



Monterey County

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Board Report

Legistar File Number: RES 18-041

April 17, 2018

Introduced: 4/4/2018

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Resolution

PLN130339 - COLLINS

Public hearing to consider the Planning Commission's recommendation to deny applicant's request (Collins/PLN130339) to amend the Local Coastal Program to rezone applicant's 30-acre property from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)].

Proposed CEQA Action: If deny, statutorily Exempt per Section 15270(a) of the CEQA Guidelines

Project Location: 83 Mt. Devon Road, Carmel (APN: 241-021-007-000), Carmel Area Land Use Plan

RECOMMENDATION:

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

- a. Find the denial of the rezone request statutorily exempt per Section 15270(a) of the CEQA Guidelines; and
- b. Deny applicant's request to amend the Local Coastal Program to rezone applicant's 30-acre property from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)].

A draft resolution, including findings and evidence, is attached for consideration (**Attachment B**).

PROJECT INFORMATION:

Agent: Robert Carver

Property Owner: James G & Sook Collins

APN: 241-021-007-000

Parcel Size: 30 acres

Zoning: "RC(CZ)" Resource Conservation, Coastal Zone.

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

SUMMARY:

The subject property is a 30-acre parcel located in the Carmel Highlands area, approximately 1/3 of a mile east of the Highlands Inn; Point Lobos State Park is approximately 1-mile northwest, and Yankee Point Drive is less than 1-mile to the southwest. The land use designation of the property in the Carmel Area Land Use Plan is Resource Conservation - Forest & Upland Habitat, and zoning is Resource Conservation, Coastal Zone or "RC(CZ)". The purpose of this zoning district is to protect, preserve, enhance, and restore sensitive resource areas. Of specific concern are areas containing viewshed, watershed, plant and wildlife habitat, streams, beaches, dunes, tidal areas, estuaries, sloughs, forests, public open space areas and riparian corridors. Implementation of RC zoning regulations is intended to restrict development to those without adverse effects and is subordinate to the resources of the

particular site and area. This district does not list residential development as an allowed use.

On August 30, 2017, the Planning Commission held a public hearing to consider a request by the applicant, James G & Sook Collins to:

- 1) Amend the Local Coastal Program to allow rezoning of the property from RC(CZ) to Watershed and Scenic Conservation, Special Treatment, Coastal Zone or “WSC/SpTr(CZ)”;
- and
- 2) Approval of a Combined Development Permit to establish a residential use on the site.

RMA Planning staff prepared a report and recommendation to the Planning Commission to adopt a Mitigated Negative Declaration for the project, recommend that the Board adopt the ordinance to rezone the property, and approve the Combined Development Permit (see **Attachment C**, August 30, 2017 Planning Commission staff report and attachments). Based on staff’s analysis of the project site’s history, policies of the Carmel Area Land Use Plan, and an onsite assessment, staff presented draft findings to support approval of the rezone, provided development was confined to approximately 11,000 square feet (containing the driveway, structure, well and well access road, and septic tank), delineated by a building envelope, and an additional 2,500 square foot exception area (containing the septic leachfield) located over 120-feet uphill from the building envelope. However, the Planning Commission adopted a motion of intent to recommend that the Board not adopt the Mitigated Negative Declaration or rezone, and the Commission continued the hearing to September 27, 2017 for staff to return with a resolution based on these motions. On September 27, the Planning Commission recommended that the Board of Supervisors deny the rezone, finding that there was sufficient evidence supporting preservation of the subject property, in perpetuity, by prohibiting residential development, and that the previous scenic conservation easement and current RC(CZ) zoning were placed on the property to realize this objective (see **Attachment D**, September 27, 2017 Planning Commission Resolution No.17-037). The Planning Commission adopted a resolution to continue the hearing on the Combined Development Permit to a date uncertain, after a determination on the rezone request.

The project discussion found in **Attachment A** provides a summary of staff’s analysis, contentions expressed by members of the public, and concerns expressed by the Planning Commission. In addition, the August 30th staff report and Planning Commission resolution are attached to this report to afford the Board of Supervisors information to make a policy decision whether to support the Planning Commission recommendation or support the applicant’s request to rezone the property. The proposed draft ordinance for the rezone is attached as **Attachment F**.

Based on the Planning Commission’s recommendation, staff has prepared a draft resolution (**Attachment B**) to deny the request of the rezone, which would be a final action for denial; without the rezoning, the proposed residential development would be inconsistent with zoning. If the Board desires to approve the proposed rezone, the Board could adopt a motion of intent and continue the hearing to a date certain, whereupon staff would return with a resolution of intent with the draft ordinance for the Board’s consideration. The Board may also consider rezoning the entire 30-acre parcel or limit the rezone to only the proposed development area. Because this property is in the Coastal Zone, the rezoning would require certification by the California Coastal Commission

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15270(a) statutorily exempts projects which are not approved by a public agency. However, an Initial Study/Mitigated Negative Declaration (Exhibit F of **Attachment C**) was prepared for the project. It was the Planning Commission's recommendation to deny the rezone and not adopt the Mitigated Negative Declaration. However, if the Board desires to consider approving the rezone, the Board should consider the Initial Study/proposed Mitigated Negative Declaration.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- RMA-Public Works
- RMA-Environmental Services
- Bureau of Environmental Health
- Carmel Highlands Fire Department
- Water Resources Agency

The project was referred to the Carmel/Carmel Highlands Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting on September 15, 2014, voted 4 - 0 to recommend approval of the project (Exhibit D of **Attachment C**).

FINANCING:

Funding for staff time associated with this project is included in the FY 2017-18 Adopted Budget within RMA-Planning's General Fund 001, Appropriation Unit RMA001.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our RMA 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:

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

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Reviewed by: Brandon Swanson, RMA Services Manager

Approved by: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community
Development

The following attachments are on file with the Clerk of the Board:

- Attachment A - Project Discussion
- Attachment B - Draft Resolution

Attachment C - August 30, 2017 Planning Commission Staff Report

Attachment D - September 27, 2017 Planning Commission Resolution No. 17-037

Attachment E - Public Comment

Attachment F - Draft zoning ordinance with sectional district map

Attachment G - Vicinity Map

The staff report and all attachments are also available for review on the RMA-Planning public website at the following link: <http://www.co.monterey.ca.us/government/departments-i-z/resource-management> agency-rma-/planning

cc: Front Counter Copy; California Coastal Commission; Carmel Highlands Fire District; RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Anna V. Quenga, Senior Planner; Brandon Swanson, RMA Services Manager; James G. Collins, Property Owner/Applicant; Robert Carver, Agent; Michael Harrington, Attorney for Applicant; Marc Davidian, Gwyn De Amaral, Meghan De Amaral, Zane De Amaral, Jim and Dolores King; Tracy Piazza-Leaton, Brian Wilson, and Gary Fontana (Interested Parties); The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN130339.