

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Monterey

From: (Public Agency): The City of Monterey
580 Pacific Street, Monterey, California 93940

(Address)

Project Title: Appeal by Scott Waltermire of the Forestry Division's decision to deny the application for removal of a Monterey Pine at 65 Via Del Pinar.

Project Applicant: Scott Waltermire

Project Location - Specific:

65 Via Del Pinar, Monterey, CA

Project Location - City: Monterey **Project Location - County:** Monterey

Description of Nature, Purpose and Beneficiaries of Project:

At the April 28, 2026 Appeals Hearing Board meeting, the Board granted the appeal of the City Foresters' denial of the requested tree removal effectively allowing the removal of one monterey pine tree.

Name of Public Agency Approving Project: City of Monterey

Name of Person or Agency Carrying Out Project: Scott Waltermire

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Statutory Exemptions. State code number: Cal. Code Regs., tit. 14; 15061(b)(3)

Reasons why project is exempt:

Because it has been found there is no possibility that the activity in question will have a significant effect on the environment.

Lead Agency

Contact Person: Levi Hill

Area Code/Telephone/Extension: 831-646-3437

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: *L. Hill* Date: 4/29/2026 Title: Planning Manager

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: 4/30/2026

CITY OF MONTEREY
APPEALS HEARING BOARD

Scott Waltermire,

Appellant,

v.

Parks and Recreation Department,
Forestry Division,

Respondent.

DECISION

HEARING INFORMATION

Date: Apr. 28, 2026
Time: 11:00 a.m.
Location: City Council Chambers
580 Pacific St
Monterey, Ca 93940

I. INTRODUCTION

The City of Monterey Appeals Hearing Board ("Board") met at a publicly noticed meeting on April 28, 2026. The Board took up the matter of an appeal by Scott Waltermire ("Appellant") to the decision of the Parks and Recreation Department, Forestry Division ("Department") to deny an application for a permit to remove a Monterey Pine tree (the "Tree") on Appellant's private property at 65 Via Del Pinar (the "Property"). The appeal is a de novo hearing at which Appellant "has the burden of proof." (MCC, § 37-13(B)(2).)

Prior to the publicly noticed hearing, the Department presented an agenda report ("Agenda Report") containing a discussion of the facts and evidence and of the relevant standards pursuant to the Monterey City Code ("MCC"). The Agenda Report also attached: (1) the Appellant's application for a permit to remove the tree on the Property (Attachment 1, or Application) and (2) a photograph of the tree (Attachment 2). The

Assistant City Attorney, Karin Krattli, presented these matters to the Board at the hearing on behalf of the Department.

The Appellant was also given the opportunity to present evidence and the factual and legal bases of his appeal, which he did.

The Board, having duly considered and weighed all materials submitted by Appellant and the Department, finds and decides as follows.

II. FACTS

In March 2026, the City received an application (Attachment 1) to remove a Monterey Pine tree at 65 Via Del Pinar. An arborist report was not provided by the property owner.

On March 5, 2026, the Assistant Urban Forester met on-site to inspect the tree proposed for removal. The Assistant Urban Forester observed that the tree's canopy displayed excellent vigor and no defects were observed. Additionally, any potential risks posed by the tree can be mitigated with appropriate pruning. Due to the overall good health of the tree, the Assistant Forester denied the tree removal permit application on April 9, 2026, based on the criteria set forth in Monterey City Code ("MCC") section 37-10.

Appellant testified that the tree has large branches that hang over the house. The location of the tree branches causes Appellant anxiety and concern that the tree may fail and fall on his house. Appellant also testified that the tree is very noisy during storms and keeps Appellant up at night. Appellant does not enter the portion of the house that is under the tree during storms or high winds due to his fear of the tree falling.

It is undisputed that the tree is healthy. It is also undisputed that pruning may not be effective in this case given the large amount of tree canopy that would require removal for proper pruning.

III. DISCUSSION

On appeal to the Board, the Applicant "has the burden of proof." (MCC, § 37-13(B)(2).) The Board applies the following standards in making its determination:

The Appeals Hearing Board may approve, deny, or conditionally approve the application, based on the criteria set forth in this section. Decisions of the Board shall consider the information and input from City staff and the City Forester and, in addition to criteria related to tree health and tree safety, the Board may render its decision based on the following standards:

1. The visual prominence, value and importance of the tree on the site or in the community.
2. The tree's contribution to the aesthetic beauty of the area and the effect its removal would have on the neighboring property values.
3. Evidence or testimony presented by the applicant that demonstrates the extent of concern or anxiety caused by the tree.
4. The acceptance of mitigation measures including, but not limited to, those set forth in Section 37-11. (MCC, § 37-13(C).)

The Board finds that Appellant satisfied his burden of proof. Appellant's conclusions concerning the extent of anxiety and concern caused by the tree are sufficient to overcome the Department's denial of the permit.

IV. CONCLUSION

Having considered and weighed the evidence adduced at the hearing, the Board concludes that the Appellant has satisfied his burden to prove by a preponderance of the evidence that the tree should be removed. (MCC, § 37-13(B), (C).) The Board approves Appeal and authorizes the removal of the tree with a 2:1 replacement ratio of 15-gallon sized coast live oak trees. The replacement trees must be planted within 30 days of tree removal. A tree removal permit may not be issued until after Appellant obtains Planning Department's review and determination of the project under the California Environmental Quality Act (CEQA). The tree removal permit shall contain a condition that the tree shall not be removed until at least thirty days after the City's CEQA determination is filed with the County of Monterey.

The decision of the Board is a final administrative order, subject to judicial review according to the provisions and time limits set forth in Code of Civil Procedure section 1094.6.

**ADOPTED BY THE APPEALS HEARING BOARD OF THE CITY OF
MONTEREY** this 28th day of April 2026 by the following vote:

AYES: <u> 3 </u>	Board Members:	Glenzer, Fritz, Chell
NOES: <u> 0 </u>	Board Members:	n/a
ABSENT: <u> 0 </u>	Board Members:	n/a
ABSTAIN: <u> 0 </u>	Board Members:	n/a

APPROVED:

Signed by:

Board Chair

ATTEST:

DocuSigned by:

Clerk of the Board

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA) ss.
3 COUNTY OF MONTEREY)

4 I, Alicia Salas, declare as follows: I am employed in the County of Monterey, State of
5 California. I am over the age of eighteen years and not a party to the within action. My business
6 address is the Monterey City Attorney's Office, City Hall, Monterey, CA 93940.

7 On April 29, 2026, I served the following document(s):

8 • **DECISION OF THE APPEALS HEARING BOARD**

9 on the following party(ies):

10 • **SCOTT WALTERMIRE**
11 **65 VIA DEL PINAR**
12 **MONTEREY, CA 93940**

13 • **SCOTT WALTERMIRE** at scott.waltermire@gmail.com

14 In connection with the following matter:

15 • **APPEAL OF THE DENIAL OF TREE REMOVAL PERMIT REQUEST #3866**

16 by the following means:

17 ☒ **(BY U.S. MAIL)** I enclosed a copy of the document identified above in envelope(s)
18 addressed to the above-named parties and placed the envelope(s) for collection and
19 mailing on the date and at the place shown below, following our ordinary business
20 practices. I am readily familiar with this business' practice of collecting and
21 processing correspondence for mailing. On the same day that correspondence is
22 place for collection and mailing, it is deposited in the ordinary course of business with
23 the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.

24 ☒ **(BY E-MAIL TRANSMISSION)** By e-mailing a true copy thereof by e-mail
25 transmission, I caused the documents to be sent to persons at the e-mail addresses
26 listed above. I did not receive, within a reasonable time after the transmission, any
27 electronic message or other indication that the transmission was unsuccessful.

28 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed April 29, 2026, at Monterey, California.


Alicia Salas