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**Before the Board of Supervisors
in and for the County of Monterey, State of California**

In the matter of the application of:

RANCHO CANADA VILLAGE (PLN040061-AMD1) RESOLUTION NO. 21-

Resolution by the Monterey County Board of Supervisors regarding proposed Amendment to Policy CV-1.27 of the Carmel Valley Master Plan

WHEREAS, on December 13, 2016, the Board of Supervisors certified an EIR for the Rancho Canada Village subdivision project, approved a 130-unit project which was identified as the 130-unit alternative, and adopted an amendment to Policy CV-1.27 of the Carmel Valley Master Plan, which is Chapter 9-B of the 2010 Monterey County General Plan. (Board of Supervisors' Resolution No. 16-334); and

WHEREAS, the amendment adopted in 2016 amended Policy CV-1.27 as shown in strikethrough/italics below:

Special Treatment Area: Rancho Canada Village - Up to 40 acres within properties located generally between Val Verde Drive and the Rancho Canada Golf Course, from the Carmel River to Carmel Valley Road, excluding portions of properties in floodplain shall be designated as a Special Treatment Area. Notwithstanding any other General Plan policies, rResidential development may be allowed with a density of up to 10 units/acre in this area and shall provide a minimum of ~~50%~~ 20% Affordable/~~Workforce~~ Housing. Prior to beginning new residential development (excluding the first unit on an existing lot of record), projects must address environmental resource constraints (e.g.; water, traffic, flooding); (APNs: 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-039-000 and 015-162-040-000, 015-162-033-000, 015-162-035-000, 015-162-036-000, 015-162-037-000, 015-162-038-000, 015-021-005-000).

WHEREAS, litigation was filed challenging the certification of the EIR and approval of the 2016 project, and on May 19, 2021, the Court of Appeal upheld the County's approvals (*Carmel Valley Association v. County of Monterey* (Monterey Superior Court Case No. 17CV000131; Court of Appeal Case No. Case No. H046187)); and

WHEREAS, during the pendency of the appeal from the Superior Court decision in the above-referenced litigation, the County at applicant's request processed a Second Revised EIR and applicant's proposal for a 130-unit project with minor modification from the 130-unit project approved in 2016 (Rancho Canada Village amended application/(PLN040061-AMD1)); and

WHEREAS, the amendment to Policy CV-1.27 adopted in 2016 will go into effect when the trial court enters judgment in accordance with the Court of Appeal decision, but this final disposition of the litigation has not occurred as of the date of the Board's adoption of this resolution; and

WHEREAS, the applicant is requesting the County conditionally approve the Increased Unit, Greater Affordability Alternative (Alternative 6b) from the Second Final Environmental

Impact Report (SFEIR), refined to specify a total of 145 units, including 40 affordable units consisting of twenty-eight units of moderate income housing (20% inclusionary housing), plus six units of Workforce I and six units of Workforce II housing, totaling approximately 8% Workforce housing (the “Project”); and

WHEREAS, an amendment of the Carmel Valley Master Plan Policy CV-1.27 to reduce the required minimum percentage of affordable housing is necessary for the Project to be consistent with the Policy; and

WHEREAS, the Project is consistent with the 2016 amendment of the Carmel Valley Master Plan Policy CV-1.27, which requires a minimum of 20% affordable housing as amended; and

WHEREAS, because the status of the amendment was not clear while the litigation was pending and will not be fully certain until the trial court enters judgment in the litigation, the County has again processed a functionally similar amendment to Policy CV-1.27 as part of consideration of the Rancho Canada Village amended application; and

WHEREAS, the General Plan amendment that is the subject of this resolution would amend the text of Policy CV-1.27 of the Carmel Valley Master Plan to modify the requirement for a minimum of 50% affordable/workforce housing to a requirement for a minimum of 20% affordable housing, notwithstanding any other General Plan policies, and would also make clerical corrections to the Assessor Parcel Numbers, as more specifically shown in strikethrough/italics below:

Special Treatment Area: Rancho Cañada ~~Canada~~ Village - Up to 40 acres within properties located generally between Val Verde Drive and the former Rancho Canada Golf Course, from the Carmel River to Carmel Valley Road, excluding portions of properties in floodplain shall be designated as a Special Treatment Area. Notwithstanding any other General Plan policies, rResidential development may be allowed with a density of up to 10 units/acre in this area and shall provide a minimum of ~~50%~~ 20% Affordable/~~Workforce~~ Housing. Prior to beginning new residential development (excluding the first unit on an existing lot of record), projects must address environmental resource constraints (e.g.; water, traffic, flooding); (APNs: 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, ~~015-162-039-000 and 015-162-040-000, 015-162-048-000, 015-162-049-000, 015-162-043-000 and 015-162-051-000~~ ~~015-162-033-000, 015-162-035-000, 015-162-036-000, 015-162-037-000, 015-162-038-000, 015-021-005-000~~); and

WHEREAS, the amendment to Policy CV-1.27 that is the subject of this resolution is materially the same as the 2016 amendment except for adding the word “former” before the reference to the Rancho Canada Golf Course and correcting Assessor Parcel numbers; and

WHEREAS, this action to amend Policy CV-1.27 will be unnecessary and redundant if the 2016 amendment to Policy CV-1.27 goes into effect, except for updating and making clerical corrections to the Assessor Parcel Numbers; and

WHEREAS, Government Code sections 65353 and 65354 require the Planning Commission to hold a public hearing and make a written recommendation to the Board of

Supervisors on proposed amendments to the General Plan and require an affirmative vote of a majority of the total membership of the Commission to recommend approval; and

WHEREAS, the Monterey County Planning Commission consists of ten members, and accordingly, a recommendation of approval of the amendment requires an affirmative vote of at least six members of the Commission to pass; and

WHEREAS, on May 5 and June 9, 2021, the Monterey County Planning Commission held a duly noticed public hearings on the Rancho Canada Village Amended application (PLN040061-AMD1), received public and applicant testimony, and voted to recommend the Board of Supervisors approve the General Plan amendment by a vote of 9 to 0, with one absent (Planning Commission Resolution No. 21-024); and

WHEREAS, on July 27, 2021, the Monterey County Board of Supervisors held a duly noticed public hearing to consider certification of the Second Final EIR, adoption of this proposed amendment to Carmel Valley Master Plan Policy CV-1.27, adoption of an ordinance to rezone the property, and approval of a Combined Development Permit for a Vesting Tentative Map and related discretionary permits for the 145-unit Project;

WHEREAS, by separate resolution adopted concurrently herewith, the Board of Supervisors certified the Second Final EIR; and

WHEREAS, the Board of Supervisors intends for this amendment to Carmel Valley Master Plan Policy CV-1.27 to go into effect only if the 2016 amendment does not go into effect; and

WHEREAS, if the 2016 amendment to Carmel Valley Master Plan Policy CV-1.27 goes into effect, then this action is unnecessary and moot, but the Board then desires to authorize County staff to update and make clerical corrections to the Assessor Parcel Numbers listed in Policy CV-1.27.

NOW, THEREFORE, the Board of Supervisors resolves as follows:

1. If the 2016 amendment to Policy CV-1.27 does not go into effect, Policy CV-1.27 of the Carmel Valley Master Plan shall be amended as shown in strikethrough and underline as follows:

Special Treatment Area: Rancho Cañada ~~Canada~~ Village - Up to 40 acres within properties located generally between Val Verde Drive and the former Rancho Canada Golf Course, from the Carmel River to Carmel Valley Road, excluding portions of properties in floodplain shall be designated as a Special Treatment Area. Notwithstanding any other General Plan policies, rResidential development may be allowed with a density of up to 10 units/acre in this area and shall provide a minimum of 50% 20% Affordable/~~Workforce~~ Housing. Prior to beginning new residential development (excluding the first unit on an existing lot of record), projects must address environmental resource constraints (e.g.; water, traffic, flooding). (APNs: 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-039-000 and 015-162-040-000, 015-162-048-000, 015-162-049-000, 015-162-043-000 and 015-162-051-000 ~~015-162-033-000, 015-162-035-~~

~~000, 015-162-036-000, 015-162-037-000, 015-162-038-000, 015-021-005-000).~~

2. If the 2016, amendment to Policy CV-1.27 goes into effect, the Board of Supervisors authorizes the Director of Housing and Community Development or his designee to update and make clerical corrections to the Assessor Parcel Numbers listed in Policy CV-1.27.

PASSED AND ADOPTED this ____ day of _____, 2021 upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book ____ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____ Deputy