

EXHIBIT B
DRAFT RESOLUTION

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

In the matter of the application of:

COLLINS (PLN130339)

RESOLUTION NO. ----

Resolution by the Monterey County Board of
Supervisors:

- 1) Find the denial of the project statutorily exempt per Section 15270(a) of the CEQA Guidelines; and
- 2) Deny the applicant's request to amend the Local Coastal Program to rezone the property from Resource Conservation [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)].

[PLN130339, James G & Sook Collins, 83 Mount Devon Road, Carmel, Carmel Area Land Use Plan (APN: 241-021-007-000)]

WHEREAS, on August 20, 2014, James G and Sook Collins, hereinafter referred to as the "Applicant," made an application for the rezone of a portion of a 30-acre parcel located at 83 Mount Devon Road, Carmel (Assessor's Parcel Number: 241-021-007-000) (hereafter "the subject property") from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)], (hereafter referred to as "Rezone") and for a Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval to allow construction of a 2,397 square foot two-story single family dwelling with a 409 square foot attached garage and 143 square foot mechanical room; a Coastal Administrative Permit to establish a domestic well; a Coastal Development Permit to allow the removal of one 14-inch and one 18-inch Monterey pine tree; a Coastal Development Permit to allow development within 100-feet of an environmentally sensitive area; and a Coastal Development Permit to allow development on slopes in excess of 30%, hereinafter referred to as "Combined Development Permit" (collectively: the "Collins application");

WHEREAS, on October 30, 2015, the Collins application (PLN130339) for the Rezone and Combined Development Permit was deemed complete;

WHEREAS, from March 29, 2017 through April 28, 2017, a draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Rezone and Combined Development was circulated for public review (SCH#: 2017031068). The IS/MND identified potential impacts to cultural, tribal, scenic, and biological resources as well as land use and planning. Mitigation measures were identified to reduce these impacts to a less than significant level;

WHEREAS, on August 30, 2017, the Planning Commission held a duly noticed public hearing to consider: adoption of the Mitigated Negative Declaration; recommendation to the Board of Supervisors to an ordinance amending the Local Coastal Program to rezone the entire 30 acre property from the Resource Conservation, Coastal Zone ["RC(CZ)"] zoning classification to the Watershed and Scenic Conservation, Special Treatment, Coastal Zone ["WSC/SpTr(CZ)"] zoning classification (Ordinance attached as **Attachment 1**); and approval of the Combined Development Permit, subject to approval of the rezone, consisting of a Coastal Administrative Permit and Design Approval to allow construction of a 2,397 square foot two-story single family dwelling with a 409 square foot attached garage and 143 square foot mechanical room; a Coastal Administrative Permit to establish a domestic well; a Coastal Development Permit to allow the removal of one 14-inch and one 18-inch Monterey pine tree; a Coastal Development Permit to allow development within 100-feet of an environmentally sensitive area; and a Coastal Development Permit to allow development on slopes in excess of 30%; and adopting a Mitigation Monitoring and Reporting Program;

WHEREAS, on August 30, 2017, the Planning Commission adopted a motion of intent to recommend that the Board of Supervisors not adopt the Mitigated Declaration and not adopt the rezone, adopted a motion of intent to continue the hearing on the Combined Development until a final determination on the rezone had been made; and continued the hearing until September 27, 2017 for staff to return with resolutions based on these motions;

WHEREAS, on September 27, 2017, the Planning Commission found, based on the evidence presented, that the existing zoning was intended to preserve the property in open space and prohibit residential development. The subject property is delineated as part of the Behavioral Science Institute (BSI) lands as shown on Figure 2 – Special Treatment Areas of the Carmel Area Land Use Plan (CAR LUP). Policy 4.4.3E.6 of the CAR LUP states that the BSI lands may be developed for residential use; however, the upper steeper portion shall remain in open space. The Planning Commission found that the subject property was included within this "upper steeper portion. The Planning Commission found that public policy supports preservation of the subject property, and no public policy reasons have been advanced to support the proposed rezoning of the property. The Planning Commission adopted a resolution recommending the Board of Supervisors deny the Local Coastal Program amendment to rezone the property from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)] (Planning Commission Resolution No. 17-037);

WHEREAS, on September 27, 2017, the Planning Commission considered the Initial Study/Mitigated Negative Declaration (MND) and recommended the Board not adopt the MND because the Commission does not agree fully with the analysis, and adoption of the MND is not necessary because denial of a project is exempt from CEQA pursuant to Public Resources Code section 21080(b)(5) and CEQA Guidelines section 15270 (Planning Commission Resolution No. 17-038);

WHEREAS, on April 17, 2018, the Board of Supervisors held a duly noticed public hearing where the Board considered the proposed rezoning and the Planning Commission's recommendation of denial of the rezoning; and

WHEREAS, the Board of Supervisors found, based on the evidence presented, that the existing zoning was intended to preserve the property in open space and prohibit residential development and that public policy supports preservation of the subject property. No public policy reasons have been advanced to support the proposed rezoning of the property.

DECISION

NOW, THEREFORE, be it resolved, based on the written and documentary evidence, the staff report, oral testimony, and the administrative record as a whole, that the Board of Supervisors does hereby:

1. Find the denial of the proposed rezoning statutorily exempt per Section 15270(a) of the CEQA Guidelines; and
2. Deny applicant's request to amend the Local Coastal Program to rezone a 30-acre parcel located at 83 Mount Devon Road, Carmel (Assessor's Parcel Number: 241-021-007-000) from Resource Conservation, Coastal Zone [RC(CZ)] to Watershed and Scenic Conservation, Special Treatment, Coastal Zone [WSC/SpTr(CZ)].

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, and carried this 17th day of April, 2018 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Nicholas E. Chiulos, Acting 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 Minute Book _____ for the meeting on April 17, 2018.

Date:

File Number:

Nicholas E. Chiulos, Acting Clerk of the Board of
Supervisors
County of Monterey, State of California

By _____
Deputy