

# MONTEREY COUNTY PLANNING COMMISSION

MARCH 13, 2019  
AGENDA ITEM NO. 2



## Additional Correspondence

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PLN18281 - CVR HSGE LLC (Carmel Valley Ranch)

**FOR ADDITIONAL INFORMATION CONTACT:**

Son Pham-Gallardo, Associate Planner  
Monterey County Resource Management Agency  
1441 Schilling Place, 2nd Floor South, Salinas CA, 93901  
(831) 755-5226 or [pham-gallardo@co.monterey.ca.us](mailto:pham-gallardo@co.monterey.ca.us)

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**McDougal, Melissa x5146**

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**From:** Holm, Carl P. x5103  
**Sent:** Tuesday, March 12, 2019 11:45 AM  
**To:** McDougal, Melissa x5146  
**Cc:** Spencer, Craig x5233  
**Subject:** Fwd: History of CV Ranch equestrian programs - Re: PLN180281: Carmel Valley Ranch

Record.

Sent from Carl Holm

Begin forwarded message:

<b>HEARING</b>	<b>TOTAL</b>
PROJECT NO./AGENCY	PLN180281 #2
DATE RECEIVED:	3/12/19
SUBMITTED BY/VIA:	Public / email
DISTRIBUTION TO/DATE	PC - 3/12/19
DATE OF HEARING:	3/13/19

**From:** Luana Conley <luanaconley@gmail.com>  
**Date:** March 12, 2019 at 11:12:36 PDT  
**To:** Sandra Schachter <schactersj@comcast.net>  
**Cc:** egonzalezsr56@gmail.com, ambrizana1@gmail.com, getzelmanpc@co.monterey.ca.us, amydroberts@ymail.com, Keith Vandevere <kvandevere@gmail.com>, vandeverek@co.monterey.ca.us, Martha Diehl <mvdiehl@mindspring.com>, MendozaF1@co.monterey.ca.us, richcoffelt@msn.com, mduflock@gmail.com, wizardj@co.monterey.ca.us, s.locke@mpwmd.net, Carl Holm <holmcp@co.monterey.ca.us>, duganj@co.monterey.ca.us, Brandon Swanson <swansonb@co.monterey.ca.us>  
**Subject:** History of CV Ranch equestrian programs - Re: PLN180281: Carmel Valley Ranch

A former neighbor of mine, Jill Rivoli, managed the equestrian programs at CV Ranch before the management closed her program about a year ago, and she took us on a tour. "Formerly the Director of Activities and Corporate Leadership Development Specialist at the distinguished Carmel Valley Ranch. . .she was responsible for creating unforgettable experiences for guests and members. " They did not truck in horses used for guests. I suppose they could be planning to do so.

<http://www.jdvhotels.com/blog/the-horses-fix/>

<http://www.writinghorseback.com/2015/07/carmel-valley-ranch-equine-perspective/>  
Carmel Valley Trail Rides opened in 2014 in memory of Molly's father R. Kent Henekes. Carmel Valley Ranch has partnered with Henekes to offer guests of the ranch, and members of the public, trail rides and a unique Equine Perspectives program offered by Jill Rivoli, another CRV cowgirl. (*note: she is from Oregon!*)

On Tue, Mar 12, 2019 at 9:44 AM Sandra Schachter <schactersj@comcast.net> wrote:

Dear Commissioners:

Attached is a letter from Pris Walton, President of the Carmel Valley Association, in regard to PLN180281, on the agenda for the March 13th Planning Commission meeting.

Thank you for your consideration of our views,

Sandra Schachter, Secretary, CVA

**ANTHONY LOMBARDO & ASSOCIATES**

A PROFESSIONAL CORPORATION

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March 11, 2019

4116.009

Mr. Paul Getzelman, Chair  
Monterey County Planning Commission  
Monterey County RMA  
1441 Schilling Place  
Salinas, CA 93901

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO:	PLN180281- #2
DATE RECEIVED:	3/11/19
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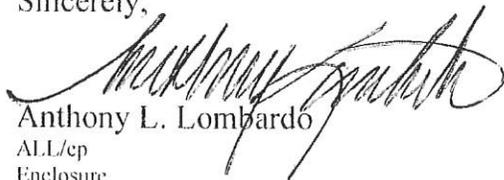
**RE: Carmel Valley Ranch PLN180281**

Dear Chair Getzelman:

As you know, my office represents the applicants in the above referenced application which will be heard before the Planning Commission on Wednesday. It has come to our attention that a question regarding the history of the equestrian use of the "Reserve Area" parcel, where the improvements subject to the application in question are located, has arisen specifically pertaining to how long the equestrian use has been in existence. Attached is a letter from a former General Manager at Carmel Valley Ranch, Martin Nicholson, detailing the nature of the use and the improvements in place during his time at Carmel Valley Ranch.

Please let me know if you have any additional questions.

Sincerely,

  
Anthony L. Lombardo  
ALL/cp  
Enclosure

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**MARTIN P. NICHOLSON**  
**International Hotelier & Hospitality Advisor**  
**6233 Stanley Ave., Carmichael, CA 95608**  
**MartinPNicholson@GMail.Com (832) 919-5792**

March 7, 2019

Mr. Paul Getzelman, Chair  
Monterey County Planning Commission  
Monterey County RMA  
1441 Schilling Place  
Salinas, CA 93901  
**RE: Equestrian Activities at Carmel Valley Ranch**

Chair Getzelman and Members of the Planning Commission:

I was the General Manager at Carmel Valley Ranch Resort from April 1998 to July 2002. I understand that a question has recently arisen regarding the history of equestrian activity on the Reserve Parcel and how far back that equestrian use extends.

The equestrian services offered at Carmel Valley Ranch were operated as a concession and were in operation when I got there in 1998. Supporting the equestrian use during my time at CVR were some paddocks for the horses, a trailer, a storage trailer which was used for saddle storage, feed storage, etc., and there was a hose pipe available for watering the horses. The equestrian activities were for the use of the hotel guests, and Club Members.

Sincerely,



Martin P. Nicholson



Carmel Valley Association

*preserving the beauty, resources, and rural character of the Valley since 1949*

HEARING SUBMITTAL	
PROJECT NO./AGENDA	PLN180281 #2
DATE RECEIVED	3/12/19
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DATE OF HEARING	3/13/19

March 10, 2019

To: Planning Commissioners

**Subject:** PLN180281 for an after-the-fact permit for new construction and new uses at Carmel Valley Ranch (item 2 on your March 13 agenda)

**Request:** CVA requests that the Commission direct that PLN180281 be processed as an amendment to the Carmel Valley Ranch Specific Plan, including the new uses and the new development, with appropriate CEQA review. The Carmel Valley Association does not object to the idea of horse use in theory but does object to the project's not following the requirements and planning process for this change in use.

**Discussion:**

New uses: Project PLN180281 is for new uses. This is an after-the-fact application for grading and heavy construction work that was done without permits. The everyday use of the new proposed horse stalls for 20 horses and barn at the site requires manure management, paved access, fly management, water, etc. The addition of the new use and new structures requires environmental review for impacts including erosion, grading, manure, water use, traffic including horse trailers and hay deliveries, new roadways, and ensuring safe interaction between vehicles, horses and riders.

According to the plans, the project includes paving and realigning the primary access road that is currently not paved. (See page C1.0.) The County has not considered that.

The proposed uses are new uses that are not included in the specific plan, which is another reason it is not exempt. The claim in the staff report that there is an existing horse use "at the facility" is puzzling. What is "the facility"? The claim is not accurate, and no such use has received permits from the County. Eyewitnesses have confirmed that there was no horse corral use up until the time of the illegal grading. All of the acres of grading and vegetation removal for corrals and roads are part of the project, but the County has omitted them from consideration.

The specific plan's inclusion of riding trails was to provide links with the existing Garland Ranch trails. Riding trail use does not include horse corrals and horse stables and barns, in the same way that a road use does not include parking lots and parking garages and carwashes and gas stations.

The fact that there is no horse boarding proposed means that every day the horses will be trucked in and out, which is significant increased slow and heavy traffic.

Water: The September Ranch EIR addressed water use per horse. The water use for 50 horses was estimated at 3.0 AFY. The EIR used an estimate of 75 gals/horse/day. At that demand, the new water demand for the Carmel Valley Ranch horses would be 1.6 AFY. That appears to conflict with the CDO against Cal Am. Water demand is shown by horses' basic hydration needs, by the "horse wash rack," hose bibs and washing stations shown

MAIL P.O. Box 157, Carmel Valley, CA 93924

WEB [www.carmelvalleyassociation.org](http://www.carmelvalleyassociation.org) | EMAIL [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)

on the plans. The new project plans also includes "sprinklers and bubblers," which sounds like additional irrigation demand.

The 12 residential units approved in the original plan should be removed since Carmel Valley Ranch has determined another use for the property. They cannot claim both an Equestrian Center and 12 new residential lots on the same piece of land.

Geotechnical report: The geotech report does not describe what project it reviewed and what uses were included. The report appears to be on only some parts of the project. The report does not mention the paving, the road realignment, the grading and vegetation removal for the large corrals, and other uses that are part of the project. The report was dated March 2018. The project plans were not drafted until months later, and then finalized in August 2018.

Special events: Once the equestrian center is approved, how will the County enforce and prohibit special events?

CEQA : The project is not exempt from the California Environmental Quality Act at all, and not under Section 15303. Section 15303 is for projects under 2500 s.f. and for accessory structures like garages. This project would be 7,850 square feet of new structures, plus vegetation clearing for dirt corrals, road paving, water demand, etc. The proposed canine park required an EIR for grading, water, traffic, and other reasons. The same treatment should apply to this Carmel Valley Ranch horse project in the interest of fairness and equity.

**Summary**: We request that the Planning Commission honor the Carmel Valley Master Plan and set an example for processing this development that is consistent with the regulations, ordinances, and requirements.

Sincerely,

Pris Walton, Carmel Valley Association, President

Cc: MPWMD, Carl Holm, John Dugan, Brandon Swanson

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March 8, 2019

4116.009

Mr. Paul Getzelman, Chair  
Monterey County Planning Commission  
Monterey County RMA  
1441 Schilling Place  
Salinas, CA 93901

HEARING SUBMITTAL	
PROJECT NO./AGENDA	RW180281 #2
DATE RECEIVED	3/11/19
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DISTRIBUTION TO DATE	PC 3/11/19
DATE OF HEARING	3/12/19

RE: Carmel Valley Ranch PLN180281

Dear Chair Getzelman:

Our office represents the applicant for this project. We have reviewed the September 4, 2018, letter submitted by the Carmel Valley Association ("CVA") requesting a public hearing and provide responses to each of the issues raised in that correspondence here. As evidenced by the second paragraph of the CVA letter ("[t]his has been a controversial site for decades"), it is apparent that CVA's issues lie less with this project is particular, but rather with the original development of Carmel Valley Ranch which is clearly irrelevant to the item which is before you.

1) County Did Not Adequately Notice the Project

CVA claims that the County's notice for the project was "inadequate" on several grounds, however it is clear that the County complied with its ordinance regarding contents of public notices. Monterey County Code Section 21.78.050 sets forth the information that must be included in a public notice and provides as follows:

The contents of a public hearing notice shall contain at a minimum the following information:

- A. Date, time and place of the public hearing;
- B. The identity of the Appropriate Authority;
- C. A general explanation of the matter to be considered at the public hearing;  
and,
- D. A general description, in text or by diagram, of the location of the real property, if any, that is the subject of the public hearing.

The County's notice is attached to this letter as Exhibit A and clearly provides all of the information required by the above Code section. To the extent that CVA claims that the description of the location of the property was inadequate, their own exhibit in their letter (see

Mr. Paul Getzelman, Chair  
Monterey County Planning Commission  
Monterey County RMA  
March 8, 2019  
Page | 2

map on page 7 of the letter) demonstrates that there is no given address for the project area. Access for the project site comes from Carmel Valley Ranch, which itself is located along Old Ranch Road, which is clearly identified in the notice. The Assessor's Parcel Number is also provided (416-522-020), which is used as a further identifier of the property in question so there is no doubt regarding the parcel at issue. Furthermore, regarding CVA's complaint concerning the ownership of the project, "Carmel Valley Ranch" is not the owner of record for the property, CVR HSGE, LLC is. Clearly, CVA knows both where the property is located and what the proposal entails.

#### 2) The Project Conflicts With an Approved Subdivision Map

CVA correctly states that the grading and construction activities occurred at the same location as a 12 lot subdivision which was approved in 2006, PLN020280. There is nothing in the County Code or in State law that would render this fact fatal to the proposed development. Carmel Valley Ranch has an approved tentative map for the 12 lot subdivision for which a final map has not been filed. The approval of a tentative subdivision map in no way alters the configuration of or rights to the underlying property until a final map is filed.

Regardless, the proposed improvements can be approved independent of the map. Attached to this letter as Exhibit "B" is a map demonstrating the location of the improvements subject to this application in relation to the approved tentative map lot boundaries. The improvements are all contained within Lot 3 of the tentative map. The proposed improvements in no way conflict with the design or improvements proposed in PLN020280.

#### 3) CVA is Skeptical of the Usage of the Proposed Improvements

CVA states in their letter that the proposed 120x40 shade structure "sounds like" a special event venue. The shade structure is being built to provide just that, shade for the horses contained within the new horse pens to protect them from the sun. A cursory review of the plans demonstrates that there is no way that a "special event" could be held in what is literally a row of horse stalls. Regardless, the applicant is not applying for, nor could they, use the horse pens as a "special event venue."

#### 4) The Proposed Improvements are Not Allowed Uses

CVA states in their letter that the horses and equestrian structures are not "accessory" to the residential uses and open space uses approved on subdivision parcels and is rather indicative of a commercial use of the property. Contrary to CVA's statement, there is no established residential use of the property at this time. There is, however, an established use for hiking and bridle trails on this parcel in particular and detailed in the Carmel Valley Ranch Specific Plan at page 24.

That section provides:

Mr. Paul Getzelman, Chair  
Monterey County Planning Commission  
Monterey County RMA  
March 8, 2019  
Page | 3

A plan for a system of public trails on the Carmel Valley Ranch, integrated with the existing public trails on the adjacent Garland Ranch Regional Park, shall be submitted to the Monterey County Planning Commission for review and approval following the approval of the Specific Plan by the Planning Commission and the Board of Supervisors and prior to the submittal of a preliminary subdivision map on any portion of the Carmel Valley Ranch Development. Said plan shall include an agreement between the Monterey Peninsula Regional Park District and the developer providing for the location of public trails and any conditions mutually agreed upon by the parties thereto.

The bridle trail system was established by an Easement Agreement recorded on February 22, 1979, at Reel 1311 and Page 47 of the Official Records of Monterey County for specific use as a pedestrian hiking and bridle trail. The area of the improvements in question and the reserve parcel in general has been used for equestrian activities for years and is utilized by Carmel Valley Ranch guests for yoga and hiking activities.

Additionally, CVA's concern is off point with respect to the application at hand. This application is for a design approval, which is governed by Monterey County Code Section 21.44 et al. Section 21.44.010 provides the purpose of the design review process and reads as follows:

The purpose of this Chapter is to provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences, except agricultural fences, in those areas of the County of Monterey where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property.

There is nothing in the design control zoning district regulation concerning an evaluation of the use of the project, rather it is the appearance and location of the project which is to be evaluated. In this case, the structures are properly located on the reserve parcel and comply with the County's design standards.

Notwithstanding the design district issues above, the improvements are accessory to the existing bridle trail use of the reserve parcel and are therefore an allowed use thereon which is referenced as an allowed use in the specific plan.

#### 5) The Project Will Not Have Environmental Impacts

CVA claims that the amount of grading for the project is undisclosed and that the amount of grading for the project "likely would have environmental impacts." First, the plans submitted for the proposed improvements clearly states the amount of cut and fill for the project on sheet C-0.0. According to the plans, "grading shall include 150 yards of balanced cut and fill onsite. Path of natural drainage shall not be altered."

Mr. Paul Getzelman, Chair  
Monterey County Planning Commission  
Monterey County RMA  
March 8, 2019  
Page | 4

As the County's notice clearly states, the project was deemed exempt from the California Environmental Quality Act (CEQA). The project is categorically exempt from CEQA review as it is the construction of structures accessory to an existing use (equestrian/bridle trails) per CEQA Guidelines Section 15303(e).

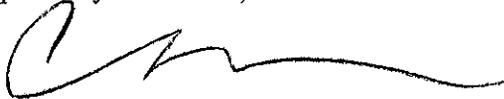
6) Unpermitted Development Has Not Continued at the Site

CVA further claims that the applicant continued to work on the proposed improvements even after the code enforcement case was opened with the County. This is simply not the case. When the code enforcement case was opened in February of 2018, the applicant ceased all work and returned later in the spring of 2018 for the sole purpose of performing work to make the area safe. No other work was undertaken at the project site following the opening of the code enforcement case. The applicant informed and received approval from a County building official to finish certain structural work on the building in order to make the structure safe.

Based on the foregoing, it is clear that the applicant's project is fully compliant with the Carmel Valley Ranch Specific Plan and the County's zoning ordinance, and that the contentions of CVA are without merit. We would therefore respectfully request that the Zoning Administrator approve the project design as submitted.

Please contact me if you have any questions.

Respectfully Submitted,



Cody Phillips  
Enclosures

cc: Client

EXHIBIT A

# Notice of Pending Administrative Design Approval

NOTICE IS HEREBY GIVEN that on Friday, September 7, 2018 the Director of Planning of the County of Monterey Resource Management Agency, State of California is considering an Administrative Design Approval to clear a Code Enforcement violation (18CE00047) for the construction of 20 new wood horse pens measuring 12' x 30' each with 120' x 40' shade structure with steel posts and wood beams, corrugated steel with iron plating; 648 square foot hay barn constructed on steel posts with wood beams; and 21' entry wooden beam. Colors and materials consist of brown and tan/earth tones.

**Project Location:** NO ADDRESS ASSIGNED TO PARCEL (LOCATED OFF OF OLD RANCH ROAD)

**Owner:** CVR HSGE LLC

**Project File Number:** PLN180281

**Assessor's Parcel Number:** 416-522-020-000

**Planning Area:** CARMEL VALLEY MASTER PLAN

**Environmental Status:** CATEGORICALLY EXEMPT

This application may be scheduled for public hearing if a written request is received in the office of the Monterey County Resource Management Agency-Planning by 5:00 pm **Thursday, September 6, 2018**. A public hearing may be required if any person, based on a substantive issue, so requests.

IF YOU CHALLENGE THIS MATTER IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS PUBLIC NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE APPROPRIATE AUTHORITY AT OR BEFORE THE PUBLIC HEARING.

**FOR ADDITIONAL INFORMATION CONTACT:**

Son Pham-Gallardo, Associate Planner  
Monterey County Resource Management Agency-Planning  
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