



County of Monterey Planning Commission

Item No.2

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

Agenda Item No.2

June 11, 2025

Legistar File Number: PC 25-053

Introduced: 6/3/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLN210331 - REYNOLDS JON Q. TR. ET. AL.

Public hearing to consider construction of a 1,056 square foot accessory dwelling unit and the merger of three existing lots into one 36,914 square foot parcel. Development will occur within 750 square feet of archaeological resources and within 100 feet of environmentally sensitive habitat area.

Project Location: 26489 Scenic Road & 26454 Carmelo Street, Carmel.

Proposed CEQA Action: Adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074.

RECOMMENDATIONS

It is recommended that the Planning Commission adopt a resolution:

- 1) Adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074;
- 2) Approving a Combined Development Permit consisting of:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 1,056 square foot accessory dwelling unit;
 - b. Coastal Development Permit for a Lot Line Adjustment to merge three legal lots of record into one 36,914 square foot lot;
 - c. Coastal Development Permit for development within 750 feet of archaeological resources; and
 - d. Coastal Development Permit for development within 100 feet of environmentally sensitive habitat area.
- 3) Adopted a Mitigation Monitoring and Reporting Plan.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 20 conditions of approval.

PROJECT INFORMATION

Property Owners: Jon Reynolds Trust, et. al.

Agent: Teri Flynn

APN: 009-471-014-000, 009-471-025-000, and 009-471-026-000

Zoning: Medium Density Residential/2 units per acre, Design Control overlay, 18 foot height limit, Coastal Zone (MDR/2-D(18)(CZ))

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

Project Planner: Joseph Alameda, Associate Planner

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SUMMARY

The subject properties (three lots totaling 0.85 acres) are located at 26489 Scenic Road & 26454 Carmelo Street, Carmel. The properties are under common ownership, Jon Q. Reynolds and Ann S. Reynolds Family Trust, and are currently developed with a 3,176 square foot single family dwelling, detached 625 square foot garage, and various hardscapes and minor site improvements. The project involves construction of a single-story 1,056 square foot, two-bedroom Accessory Dwelling Unit (“ADU”) and merging three legal lots of record (Assessor’s Parcel Numbers 009-471-014 (0.25 acres), 009-471-026 (0.14 acres), and 009-471-025 (0.46 acres)) into a single legal lot of record (totaling 0.85 acres). The project also involves removing 15 existing plumbing fixtures in the main house and garage and transferring them to the proposed ADU. Additional project improvements include an exterior stone patio, crushed granite walkway, privacy fence, and landscaping around the entire building exterior. The landscaping plan proposes the removal of nine non-native Mediterranean cypress trees, replanting a mixture of native and nonnative drought-tolerant plants, and restoring the property’s dune scrub. The proposed development is within 750 feet of a known archaeological resource and 100 feet of an environmentally sensitive habitat area.

County staff prepared a draft Initial Study for this project and concluded that any potential adverse impacts would be less than significant with mitigation measures applied. The County also identified potentially significant impacts to biological resources, cultural resources, and tribal cultural resources. Mitigation measures have been proposed to reduce the identified impacts to a level of less than significant.

DISCUSSION

The subject properties are zoned Medium Density Residential, 2 units per acre, with a design control overlay and an 18-foot height limit in the Coastal Zone. The properties are governed by regulations and policies in the 1982 General Plan, Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), Monterey County Coastal Zoning Ordinance (Title 20), and Monterey County Coastal Subdivision Ordinance (Title 19).

Development Standards

Detached habitable structures within the MDR zoning district shall have setbacks of at least 50 feet for the front, 6 feet for the sides, and 6 feet for the rear. Additionally, the maximum allowable height for accessory structures within this zoning district is 15 feet. As proposed, the ADU will be setback 95 feet (front), 6 feet (east side), over 100 feet (west side), and 10 feet (rear). The proposed development will have a height of 12 feet 8 inches above the average natural grade. The subject property has an allowable building site coverage of 35 percent. As proposed, the project will result in a lot coverage of 12.6 percent. Therefore, the property complies with the required site development standards based on the applicable zoning district. Additionally, the proposed ADU complies with all development standards and regulations of the County’s ADU Ordinance, including size, compatibility with the main residence, parking, and adequate water supply and sewage disposal.

Design

The proposed ADU’s colors and materials consist of local Carmel stone, wood siding, wood shake roofing, driftwood trellising, and energy-efficient windows and doors. Residences within the vicinity have eclectic architectural styles, ranging from modern to craftsman-style homes. The exterior finishes

blend with the surrounding built environment and are consistent with the surrounding residential neighborhood character. The proposed design is also compatible and comparable to the main residence, as required by Title 20 section 20.64.030.D.9 (ADU Ordinance).

Visual Resources

The Carmel Area Land Use Plan's visual resource policies regulate development that is visible from the "General Viewshed", which includes views from Highway 1, Scenic Road, and public lands within the Carmel segment and Carmel City Beach. Per Map A of the Carmel Area LUP, the subject property is within the "General viewshed". Key Policy 2.2.2 of the Carmel Area Land Use Plan requires that development be subordinate to the natural scenic character of the area and must conform to the basic viewshed policy of minimum visibility. The proposed development will not be visible from Highway 1 or Point Lobos. The Project site is, however, located along Scenic Road, a designated public viewing area. Due to changes in topography and the existing structures on the property, the proposed development will have minimum visibility. Only the upper portion of the ADU's roof will be visible from portions of Scenic Road and Carmel River Beach.

The visible portions of the development would be distant and unobtrusive due to the siting (sited in the eastern corner) and the existence of Monterey cypress trees. Although non-native Cypress trees are proposed for removal, this removal would not result in greater visibility of the proposed structure. Per Carmel Area LUP Policy 2.2.3.1, the project is designed and sited appropriately and would not detract from the natural beauty of the scenic shoreline, undeveloped ridgelines, and slopes in the public viewshed. Consistent with Carmel Area LUP Policy 2.2.3.2, the project is set back from Scenic Road, and minimally visible due to topography and existing structures (e.g., neighboring residences). The project is designed with materials consistent with the existing residence, which align with the surrounding environment (e.g., Carmel stone, wood siding, wood shake roofing (Carmel Area LUP Policy 2.2.3.6 and 2.2.4.10(c))). As conditioned, all exterior lighting would be adequately shielded or downlit to minimize off-site glare.

Lot Line Adjustment

The lot line adjustment is between four or fewer existing adjoining parcels. The three existing legal lots of record have a total combined area of 0.85 acres. After the adjustment, there will be one lot containing 0.85 acres or 36,914 square feet. The subject properties are zoned for residential purposes. After implementation of the project, the resulting parcel will be developed with a single-family dwelling, an accessory dwelling unit, garage, and a driveway. The proposed lot line adjustment is consistent with the County of Monterey's Zoning Ordinance (Title 20) and Subdivision Ordinance (Title 19).

Environmentally Sensitive Habitat Area

The project includes an application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Carmel Area LUP and the County of Monterey Zoning Ordinance (Title 20), a Coastal Development Permit is required, and the authority to grant said permit has been met.

The policies in Chapter 2.3 of the Carmel Area LUP are directed at maintaining, protecting, and, where possible, enhancing sensitive habitats. Policy 2.3.3.1 of the Carmel Area LUP requires that the

construction of structures be avoided within critical and sensitive habitat areas and sites of known rare and endangered species of plants and animals. A biological assessment (County of Monterey Library No. LIB230104; **Exhibit E**) was prepared for the proposed project and found that the site contained degraded dune scrub habitat. In 2003, the southern corner of the property was designated for dune scrub habitat restoration to offset impacts from construction of an addition to the property's main residence. The biological assessment found that this previous restoration area has been degraded by the presence and introduction of nonnative, invasive ice plant and nonnative landscape plantings. Thus, the biologist recommended that this area be revegetated to enhance and restore the dune scrub habitat. Although the footprint of the ADU is not within the dune scrub habitat, construction of the proposed ADU may inadvertently remove native, sensitive dune scrub habitat vegetation. This potential impact on ESHA has been reduced to a less-than-significant level with the incorporation of Mitigation Measure BIO-1. Mitigation Measure BIO-1 requires a qualified biologist to prepare a Coastal Dune Scrub Revegetation Plan that 1) restores the southern corner of the property and other native vegetation areas that are disturbed by the implementation of the proposed project; and 2) eradicates invasive species. Condition No. 5 requires the introduction of native species into the landscaping. Implementation of Mitigation Measure BIO-1 and Condition No. 5 is consistent with the ESHA and native landscaping requirements of Carmel Area LUP.

Archaeological and Tribal Cultural Resources

The project site is within an area of high archaeological sensitivity and is within 750 feet of numerous known archaeological resources, specifically CA-MNT-17. A Coastal Development Permit is required to allow development within 750 feet of known archaeological resources. Basin Research Associates prepared a project-specific Phase II Archaeological Report (County of Monterey Library No. LIB220251) in 2022. This archaeological report reviewed the conclusions of two archaeological reports prepared by Basin Research Associates in 2003 and 2010, conducted additional auger testing, and reviewed available literature.

Based on subsurface testing and monitoring that occurred in 2003 in conjunction with the construction of an addition to the single-family dwelling, no significant cultural resources were identified. In 2022, Basin Research Associates conducted additional auger testing within the proposed ADU footprint to depths between 18 and 51 inches. Numerous fragments of the decorative rock (shale/flagstone) associated with the existing residence were recovered from the auger samples at various depths. However, no cultural materials were observed. Though no cultural resources were identified within the proposed development footprint, Basin Research Associates concluded that "cultural deposit is present within the project site and immediately adjacent areas at an approximate depth of 6-7 feet below the current surface." Accordingly, the Project Archaeologist recommended that the project's ground disturbance not exceed 24-30 inches below existing surface contours.

The ADU incorporates a "mat foundation" design, which avoids the need for piers or footings and requires minimal excavation (18 inches deep). The proposed foundation and overall project siting minimizes and/or avoids known and unknown archaeological resources, as required by Carmel Area CIP sections 20.146.090.D(1) and (3). To ensure impacts remain less than significant, the project archaeologist's recommendations have been incorporated as a mitigation measure. Mitigation Measure CUL-1 requires a qualified archaeological review of the final construction plans to confirm that excavation will not exceed 24-30 inches. Implementation of the Mitigation Measure CUL-1 and

compliance with Condition No. 3 (on-call archaeological monitor) will ensure impacts on archaeological resources remain less than significant. Given the project's proximity to known tribal cultural resources, a mitigation measure is required to reduce potential impacts to unknown tribal cultural resources to a less than significant level. Mitigation Measure No. TR-1 requires a Tribal Monitor to be on site during ground disturbance to ensure that tribal cultural artifacts or human remains are treated with the appropriate dignity and respect if discovered. Therefore, as proposed, conditioned, and mitigated, the potential for inadvertent impacts on cultural and tribal cultural resources is limited, and the project will avoid or substantially minimize impacts on archaeological resources (Carmel Area LUP Policy 2.8.3).

ENVIRONMENTAL REVIEW

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 B**). County staff filed the draft IS/MND with the County Clerk on April 9, 2025; and circulated for public review from April 9, 2025 through May 9, 2025 (State Clearinghouse Number 2025040521). The draft IS/MND identified potentially significant impacts to biological resources, cultural resources, and tribal cultural resources. Pursuant to Public Resources Code section 21080.3.1 et seq., Monterey County HCD-Planning conducted consultation with local Native American tribes in 2023. Mitigation measures have been proposed to reduce the identified impacts to a level of less than significant, as described above (BIO-1, TR-1, and CUL-1). These mitigation measures have been incorporated as Condition Nos. 18, 19, and 20. All other standard topics of environmental analysis were found to have less than significant impacts or no impacts.

During the public review period of the Initial Study, two members of the public submitted comments (**Exhibit C**). A neighbor requested that the ADU be relocated towards the main residence to reduce its visibility from their private residence. The Open Monterey Project (TOMP) contended the accuracy of the IS/MND by claiming that it failed to disclose that a human cranium (tribal cultural resource) was found near the proposed development site in 2010, omitted critical LUP policies that protected tribal cultural resources, and did not analyze the removal of natural boulders and rock outcroppings. Additionally, TOMP questioned the conclusions of the 2022 Archaeological Assessment (County of Monterey Library No. LIB220251), asserting that auger testing does not adequately identify potential resources. TOMP asserts that Mitigation Measure TR-1 should include an archaeological monitor, and monitoring shall occur during all ground-disturbing activities, not just initial ground disturbance.

The IS/MND disclosed the high archaeological sensitivity of the area and that cultural resources are known to exist in proximity to the project site, an area known as "Carmel Point". Information provided by TOMP does not provide significant new information that would increase the severity of the identified potential impact on tribal cultural resources. Finally, locations of artifacts are generally confidential to minimize the potential of looting, vandalism, or damage. No boulder or rock outcropping removal is proposed, and therefore, no impact will occur to these resources. Mitigation Measure TR-1's requirement that tribal monitoring occur during "initial project-related grading and excavation" has been clarified to include ground disturbance associated with the foundation, utilities,

and tree removal, not the moving of soils previously excavated for the project. This clarification and amplification is incorporated into the draft Conditions of Approval, **Attachment 2 of Exhibit A**, and does not warrant recirculation pursuant to CEQA Guidelines section 15074.1.

OTHER AGENCY INVOLVEMENT

The following County agencies have reviewed this project, have comments, and/or have recommended conditions: HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, Cypress Fire Protection District.

LUAC

On April 17, 2023, the Carmel Highlands LUAC voted 6-0 in support of the project, with the recommendation that the property owner and neighbor come to an agreement on how to handle erosion on the northeastern portion of the property (**Exhibit D**). During this meeting, a member of the public (neighbor) raised concerns about the removal of non-native trees increasing erosion. Members of the LUAC had comments regarding the proposed height and design of the ADU, potential impacts to archaeological resources, ADU regulations, solar panels, and whether the resulting one lot could be subdivided in the future. See **Exhibit A** (Draft Resolution) for a response to these questions and comments.

Prepared by: Joseph Alameda, Associate Planner

Reviewed by: Fionna Jensen, Principal Planner

Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution, including;

- Draft Conditions of Approval
- Site Plan, Floor Plans and Elevations

Exhibit B - Draft IS/MND

Exhibit C - Public Comment Letters

Exhibit D - LUAC minutes

Exhibit E - Biological Report

Exhibit F - Vicinity Map

cc: Front Counter Copy; Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Fionna Jensen, Principal Planner; Reynolds Jon TR Et Al, Property Owner; Teri Flynn, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Interested Parties; Planning File PLN210331.