



# County of Monterey

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

## Board Report

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**File #:** PC 17-074, **Version:** 1

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### **PLN130339 - COLLINS**

Public hearing to consider recommendation to the Board of Supervisors to amend the Local Coastal Program rezoning 2.0 acres of a 30-acre parcel from Resource Conservation, Coastal Zone ["RC(CZ)"] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone ["WSC/SpTr(CZ)"] to allow establishment of a domestic well, removal of two Monterey pine trees and construction of a new single-family dwelling where some of the development would occur on slopes in excess of 30% and within 100 feet of an environmentally sensitive habitat area (ESHA).

**Project Location:** 83 Mt. Devon Road, Carmel (APN: 241-021-007-000)

**Proposed CEQA Action:** Adopt a Mitigated Negative Declaration

#### **RECOMMENDATION:**

It is recommended that the Planning Commission:

- 1) Adopt the Mitigated Negative Declaration;
- 2) Recommend the Board of Supervisors adopt a resolution of intent to approve the Local Coastal Program Amendment to rezone the property from Resource Conservation, Coastal Zone ["RC(CZ)"] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone ["WSC/SpTr(CZ)"].
- 3) Approve the 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;
  - b. Coastal Administrative Permit to establish a domestic well;
  - c. Coastal Development Permit to allow the removal of one 14-inch and one 18-inch Monterey pine tree;
  - d. Coastal Development Permit to allow development within 100-feet of an environmentally sensitive area;
  - e. Coastal Development Permit to allow development on slopes in excess of 30%; and
- 4) Adopt a Mitigation Monitoring and Reporting Program

The attached resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to 27 conditions of approval and 4 mitigation measures. The Planning Commission is the Appropriate Authority to approve the Combined Development Permit (CDP); however, the CDP is contingent on rezoning the property. As such, Planning Commission approval of the CDP would be subject to approval of the Local Coastal Program Amendment by the County Board of Supervisors and California Coastal Commission.

#### **PROJECT INFORMATION:**

**Agent:** Robert Carver

**Property Owner:** James G & Sook Collins

**APN:** 241-021-007-000

**Parcel Size:** 2.98 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 (Vicinity Map, Exhibit E). Point Lobos State Park is approximately 1-mile northwest and Yankee Point Drive is less than 1-mile to the southwest. Elevations of the property range between 450 and 850 feet above sea level. Data from Google Earth indicates that the area of proposed development is approximately 520 feet above sea level. Mount Devon Road, a public road right of way, runs along the parcel's western property line, traverses through the property in a north-south direction, then switches back along the eastern property line. Vegetation is comprised of mainly Monterey pine forest and Central Maritime Chaparral. Existing development on the site consists of 100,000-gallon water tank for California American Water and a set of stairs to provide access to the tank.

The property's land use designation, as illustrated in the Carmel Area Land Use Plan (CAR LUP) map, 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 are intended to result in development that can be achieved without adverse effect while remaining subordinate to the resources of the particular site and area. This district does not list residential development as an allowed use. Other parcels within the BSI boundary have been designated with zoning and/or a Special Treatment overlay that allowed development of single family homes.

Figure 2 - Special Treatment Areas of the CAR LUP demonstrates that the subject property is part of a special treatment area known as the Behavioral Science Institute or "BSI" property (**Exhibit K**). An accompanying residential development policy (Policy 4.4.3E.6 of the CAR LUP) specifies that the BSI property may be developed for residential use, provided the units are outside of the view from Highway 1 and that the "upper steeper portion" remain in open space. In 2003, the Coastal Commission accepted a Periodic Review of the CAR LUP that included a map illustrating that the Collins property as a remaining developable parcel with (1) maximum allowable unit (Map LU-12b, **Exhibit J**). The applicant indicates that these documents are the premise for the proposed request: 1) amend the Local Coastal Program to allow rezoning the property from RC (CZ) to Watershed and Scenic Conservation, Special Treatment, Coastal Zone or "WSC/SpTr(CZ)" and 2) establish a residential use on the site. Staff supports rezoning of the 30-acre parcel and confining development, delineated by a building envelope of approximately 11,000 square feet (containing the driveway, structure, well and well access road, and septic tank) and an additional 2,500 square foot exception area (containing the septic leachfield) located over 120-feet uphill from the building envelope.

The proposed residential development involves cutting into a hillside to construct a three-level structure comprised of a two-story 2,397 square foot single family dwelling over an attached 409 square foot garage and 143 square foot mechanical room. A domestic well and storage tank, with a separate access road, is proposed to serve the residence with potable water and wastewater service proposed through an onsite wastewater treatment system consisting of a septic tank and a 2,500 square foot geoflow subsurface drip tubing dispersal area, as an alternative to a standard leachfield area. Site improvements also include grading of 943 cubic yards of cut and 79 cubic yards of fill and the removal of one 14-inch Monterey Pine tree. The site plan shows a patio area with an 18-inch Monterey Pine surrounded by a tree well. Although the arborist report indicates it can survive in these conditions, staff has analyzed the project to include its removal based on our belief there is potential for the development to cause this tree to decline.

Several potential issues were identified through staff's analysis. The most significant was the issue of determining if this parcel should allow residential development, or if the land use/zoning was intended to restrict such development here. The subject property is the only parcel zoned RC without a Special Treatment designation, which was either intentional to avoid development or an oversight. If this parcel is to be allowed a Special Treatment overlay to allow development of a residence, then we have to address how the proposed development would, or would not, fit in the policy objectives of the CAR LUP. In order to provide the Planning Commission potential options to consider, staff has laid out the analysis and interpretation of historical background (going back over 50-years) for both the subject property and the BSI property was necessary. Staff finds that there is compelling evidence to indicate the parcel was intended to allow one residence. However, we feel the envelope area should be minimized, which creates another issue of defining a reasonable footprint. Staff feels that approximately 11,000 square feet (with an additional 2,500 square foot exception area for septic only) of the 30-acre parcel is reasonable and is supported by the project plans. Staff recommends applying the Watershed and Scenic Conservation designation as it allows rural residential development in the more remote or mountainous areas in the Coastal Zone, while protecting significant resources such as viewshed, watershed, and plant and wildlife habitat. Only developments that can be achieved without adverse effect and are subordinate to these resources would be allowed. The building area is upslope from Mount Devon Road and siting and design of the structure would result in the view of a 3-level structure. This development is consistent with applicable viewshed policies and reduces the amount of vegetation removal and development on 30% slopes.

Potential impacts resulting from the proposed development were analyzed, the bulk of which is contained within the Initial Study/Draft Mitigated Negative Declaration (IS/MND) prepared for the project (see **Exhibit F**). The IS/MND identified potential impacts to aesthetics, biological resources, and land use planning. However, implementation of mitigation measures; incorporating a conservation and scenic easement, biological resources protection plan, well drilling plan, and restoration plan; would reduce the potential impacts to a less than significant level. The IS/MND was circulated for public review and staff received several comments from neighboring property owners (see **Exhibit G**).

The draft discussion and draft resolution contains evidence of project consistency based on RMA-Planning staff and other agency review. In summary, the comments raised concerns with landslides caused by previous development in the area, reversing the development restriction through rezoning, development on slopes in excess of 30%, quantity of grading, and the encroachment into the front setback. The applicant has submitted a letter responding to these concerns (**Exhibit H**). Staff has resolved and addressed these comments in the project discussion found in **Exhibit B** and within CEQA findings contained in the draft resolution attached as **Exhibit C**. If the Commission does not support the rezoning, then staff finds that the CDP must be denied since residential development is not allowed in the RC zone. In that case, the Commission could continue the CDP portion until/unless the rezoning is approved by the Board and CCC. The CDP is subject to appeal to the Board and ultimately the CCC.

#### DISCUSSION:

Detailed discussion is provided in **Exhibit B**.

#### OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- ✓ RMA-Public Works

- ✓ RMA-Environmental Services
- ✓ Water Resources Agency
- ✓ Carmel Highlands Fire Department
- ✓ Carmel Highlands Land Use Advisory Committee

The proposed project was reviewed by Carmel/Carmel Highlands Land Use Advisory Committee on September 15, 2014. The LUAC recommended approval of the project by a vote of 4-0 with no comments (**Exhibit D**).

Prepared by: Anna V. Quenga, Associate Planner ext. 5175

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Discussion

Exhibit C - Draft Resolution including:

- Attachment 1 - Draft Rezone Ordinance
  - Exhibit A - Proposed Amended Zoning Map Section 20.16
- Attachment 2 - Conditions of Approval
- Attachment 3 - Project Plans

Exhibit D - LUAC Minutes

Exhibit E - Vicinity Map

Exhibit F - Initial Study/Negative Declaration

Exhibit G - Comments on Initial Study/Negative Declaration

Exhibit H - Applicant Response to Comments

Exhibit I - Carmel Area Land Use Plan Findings of Approval (Excerpt)

Exhibit J - LCP Periodic Review Update (Excerpt)

Exhibit K - Figure 2 - Special Treatment Areas of the CAR LUP

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Robert Carver, Agent; James G. Collins, Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Jacqueline R. Onciano, RMA Chief of Planning; Brandon Swanson, RMA Services Manager; Anna V. Quenga, Associate Planner; 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); Project File PLN130339.