



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 24-125

December 11, 2024

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Matter Type: Planning Item

PLN230127 - MCDOUGALL AMY E.

Continued from August 28, 2024 and September 25, 2024 - public hearing to consider the construction of a six-story single-family dwelling with an attached garage, attached accessory dwelling unit, attached junior accessory dwelling unit, covered and uncovered decks, patios, and exterior staircases, and associated site improvements including the removal of Coast live oaks, drilling a domestic well, and development on slopes in excess of 25 percent. This project involves a reduction of the required front, side, and rear setbacks from 5 feet to 0 feet without seeking a variance.

Project Location: 10196 Oakwood Circle, Carmel

Proposed CEQA action: Statutorily Exempt pursuant to CEQA Guidelines section 15270.

RECOMMENDATION

It is recommended that the Planning Commission adopt a resolution:

- 1) Finding that the project is Statutorily Exempt pursuant to CEQA Guidelines section 15270, and
- 2) Denying a Combined Development Permit consisting of:
 - a. An Administrative Permit and Design Approval to allow construction of a 12,469.5 square foot six-story single-family dwelling with an attached 934 square foot garage, an attached 2,124 square foot ADU, an attached 483 square foot JADU, and 3,419.5 square feet of covered and uncovered decks, patios, and exterior staircases, and associated site improvements including drilling a domestic well;
 - b. Use Permit to allow the removal of up to five Coast live oaks;
 - c. A Use Permit to allow development on slopes in excess of 25%; and
 - d. A reduction of the required front, side, and rear setbacks from 5 feet to 0 feet without seeking a variance.

The attached draft resolution includes findings and evidence for the Commission's consideration **(Exhibit B)**.

PROJECT INFORMATION

Agent: Anna Bornstein, EMC Planning Group

Property Owner: Amy McDougall (c/o Rene Peinado)

APN: 416-542-011-000

Parcel Size: 0.081 acres (3,252 square feet)

Zoning: Medium Density Residential, 5 units per acre, Design Control overlay, Site Plan Review

overlay, Residential Allocation Zoning overlay (MDR/5-D-S-RAZ)

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No. Visual simulations incorporated into project plans.

Project Planner: Fiona Jensen, Senior Planner

JensenF1@countyofmonterey.gov, 831-796-6407

SUMMARY

The subject property is approximately 0.4 miles south of Carmel Valley Road, within the Oakshire Phase II-III Subdivision. The surrounding land use consists of residences within the same subdivisions. Single-family dwellings are developed on lots immediately to the north of the property, while lots immediately to the west, east, and south are vacant and zoned Open Space. The majority of the 0.08-acre property contains slopes exceeding 25 percent, is vegetated with numerous Coast live oaks, and is vacant.

The Applicant/Owner proposes the construction of a six-story single-family dwelling with an attached garage, attached accessory dwelling unit (ADU), attached junior accessory dwelling unit (JADU), outdoor decks and patios, and associated site improvements including the removal of Coast live oaks and drilling a domestic well. Although the residential structure and site improvements are designed to encroach into the required 5-foot setbacks on all sides, the Applicant/Owner is not seeking a Variance to modify this requirement. The project also includes development on slopes in excess of 25 percent. The project plans estimate 1,272 cubic yards of cut, with 875 cubic yards of fill.

This item was previously scheduled for the August 28, 2024 Planning Commission hearing, but was continued to September 25, 2024, because the Applicant/Owner was unable to attend the August hearing, and the project was not properly noticed. Though the item was noticed properly in the local newspaper and mailed to interested parties 10 days in advance of the August 28, 2024, Planning Commission hearing, the Applicant/Owner failed to post notices on or near the project site. To ensure all noticing requirements have been met for the September 25, 2024 hearing, staff posted notices near the subject property on September 17, 2024. On September 20, 2024, the Applicant/Owner informed staff that they removed the notices posted on-site and requested that the September 25th hearing be continued to a future date when they would be available to attend. On September 23, 2024, the Applicant/Owner submitted a letter requesting the Planning Commission continue the item to a later date, claiming to be available “during the entire month of December 2024 so I can accommodate almost any date that month for a hearing” (**Exhibit K**). At the September 25, 2024 hearing, the Planning Commission continued the item to a date uncertain.

Following this hearing, County staff met via Zoom with the Applicant/Owner who agreed to a December 11, 2024, or January 8, 2025 hearing date. On November 8, 2024, the Applicant/Owner’s attorney requested that PLN230137 be continued for an additional six months while the Applicant/Owner seeks permitting approval of a separate project (HCD-Planning File No. PLN240139) (**Exhibit K**). PLN240139 proposes a similar scope as PLN230127 but includes a deed-restricted JADU, makes changes to the interior layout, and is being processed in accordance with Senate Bill 330, also known as the Builder’s Remedy. PLN240139 is currently in an “Incomplete” status. PLN230137 is being reviewed on its own merits, independent of any other application on file with the County, including PLN240139. Thus, the processing of either application is

not influenced by the other. PLN240139 is subject to a public hearing process and will be scheduled and considered by the appropriate authority once the application is deemed complete and undergoes necessary California Environmental Quality Act review. Further, the Applicant/Owner has not worked with HCD-Planning staff to resolve the project issues and inconsistencies detailed in the September 25, 2024 Planning Commission staff report. Accordingly, staff does not recommend the Planning Commission continue PLN230127. As detailed in the draft Resolution (**Exhibit B**), staff recommends the Planning Commission deny PLN230127.

DISCUSSION

The underlying zoning district for the subject property is Medium Density Residential (MDR), which allows for the establishment of the first single-family dwelling as an allowed use, subject to no discretionary permits. However, pursuant to Title 21 section 21.44.030.A and 21.45.040.B, all new development located in the Design Control and Site Plan Review zoning overlay districts must obtain a Design Approval and Administrative Permit, respectively. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) meeting the requirements of Title 21 section 21.64.030 are ministerial projects. However, the proposed ADU would not satisfy Title 21 section 21.64.030, and the proposed structure, inclusive of the internal/attached ADU and JADU, would require development on slopes in excess of 25 percent and tree removal. Therefore, the appropriate discretionary permits must be granted before the accessory units could be constructed.

The property is governed by the 2010 General Plan, Carmel Valley Master Plan, Carmel Valley Ranch Specific Plan, and Monterey County Inland Zoning Ordinance (Title 21). As proposed, the project is inconsistent with applicable policies and requirements of these documents, which address setbacks, colors and materials, bulk and mass, easement allowances, alterations of landforms, tree removal, hydrology, and geological and seismic hazards. Additionally, the project plans provide misleading and factually incorrect information, namely inaccurate floor area calculations and misstatements as to current topographic conditions. These inconsistencies, inaccuracies, and misstatements are discussed in more detail in **Exhibit A** (*Discussion*).

During its review, HCD-Planning staff received numerous letters opposing the proposed project (**Exhibit J**). These letters were primarily submitted by residents of the subject subdivision and the subdivision's HOA. Members of the public object to the proposed height, colors materials, and size of the residence, citing its inconsistency with the Carmel Valley Master Plan and Carmel Valley Ranch Specific Plan, and lack of compatibility with the surrounding neighborhood. Additionally, concerns included the project's potential impact on aesthetics, specifically nighttime light pollution, neighborhood safety, slope stability, drainage, nearby trees, and property values.

ENVIRONMENTAL REVIEW

CEQA Guidelines section 15270 and Public Resources Code Section 21080(b)(5) states that the California Environmental Quality Act does not apply to projects that a public agency rejects or disapproves. As currently designed and proposed, staff recommends the Planning Commission deny the project due to inconsistencies with applicable Monterey County Code sections, the 2010 General Plan, the Carmel Valley Master Plan, and the Carmel Valley Ranch Specific Plan.

OTHER AGENCY INVOLVEMENT

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

Environmental Health Bureau
HCD-Engineering
HCD-Environmental Services
Cypress Fire Protection Department

LUAC

The proposed project was referred to the Carmel Valley Land Use Advisory Committee for review on June 17, 2024. At this meeting, members of the public raised concerns relating to setbacks, the size and internal circulation of the ADU, impacts on public and private views, neighborhood compatibility, development on steep slopes, erosion control, and parking. Members of the LUAC raised similar concerns and noted that the proposed amount of glass could cause light pollution. After public testimony, the LUAC voted 4-0 to not support the project as proposed (**Exhibit D**).

Prepared by: Fionna Jensen, Senior Planner

Reviewed by: Anna Ginette Quenga, AICP, Principal Planner

Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Discussion

Exhibit B - Draft Resolution including:

- Site Plans, Floor Plans, Elevations, Colors & Materials

Exhibit C - Vicinity Map

Exhibit D - LUAC Minutes (June 17, 2024)

Exhibit E - Neighborhood Photos

Exhibit F - Recorded Final Map

Exhibit G - Arborist Report

Exhibit H - Site Visit Photos

Exhibit I - Monterey Bay Engineers Letter

Exhibit J - Public Comment

Exhibit K - Applicant Requested Continuances

Exhibit L - 1975 Carmel Valley Ranch Specific Plan EIR

Exhibit M - Applicant's Fault Setback Map

cc: Front Counter Copy; Planning Commission; Fionna Jensen, Senior Planner, Anna Ginette Quenga, AICP, Principal Planner, Melanie Beretti, AICP, Chief of Planning; Anna Bornstein, EMC Planning Group, Agent; Amy McDougal, Owner; Rene Peinado, Applicant; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Christina McGinnis, Keep Big Sur Wild; Laborers International Union of North America (Lozeau Drury LLP); Interested Party List; Project File PLN230127.