



# County of Monterey Planning Commission

## Item No.6

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

### Agenda Item No.6

Legistar File Number: PC 26-049

April 29, 2026

**Introduced:** 4/22/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

#### **PLN240105-DEP - CARMEL RIO ROAD LLC**

Public hearing to consider a Vesting Tentative Map to subdivide four parcels containing 12.5 acres into 60 residential lots and five open space & street parcels, construction of 59 single-family dwellings ranging between 2,790 and 3,930 square feet, and fifteen 1,026 square foot townhomes, use of a Pattern & Design Book with three architectural styles, and associated site and subdivision improvements including development within the Carmel Valley Floodplain and development on slopes in excess of 25%.

**Project Location:** The properties are located at 26500 & 26550 Val Verde Drive, Carmel.

**Proposed CEQA action:** Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines.

#### RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution:

- 1) Adopting a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
- 2) Approving a Combined Development Permit consisting of:
  - a. Vesting Tentative Map to subdivide four parcels containing 12.5 acres into 60 residential lots and five open space & street parcels;
  - b. An Administrative Permit to allow the construction of 59 single-family dwellings ranging between 2,790 and 3,930 square feet, and 15 1,026 square foot townhomes;
  - c. A Design Approval to allow the use of Pattern & Design Book consisting of four conceptual single-family residential floor plans, offered in three architectural styles (Spanish Colonial, Transitional, and Traditional), and one townhouse floor plan with a Traditional architectural style;
  - d. A Use Permit to allow development within the Carmel Valley Floodplain; and
  - e. A Use Permit to allow development on slopes in excess of 25% of approximately 1,800 square feet; and
- 3) Adopting a Mitigation Monitoring and Reporting Plan.

The attached draft resolution includes findings and evidence for the Planning Commission's consideration, subject to conditions of approval.

#### PROJECT INFORMATION

**Property Owners:** Carmel Rio Road LLC

**APN's:** 015-021-004-000, 015-021-015-000, 015-021-020-000, 015-021-021-000 and 015-021-049-000

**Plan Areas:** Carmel Valley Master Plan

**Project Planner:** Joseph Alameda, Associate Planner

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#### PROJECT SUMMARY/DISCUSSION

The project site is located approximately 0.7 miles southeast of the City of Carmel by-the-Sea boundary, approximately 0.3 miles east of California State Route 1 (SR-1), and approximately 0.2 miles south of Carmel Valley Road. The project proposes the subdivision of a 12.5-acre site, currently comprised of four parcels, into 60 lots, which would be developed with 74 new residential units. The subdivision would also create five parcels containing 3.85 acres, which would contain the proposed private streets/roads and open space areas (Parcels A-E). Fifty-nine of the lots (Lots 1 - 59) will be developed with for-sale single-family residences. These lots range in size from 5,000 to 8,772 square feet and have designated building envelopes. Four different floor plans are proposed for the single-family residences, which will be two stories and range between approximately 2,790 and 3,930 square feet in size. The remaining 0.82-acre lot (Lot 60) will be developed with three individual townhomes, each with 6 two-bedroom units and 9 three-bedroom units (15 total deed-restricted low-income housing units). Each townhome unit will be approximately 1,026 square feet in size. The project includes both private open space (i.e., rear yard areas for single family residences and flexible green space for the townhomes), and approximately 73,356 square feet of community open space and parks, which can be used by all residents.

The subject property is located within a Design Control overlay district. Accordingly, the Applicant/Owner is also proposing a Pattern & Design Book that details conceptual floor plans, colors, materials, and architectural styles for the single-family dwelling and townhomes. Approval of the Pattern & Design Book would function as a blanket Design Approval for all of the proposed development. Per the proposed Pattern & Design Book, the single-family dwellings would consist of three architectural styles (Spanish Colonial, Transitional, and Traditional), while the townhouses would be developed with a Traditional architectural style. Conditions, covenants, and restrictions, and the HOA would ensure all development is in compliance with the Pattern & Design Book (Condition Nos. 31 and 46).

Access is provided by the existing Val Verde Drive, which will be improved as part of the project. The project also includes the construction of an internal circulation network of two private streets, sidewalks, crosswalks, medians, and on-site street parking. To reduce vehicle trip generation consistent with County policies, the project, as proposed and designed, incorporates seven Traffic Demand Management (TDM) strategies, including transit subsidies, travel-behavior outreach, carpool and vanpool loading areas, bicycle facilities, pedestrian improvements, and electric vehicle parking facilities. As conditioned, pedestrian improvements along Val Verde Drive and Rio Road will be implemented.

The project also involves development within the Carmel Valley Floodplain and development on slopes in excess of 25%, which requires the granting of a Use Permit in each case. To implement the

project, the property's existing residence and detached garage in the southern portion of the site will be demolished. Grading of the project site will require approximately 18,000 cubic yards of cut and 18,000 cubic yards of fill. After construction, soil will be stabilized by buildings, pavement, landscaping, and vegetation. Of the 35 trees proposed for removal, only one Coast redwood tree (32-inch trench diameter) was determined to be protected under Monterey County Code, and thus requires the granting of an Administrative Tree Removal Permit.

Sanitary sewer services would be provided by the Carmel Area Wastewater District (CAWD). The Property Owner has approximately 35-acre feet per year (AFY) of riparian water rights. As proposed, the Property Owner would "wheel" approximately 16 AFY of its water rights to California American Water Company (CalAm), which would then distribute treated potable water to the project site via existing water main lines within Val Verde Drive. The Property Owner would then permanently dedicate approximately 19 AFY of its riparian water rights for beneficial in-stream uses in the Carmel River. CalAm, the Monterey Peninsula Water Management District, and the State Water Resource Control Board concur with this method of water supply. The State Water Resource Control Board has confirmed that the proposed wheeling agreement approach will not conflict with the 2009 CalAm Cease and Desist Order.

On-site stormwater control measures are proposed within the flood hazard areas and have been designed to exceed the required capacity to accommodate a 95th percentile storm event. All runoff from the proposed development would be conveyed into these stormwater control measures (bioretention ponds) to ensure that post-development conditions do not impact off-site properties. As conditioned, the project would also install on-site drainage improvements to help address the known overland flooding issues of the area.

#### *Builders Remedy*

To address the statewide housing shortage crisis, the State Housing Accountability Act establishes limitations on a local government's ability to deny, reduce the density of, or make infeasible housing development projects, and includes penalties for noncompliance. (See Gov. Code § 65589.5). One of these provisions is referred to as the "Builder's Remedy." Builder's Remedy (Government Code § 65589.5(d)(5)) provides that a local agency shall not disapprove a housing development project for very low-, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible or lowers its density, based on the project's inconsistency with zoning and General Plan standards, if the local agency had not timely adopted a "substantially compliant" housing element. However, Builder's Remedy projects are required to comply with objective health and safety standards. To be "objective," a rule or standard must not involve personal or subjective judgment by a public official. Under Gov. Code § 65589.5, inconsistencies with local density requirements are not valid grounds to deny a housing project, do not need to be waived or conceded under the Density Bonus Law, and shall not require a rezone. All other objective non-health and safety standards should be complied with, but cannot be used as valid grounds to deny a housing project, and cannot be required if it reduces the project's density. If a project is not compliant with objective non-health and safety standards, waivers or concessions (as eligible per Density Bonus Law) may be granted to modify or eliminate the requirement.

In short, under the HAA and Builder's Remedy, a local government must approve a housing

development project that complies with all objective rules in the general plan, zoning ordinance, subdivision ordinance, and design standards. Further, the local government must approve a housing development project at the proposed density, unless it makes written findings, based upon a preponderance of the evidence in the record that the project would have a specific, adverse impact upon the public health or safety that cannot be mitigated without lowering the density and/or rendering it unaffordable.

The County does not currently have a compliant Housing Element and is thus subject to the Builder's Remedy. The proposed project has been submitted pursuant to the Builder's Remedy and is vested to regulations in place in June 2024. The statute requires that a final decision be made in no more than five public hearings, including appeals. The Planning Commission's April 29th hearing is the second public hearing for this project (LUAC meeting was the first public hearing).

Staff has reviewed the project for consistency with applicable land use and planning documents, including the 2010 General Plan, Carmel Valley Master Plan, Title 20 (Zoning Ordinance), and Title 19 (Subdivision Ordinance). Staff's review has determined that the project is consistent with applicable objective and subjective standards, subject to the granting of three waivers to modify certain site development standards (detailed in **Exhibit A**). County staff prepared an Initial Study/Mitigated Negative Declaration and identified potential environmental impacts that require mitigation measures to reduce the severity of the impact to less than significant.

#### DISCUSSION

See **Exhibit A** for a discussion regarding the project's consistency with applicable Monterey County Code and analysis of the project's potential impacts on biological, historical, cultural, tribal cultural, local roadways, prime farmland, steeper slopes, and the Carmel Valley floodplain.

Besides five CEQA comment letters received during the draft Initial Study/Mitigated Negative Declaration's circulation period, no public comment was received during the review of the project.

#### CEQA

Pursuant to Public Resources Code Section 21083 and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), Monterey County as Lead Agency completed environmental review to determine if the project may have a significant effect on the environment. The County prepared a draft initial study and mitigated negative declaration (IS/MND) for this project (**Exhibit C**). County staff filed the draft IS/MND with the County Clerk on February 24, 2026; and circulated it for public review from February 24, 2026 through March 25, 2026 (State Clearinghouse Number 2026020910). The draft IS/MND identified potentially significant impacts to Biological Resources, Cultural Resources, Noise, Transportation/Traffic, and Tribal Cultural Resources. Staff has proposed mitigation measures to reduce the identified impacts to a level of less than significant. These mitigation measures have been incorporated into the project as conditions of approval (Condition Nos. 51-59). All other standard topics of environmental analysis were found to be less than significant or have no impact.

Five public agencies submitted comments on the Initial Study and Mitigated Negative Declaration: California Department of Conservation (DOC), Monterey Bay Air Resources District (MBARD), California Highway Patrol (CHP), California Department of Transportation (Caltrans), and State

Water Resources Control Board (SWRCB). Minor applications and clarification changes to the Draft IS/MND were made. Recirculation was not warranted, and no additional mitigation measures are required to address the comments. Responses to comments are attached as **Exhibit D** and detailed in the draft Resolution (**Exhibit A**).

OTHER AGENCY INVOLVEMENT

HCD-Engineering Services, -Environmental Services, -Housing, Monterey County Environmental Health Bureau, and Cypress Fire Protection District.

LAND USE ADVISORY COMMITTEE

The proposed project was referred to the Carmel Valley Land Use Advisory Committee in accordance with Board of Supervisors' adopted guidelines. On March 16, 2026, the Carmel Valley LUAC voted 5-0 to not support the project, citing concerns with development within and the introduction of occupants within the Carmel Valley floodplain (**Exhibit E**). Members of the public raised concerns about evacuation adequacy during emergencies, development within a floodplain, removal of trees occupied by nesting birds, and the need to reintroduce native plant and tree species. A member of the LUAC also commented on the project's impact on local roadways. Although the LUAC did not provide HCD-Planning staff the ability to address these comments at the hearing, the concerns have been received and are addressed in the Discussion (**Exhibit A**) and Draft Resolution (**Exhibit B**). The Cypress Fire Protection District has reviewed the project and confirms there are adequate means of ingress and egress during emergencies via Val Verde Drive and within the subdivision's internal road configuration. As described in Exhibit A, no residential structures will be introduced into the floodplain. One of the two proposed stormwater detention ponds exceed the required capacity (95th percentile storm) and thus will provide up to an additional 300 cubic feet of floodplain storage. As conditioned, the project will also construct on-site drainage improvements to ensure that the proposed development will not significantly affect any other properties by increasing stream velocities or depths, or diverting the flow from Drainage Area 27. Thirty-four non-native trees will be removed, and one native tree will be removed. A condition has been applied to require a bird and raptor nesting survey. Project implementation includes replanting of native landscaping. Additionally, at the request of a member of the project, the project has been revised to include a community garden. Finally, as mitigated, the project will improve the level of service at the SR-1 and Carmel Rancho Blvd. intersection.

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Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Discussion

Exhibit B - Draft Resolution

- Draft Conditions of Approval
- Project Plans, Vesting Tentative Map, and Draft Pattern & Design Book

Exhibit C - Draft ISMND

Exhibit D - CEQA Public Comments

- Response to Comments

- Tracked changes to ISMND
- Exhibit E - LUAC minutes  
Exhibit F - Site Visit photos  
Exhibit G - State Density Bonus Law Letter  
Exhibit H - Floodplain and Stormwater Control Design Memos  
Exhibit I - Biological Report  
Exhibit J - Traffic Assessment and VMT Memo  
Exhibit K - Project Water Demand  
Exhibit L - State Water Resource Control Board Letter  
Exhibit M - Can-and-Will Serve letters  
Exhibit N - Land Evaluation Site Assessment  
Exhibit O - Vicinity Map

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; Fionna Jensen, Principal Planner; Carmel Rio Road LLC, Property Owner; Pam Nieting, Applicant; The Open Monterey Project (Molly Erickson); LandWatch (Director); Christina McGinnis, Keep Big Sur Wild; Laborers International Union of North America (Lozeau Drury LLP); Interested Parties.