



County of Monterey

Item No.6

Zoning Administrator

Legistar File Number: ZA 25-068

November 13, 2025

Introduced: 10/24/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

PLN240108 - BUCHANAN ELIOT L

Public Hearing to consider after-the-fact development on slopes in excess of 25% to accommodate construction of an Accessory Dwelling Unit, and restoration of 3,545 square feet of slopes in excess of 25% to partially clear Code Enforcement No. 20CE00484.

Project Location: 15596 Via La Gitana, Carmel Valley.

Proposed CEQA action: Find the project Categorically Exempt per CEQA Guidelines sections 15301 and 15333, and there are no exceptions pursuant to Guidelines section 15300.2.

RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a resolution to:

- a. Find that the project qualifies for a Class 1 and Class 33 Categorical Exemption pursuant to CEQA Guidelines sections 15301 and 15333, and that none of the exceptions pursuant to Guidelines section 15300.2 apply; and
- b. Approve a Combined Development Permit consisting of:
 1. After-the-fact Use Permit to allow development on slopes in excess of 25% to accommodate the construction of an Accessory Dwelling Unit; and
 2. Restoration Permit to restore approximately 3,545 square feet of slopes in excess of 25% to partially clear Code Enforcement No. 20CE00484.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 6 conditions of approval.

PROJECT INFORMATION

Agent: Jay Auburn, Lewis Builders

Property Owner: Eliot Buchanan

APN: 197-174-002-000

Parcel Size: 2.52 acres (109,771 square feet)

Zoning: Low Density Residential with Building Site-6, Design Control, Site Plan Review, and Residential Allocation Zoning District overlays [LDR/B-6-D-S-RAZ]

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No

SUMMARY/DESCRIPTION

The subject parcel is located within the Los Tulares Subdivision in the Carmel Valley area of unincorporated Monterey County. The 2.52-acre property sits on a steep hillside with the main dwelling and driveway located on the flattest portion at the base of the hillside. The property has been

further developed with hardscape walkways, a pergola, patios, and other improvements, including landscaping. However, such work was completed on slopes in excess of 25%, without the granting of a necessary discretionary permit. Accordingly, an Administrative Citation was issued in June 2023 (Code Enforcement Case No. 20CE00484) citing unpermitted terracing and grading of a steep hillside, construction of retaining walls, a viewing deck, patios, front gate, fence, staircase up the hillside, and pergola. An area that was graded on slopes in excess of 25% was later constructed with a 1,200 square foot Accessory Development Unit. However, the ADU only requires the granting of a ministerial permit and thus is not considered in this application. The Applicant/Owner shall seek after-the-fact ministerial permits to rectify this violation.

To abate Code Enforcement Case No. 20CE00484, this application includes removing all unpermitted development (pergola, patios, walkways, stairway, and retaining walls) and restoring and revegetating the majority of impacted steeper slopes to their original condition. However, the Applicant/Owner is seeking after-the-fact approval to allow the grading (3,053 square feet) of steeper slopes where the ADU was constructed.

Pursuant to Title 21 section 21.84.130, restoration shall be sought to abate the land disturbing violation. In this case, restoring most of the property is feasible. Approximately 3,455 square feet (35 cubic yards of cut and 45 cubic yards of fill) of impacted hillside would be restored to its pre-violation state. However, restoring the area occupied by the ADU is not feasible. The ADU was constructed in the most appropriate location on the steeply sloped property that allows for access to the main residence's autocourt and avoided tree removal (see below discussion). The ADU was also constructed in compliance with the regulations and standards of Title 21 section 21.64.230. Therefore, staff concurs with retention of this structure and supports after-the-fact approval of a Use Permit to allow development on slopes in excess of 25%. The proposed project would partially abate the active violation. A grading permit would be required to ensure the hillside restoration work is completed and implemented as outlined in the attached restoration plans. Upon issuance of final construction/grading permits, the subject property will be in compliance with all rules and regulations pertaining to the property and will abate the existing violation.

Based on staff analysis, the proposed project is consistent with all rules and regulations pertaining to zoning uses and any other applicable provisions of the 2010 Monterey County General Plan, the Carmel Valley Master Plan (CVMP), and Zoning Ordinance (Title 21).

After-the-fact Development on Slopes

Pursuant to General Plan Policy OS 3.5, development on slopes that exceed 25% is prohibited unless a Use Permit is obtained and the appropriate authority finds that there is no feasible alternative that would allow development to occur on slopes less than 25%, and/or the proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and applicable land use plan than other development alternatives.

The proposed project involves after-the-fact consideration to allow approximately 3,053 square feet of grading on slopes in excess of 25%. In this case, there is no alternative location or design that would allow development of an ADU on a less steep slope. The ADU was sited northwest of the existing main dwelling and garage. Shifting the ADU west or southeast would impact slopes in excess of 25%.

Shifting the ADU south would likely impact Coast live oak trees. The CVMP Policy CV-3.11 discourages the removal of healthy trees. As the project is currently designed, there is no tree removal proposed. Therefore, the ADU's proposed location is the most feasible location and minimizes development on slopes in excess of 25%, while better meeting the resource protection goals and policies of the 2010 General Development Plan and Carmel Valley Master Plan. Finally, as proposed, the project also involves restoring 3,455 square feet of development that occurred on slopes in excess of 25. Restoring this hillside complies with Carmel Valley Master Plan Policy CV-3.4, which requires that hillsides and landforms not be significantly altered.

OTHER AGENCY INVOLVEMENT

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

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

LAND USE ADVISORY COMMITTEE

On July 21, 2025, the Carmel Valley Land Use Advisory Committee (LUAC) reviewed the project at a duly noticed meeting and voted unanimously to support the project as proposed (**Exhibit D**).

CEQA

California Environmental Quality Act (CEQA) Guidelines section 15301 categorically exempts the existing facilities, and section 15333 exempts small restoration projects of less than 5 acres. The proposed project involves after-the-fact grading on steeper slopes and restoring 3,455 square feet. Therefore, the project is consistent with the categorical exemption requirements of CEQA Guidelines sections 15301 and 15333. There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects was identified during staff's review of the development application.

Prepared by: Hya Honorato, Assistant Planner, x5173

Reviewed and Approved by: Fionna Jensen, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Restoration and After-the-Fact Plans

Exhibit B - Carmel Valley LUAC Minutes 07/21/25

Exhibit C - Vicinity Map

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Fionna Jensen, Principal Planner; Eliot Buchanan, Property Owner; Jay Auburn (Lewis Builders), Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN240108