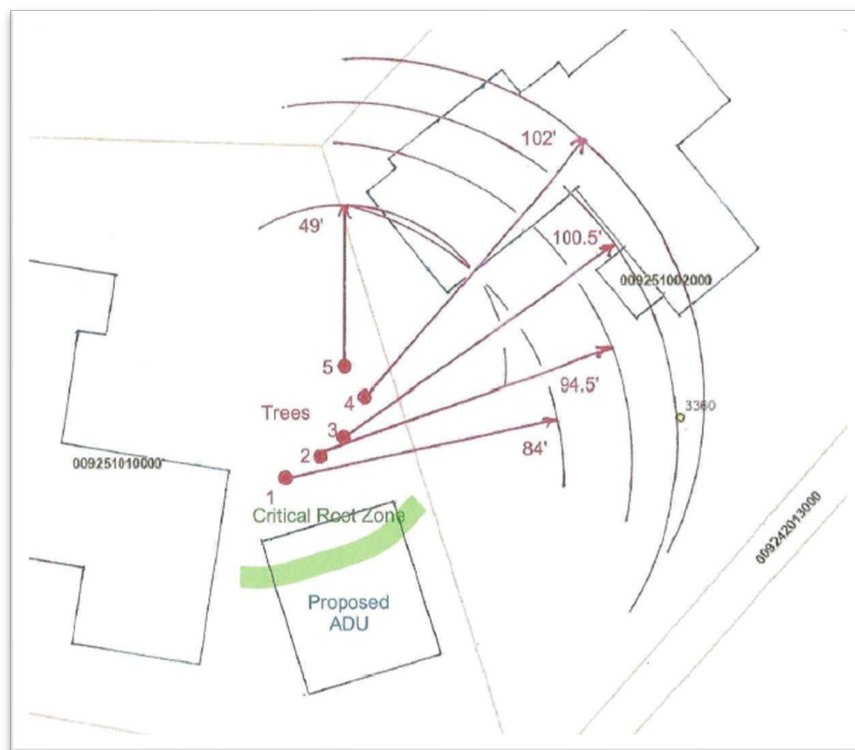
The Russes, as Trustees of the Thomas and Anne Hill Russ Revocable Trust 2001, are the owners of the property located at 3360 Mountain View Avenue in Carmel, California, 93923 (“Russ Property”), which is located next door to the Kitayama Property.

The Project is inconsistent with the requirements of Section 20.64.030 of the Monterey County Code, which states that “resource constraints that may *preclude development* of an Accessory Dwelling Unit include... tree resources... and other health and safety conditions.” (Monterey County Code section 20.64.030 (E)(11)(f) and (g);emphasis added.)

Likewise, the Project is inconsistent with Monterey County Code section 20.64.030(F)(1), which requires the County to make a finding that “...the establishment of the Accessory Dwelling

Unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood...”

As proposed in the Application, the Project cannot be approved. Enclosed is a Report of Certified Arborist from Certified Arborist Bryan Bradford, which confirms the Project will intrude into the critical root zone of all five of the Redwood trees located on the Kitayama Property. Moreover, the Report clearly demonstrates the Russ Property is well within the fall radius of all five of the Redwood trees:



As can be seen, the Project violates Monterey County Code section 20.64.030(E)(11)(f), which specifically protects “forest health and tree resources” as it will require the applicant to cut the roots of all five Redwood trees, all of which are within the critical root zone.

Moreover, Mr. Bradford’s Report confirms the Project will be detrimental to the health and safety of the Russes:

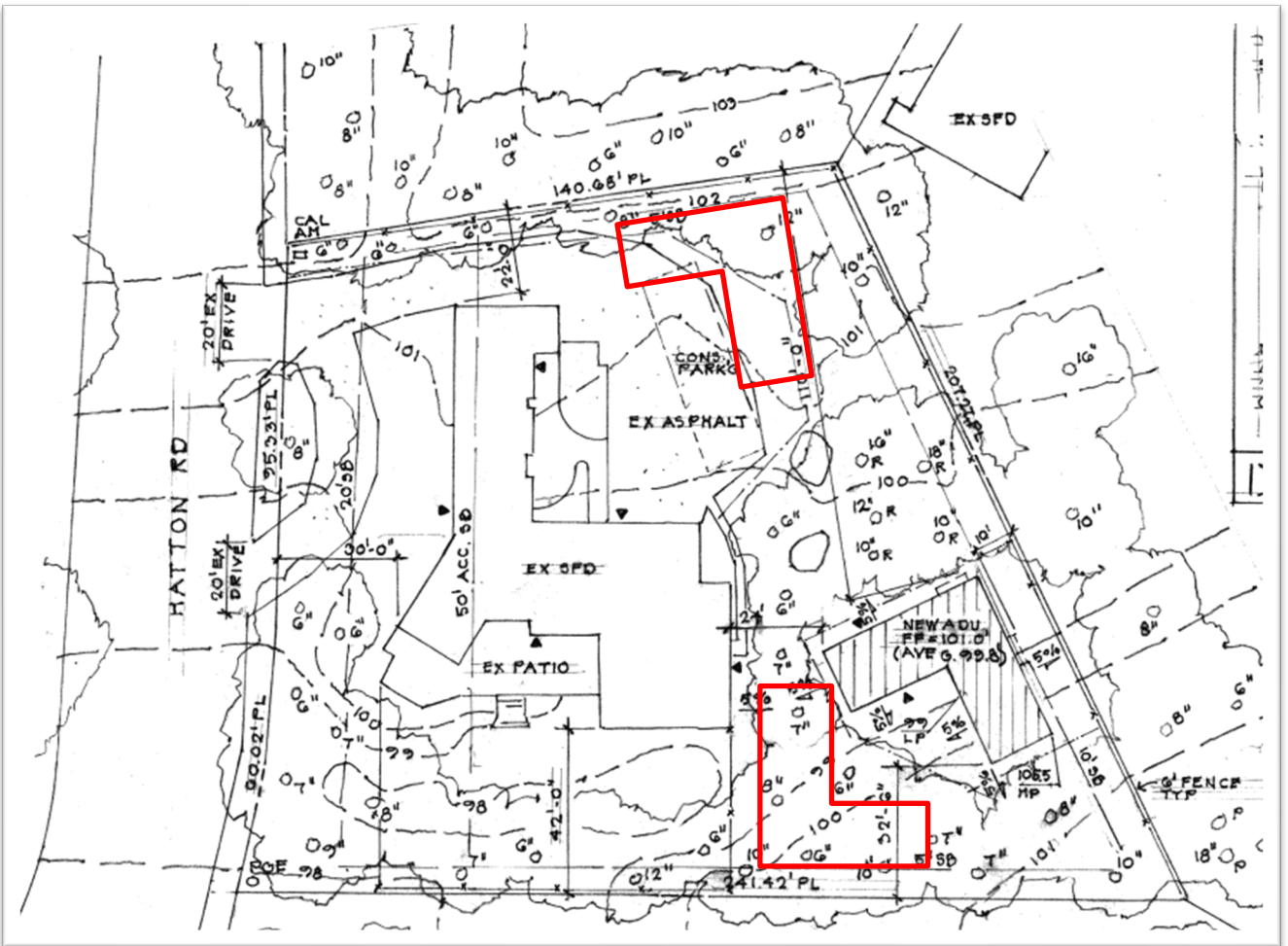
“Installation of a concrete foundation which outlines the footprint of the ADU will require severance of the roots of those trees in that area of the grove rooting bed, and will prohibit or greatly inhibit future tree rooting in the footprint area. This can effect the vertical stability of those trees as they grow in height.”

The Russ' daughter's bedroom is the closest room to the Kitayama Property. Should the Project cause one of the Redwood trees to fall (especially in a storm), their daughter would be in grave danger.

Importantly, Mr. Bradford states the Project's health and safety risks can be mitigated or eliminated by moving away from the critical root zone.

“Relocation of the ADU footprint further way from the critical root zone of the trees would help secure vertical stability of the trees as they grow in height. In this case, the overall distance should be at least 30 feet from the base of the trees.”

The following shows two clearly feasible alternative locations for the Project:



Ms. Zoe Zepp
January 10, 2025
Page 4

Because the Project's material health and safety risks can be mitigated or eliminated by relocating the ADU to another area of the Kitayama Property, the Application cannot be approved as presented. Rather, relocation of the ADU to the northern or southern portions of the Kitayama Property is required.

Sincerely,

FENTON & KELLER
A Professional Corporation



Alex J. Lorca

AJL:moi
Enclosure: Certified Arborist Report
cc: Client

Report of Certified Arborist

Bryan E. Bradford
Certified Arborist No. WE-5896A
International Society of Arboriculture,
and Professional Member

88 Paseo Hermoso ~ Salinas, CA ~ 93908
831-998-0439 or 831-484-1029

November 4, 2024

Mr. Alex Lorca, Esq.
Fenton & Keller
Post Office Box 791
Monterey, CA 93902-0791

Re: Russ Case
APN: 009-251-010-000
Situs: 25745 Hatton Road, Carmel

Dear Mr. Lorca,

I have examined and photographed the five Coast Redwood trees you are concerned about, located at the above-stated situs address and offer the following observations, conclusions and recommendations.

Preface

The examination and observation of the subject trees was conducted from the ground and did not afford close inspection of the trees or their features above 20 feet. Additionally, observations were limited to off-site visual examinations due to lack of physical access to the parcel which hosts the trees. Telescopic laser equipment was used to measure tree height. Unaided viewing, telescopic lens viewing and telescopic photography were used to examine the tree features above that height. Consequently, some small features may have been obscured from view by limited view angle or visual obstruction. Hence, there may be serious faults and weaknesses in the tree structure which have remained unobserved that present an enhanced hazard for various property and people residing within the fall radius of any of these trees. Positional measurements for the trees, the “story pole” structure representing the proposed additional dwelling unit and structures on the Russ property were made with a mix of conventional scales and telescopic laser equipment. This has allowed for the production of a site map with an

expected accuracy error of +/- 3 percent. Each individual tree is referred to by a number, 1 through 5, for clarity in describing each one. No inventory or tagging of these trees was done for this report.

Observations

The five subject trees located at 25745 Hatton Road, Carmel comprise a grove, planted many decades ago, which is situated in the northeast portion of parcel APN: 009-251-010-000 near the northeast boundary common to APN: 009-251-002-000. All five trees are Coast Redwood (*Sequoia sempervirens*) The grove occupies an elongated plot of ground about 30 feet long ending about 10 feet from the common boundary. The estimated diameter of each tree at breast height exceeds 30 inches. Tree No.1 is located at the southwest end of the grove. It has a height of about 84 feet and a well foliated broad crown spread. Tree No. 2 is located about 12 feet northeast of Tree No. 1. It has a height of about 94.5 feet and a well foliated crown spread. Tree No. 3 is located six feet northeast of Tree No. 2. It has a two parent stem configuration, has a height of about 100.5 feet and a well foliated crown spread. Tree No. 4 is located at the northeast end of the grove. It has a height of about 102 feet and a well foliated crown spread. Tree No. 5 is located about 10 feet northwest of Tree No. 4. It has a height of about 49 feet and a well foliated asymmetric crown spread with an off-set weighting to the northeast.

The rooting bed of the grove appears to be covered with an accumulated layer of natural tree litter from the combined crown of the grove. The extent and pattern of the rooting of each tree is unknown. The health and vigor of each tree seems to be good. The prospect for future growth in girth, height and extent of rooting seems excellent. A "story pole" structure describing the footprint and elevations of a proposed additional dwelling unit (ADU) is situated about 17 feet to the southeast of Tree No. 1, about 21 feet to the southeast of Tree No. 2, and about 25 feet to the southeast of Tree No. 3. This footprint is within the critical root zone of each of these trees. The standard calculation for the critical root zone of these large trees is one foot distance from the tree base for every one inch of diameter measured at breast height (4.5 feet). In this case that would imply a 30 foot radius perimeter around the base of each tree. Installation of a concrete foundation which outlines the footprint of the ADU will require severance of the roots of those trees in that area of the grove rooting bed, and will prohibit or greatly inhibit future tree rooting in the footprint area. This can effect the vertical stability of those trees as they grow in height.

The great height of the first four trees and their canopy edge position exposes them to unobstructed wind pressure in the highest portions of their crowns from all directions except southeast which is moderated by a mature row of Monterey Cypress (*Cupressus macrocarpa*). Exposure to high wind pressure from the south, southwest and west is of concern due to the close proximity of the subject trees to the residential structure on parcel APN: 009-251-002-000, located at 3360 Mountain View Avenue,

Carmel. The most common prevailing winter wind direction in the Carmel area is westerly, but storms and “bomb cyclones” can increase velocity and alter direction. Such winds in 2017 reached 86 miles per hour in the area and brought down many trees.

No hazard evaluation has been prepared for any of the subject trees due to lack of access for close physical examination. Nonetheless, based on the size of each specimen and its proximity to residential structures, even with the lowest probability of a tree fall, each would merit a hazard rating of 9 on a 12 point scale. This is the threshold for a hazard tree removal permit in Monterey County.

Measurements taken on site indicate that in the event of a fall of any of the subject trees in the direction of the neighboring residence at 3360 Mountain View Avenue, such a fall could impact the residential structure itself, causing damage to the living areas of the residence and perhaps injury to inhabitants of the dwelling. (See the Fall Radius Diagram attached below)

Conclusions

Although they currently exhibit good health and vigor, in the event of a fall each of the subject trees poses a risk for damage to, or destruction of, the residential structure, and personal injury or death to persons who are present on the parcel APN: 009-125-001-000 at that time. These risks can be mitigated with preventive measures such as active care of the tree rooting system and reduction of wind pressure effect on the upper portions of the tree crowns. Complete elimination of the risk can only be accomplished by tree removal.

Recommendations

The following measures would mitigate the tree risks identified above:

The root zone of each tree should be probed to determine its rooting pattern and expanse.

Relocation of the ADU footprint further way from the critical root zone of the trees would help secure vertical stability of the trees as they grow in height. In this case, the overall distance should be at least 30 feet from the base of the trees. Additionally, if construction of the ADU is commenced, all construction activities, including foot and vehicle traffic, and materials storage should be excluded from the critical root zone of the trees. At all times the rooting bed should be left in a state of nature as much as possible and all tree litter left in place. An annual inspection of the base, parent stem (trunk) and crown and of each tree should be conducted to discover any developing decay or structural changes. Discovery of gross decay or structural changes indicating weakness should be followed with a hazard evaluation by an arborist certified by the International Society of Arboriculture.

To reduce wind pressure effect on the tree crowns, crown pruning and crown reduction can be used to reduce or limit the overall height of the crowns. Thinning of the crowns also reduces wind pressure effect. To be effective these measures should be applied on a regular basis of every three or four years.

As illustration of the descriptions given in the above text, photographs and other attachments are provided below. Any questions regarding this report may be communicated to the author using the telephone numbers provided above.

Endorsed 12/13/2024

A handwritten signature in blue ink, appearing to read 'Bryan Bradford', with a long horizontal flourish extending to the right.

Bryan Bradford

Consulting Arborist

Figure No. 1: Subject grove of Coast Redwood trees showing “story poles” for the ADU and the neighboring residence (lower right corner).

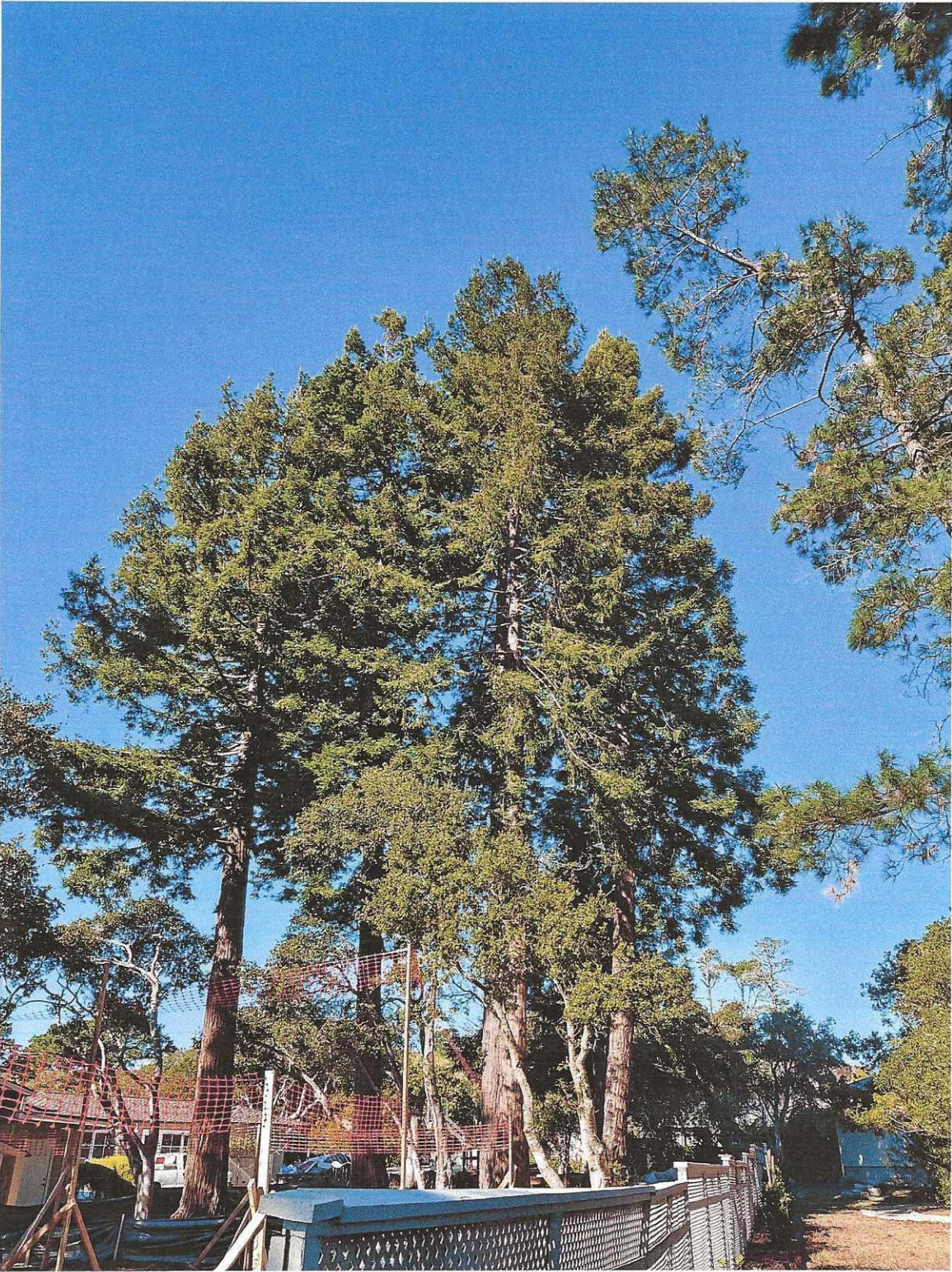
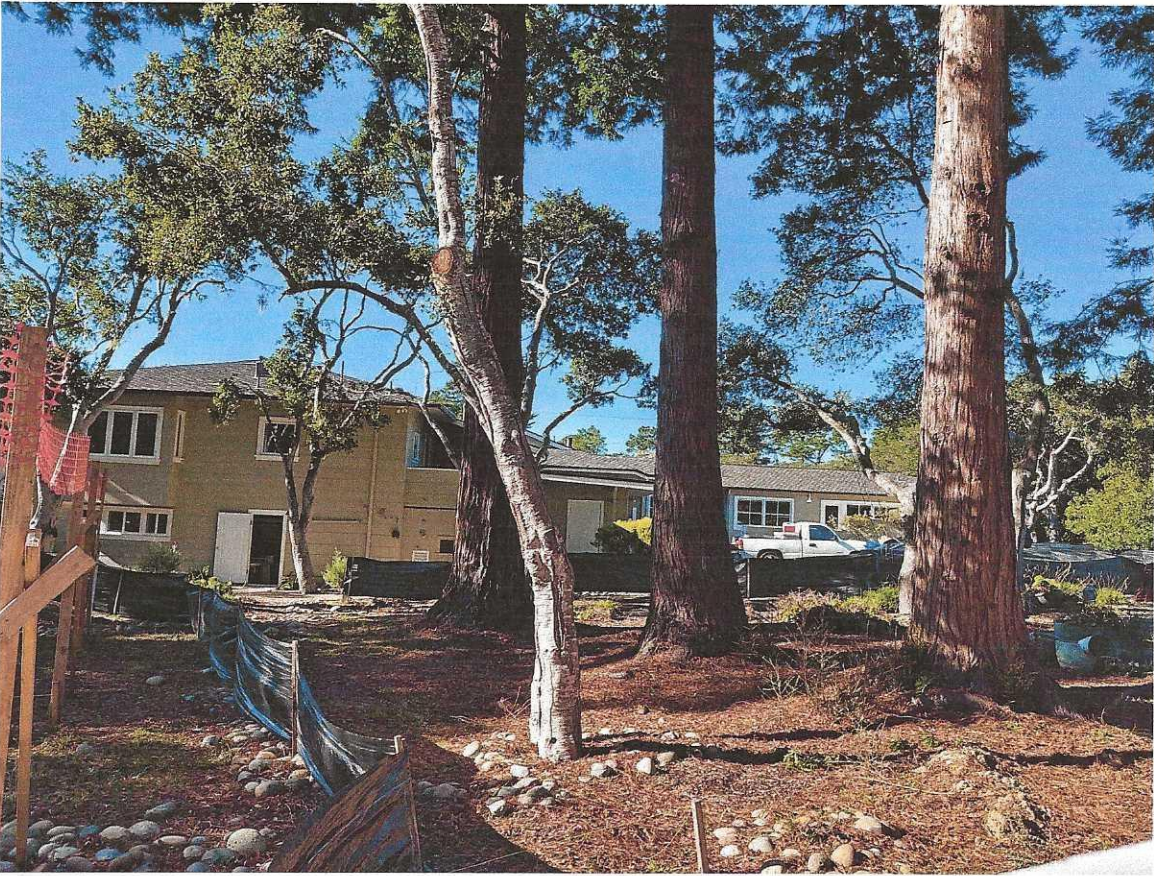
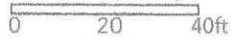
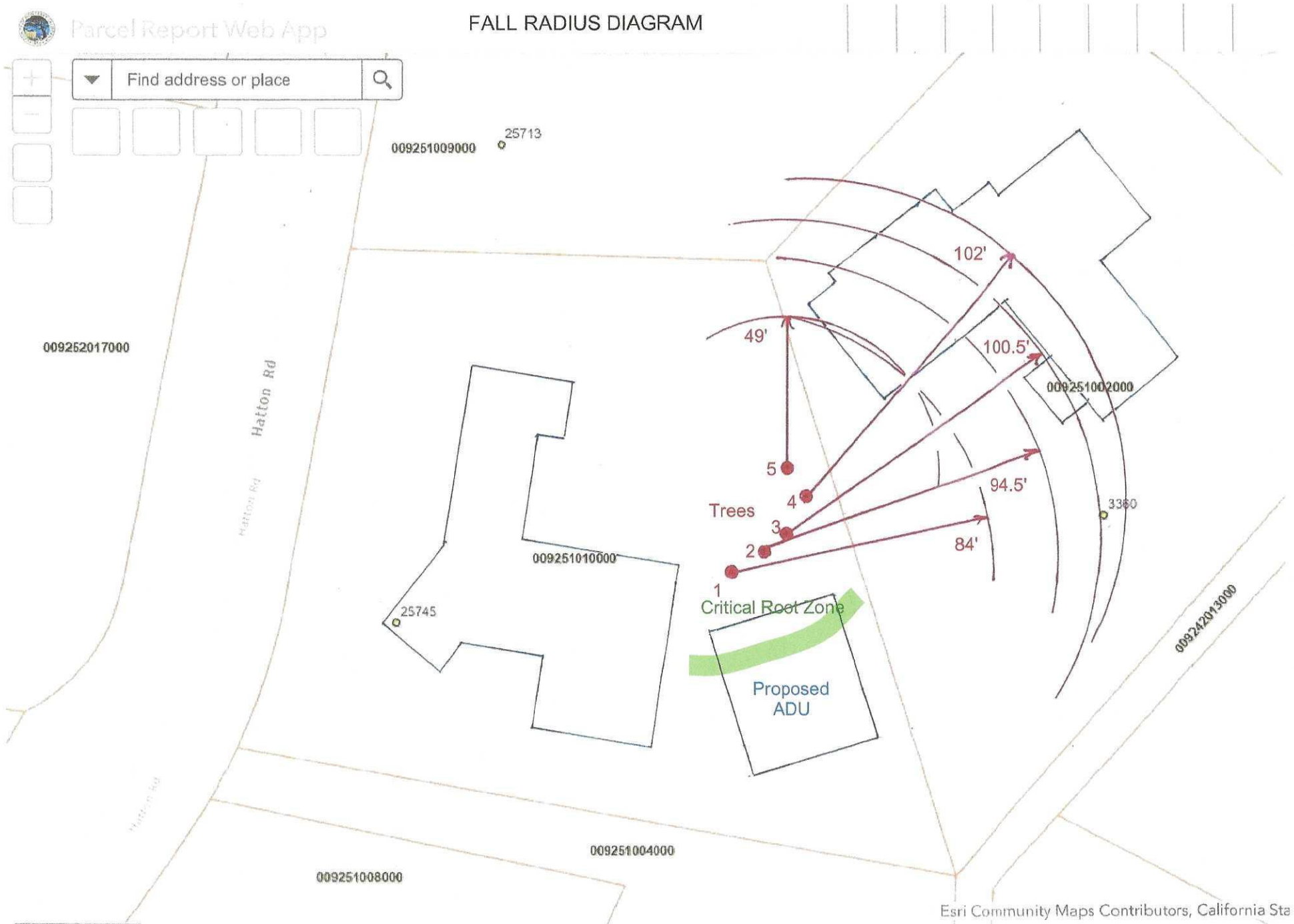


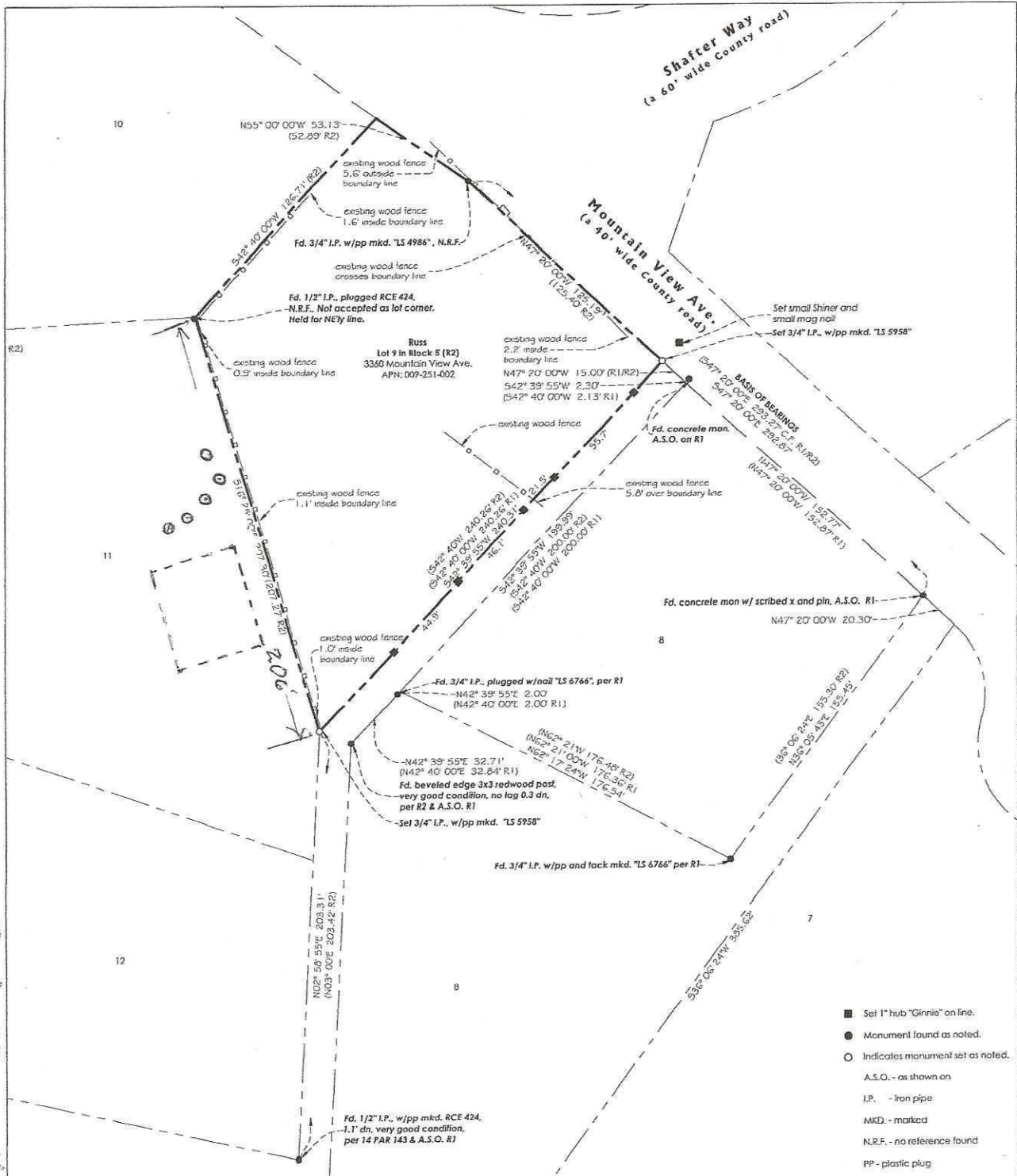
Figure No. 2: Showing critical root zone of trees numbered 1, 2 and 3 in close proximity to the proposed ADU foundation area.





FALL RADIUS DIAGRAM





Surveyor's Notes:

This map portrays the site of the time of the survey and does not show soils or geologic information, underground conditions, easements, zoning setbacks, regulatory information or any other items not specifically identified by the party requesting the survey. There may be easements or other rights, recorded or unrecorded, affecting the subject property which are not shown hereon.

Distances are expressed in feet and decimals thereof.

Sufficient boundary lines were made to graphically show existing features however a complete boundary survey was not performed.

Basis of Bearings: The bearing of South 47° 20' 00" East for the southwesterly line of Mountain View Ave. as shown on R1/R2 and as found monumented is taken as the basis of bearings for this survey.

Record Map References:

R1: Record of Survey filed Nov. 9, 1995 in Volume 19 of Surveys at Page 117, in the Monterey County Recorder's Office, State of California.

R2: Map of "Hatton Fields, Tract No. 1" filed on Dec. 7, 1925 in Volume 3 of Cities & Towns at Page 31 in the Monterey County Recorder's Office, State of California.



- Set 1" hub "Ginnis" on line.
- Monument found as noted.
- Indicates monument set as noted.
- A.S.O. - as shown on
- I.P. - iron pipe
- MKD. - marked
- N.R.F. - no reference found
- PP - plastic plug
- Subject Parcel Boundary
- - - Parcel Boundary
- - - Right of Way
- - - Right of Way Center Line

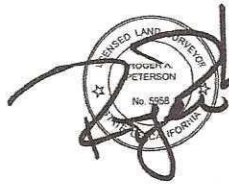
Survey Plat

LOT 9 IN BLOCK 5 PER MAP OF HATTON FIELDS TRACT NO. 1
 3360 Mountain View Ave., APN: 009-251-002
 Located in the Carmel area of
 Unincorporated Monterey County, State of California

Prepared for: Thomas Russ and Anne Hill Russ
 Requested by: Anne Hill Russ

February 2024

Rasmussen Land Surveying, Inc.
 2150 Garden Road, Suite A-3, Monterey, California 93942
 P: 831.375.7240 F: 831.375.2545



DRAWING REVISIONS:
 Feb. 2024 - Original Survey

RLS W.O. # 2023-085

Sheet 1 of 1

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