



County of Monterey

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

Board Report

File #: PC 19-017, **Version:** 1

PLN180281 - CVR HSGE LLC (CARMEL VALLEY RANCH)

Public hearing to consider after-the-fact approval of a horse stable (20-horse stalls), hay barn, and gate entryway on a land reserve within Carmel Valley Ranch.

Project Location: One Old Ranch Road, Carmel Valley

Proposed CEQA action: Categorically Exempt per Section 15303 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- 1) Find that the project is for construction of new accessory structures which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303(e) of the CEQA Guidelines and there are no exceptions pursuant to Section 15300.2; and
- 2) Approve an after the fact Design Approval for the construction of approximately 7,200 square foot horse stable (20 horse stalls covered by a structure of 4,800 sq. ft.); 648 square foot hay barn; and a gate entryway for non-commercial use which will clear Code Enforcement violation (18CE00047).

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit C**). Staff recommends approval subject to 2 conditions of approval.

PROJECT INFORMATION:

Agent: Cody Phillips/Anthony Lombardo & Associates

Project Owner: CVR HSGE, LLC

APNs: 416-522-020-000

Zoning: Open Space, with Design Control and Site Plan Review overlay districts (O-D-S) and Carmel Valley Ranch Specific Plan- Land Reserve

Parcel Size: 218 Acres

Plan Area: Carmel Valley Master Plan, Carmel Valley Ranch Specific Plan

Flagged and Staked: No

SUMMARY:

The application is for an after the fact permit for construction of approximately 7,200 square foot horse stable (20 horse stalls covered by a structure of 4,800 sq. ft.) 648 square foot hay barn, and gate entry way. The area of development is located within the Carmel Valley Ranch, approximately 0.75 mile south from Carmel Valley Road. Granting the permit will clear an existing Code Enforcement violation (18CE00047). The Design Approval application was scheduled to be administratively approved on August 27, 2018. However, approval of the application was referred to the Zoning Administrator due to public controversy surrounding the proposed development on pursuant to Section 21.44.060.C of the Monterey County Zoning Ordinance (Title 21). Subsequently, a determination was made by the Chief of Planning that there is a potential establishment of precedents or standards by which other projects will be measured. As such, this application has been referred to the Planning Commission as the Appropriate Authority.

Zoning maps currently designate this parcel is Open Space and the Carmel Valley Ranch Specific Plan identifies the project site as "Land Reserve". Horse stables and barns are permitted uses. A Design Approval is

required since the site is located in a Site Plan and Design Control District overlay. Carmel Valley Ranch has an approved Vesting Tentative Map (PLN020280) for twelve (12) residential lots that includes that area where the structures have been built. A condition of the map requires changing the zoning from “O” to “LDR” upon recordation of the final map. Staff evaluated the project with consideration of the new lot layout, and finds that the equestrian facilities would be located on Lot 3. Recording the map would not impact siting of these structures because they would be allowed on the subject lot with the applicable permits. The site for the facilities is not within a current or future easement area on the property.

DISCUSSION:

Carmel Valley Ranch is designated as a “special treatment area” in the 2010 General Plan and development on the site is subject to the Specific Plan adopted for the site in 1976. The Carmel Valley Ranch Specific Plan currently designates the site where the stables and barn were constructed as “Land Reserve.” Horse stalls and hay barns are accessory structures that are subordinate to the approved and established equine recreational use provided for the Carmel Valley Ranch Specific Plan. These structures accommodate horses from the facility and are not accessible or open to the general public for boarding. In addition, the Specific Plan addresses recreational areas for guests of the Carmel Valley Ranch along with recreational uses by providing horseback riding, riding trails and bridal baths. Therefore, staff finds that these structures are compatible to the use described in the Carmel Valley Specific Plan.

Current zoning for this parcel is Open Space, with Design Control and Site Plan Review overlay districts or “O-D-S” pursuant to Sectional District Maps 17d and 107. The Carmel Valley Ranch Specific Plan, amended by the Board of Supervisors, identifies the project site as “Land Reserve”. Pursuant to Chapter 21.38.030 of the MCC, the O district lists, buildings accessory to any allowed uses and other uses of a similar character, density and intensity to those listed in this Section are allowed. Since the horse stalls and barn are used in conjunction with the equine recreational use of Carmel Valley Ranch, staff determined that it is an allowed use on the site subject to a Design Approval.

Carmel Valley Ranch has an approved Vesting Tentative Map (PLN020280) for twelve (12) residential lots ranging in size from approximately 6.6 acres to 16.9 acres that is due to expire March 10, 2019. A request for an extension of the map has been submitted and is currently under review. Members of the public and interested parties have expressed concerns that no development should take place on the land that is subject to the Vesting Tentative map until the conditions of approval of that map are met.

If the final map is recorded, then upon the recordation of the final map (PLN020280), the zoning will change to “LDR/B-6-D-S” zoning classification (MCC Chapter 21.14 Low Density Residential with MCC Chapter 21.42 Building Site, MCC Chapter 21.44 Design & MCC Chapter 21.45 Site overlays). (Ord. no. 04234.)

Conditions of project approval have been applied to the project to ensure the structures are not open to the general public for boarding and/or for any other public uses and to comply with the new zoning regulations if and when the Final Map associated with the Vesting Tentative Map (Board of Supervisors’ Resolution No. 04-258 (Monterey County Planning File No. PLN02080)) is recorded. The project will not conflict with the LDR zoning if a final map is adopted in association with the approved Vesting Tentative Map. In addition to being allowed in the Open space zoning, animal husbandry, horse stables, and hay barns are allowed structures and uses in the LDR zoning district (potential future zoning). If approved, the structures would be located on a 6.69-acre lot. The LDR zoning allows animal husbandry as a principally permitted use but limits the keeping of

horses on the site to 14 horses total (1 horse per 20,000 square feet) however, the number of horse stables are not limited by the zoning district. This means that if a final map is recorded and the zoning changes, 14 horses could be kept in the 20 stalls constructed on site. The Vesting Tentative Map is an independent project, unrelated to this project. Keeping of horses is not prohibited by the Vesting Tentative Map. Pursuant to the zoning ordinance adopted with the Vesting Tentative Map, the zoning will change to LDR if and when the Final Map is recorded. At such time, the applicant must obtain a Use Permit in order to establish a legal nonconforming use or/and establish the use prior to the main establishment.

Staff recommends that the horse stables and hay barn are consistent with the 2010 General Plan which designates the site for special treatment, the Carmel Valley Specific Plan which allows equestrian facilities and uses, the existing Open Space Zoning Designation, and it will not conflict with the possible future subdivision and zoning change to Low Density Residential.

A more detailed discussion is attached as **Exhibit B**.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15303(e) categorically exempts new accessory structures appurtenant to an established use which qualifies as a Class 3 Categorical Exemption. The proposed project involves the construction of approximately 7,200 square foot horse stable (20 horse stalls covered by a structure of 4,800 sq. ft.) 648 square foot hay barn, and 21' entryway are appurtenant to the equine recreational use established in the Carmel Valley Specific Plan. Grading of the site did not cause any environmental impacts; as confirmed by the geotechnical report prepared by Grice Engineering, dated March 2018. The proposed development is consistent with the parameters of this Class 3 exemption. No evidence of significant adverse environmental effects were identified during staff review of the development application.

LUAC REVIEW

The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on January 22, 2019. After discussion of the project, the LUAC initially made a motion to approve the design of the structures and the motion was seconded. However, after discussion of the motion, the second was withdrawn and the motion failed. Ultimately, the LUAC approved a motion to not make a recommendation on the project as it was their opinion that use associated with the accessory structures, equine recreation, is not permitted. In addition, the LUAC had concerns with establishing structures in an area where lots have been approved by a Tentative Vesting Map (PLN020280) but not yet created by the filing of a Final Map.

Prepared by: Son Pham-Gallardo, Associate Planner, x5226

Reviewed by: Brandon Swanson, Interim RMA Chief of Planning

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

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Project Discussion

Exhibit C - Resolution

- Site Plan, Floor Plans, and Elevations
- Condition of Compliance

Exhibit D - Vicinity Map

Exhibit E - Carmel Valley Ranch Specific Plan

Exhibit F - Opposition Letter 1- Molly Erickson
Exhibit G - Opposition Letter 2 - Eric Sand
Exhibit H - Opposition Letter 3 -CVA
Exhibit I - Geotechnical Report
Exhibit J - Vesting Tentative Map Approval Extension (PLN150751)
Exhibit K - Monterey County Zoning Plan
Exhibit L - Vesting Tentative Map Approval (PLN020280)

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Services Manager; CVR HSGE, LLC, Property Owner; Cody Phillips, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Interested Party List in Accela (Michael Weaver, Richard Rosenthal, Eric Sand and Carmel Valley Association); Project Files PLN180281