

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

COLLINS (PLN130339)

RESOLUTION NO. 17-037

Resolution by the Monterey County Planning
Commission recommending the Board of
Supervisors:

- 1) Not adopt the Mitigated Negative Declaration; and
- 2) Not adopt the ordinance to rezone the property from Resource Conservation [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)].

[PLN130339, James G & Sook Collins, 83 Mount
Devon Road, Carmel, Carmel Area Land Use Plan
(APN: 241-021-007-000)]

WHEREAS, on August 20, 2014, James G and Sook Collins, hereinafter referred to as the “Applicant,” made an application for the rezone of a portion of the subject property from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)], hereafter referred to as “Rezone,” and for a Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval to allow construction of a 2,397 square foot two-story single family dwelling with a 409 square foot attached garage and 143 square foot mechanical room; a Coastal Administrative Permit to establish a domestic well; a Coastal Development Permit to allow the removal of one 14-inch and one 18-inch Monterey pine tree; a Coastal Development Permit to allow development within 100-feet of an environmentally sensitive area; and a Coastal Development Permit to allow development on slopes in excess of 30%, hereinafter referred to as “Combined Development Permit” (collectively: the “Collins application”);

WHEREAS, on October 30, 2015, the Collins application (PLN130339) for the Rezone and Combined Development Permit was deemed complete;

WHEREAS, from March 29, 2017 through April 28, 2017, a draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Rezone and Combined Development was circulated for public review (SCH#: 2017031068). The IS/MND identified potential impacts to cultural, tribal, scenic, and biological resources as well as land use and planning. Mitigation measures were identified to reduce these impacts to a less than significant level;

WHEREAS, on August 30, 2017, the Planning Commission held a duly noticed public hearing to consider: adoption of the Mitigated Negative Declaration; recommendation to the Board of Supervisors to an ordinance amending the Local Coastal Program to rezone the property from the Resource Conservation, Coastal Zone [“RC(CZ)”] zoning classification to the

Watershed and Scenic Conservation, Special Treatment, Coastal Zone [“WSC/SpTr(CZ)”] zoning classification (Ordinance attached as **Attachment 1**); and approval of the Combined Development Permit, subject to approval of the rezone, consisting of a Coastal Administrative Permit and Design Approval to allow construction of a 2,397 square foot two-story single family dwelling with a 409 square foot attached garage and 143 square foot mechanical room; a Coastal Administrative Permit to establish a domestic well; a Coastal Development Permit to allow the removal of one 14-inch and one 18-inch Monterey pine tree; a Coastal Development Permit to allow development within 100-feet of an environmentally sensitive area; and a Coastal Development Permit to allow development on slopes in excess of 30%; and adopting a Mitigation Monitoring and Reporting Program;

WHEREAS, on August 30, 2017, the Planning Commission adopted a motion of intent to recommend that the Board of Supervisors not adopt the Mitigated Declaration and not adopt the rezone, adopted a motion of intent to continue the hearing on the Combined Development until a final determination on the rezone had been made; and continued the hearing until September 27, 2017 for staff to return with resolutions based on these motions;

WHEREAS, the Planning Commission finds based on the evidence presented that the existing zoning was intended to preserve the property in open space and prohibits residential development;

WHEREAS, the subject property is delineated as part of the Behavioral Science Institute (BSI) lands as shown on Figure 2 – Special Treatment Areas of the Carmel Area Land Use Plan (CAR LUP). Policy 4.4.3E.6 of the CAR LUP states that the BSI lands may be developed for residential use; however, the upper steeper portion shall remain in open space. The Planning Commission finds that the subject property was included within this “upper steeper portion”;

WHEREAS, the Planning Commission finds that public policy supports preservation of the subject property, and no public policy reasons have been advanced to support the proposed rezoning of the property; and

WHEREAS, the Planning Commission has considered the Initial Study/Mitigated Negative Declaration and recommends the Board not adopt the MND because the Commission does not agree fully with the analysis, and adoption of the MND is not necessary because denial of a project is exempt from CEQA pursuant to Public Resources Code section 21080(b)(5) and CEQA Guidelines section 15270.

DECISION

NOW, THEREFORE, be it resolved, based on the written and documentary evidence, the staff report, oral testimony, and the administrative record as a whole, that the Planning Commission does hereby recommend the Board of Supervisors:

1. Not adopt the Mitigated Negative Declaration; and
2. Not adopt the ordinance to rezone the property from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)].

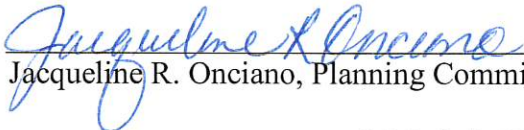
PASSED AND ADOPTED this 27th day of September, 2017 upon motion of Vandever, seconded by Diehl, by the following vote:

AYES: Ambriz, Diehl, Duflock, Getzelman, Hert, Mendez, Padilla, Roberts, Rochester, Vandever

NOES: None

ABSENT: None

ABSTAIN: None


Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO THE APPLICANT ON **OCT 02 2017**

ATTACHMENT 1 OF EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 20.08.060 OF TITLE 20 (COASTAL ZONING ORDINANCE) OF THE MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE COUNTY OF MONTEREY.

County Counsel Summary

This ordinance amends Section 20-16 of the Sectional District Maps of Section 20.08.060 of Title 20 (Monterey County Coastal Implementation Plan) of the Monterey County Code to rezone a 30-acre parcel from the “RC(CZ)” [Resource Conservation, Coastal Zone] zoning classification to the “WSC-SpTr(CZ)” [Watershed Scenic Conservation, Special Treatment, Coastal Zone] zoning classification. The property is located at 83 Mount Devon Road, Carmel in the coastal unincorporated area of Monterey County (APN: 241-021-007-000).

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. ZONING DISTRICT MAP. Section 20-16 of the Sectional District Maps of Section 20.08.060 of the Monterey County Code is hereby amended to change the zoning of a 30-acre parcel located at 83 Mount Devon Road, Carmel (Assessor’s Parcel Number: 241-021-007-000) from the “RC(CZ)” [Resource Conservation, Coastal Zone] zoning classification to the “WSC-SpTr(CZ)” [Watershed Scenic Conservation, Special Treatment, Coastal Zone] zoning classification, as shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day after its adoption or the day certification by the California Coastal Commission becomes final and effective, whichever is later.

PASSED AND ADOPTED this ____ day of _____, 2017 by the following vote:

AYES:

NOES:
ABSENT:
ABSTAIN:

Mary Adams, Chair
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI,
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Senior Deputy County Counsel