



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: RES 17-165, **Version:** 1

PLN140089 - CARMEL RIO ROAD LLC (CLARK)

Public hearing (continued from September 12, 2017) to consider adoption of a resolution denying the request to amend Sections 21.14.050.A, 21.14.060.A, and 21.14.060.B of Title 21 (non-coastal zoning) of the Monterey County Code to allow certain exceptions in the Low Density Residential zoning district and denying a Combined Development Permit to subdivide three existing lots totaling approximately 7.92 acres into 25 lots, including 24 lots that could accommodate one unit on each lot and one lot that could accommodate up to seven affordable units (31 units total).

Project Location: 26500 Val Verde Drive, Carmel Valley Master Plan

Proposed CEQA Action: Find that denial of the project is Statutorily Exempt pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a).

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution (Attachment A):

1. Finding the project Statutorily Exempt from CEQA pursuant to Public Resources Code Section 21080 (b)(5) and CEQA Guidelines Section 15270(a);
2. Denying the request to amend Title 21 of the Monterey County Code to allow the following exceptions in the Low Density Residential (LDR) zoning district if done both to receive a density bonus allowed by Policy CV-1.10 in the Carmel Valley Master Plan and to provide affordable housing meeting criteria established in Policy LU-2.13 of the General Plan: a) amend Section 21.14.050.A to allow the number of residential units to exceed 4 units on a lot and to exceed the zoning density of the lot; b) amend Section 21.14.060.A to allow building sites under the one acre minimum; and c) amend Section 21.14.060.B to allow exceedance of the maximum development density; and
3. Denying a Combined Development Permit consisting of: a Tentative Map for a standard subdivision of three parcels totaling 7.92 acres into 25 lots with 31 units as follows: a) 24 lots that could accommodate a maximum of one unit on each lot and b) one lot that could accommodate up to seven units; and a Use Permit pursuant to Section 21.14.050.A to allow seven affordable units on Lot 25 (six inclusionary units and one workforce unit).

PROJECT INFORMATION:

Applicant/Agent: Brian Clark

Property Owner: Carmel Rio Road LLC

APN: 015-021-020-000, 015-021-021-000 and 015-021-015-000

Site Size: 1.3 acres, 1.3 acres and 5.3 acres (7.92 acres total)

Zoning: LDR/1-D-S-RAZ

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No

SUMMARY:

Mr. Brian Clark, representing Carmel Rio Road LLC, has submitted an application to subdivide 7.92 acres into 25 lots to accommodate 31 units, including 24 single family residences and one lot with seven affordable housing units. Entitlements for consideration include an ordinance amending zoning and a Combined Development Permit consisting of a Tentative Map for the subdivision and a use permit for more than two units

on one lot.

DISCUSSION:

On June 27, 2017, the Board of Supervisors opened the public hearing and continued it to September 12, 2017 at the request of the applicant. On September 12, 2017 the Board of Supervisors heard applicant and public testimony on the project and passed a motion of intent to direct staff to return on October 10, 2017 with a resolution to not certify the EIR and to deny the project. Staff has prepared a resolution with findings and evidence based on Board direction for consideration. An EIR was prepared for this project. However, actions to deny a project are statutorily exempt from CEQA pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a). Correspondence from the applicant to a Board member and received since the September 12 hearing is attached to this report.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions (if approved):

- Environmental Health Bureau
- RMA-Planning
- RMA-Parks
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- Cypress Fire Protection District
- Carmel Valley Land Use Advisory Committee
- Economic Development Department (Housing Office)
- Monterey Peninsula Water Management District

On April 21, 2014, the Carmel Valley LUAC reviewed plans for the proposed project. The committee expressed concerns regarding traffic, water, floodplain encroachment, inconsistency with the rural character of adjacent homes and excessive density. The item was continued to a date uncertain to return for further review following completion of the Draft EIR.

The proposed project was reviewed a second time by the Carmel Valley LUAC on April 17, 2017. The LUAC recommended denial of the project by a vote of 7-0 stating that they feel the project, as proposed, does not conform with the Carmel Valley Master Plan and the rural character of the area.

The Planning Commission held a hearing on the proposed zoning and project on May 10, 2017 and voted 8 to 1 to recommend that the Board of Supervisors not certify the EIR prepared for the project, not adopt the proposed zoning amendments, and not approve the Combined Development Permit (Planning Commission Resolution No. 17-019).

FINANCING:

Pursuant to Section 7 of a Settlement and Release Agreement between Carmel Rio Road, LLC and the County, the County waived the application fees for this project. However, the applicant is required to pay the consultant's cost of preparing the EIR and County staff's cost of processing the EIR. Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for RMA-Planning.

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. The project has been processed within the timeline in the Settlement Agreement.

Check the related Board of Supervisors Strategic Initiatives:

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

Prepared by: Bob Schubert, AICP, Senior Planner, Ext. 5183

Reviewed by: Jacqueline R. Onciano, RMA Chief of Planning

Approved by: Carl Holm, AICP, RMA Director

cc: Front Counter Copy; Planning Commission; Jacqueline Onciano, RMA Services Manager; Brian Clark, Applicant; Yuri Anderson; Harry Finkle; Patrick Lynch; Lea Magee; Richard Nystrom; Margaret Robbins; Richard Stott; Gillian Taylor; Jackie Zischke; The Open Monterey Project (Molly Erickson); Michael DeLapa, LandWatch; John H. Farrow; Janet Brennan; Richard Rosenthal, Project File PLN140089.

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

Attachment A - Resolution

Attachment B - Email from Brian Clark to Supervisor Adams dated September 14, 2017