



County of Monterey

Item No.27

Board Report

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

Legistar File Number: RES 25-136

September 23, 2025

Introduced: 9/8/2025

Current Status: Scheduled PM

Version: 1

Matter Type: BoS Resolution

PLN240104 - NAGAFUJI MAY KITAYAMA

Public hearing to:

- a. Consider the appeal by Thomas and Anne Russ of the Zoning Administrator's June 12, 2025 decision to approve a Coastal Administrative Permit and Design Approval; and
- b. Consider construction of a 1,200 square foot Accessory Dwelling Unit.

Project Location: 25745 Hatton Rd, Carmel

Proposed California Environmental Quality Act (CEQA) action: Find the project for an Accessory Dwelling Unit qualifies for a Class 3 Categorically Exempt pursuant to CEQA Guidelines section 15303, New Structures, and no exceptions pursuant to section 15300.2 can be made.

RECOMMENDATIONS

It is recommended that the County of Monterey Board of Supervisors adopt a resolution to:

- a. Deny the appeal by Thomas and Anne Russ of the Zoning Administrator's June 12, 2025 decision to approve a Coastal Administrative Permit and Design Approval; and
- b. Find the project for an Accessory Dwelling Unit qualifies for a Class 3 Categorically Exempt pursuant to CEQA Guidelines section 15303, New Structures, and no exceptions pursuant to section 15300.2 can be made; and
- c. Approve a Coastal Administrative Permit and Design Approval to allow construction of a 1,200 square foot accessory dwelling unit

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to nine (9) conditions of approval.

PROJECT INFORMATION

Agent: Glenn Warner

Property Owner: Nagafuji May Kitayama

APN: 009-251-010-000

Parcel Size: 33,435 square feet (0.77 acre)

Zoning: Medium Density Residential, 2 units per acre, with a Design Control overlay zone in the Coastal Zone or "MDR/2-D(CZ)"

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

Project Planner: Joseph Alameda, Associate Planner

alamedaj@countyofmonterey.gov, 831-783-7079

SUMMARY/DISCUSSION:

The project is located at 25745 Hatton Rd, Carmel, (APN: 009-251-010-000) within the Carmel Area Land Use Plan. The proposed project includes the construction of a 1,200 square foot Accessory Dwelling Unit (ADU) and the removal of one Coast live oak tree. The property is already developed with a single-family dwelling. The ADU has been sited behind the existing residence in a small clearing between trees. The original project scope (construction of an ADU, no tree removal) was previously scheduled for the Chief of Planning's consideration on January 15, 2025. However, prior to this hearing, a neighbor submitted public comment raising concerns regarding potential impacts to nearby native trees and requested a public hearing. Staff considered the request and escalated the project to the Zoning Administrator pursuant to Title 20 section 20.76.060. Upon obtaining a project-specific arborist report (**Exhibit D**), it was determined that one Coast live oak tree would need to be removed due to its poor health and potential impacts from the proposed development.

On June 12, 2025, the Zoning Administrator considered the project at a public hearing, approved the Coastal Administrative Permit and Design Approval, and found the project categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15303 (Zoning Administrator Resolution No.25-021; **Attachment G**). During the Zoning Administrator hearing, Attorney Alex Lorca on behalf of the Thomas and Anne Russ (Appellants and neighbors of the applicant) contested the development proposal, raising concerns regarding potential impacts to 5 redwood trees from the siting of the ADU.

Appellants Thomas and Anne Russ appealed the June 12, 2025 Zoning Administrator decision approving the Coastal Administrative Permit and Design Approval. Appellants contends that the Zoning Administrator's hearing was not impartial, that its decision was not supported by the evidence, and that its decision is contrary to law. The specific contentions raised by Appellant are identified below and are addressed in more detail in the Draft Resolution (**Attachment A**).

This hearing is de novo. Staff recommends denial of the appeal and approval of the proposed Coastal Administrative Permit and Design Approval.

APPEAL

Appellant filed an appeal raising numerous contentions (**Attachment F**). Staff has grouped the contentions as follows:

1. *"There was Lack of Fair and Impartial Hearing" because "Despite the LUAC's request for additional time to adequately review the project information, the project did not go before the LUAC and was ultimately heard by the Zoning Administrator on June 12, 2025"*
2. *"There was a Lack of Fair and Impartial Hearing" because "the staff report prepared by the assigned project planner did not include the appellant's comment letters dating February 14, 2025 and April 30, 2025" or the "appellant's Certified Arborist Bryan E. Bradford's amended report"*
3. *"The Findings are not Supported by the Evidence" because "Contrary to the findings, the proposed location is not suitable for the project" because it "jeopardizes the health,*

- safety, peace, comfort, and general welfare of persons residing in the neighborhood”*
4. *“The Findings are not Supported by the Evidence” because “Contrary to the findings, the applicant did not provide sufficient evidence that the proposed floating foundation is suitable for this size building”*
 5. *“The Findings are not Supported by the Evidence” because “the applicant did not provide substantial evidence to establish alternative locations on site were not suitable for the proposed accessory dwelling unit project”*
 6. *“The Decision is Contrary to Law” because it is “inconsistent with Monterey County Code Section 20.64.030E(11)(f) and (g) stating that “resource constraints that may preclude development of an Accessory Dwelling Unit include... tree resources... and other health and safety conditions.”*

Staff has reviewed the contentions raised in the appeal. Responses to the contentions are provided in more detail in the draft Resolution (**Attachment A**). In summary, the project includes the development of a 1,200 square foot accessory dwelling unit; the project has been designed to comply with site development standards for the zoning district. Multiple reports have been prepared for the project demonstrating the suitability of the site for the project. Staff has reviewed the design and found the project consistent with the Carmel Area Land Use Plan and in keeping with surrounding development. All public comment received, including the appellants arborist report, have been reviewed by staff and are attached (**Attachment B**). No significant evidence has been provided in the appeal to support the contentions made by the appellant.

Forest Resources

As described above, prior to the administrative hearing on January 15, a neighbor requested a public hearing before the Zoning Administrator and submitted an arborist report prepared by Bryan Bradford (**Exhibit B**) that analyzed potential impacts to trees that are near the proposed project footprint, to the Carmel Highlands Land Use Advisory Committee. However, Mr. Bradford was not able to access the site and inspect the trees up close, and therefore, his recommendations and observations were based on off-site visual examination. Based on this assessment, Mr. Bradford determined that construction of the ADU may impact the estimated critical root zone of five nearby Redwoods. The neighbor claimed that the potential impact on these trees would pose a hazard to their residence. The neighbor suggested that the proposed ADU be re-sited, closer to the existing residence.

Following receipt of this arborist report, the applicant submitted three project-specific arborist reports (**Exhibit D**; County of Monterey Library Nos. LIB250169, LIB250170, and LIB250171). The project arborists analyzed the proposed building site and an alternative building site, and conducted on-site inspections of the subject property. One arborist dug three test sites to determine whether critical roots of the adjacent Redwood trees would be impacted. Based on these results, the project arborists found that the proposed ADU location was the “most suitable for long-term maintenance of tree resources” and would minimize tree removal (one Coast live oak). The alternative ADU location was found to impact 13 Coast live oaks and potentially one Landmark Monterey pine. Sixteen Coast live oaks, five Coast redwoods, and one Monterey pine were identified near the proposed ADU. All of these trees were found to be in fair to good condition, with little to no defects, except for one Coast live oak tree (dual-stemmed, 10” & 7” DBH). This Coast live oak was observed to be in poor

condition, with poor structural health (branch failures and decay). Additionally, the leaning branch of this tree would be impacted by the proposed project; removal of this branch would leave insufficient tree canopy and impact the overall health of the Oak. Therefore, the removal of this Coast live oak tree was recommended by the project arborist. Subsequent to this determination, a Tree Hazard Evaluation Form was submitted to HCD-Planning identifying this tree as being in a hazardous condition due to existing decay. HCD reviewed this hazardous tree removal request and authorized removal under TRM250183. Therefore, no protected trees are proposed for removal with implementation of this project.

The arborists observed “non-woody” Redwood roots that were less than one inch in diameter in the three hand-dug test sites (2 feet x 2 feet wide, 2 feet deep). These roots, also known as feeder roots, have the primary purpose of absorbing water and nutrients in the upper layers of the soil, and do not serve any support for the tree. No woody roots, which provide the primary structural foundation while also facilitating water and nutrient uptake, were identified. Based on these observations, the project arborist determined that no impacts on Redwoods would occur with the implementation of the project and that these trees did not pose a hazard to nearby structures. Further, as recommended by the project-specific arborist report, an arborist will monitor all excavation within 10 feet of the proposed structure (Condition No. 4). All trees retained on-site will be protected throughout construction with exclusionary fencing (Condition No. 4). Additionally, a floating foundation has been proposed for the ADU, which was designed and stamped by a Certified Engineer. The floating foundation also avoids any potential damage to roots of any trees which may exist within the development site.

CEQA:

The project is categorically exempt from environmental review pursuant to CEQA Guidelines section 15303 of the CEQA Guidelines, “New construction”. This exemption applies to construction of small structures that would not result in any adverse impacts to the surrounding environmental resources as defined in the CEQA Guidelines. This project qualifies for a Class 3 exemption because it includes the construction of a 1,200 square foot ADU. The proposed project will not result in any environmental impacts. All of the necessary reports have been obtained and have determined that it is unlikely there will any impacts to archaeological resources, historical resources, or soil resources. There are no exceptions pursuant to section 15300.2.

OTHER AGENCY INVOLVEMENT:

The permit was reviewed by Cypress Fire Protection District, Environmental Health, Planning, and Engineering Services.

LAND USE ADVISORY COMMITTEE

The proposed project was reviewed by the Carmel Highlands Land Use Advisory Committee on February 18, 2025. At the meeting, an attorney representing Thomas and Anne Hill Russ, neighbors to the applicant, presented an arborist report prepared by Bryan E. Bradford and an accompanying letter which argued that the proposed location of the accessory dwelling unit would have detrimental impacts to 5 Redwood trees within the applicant’s property which would create a direct risk to their home and property. The LUAC members requested the project be continued to allow the LUAC time to be provided with and review the materials. After this meeting, the Carmel Highlands lost the quorum required to hold meetings and hear projects. Due to on-going difficulties in re-establishing a quorum

staff scheduled the project to go before the Zoning Administrator as to not delay the project any further.

FINANCING:

Funding for staff time associated with this project is included in the FY2025-26 Adopted Budget for Housing and Community Development, General Fund 001, Appropriation Unit HCD002, Unit 8543.

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BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

☒ Administration

☐ Economic Development

☐ Health & Human Services

☐ Infrastructure

☐ Public Safety

Prepared by: Joseph Alameda, Associate Planner, x7079

Reviewed and Approved by: Craig Spencer, Director of Housing and Community Development

The following attachments are on file with HCD:

Exhibit A - Draft Resolution

- Site Plans, Floor Plans, Elevations, Colors and Materials
- Recommended Conditions of Approval

Exhibit B - Public Comment

Exhibit C - LUAC Minutes

Exhibit D - Project Specific Arborist Reports

Exhibit E - Vicinity Map

Exhibit F - Notice of Appeal

Exhibit G - Zoning Administrator Resolution No.25-021

cc: Front Counter Copy; California Coastal Commission; Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Joseph Alameda, Associate Planner; Fionna Jensen, Senior Planner; Jacquelyn M. Nickerson, Principal Planner; Nagafuji May Kitayama, Property Owners; Glenn Warner, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN240104