



County of Monterey Planning Commission

Item No. 4

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

Legistar File Number: PC 25-019

March 12, 2025

Introduced: 3/3/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLN240149 - RISDEL INC. AND QUAIL MEADOWS HOMEOWNERS ASSOCIATION

Consider Early Assessment of a proposed General Plan Amendment to modify Carmel Valley Master Plan Figure LU3 and Section District Map 21-16 to change the land use designation and zoning district of a portion of Parcel 1 (APN: 157-171-032-000) from Residential-Low Density 5-1 acres per unit [LDR/5-1] to Resource Conservation [RC] and Low Density Residential, Building Site, Visual Sensitivity, Residential Allocation Zoning, 20 foot height limit [LDR/B-6-VS-RAZ(20')] to Open Space, Design Control, Site Plan Review, Residential Zoning Allocation [O-D-S-RAZ], a portion of Parcel 2 (APN: 157-171-033-000) from LDR/5-1 to RC and LDR/B-6-D-RAZ to O-D-S-RAZ, and a portion of Parcel 3 (APN: 157-171-064-000) from RC to LDR/5-1 and O-D-S-RAZ to LDR/B-6-D-RAZ. The project also consists of a lot line adjustment between three lots of record: Parcel 1 (10 acres); Parcel 2 (2.5 acres), and Parcel 3 (181.42 acres), resulting in three parcels containing 9.32 acres (Adjusted Parcel 1), 2.72 acres (Adjusted Parcel 2), 181.88 acres (Adjusted Parcel 3), construction of a 2,929 square foot garage, development on slopes in excess of 25%, and the removal of five protected trees.

Project Location: 5477 and 5479 Covey Court, Carmel

Proposed CEQA action: Find early assessment of the project Statutorily Exempt pursuant to CEQA Guidelines section 15262.

RECOMMENDATION

Staff recommends the Planning Commission assess whether the proposed General Plan Amendment to redesignate and rezone portions of Lots 1, 2, and 3 is consistent with state law and has the potential to meet the evaluation criteria set forth in Title 21 section 21.91.050 and provide feedback to staff.

PROJECT INFORMATION

Property Owner: Risdell Inc. and Quail Meadows Homeowners Association

APN's: 157-171-032-000, 157-171-033-000, and 157-171-064-000

Parcel Size: 10, 2.50 and 181.42 acres

Zoning: Lot 1: LDR/B-6-VS-RAZ(20'), Lot 2: LDR/B-6/D-S-RAZ", Lot 3: "O-D-S-RAZ"

Plan Area: Carmel Valley Master Plan

Project Planner: Steve Mason, Associate Planner

(831) 759-7375, masons@countyofmonterey.gov

REGULATORY CONTEXT

The properties are located at 5477 and 5479 Covey Court and Quail Meadows Drive, Carmel, and are subject to the County of Monterey 2010 General Plan (GP), Carmel Valley Master Plan, and regulations set forth in the Monterey County Inland Zoning Ordinance (Title 21). The California

Government Code also contains requirements for General Plan Amendments. Monterey County Inland Zoning Ordinance (Title 21), Chapter 21.91, “*General Plan Amendments*,” applies. The “*Purpose*” subdivision (21.91.010) states, in part: “*The primary purpose of this Chapter is to set forth regulations governing amendments to the 2010 Monterey County General Plan... These regulations are intended to maintain the overall integrity of the general plan...*”

“*Applicability*” (Section 21.91.020) states, in part:

- A. *The provisions of this Chapter shall apply in addition to state law to proposed amendments to the 2010 Monterey County General Plan and future comprehensive updates to the 2010 Monterey County General Plan, unless the amendment is exempt under Subsection B below. These regulations apply to amendments initiated by any of the following methods:*
 - 1. *Application by an individual property owner to amend the general plan designation(s) of the owner's property (Emphasis added).*

Applicable state law, pursuant to section 21.91.020.A, includes Government Code section 65358(a):
Top of Form

If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan. An amendment to the general plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the general plan may require that an amount equal to the estimated cost of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment. (Emphasis added)

Section 21.91.030 “*Early assessment of proposed amendments*” describes the role of the Planning Commission at this stage:

D. *The Planning Commission shall provide an early assessment of each application for general plan amendment to determine the suitability of the request. The Planning Commission shall provide by a majority vote its early assessment as to whether the proposed project has the potential to meet the evaluation criteria set forth in Section 21.91.050*

<https://library.municode.com/ca/monterey_county/codes/code_of_ordinances?nodeId=TIT21ZO_CH21.91GEPLAM_21.91.050EVCR> of this Chapter (listed below).

E. *The early assessment by the Planning Commission shall not be construed as approval of the amendment or a guarantee of the ultimate outcome, nor shall a negative early assessment preclude the applicant from pursuing the general plan amendment. In addition to the early assessment process, all general plan amendments shall be subject to all appropriate environmental review and procedures required by law for consideration of general plan amendments*

Monterey County Code section 21.91.050 - “General Plan Amendments - Evaluation Criteria” states, in part:

The decision to approve a general plan amendment remains in the discretion of the Board of Supervisors in accordance with state law. If the Board of Supervisors in its discretion chooses to approve an amendment to the general plan, the amendment must at a minimum satisfy the following criteria in addition to any other relevant considerations:

- 1. The amendment is not in conflict with the goals, objectives, and policies of the general plan that are not proposed for amendment; and*
- 2. The applicant demonstrates, based on substantial evidence, one or more of the following:*
 - a. There is a demonstrable error or oversight in the adopted general plan; or*
 - b. There is a clear change of facts or circumstances; or*
 - c. The amendment better carries out the overall goals and policies of the general plan.*

Bottom of Form

DISCUSSION

(Note that this report is not intended to thoroughly evaluate the associated development project but to evaluate consistencies with the regulatory requirements of the proposed GP Amendment.)

During staff’s site visit, the applicant’s architect, Henry Runke, explained the purpose of the project, inclusive of the General Plan Amendment, as being to create an area suitable to construct a secondary garage. However, the applicant’s agent has summarized their justification for their requested GP Amendment as being:

“We believe the proposed general plan amendment is consistent with the aforementioned evaluation criteria and is in *the best interest of the public* by maintaining desirable open space rather than open space with private improvements and other encumbrances. Having unencumbered open space appropriately designated is in keeping with the goals, objectives, and policies of the general plan and better carries those out.” **(Exhibit B)**

The Quail Meadows Homeowners Association, co-applicant and owner of 181.92-acre “Lot 3,” in their October 25, 2024, letter (**Exhibit B**) expresses interest in acquiring the portion of “Parcel 2,” containing a trail easement, to potentially “make improvements to the trail in the future that may extend beyond the 10 foot easement.” Additional potential improvements cited include recreational trail/fire access dual-use and the dedication of a storm drain facility easement. The letter concludes: “The Quail Meadows HOA Board believes that this lot line adjustment, and associated General Plan Amendment Rezone, are in the best interest of the public by maintaining desirable open space rather than open space with private improvements and other encumbrances.”

Staff Area of Concern - “Public Interest”

The subject of “Public Interest,” as cited in Government Code section 65358(a), above, is noted throughout correspondences from the applicants in support of the proposed GP Amendment.

Although “Public Interest” is not defined in the Government Code, Merriam-Webster’s Dictionary defines “public” as, in part:

- 2. a: of, relating to, or affecting all the people or the whole area of a nation or state
public law*
- b: of, or relating to a government*
- c : of, relating to, or being in the service of the community or nation*
- 4: of or relating to business or community interests as opposed to private affairs*
- 5: devoted to the general or national welfare : [humanitarian](https://www.merriam-webster.com/dictionary/humanitarian)
<<https://www.merriam-webster.com/dictionary/humanitarian>>*
- 6. a: accessible to or shared by all members of the community*

The project site is entirely within a private 56-unit subdivision with access restricted to residents and their invited guests only - a policy strictly enforced by a manned entry gate and on-site security. The general public of Monterey County cannot access or use the recreational trail easement. This is made evident on the current trail map for neighboring Palo Corona Regional Park, which denotes at the shared borderline of the Quail Meadows Subdivision: “No public access. Trespassers subject to citation.” Accordingly, the property does not outwardly appear to fit the definition of “public” property, or even “quasi-public” property - as typically defines a shopping center, hospital, school, church, transportation terminal, etc.

The nature and allowed uses of the trail easement that the HOA would potentially acquire is set forth in the “Easement Agreement” (Doc.# 2002024663, Recorded 3/13/2002):

1.1 The Parties desire to enter into this Agreement to grant an easement to QMHOA for a ten foot (10’) wide equestrian and pedestrian trail across the Risdell Property (as defined below) for the benefit of, and use by, the QMHOA, their members and their guests, as the exclusive access from Covey Court to QMHOA property, which is more particularly described in Exhibit A (“Easement”) (Emphasis added)

Conclusion: In consideration of the private and exclusive nature of the project site and the surrounding areas (including the “Open Space” parcel), Staff considers any finding that the proposed General Plan Amendment is necessarily in the “Public Interest” - pursuant to Government Code section 65358(a) - to be in question. Further, the easement/trail improvements to a portion of existing APN 157-171-033, as proposed by the Quail Meadows Homeowners Association, could potentially be achieved without a General Plan Amendment.

Staff Area of Concern - General Plan Consistency

Monterey County Code section 21.91.050 - “General Plan Amendments - Evaluation Criteria” (**Exhibit B**) states, in part:

The decision to approve a general plan amendment remains in the discretion of the Board of Supervisors in accordance with state law. If the Board of Supervisors in its discretion chooses to approve an amendment to the general plan, the amendment must

at a minimum satisfy the following criteria in addition to any other relevant considerations:

1. The amendment is not in conflict with the goals, objectives, and policies of the general plan that are not proposed for amendment; and
2. The applicant demonstrates, based on substantial evidence, one or more of the following:
 - a. There is a demonstrable error or oversight in the adopted general plan; or
 - b. There is a clear change of facts or circumstances; or
 - c. The amendment better carries out the overall goals and policies of the general plan.

The proposed rezoning and redesignating portions of Lots 1, 2, and 3 does not correct an oversight or error in the adopted plans. Staff does not see a clear change in facts or circumstances that warrants the proposed changes in zoning and land use designations. Relative to better carrying out the goals and policies of the General Plan, the following discussion is provided.

Lot 3: Staff recognizes that existing hardscape (driveway) and retaining wall improvements have been constructed on a portion of Lot 3, however, those improvements were necessary to connect Lot 2 to Covey Court. Rezoning this portion of Lot 3 to better reflect the underlying site improvements (change in circumstances) does not appear to comply with the above evaluation criteria for two main reasons. Firstly, rezoning a portion of Lot 3 from O-D-S-RAZ to LDR-B-6-S-D-RAZ would encourage or allow construction of residential structures, subject to appropriate entitlements. The area proposed to be rezoned on Lot 3 contains numerous protected trees and slopes in excess of 25%. Potential development of this area could pose conflicts with resource protection policies and goals of the 2010 General Plan, including CV-3.11, CV-3.4, OS-3.5, and OS-5.5 (cited below). Secondly, rezoning this portion of Lot 3 to LDR would isolate the northern and southern portions which are zoned Open Space, resulting in noncontiguous zoning districts, similar to the discouraged practice of “spot zoning”.

Lot 1: The Project Biologist confirmed that it is unlikely that the portion of Lot 3 that bisects Lot 1 and 2 serves as a wildlife corridor, “The development existing in the area now and the topography of the site has already largely dictated the level of use of [Lot 3’s] property by wildlife” (**Exhibit C**). The applicants claim that this area does not serve as beneficial open space to justify rezoning this area to LDR. However, the applicants propose to rezone a 30-foot-wide portion of Lot 1 to Open Space without justifying how this narrow strip of land will serve as equal or better wildlife corridor or habitat (General Plan Policy OS-5.24). Staff is unaware of any error or change in circumstance that would warrant this change in zoning. In its current configuration, the Open Space zoning of Lot 3 better serves General Plan Policy OS-5.11 (cited below). Accordingly, rezoning 30’ x 1,000’ portion of Lot 1 to “connect” the Lot 3’s Open Space zoning also does not appear to comply with the required evaluation criteria.

Lot 2: Rezoning the eastern portion of Lot 2 from LDR to Open Space does have the potential to meet the evaluation criteria. This portion of Lot 2 is almost entirely on slopes in excess of 25%, contains numerous protected trees, and has an existing recreational trail (conveyed by easement). Rezoning to Open Space would better meet the resource protection policies of the 2010 General Plan,

including CV-3.11, CV-3.4, OS-3.5, and OS-5.5 (cited below), and is consistent with purpose of the Open Space district: “*promote a rural atmosphere in an otherwise urban or semiurban development and to hold for future generations open space in which trees and plants can grow.*” Although dedication of trail easements on private property is voluntary (General Plan Policy OS-1.10), the existing trail would be compatible with Open Space zoning district.

Applicable 2010 General Plan Policies:

Carmel Valley Master Plan Policy CV-3.11: *The County shall discourage the removal of healthy native oak and madrone and redwood trees in the Carmel Valley Master Plan Area. A permit shall be required for the removal of any of these trees with a trunk diameter in excess of six inches, measured two feet above ground level...*

Carmel Valley Master Plan Policy CV-3.4: *Alteration of hillsides and natural landforms caused by cutting, filling, grading, or vegetation removal shall be minimized through sensitive siting and design of all improvements and maximum feasible restoration including botanically appropriate landscaping*

Conservation and Open Space Element Policy OS-3.5: *The County shall regulate activity on slopes to reduce impacts to water quality and biological resources:*

1) Non-Agricultural.

a) Development on slopes in excess of twenty five percent (25%) shall be prohibited except as stated below; however, such development may be allowed pursuant to a discretionary permit if one or both of the following findings are made, based upon substantial evidence:

- 1. there is no feasible alternative which would allow development to occur on slopes of less than 25%;*
- 2. the proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans, and all applicable master plans.*

Conservation and Open Space Element Policy OS-5.5: *Landowners and developers shall be encouraged to preserve the integrity of existing terrain and native vegetation in visually sensitive areas such as hillsides, ridges, and watersheds.*

Conservation and Open Space Element Policy 5.11: *Conservation of large, continuous expanses of native trees and vegetation shall be promoted as the most suitable habitat for maintaining abundant and diverse wildlife*

NEXT STEPS

Pursuant to Title 21 section 21.91.030, HCD-Planning staff is seeking the Planning Commission’s early assessment on the proposed General Plan Amendment to rezone and redesignate portions of Lots 1, 2, and 3 by modifying Carmel Valley Master Plan Figure LU3 and Sectional District Map 21-16. The Planning Commission is tasked with deciding whether the proposed General Plan Amendment has the potential to meet the evaluation criteria needed to approve such requests. Additionally, the Planning Commission’s early assessment decisions should include consideration of

Government Code’s requirement that General Plan Amendment be in the “public interest”.

Following the Planning Commission’s early assessment decision, HCD-Planning staff will finalize its environmental review, and schedule the entire project (General Plan Amendment, Lot Line Adjustment, Administrative Permit, Design Approval, and two Use Permits) for the Planning Commission’s recommendation to the Board of Supervisors.

ENVIRONMENTAL REVIEW

Pursuant to section 21.91.030 of the County Code, the early assessment may be undertaken prior to environmental review under the California Environmental Quality Act (CEQA) based on the recognition that the early assessment is not a commitment to the General Plan Amendment and does not excuse preparation of environmental review as appropriate under CEQA. CEQA Guidelines section 15262 Statutorily Exempts feasibility studies for possible future actions which have yet to be taken. The Planning Commission’s Early Assessment is a determination of whether the proposed General Plan Amendment is feasible and has the potential of meeting specific criteria. The environmental review for the entire project will be prior to the Planning Commission’s consideration of all required entitlements, including the General Plan Amendment, Administrative Permit, Design Approval, and two Use Permits.

OTHER AGENCY INVOLVEMENT

The following agencies have reviewed the project:

- Environmental Health Bureau
- HCD-Environmental Services
- HCD-Engineering Services
- Monterey County Regional Fire Protection District

LAND USE ADVISORY COMMITTEE (LUAC)

The project was referred to the Carmel Valley LUAC for review. The LUAC reviewed the project at a duly noticed public meeting on December 2, 2024, and unanimously voted 5 ayes to 0 noes with 2 members absent to recommend approval of the project without changes (**Exhibit D**).

Prepared by: Steve Mason, Associate Planner, x7375

Reviewed by: Fionna Jensen, Principal Planner, x6407

Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

- Exhibit A - Project Application Materials
- Exhibit B - Applicant Correspondences
- Exhibit C - Wildlife Corridor Impacts Letter
- Exhibit D - Carmel Valley LUAC Minutes - December 2, 2024

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Steve Mason, Planner; Fionna Jensen, Principal Planner; Risdell, Inc., Applicant/Owner; Quail Meadows HOA, Applicant/Owner; Erik Lundquist, Agent; Henry Runke, Architect; The Open Monterey Project; LandWatch (Executive

Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN240149.