

MONTEREY COUNTY PLANNING COMMISSION

Meeting: March 27, 2013 Time: <i>9:00 a.m.</i> Agenda Item No.: <i>1</i>	
Project Description: Consider approving a four-year extension to November 9, 2018 for the previously approved Combined Development Permit for the September Ranch Subdivision Project (PLN050001) consisting of: 1) a Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area Wastewater District for sewage disposal; 2) a Use Permit for the public/commercial use of the equestrian center & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; 3) a Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; 4) a Use Permit for removal of a maximum of 819 protected Coast live oaks; 5) an Administrative Permit for up to 100,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention areas; 6) a Use Permit to allow development on slopes greater than 30 percent for affordable housing on Lots 5 through 11, subdivision infrastructure and subdivision improvements; and 7) an Administrative Permit for affordable housing, equestrian center caretaker unit/public office, a tract sales office and a security gatehouse.	
Project Location: Approximately 2.5 miles east of Highway 1 on the north side of Carmel Valley Road, between Canada Way and Valley Greens Drive, Mid-Carmel Valley area	APN: 015-171-010-000, 015-171-012-000, 015-361-013-000, and 015-361-014-000
Planning File Number: PLN110173	Owner: September Ranch Partners Agent: Lombardo and Gilles
Planning Area: Carmel Valley Master Plan	Flagged and staked: No
Zoning Designation: LDR/2.5-D-S-RAZ and RDR/2.5-D-S-RAZ [Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review Overlays and Residential Allocation District and Rural Density Residential, 2.5 acres per unit with Design Control, Site Plan Review Overlays and Residential Allocation District]	
CEQA Action: Previously Certified Final Revised EIR	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Consider the Previously Certified Final Revised EIR for the September Ranch Subdivision Project; and
- 2) Approve the extension to of the Combined Development Permit for the September Ranch Subdivision Project November 9, 2018, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**):

PROJECT OVERVIEW:

On November 9, 2010, The Board of Supervisors certified the Final Revised EIR including the Final Revised Water Demand Analysis for the September Ranch Subdivision Project and approved the application for the Combined Development Permit consisting of a: Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots, September Ranch Partners (PLN110173)

equestrian center, water system, grading for site improvements on slopes of over 30% and the removal of up to 189 Oak trees. Under the Government Code Section 66452.6, tentative maps shall expire 24 months after conditional approval. Subsequently in 2011, the state legislature enacted an automatic 24-month extension for tentative maps that had not expired but will expire before January 1, 2014 (Government Code Section 664.52.23). The expiration date for the September Ranch Vesting Tentative Map is now November 9, 2014.

History of Extension

On April 7, 2011 the applicant applied for a four-year extension of the Combined Development Permit for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots to allow additional time to secure funding for the project and allow the market demand to pick up for the lots generated from this subdivision. The subject request was heard by the Planning Commission on August 10, 2011 whereas the Planning Commission continued the item until May 14, 2014, closer to the expiration date of November 9, 2014.

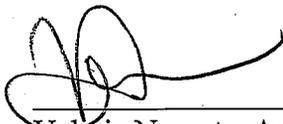
On February 21, 2013, the applicant requested a hearing before the Planning Commission to reconsider the extension for four years from November 9, 2014 to November 9, 2018 in order to allow additional time to comply with the remaining conditions (**Exhibit F**). To date, the applicant has complied with 2 of the 190 conditions of approval, which is the Indemnification Agreement and the Notice of Determination (Fish and Game fee). Condition Compliance will be processed under Planning File No. PLN050001.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Carmel Valley Fire Protection District
- √ Monterey County Sheriffs Department
- √ Redevelopment Agency
- √ Parks Department
- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency

Agencies that submitted comments are noted with a check mark ("√"). The agencies are continuing to require all of conditions of approval of Resolution Number 10-312.

Note: The decision on this project is appealable to the Board of Supervisors.



Valerie Negrete, Assistant Planner
(831) 755-5227, negretev@co.monterey.ca.us
March 5, 2013

cc: Front Counter Copy; Planning Commission; Carmel Valley Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Parks Department, Redevelopment Department, Sheriffs

Department; Laura Lawrence, Planning Services Manager; Valerie Negrete, Project Planner; Carol Allen, Senior Secretary; September Ranch Partners, Owner; Lombardo and Gilles, Shandell Brunk, Agent; Open Monterey Project; Land Watch; Planning File PLN110173

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
1. Vesting Tentative Map
2. Board of Supervisors Resolution (10-312) dated November 9, 2010 (on CD)
Exhibit D Vicinity Map
Exhibit E Minutes from August 10, 2011 Planning Commission hearing
Exhibit F Extension Justification letter dated February 21, 2013
Exhibit G Certified Final Revised EIR (on CD)

This report was reviewed by Laura Lawrence, Planning Services Manager

EXHIBIT B DISCUSSION

On November 9, 2010 the Board of Supervisors certified the Revised Final EIR and approved the Combined Development Permit.

CEQA

An EIR was certified by the Board of Supervisors on November 8, 2010. According to CEQA Guidelines, Section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines that, on a basis of substantial evidence in the light of the whole record, one of more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

In this case, no changes are proposed to the project which will require major revisions to the previously adopted EIR. The project has not changed and there are not proposed changes to the project with this application.

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

In this case, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions. The applicants are applying for an extension to allow them additional time to comply with their conditions of approval and give the housing market time to recover, enabling them to recover their costs and be able sell lots.

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted.

No new information was brought forth with the extension request. Therefore, no new analysis is required.

No subsequent environmental review document was generated because circumstances have not changed since the adopting of the EIR on November 8, 2010. The project has not changed and no new information was presented with the extension request that would warrant further environmental review.

Previous Extension Request

The Subdivision Ordinance (Title 19) allows for a two-year period for the initial approval of standard subdivisions, absent this extension, the September Ranch approval expires on November 6, 2014 (with automatic state law extension under Government Code Section 66452.23).

The Subdivision Map Act provides that, upon application filed by the subdivider prior to the expiration of the map, the appropriate decision-making body may extend the map for a period (or

periods) not exceeding a total of six years (Gov't Code section 66452.6(e)). The County's subdivision ordinance requires that the request for extension be made at least 60 days before the map is due to expire. The County's subdivision ordinance does not preclude the applicant from making a request for extension sooner, nor does the County's ordinance require that the extensions be granted in smaller time increments. Under the Map Act, the County has discretion to grant the requested extension, grant the extension for a lesser increment of time, or deny the request now as premature and require applicant to make the request closer to the expiration date of the tentative map.

On April 7, 2011 the applicant applied for a four year extension and the Planning Commission considered this request on August 10, 2011. At the August 10, 2011 hearing the Planning Commission continued the item to May 14, 2014, as the Planning Commission wanted to hear the item closer to the expiration date of November 9, 2014.

Current Request

On February 27, 2013, staff received a request for a four year extension to be heard again at the Planning Commission. The applicant would like to have the item heard now so that they can have more certainty on whether or not their request will be granted as their map will expire on November 9, 2014. The applicant was concerned that the May 14, 2014 date was too close to their actual expiration date. Staff supports a four year extension, until November 9, 2018.

Staff supports the extension request to November 9, 2018 because there have been no significant changes in circumstances in the area of the project since the approval of the project. The County's discretion is limited to time considerations; it does not allow a reevaluation of the tentative map and does not allow imposition of new conditions based on the intervening passage of new local regulations. However, under Government Code section 66474.3, the County can impose a new condition or deny an extension of a tentative map if it determines one of the following:

- 1) a failure to do so would place residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both or
- 2) the condition or denial is required, in order to comply with state or federal law. (Gov't Code sec. 66474.3(c).)

With the extension request, no condition dangerous to health or safety has been identified and no change in state or federal law has occurred requiring new conditions or denial of the extension. The applicant has explained the reasons why they are requesting the four year extension now. (See **Exhibit E**). The applicant states that additional time is needed to comply with the conditions of approval.

Although the Planning Commission has the discretion to grant less than the requested four years (to November 9, 2018), staff finds no reasons to support less than a four year extension. Given the time involved with processing this extension request (2nd request before the Planning Commission) and the amount of administrative time involved in clearing conditions, staff believes additional time is reasonable.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

September Ranch Partners (PLN110173)

RESOLUTION NO. [REDACTED]

Resolution by the Monterey County Hearing Body:

- 1) Consider the Previously Approved Certified Draft EIR;
- 2) Approve an extension to November 9, 2018 for the previously approved September Ranch Partners Combined Development Permit for [PLN110173, September Ranch Partners, Approximately 2.5 miles east of Highway 1 on the north side of Carmel Valley Road, between Canada Way and Valley Greens Drive, Mid-Carmel Valley area, Carmel Valley Master Plan Area (APN: 015-171-010-000, 015-171-012-000, 015-361-013-000, and 015-361-014-000)]

The September Ranch Partners application for a four-year extension (PLN110173) came on for public hearing before the Monterey County Planning Commission on August 10, 2011 and March 27, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **EXTENSION REQUEST** – A four year extension beyond November 9, 2014 to November 9, 2018 is justified for the reasons described herein.
EVIDENCE: a) On August 10, 2011, the Planning Commission considered September Ranch Partners requested four-year extension for the previously approved Combined Development Permit for the September Ranch Subdivision Project (PLN050001) consisting of: 1) a Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area Wastewater District for sewage disposal; 2) a Use Permit for the public/commercial use of the equestrian center & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per

year; 3) a Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; 4) a Use Permit for removal of a maximum of 819 protected Coast live oaks; 5) an Administrative Permit for up to 100,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention areas; 6) a Use Permit to allow development on slopes greater than 30 percent for affordable housing on Lots 5 through 11, subdivision infrastructure and subdivision improvements; and 7) an Administrative Permit for affordable housing, equestrian center caretaker's unit/public office, a tract sales office and a security gatehouse. The property is located approximately 2.5 miles east of Highway 1 on the north side of Carmel Valley Road, between Canada Way and Valley Greens Drive, Mid-Carmel Valley area, Carmel Valley Master Plan area. The September Ranch Subdivision Project (PLN050001) map would have expired on November 9, 2014 and with the extension request, the map would have expired on November 9, 2018.

- b) On August 10, 2011, the Planning Commission discussed the four year extension request. The Planning Commission continued the extension request to May 6, 2014 for consideration which is closer to the time the map would expire.
- c) The Subdivision Map Act provides that, upon application filed by the subdivider prior to the expiration of the map, the appropriate decision-making body may extend the map for a period (or periods) not exceeding a total of six years. (Gov't Code section 66452.6(e).) The County's subdivision ordinance requires that the request for extension be made at least 60 days before the map is due to expire.
- d) Staff is in support of the extension to November 9, 2018 because there have been no significant changes in circumstances in the area of the project since the approval of the project. The County's discretion is limited to time considerations; it does not allow a reevaluation of the tentative map and does not allow imposition of new conditions based on the intervening passage of new local regulations. However, under Government Code section 66474.3, the County can impose a new condition or deny an extension of a tentative map if it determines one of the following:

1) a failure to do so would place residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both or

2) the condition or denial is required, in order to comply with state or federal law. (Gov't Code sec. 66474.3(c).)

In this case, no condition dangerous to health or safety have been identified and no change in state or federal law has occurred requiring new conditions or denial of the extension. The applicant is requesting an extension for economic reasons in securing funding. There is little to no

financing available for new development at this time.

- e) The applicant has only complied with 2 of the 198 conditions of approval. A large amount of staff time will be needed to verify and clear conditions of approval. Additional staff time will be needed to process subsequent extensions therefore four years would be preferable.

2. **FINDING:**

CEQA (EIR) – The Planning Commission has considered the Final Revised EIR on September 8, 2010 in Resolution Number 10-026. The County of Monterey has completed an Environmental Impact Report (EIR) in compliance with CEQA, and the Final EIR reflects the County of Monterey's independent judgment and analysis.

EVIDENCE:

- a) The California Environmental Quality Act (CEQA) requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.
- b) The Monterey County Planning Department prepared a Final EIR including the Final Revised Water Demand Analysis. The Revised EIR and Final Revised Water Demand Analysis is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN050001).
- c) Draft Revised EIR dated December 2004, Re-circulated Draft Revised EIR dated February 2006, Final Revised EIR dated July 2006, and Final Revised Water Demand Analysis dated August 2010.
- d) According to CEQA section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines that, on a basis of substantial evidence in the light of the whole record, one of more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

In this case, no changes are proposed to the project which will require major revisions to the previously adopted EIR. The project has not changed and there are not proposed changes to the project with this application.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

In this case, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions. The applicants are applying for an extension to allow additional time to comply with their conditions of approval and give the housing market time to recover enabling them to recover their costs and be able sell lots.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted.

No new information was brought forth with the extension request. Therefore, no new analysis is required.

- e) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the EIR and Water Demand Analysis is based.

3. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on April 21, 2011 and researched County records to assess if any violation exists on the subject property.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110173.

4. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 19.16.020.C Monterey County Subdivision Ordinance.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Approve an extension to November 9, 2018 for the previously approved September Ranch Partners Combined Development Permit Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area Wastewater District for sewage disposal; 2) a Use Permit for the public/commercial use of the equestrian center & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; 3) a Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents

of the subdivision; 4) a Use Permit for removal of a maximum of 819 protected Coast live oaks; 5) an Administrative Permit for up to 100,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention areas; 6) a Use Permit to allow development on slopes greater than 30 percent for affordable housing on Lots 5 through 11, subdivision infrastructure and subdivision improvements; and 7) an Administrative Permit for affordable housing, equestrian center caretaker's unit/public office, a tract sales office and a security gatehouse, in general conformance with the attached sketch and subject to the conditions of approval in Resolution Number 10-312, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 27th day of March, 2013 upon motion of ~~XXXX~~, seconded by ~~XXXX~~, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON ~~DATE~~

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE ~~DATE~~

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

EXHIBIT C- 2

**BOARD OF SUPERVISOR'S RESOLUTION (10-312)
DATED: NOVEMBER 9, 2010**

**This Exhibit has been placed on the
CD for reference**

CARMEL VALLEY

DEL REY OAKS

MONTEREY

68

Jacks Peak Regional Park

Roach Canyon Park

PROJECT SITE

TEHAMA

CARMEL VALLEY RD

Carmel River

North Fork San Jose Creek

APPLICANT: SEPTEMBER RANCH PARTNERS

APN: 015-171-010-000M

FILE # PLN110173

Water



2500' Limit



300' Limit



City Limits



Exhibit E

**FINAL
MONTEREY COUNTY PLANNING COMMISSION
WEDNESDAY, AUGUST 10, 2011
MINUTES**

PLEDGE OF ALLEGIANCE - 9:00 A.M.

A. ROLL CALL

Present: Commissioners Jay Brown, Keith Vandevere, Amy Roberts (Vice-Chair), Don Rochester, Aurelio Salazar, Paul Getzelman (Chair), Jose Mendez, Martha Diehl, Cosme Padilla, Luther Hert

Carl Holm, Resource Management Agency Acting Deputy Director, served as Secretary

B. PUBLIC COMMENTS - None

C. AGENDA ADDITIONS, DELETIONS AND CORRECTIONS - None

D. APPROVAL OF MINUTES - None

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

Commissioner Diehl asked for follow up information regarding the Barnyard Shopping Center signs. Acting Secretary Holm gave an explanation of what staff has found relative to jurisdiction between the County and California Coastal Commission.

F. SCHEDULED ITEMS

1. KEECH PROPERTIES LLC - PLN100211

Project Planner: Delinda Robinson. **Environmental Status:** Mitigated Negative Declaration. **Project Description:** Combined Development Permit consisting of: 1) a Coastal Development Permit to allow a Lot Line Adjustment (merger) between three legal lots of record consisting of Lot 2 (6,002 square feet, Assessor's Parcel Number [APN] 009-432-014-000), Lot 6 (6,005 square feet, APN 009-432-018-000), and Lot 7 (6,040 square feet, APN 009-432-019-000), resulting in one parcel of 18,047 square feet; 2) a Coastal Administrative Permit to allow the partial demolition, remodel of and additions to a 2,796 square foot, three-story, single family dwelling with a 486 square foot attached garage which will result in a 6,159 square foot three-story residence with an attached 836 square foot garage. The remodel and additions will include: a) at main level: demolition of 607 square feet of existing laundry room, two-car garage and portion of existing living room; remodel and conversion of existing 903 square foot living area to a new 836 square foot three-car garage, stairwell, elevator and mechanical room; 3,367 square foot addition; new 229 square foot attached portico; and 213 square feet new attached balconies and deck; b) at upper level: remodel of 1,339 square feet of living area, master bedroom and kitchen to a new studio and office; 13 square foot bay window

addition, demolition of existing 188 square foot wood deck and construction of new 345 square foot roof-top balcony with fireplace over proposed main level addition; c) at lower level: demolish existing 433 square foot guest suite; and construct 1,606 square foot lower level media room, exercise room, bar and guest rooms; c) site improvements to include: new driveway and guest parking areas, motor court, new lower terrace and patio, new courtyard with built-in barbecue, spa and fireplace, new wrought iron fence with stone columns at Ocean View property line and new site landscaping, d) approximately 1,060 cubic yards of grading (830 cut/ 230 fill); 3) a Coastal Administrative Permit to allow the construction of a 425 square foot guesthouse with covered porch and loggia; 4) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; and 5) Design Approval with materials and colors of stucco siding (Shabby Chic), slate (natural) and copper roofing, stone, metal clad doors and windows (medium bronze), and cedar trim and garage door (Thatch). The property is located at 26276 Ocean View Avenue, Carmel (Assessor's Parcel Numbers 009-432-014-000, 009-432-018-000, and 009-432-019-000), Carmel Area Land Use Plan, Carmel Point area, Coastal zone

Planning Manager, Laura Lawrence requested a continuance to the August 31, 2011 hearing. Additional information has been received on the project.

Public comment: None.

It was moved by Commissioner Vandevere, seconded by Commissioner Mendez to continue the project to August 31, 2011 and passed by the following vote:

AYES: Brown, Vandevere, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl, Padilla, Hert
NOES: None
ABSENT: None
ABSTAIN: None

2. SEPTEMBER RANCH PARTNERS - PLN110173

Project Planner: Valerie Negrete. **Environmental Status:** Consider previously certified Environmental Impact Report (EIR). **Project Description:** Consider request to extend the previously approved Combined Development Permit for four (4) additional years. The Combined Development Permit (PLN050001) consists of: 1) a Vesting Tentative Map for the subdivision of 891 acres into 73 market-rate residential lots and 22 affordable housing lots (15 inclusionary and 7 deed-restricted workforce housing lots) for a total of 95 residential lots; a 20.2 acre existing equestrian facility and accessory structures related to that use (Parcel E); 300.5 acres of common open space (Parcels A & C); 242.9 acres of public open space for donation/dedication (Parcel D); 250.7 acres of private open space (conservation and scenic easement) on each lot outside of the building envelope; 6.9 acres of open space reserved for future public facilities (Parcel B); annexation to the Carmel Area Wastewater District for sewage disposal; 2) a Use Permit for the public/commercial use of the equestrian center & stables for a maximum of 50 horses and a maximum water use of 3.0 acre-feet per year; 3) a Use Permit for an on-site water system including new wells, backup well(s), booster pumps, water tanks and piping for fire suppression and residents of the subdivision; 4) a Use Permit for removal of a

maximum of 819 protected Coast live oaks; 5) an Administrative Permit for up to 100,000 cubic yards of grading in an "S" (Site Plan Review) Overlay Zoning District for subdivision infrastructure and improvements including, but not limited to, development of roads, water tanks, water system, and drainage detention areas; 6) a Use Permit to allow development on slopes greater than 30 percent for affordable housing on Lots 5 through 11, subdivision infrastructure and subdivision improvements; and 7) an Administrative Permit for affordable housing, equestrian center Caretaker's Unit/public office, a tract sales office and a security gatehouse. The property is located approximately 2.5 miles east of Highway 1 on the north side of Carmel Valley Road, between Canada Way and Valley Greens Drive, Mid-Carmel Valley area (Assessor's Parcel Numbers 015-171-010-000; 015-171-012-000; 015-361-013-000; and 015-361-014-000), Carmel Valley Master Plan area.

Project Planner Valerie Negrete presented the permit extension request. Planning Manager Laura Lawrence discussed the changes contained in the errata.

Public Comment:

- Anthony Lombardo, applicant's representative
- Margaret Robbins
- Christine Williams, President, Carmel Valley Homeowners' Association
- Anthony Lombardo, applicant representative gave rebuttal.

The Commission discussed automatic extensions granted by state legislature and how that applies with extensions allowed by the County Code.

It was moved by Commissioner Brown, seconded by Commissioner Salazar to approve staff recommendation of an extension to November 9, 2016, and failed by the following vote:

AYES: Brown, Rochester, Salazar, Getzelman, Mendez
NOES: Vandevere, Roberts, Diehl, Padilla, Hert
ABSENT: None
ABSTAIN: None

Motion failed: 5-5

It was moved by Commissioner Diehl, seconded by Commissioner Vandevere to continue the hearing on the extension request to May 14, 2014, and passed by the following vote:

AYES: Vandevere, Roberts, Mendez, Diehl, Padilla, Hert
NOES: Brown, Rochester, Salazar, Getzelman
ABSENT: None
ABSTAIN: None

Acting Secretary Carl Holm informed the Commission of the State's history with granting automatic extensions when there is a down-turn in the economy. He reported that, as such, the State could possibly grant one or more automatic extensions during the life of this map.

Break 10:08 a.m. - Reconvene 10:29 a.m.

3. RIGOULETTE LLC (VILLAS DE CARMELO; FORMERLY CARMEL CONVALESCENT HOSPITAL) - PLN070497

Project Planner: Elizabeth Gonzales. **Environmental Status:** Environmental Impact Report. **Project Description:** Continued from July 27, 2011. A) The Planning Commission will consider making a recommendation to the Board of Supervisors on Local Coastal Program (LCP) amendments for the former Carmel Convalescent Hospital site, generally located at the northwest corner of Highway One and Valley Way. The amendments generally consist of amendments to the Carmel Area Land Use Plan to change the land use designation from Medium Density Residential, two units per acre (MDR/2) to High Density Residential, 12.5 units per acre (HDR/12.5) and amendments to the Monterey County Coastal Implementation Plan, Part 4 (Regulations for Development in the Carmel Area Land Use Plan) (Chapter 20.146) to allow high-density residential development on the site; B) The Planning Commission will consider rescinding its June 29, 2011 motion which continued the hearing on the application for a Combined Development Permit (PLN070497/Rigoulette, LLC (Villas de Carmelo)) until a final determination had been made on the LCP amendments. The Combined Development Permit includes: 1) a Vesting Tentative Map to subdivide 3.68 acres into 46 condominium parcels and common open space; 2) Coastal Development Permit to convert the former convalescent hospital into nine condominium units with underground parking, recreation room, storage, and a gym; 3) Coastal Administrative Permit to demolish one existing structure and construct 8 buildings for a total of 46 condominium units; 4) Coastal Development Permit to allow development on slopes of 30% or greater; 5) Coastal Development permit to allow the removal of 97 trees (21 coast live oak and 76 Monterey pines); and 6) Design Approval. C) If the motion to continue the hearing on the Combined Development Permit is rescinded, the Planning Commission may conduct a hearing on the Combined Development Permit application. The project site's address is 24945 Valley Way, Carmel (Assessor's Parcel Numbers 009-061-002-000, 009-061-003-000, 009-061-005-000), Carmel Area Land Use Plan area, Coastal Zone.

Commissioner Rochester stated he has listened to the tape and read all information. He will be participating in the vote.

Project Planner Elizabeth Gonzales discussed the recommended action to rescind the motion to continue the hearing on the Combined Development Permit.

Public Comment:

- Kevin Kane, architect/applicant with Widewaters
- Jack Maheen
- Tracey Manning
- Wayne Iverson
- Tom Weaver
- Lois Roberts
- Carol Stollorz
- Myrna Hampton
- Mark McDonald
- Leslie Cooley

- Amy White, LandWatch
- Molly Erickson, Save Our Neighborhood

It was moved by Commissioner Brown, seconded by Commissioner Salazar to rescind the June 29, 2011 motion that had continued the hearing on the Combined Development Permit application until the final determination is made on the LCP amendment by the Coastal Commission.

Counsel recommended the motion be made by a commissioner who was on the prevailing side of the prior motion. Commissioner Brown withdrew the motion and Salazar withdrew second.

It was moved by Commissioner Padilla, seconded by Commissioner Salazar to rescind the June 29, 2011 motion that had continued the hearing on the Combined Development Permit application until the final determination is made on the Local Coastal Program amendment by the Coastal Commission and passed by the following vote:

AYES: Mendez, Salazar, Padilla, Rochester, Brown, Getzelman
NOES: Vandever, Diehl, Hert, Roberts
ABSENT: None
ABSTAIN: None

Motion passed 6 to 4.

It was moved by Commissioner Brown, seconded by Commissioner Rochester to conduct a hearing on the Local Coastal Program amendments and Combined Development Permit based on staff's original recommendation of June 29, 2011, and continue the hearing to August 31, 2011.

Counsel informed commissioners they can now conduct the hearing today or continue to a different day.

Staff advised the Commission regarding the June 29 recommendation, and discussion ensued regarding alternatives for staff to include in the staff report.

Break 11:33 a.m. Reconvene 11:44 a.m.

Secretary Holm advised the Commission as to options.

Public Comment: Christine Williams

- Mark McDonald
- Wayne Iverson
- Leslie Cooley
- Myrna Hampton

It was moved by Commissioner Brown, seconded by Commissioner Rochester (as amendment to prior motion) to continue the hearing to August 31, 2011 on the Local Coastal Program amendment and Combined Development Permit with direction to staff to bring back analyses of concerns, including affordable housing, clarification for the LCP amendment concerning the connection between density and inclusionary housing, alternatives in the project description,

response to the Water Management District's concern, information regarding inclusionary housing, and prepare draft findings and evidence for various options, including bringing back the draft resolutions presented on June 29.

Public Comment: Christine Williams

AYES: Brown, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl, Padilla, Hert
NOES: Vandevere
ABSENT: None
ABSTAIN: None

G. OTHER MATTERS: Appointment: Del Monte Forest LUAC - Joella M. Szabo

It was moved by Commissioner Vandevere, seconded by Commissioner Diehl to appoint Joella M. Szabo to the Del Monte Forest LUAC, and passed by the following vote:

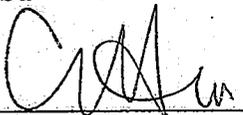
AYES: Brown, Vandevere, Roberts, Rochester, Salazar, Getzelman, Mendez, Diehl,
Padilla, Hert
NOES: None
ABSENT: None
ABSTAIN: None

H. DEPARTMENT REPORT - None

I. ADJOURNMENT - 12:05 p.m.

Date Adopted: November 9, 2011

ATTEST



Carl Holm, Acting Secretary

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
DEBRA GEMGNANI TIPTON

450 LINCOLN AVENUE, SUITE 101
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

February 21, 2013

File No. 00136.005

Ms. Valerie Negrete
Monterey County Planning
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: **September Ranch Extension Request; PC95062/PLN110173**

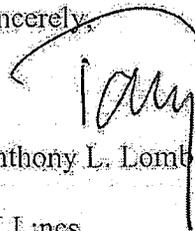
Dear Valerie:

I am writing on behalf of my client to request that the September Ranch Extension Application (PLN110173) tabled by the Commission on August 10, 2011 be placed on the Commission's next available agenda.

It has taken over a year for the applicant to obtain the approval of the water distribution system permit which was approved by the Monterey Peninsula Water Management District unanimously in November. In order to satisfy the remaining 189 conditions of approval and file the first phase final subdivision map prior to the expiration of the tentative map next year, it would be necessary for Mr. Morgens to begin immediately working with the staff and civil engineer on condition compliance and preparation of the final map. This will consume large amounts of staff time in order for the County to meet the Map Act requirements for processing final maps. In addition, requiring the applicant to record the first phase of the final map in order to prevent the expiration of the tentative map would only result in additional vacant subdivision lots being added to the existing supply in Monterra, Tehama, Rancho San Carlos and Quintana with the likely result of further depressing an already over-supplied market.

In view of the above, we request to extend the life of the application four additional years from the expiration date of November 9, 2014 to November 9, 2018. Thank you for your consideration of this request.

Sincerely,


Anthony L. Lombardo

ALL:nes

cc: Mr. Jim Morgens