



Legislation Details (With Board Report)

**File #:** RES 22-078      **Name:** PLN130339 - Collins  
**Type:** BoS Resolution      **Status:** Passed  
**File created:** 3/31/2022      **In control:** Board of Supervisors  
**On agenda:** 4/19/2022      **Final action:** 4/19/2022  
**Title:** PLN130339 - COLLINS  
Public hearing to adopt a resolution to deny the request (Collins/PLN130339) to amend the Monterey County Local Coastal Program to rezone applicant’s 21-acre property.  
Proposed CEQA Action: Statutorily exempt per Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a).  
Project Location: 83 Mt. Devon Road, Carmel (APN: 241-021-007-000), Carmel Area Land Use Plan

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Exhibit A - Draft Resolution, 3. Item No. 40 - PowerPoint presentation, 4. Completed Board Order Item No. 40, 5. Completed Resolution Item No. 40

| Date      | Ver. | Action By            | Action  | Result |
|-----------|------|----------------------|---------|--------|
| 4/19/2022 | 1    | Board of Supervisors | adopted | Pass   |

**PLN130339 - COLLINS**

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**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 project statutorily exempt per Section 21080(b)(5) of the Public Resources Code and Section 15270(a) of the CEQA Guidelines; and
- b. Deny the request (Collins/PLN130339) to amend the Monterey County Local Coastal Program to rezone a 30-acre property located at 83 Mt. Devon Road, Carmel from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed and Scenic Conservation, 40 acres per unit, Design Control, Special Treatment, Coastal Zone [WSC/40-D-SpTr(CZ)].

PROJECT INFORMATION:

**Agent:** Robert Carver

**Property Owner:** James G 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:** No

SUMMARY:

On March 08, 2022, the Collins application to rezone a 21-acre property from the Resource Conservation, Coastal Zone [“RC(CZ)”] to Watershed and Scenic Conservation, 40 acres per unit, design Control, Special Treatment, Coastal Zone [“WSC/40-D-SpTr(CZ)”] was heard before the Board of Supervisors. The Resource Conservation Zoning District of Title 20 does not allow residential development whereas Watershed and Scenic Conservation Zoning District does allow residential development. After review and consideration of the facts before the Board and public testimony given, the Board adopted a motion of intent to deny the applicant’s request to rezone the property and continued the hearing to a date uncertain to allow time to prepare a resolution for denial. In developing the resolution of intent to deny the request, the Board considered factors including that the proposed rezoning would weaken the protection of views, slopes, and biology at the site. The purpose of Resource Conservation zoning is “to provide a district to protect, preserve, enhance, and restore sensitive resource areas in the County of Monterey,” (Monterey County Code, Title 20 (coastal zoning), Section 20.36.010.). According to Monterey County Geographical Information Systems, the property contains sensitive resources. Multiple Environmentally Sensitive Habitat Areas and special status species are known to occur on the property. Additionally, the entire property is within the public viewshed when viewed from Point Lobos and parts of Highway 1 and contains slopes exceeding 30%. Although there are policies and regulations within the Carmel Area Land Use Plan and Coastal Implementation Plan that require the preservation of such resources, the proposed rezone would allow for reasonably foreseeable development that would impact these resources.

A resolution for consideration has been prepared (Exhibit A) that reflects the Board of Supervisors intent to find that a zoning amendment resulting in reasonably foreseeable residential development is inconsistent with purpose of the current zoning district and is not protective of the sensitive resources at the site.

ENVIRONMENTAL REVIEW:

The Board’s action on the rezone is exempt from CEQA under Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) as a project that is “disapproved.”

OTHER AGENCY INVOLVEMENT:

No other County agencies reviewed this project.

FINANCING:

Funding for staff time associated with this project is included in the FY2021-22 Adopted Budget within Community Development General Fund 001, Appropriation Unit HCD002, Unit 8543.

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: Fionna Jensen, Associate Planner  
Reviewed by: Craig Spencer, Chief of Planning  
Reviewed by: Lori Woodle, Finance Manager I  
Approved by: Erik Lundquist, AICP, Director of Housing and Community Development

The following attachment is on file with the Clerk of the Board:

Exhibit A - Draft Resolution

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Robert Carver, Agent; James G. Collins, Applicant/Owner; Fionna Jensen, Associate Planner; Anna V. Quenga, AICP, Principal Planner; Craig Spencer, Chief of Planning; Erik Lundquist, HCD Director; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Gwyn De Amaral, Meghan De Amaral, Zane De Amaral, Celia Bosworth, Rita Dalessio (Sierra Club - Ventura Chapter), Priscilla Walton (Carmel Valley Association); Interested Party; Project File PLN130339.