

Exhibit B

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EXHIBIT B
DRAFT RESOLUTION

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

In the matter of the application of:

CVR HSGE LLC (PLN180515)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Certifying that the Planning Commission has considered the previously adopted Mitigated Negative Declaration (dated November 8, 2006); and
- 2) Extending for three years (until March 9, 2022) a Vesting Tentative Map consisting of a standard subdivision converting 144 hotel units to individually owned condominium units.

[PLN180515, CVR HSGE LLC, 1 Old Ranch Road, Carmel Valley, Carmel Valley Master Plan (APN: 416-522-010-000 and 416-592-023-000)]

The CVR HSGE LLC “condominium subdivision extension” application (PLN180515) came on for public hearing before the Monterey County Planning Commission on March 10, 2021. 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:** **PROJECT DESCRIPTION** - The County has received and processed a second Permit Extension to PLN060360 as previously extended under file number PLN150752
EVIDENCE: (a) The project is located on the Carmel Valley Ranch property at 1 Old Ranch Road, in Carmel Valley (Assessor’s Parcel Numbers: 416-522-010-000 & 416-592-023-000). The parcels are zoned Open Space, with Design Control and Site Plan Review overlay districts or [O-D-S] and are subject to an approved specific plan for the Carmel Valley Ranch.
(b) On March 9, 2016, the Planning Commission approved a Vesting Tentative Map consisting of a standard subdivision converting 144 hotel units to individually owned condominium units (File No. PLN060360; Resolution No. 16-009). An appeal of the Planning Commission decision was subsequently filed; however, the appeal was ultimately withdrawn on January 9, 2007. Upon withdraw of the appeal, the two year expiration date of the approval was considered to be January 9, 2009.

- (c) The Vesting Tentative Map approval was automatically extended by a series of legislative actions enacted during the recession. These legislative extensions are codified in Sections 66452.21, 66452.22, 66452.23, and 66452.24 of the Subdivision Map Act. Cumulatively, the legislative map extensions extended the expiration of the Vesting Tentative Map through January 9, 2016.
- (d) On March 9, 2016, the Planning Commission approved a three-year extension to the Vesting Tentative Map (PLN150752 – PC Resolution 16-008). Therefore, the map was extended three-years and set to expire on March 9, 2019.
- (e) On November 13, 2018, more than 60 days prior to expiration of the Vesting Tentative Map, the applicant submitted a written request to extend the approval for another three years (PLN180515). The map expiration has been stayed while staff processed this extension.
- (f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed amendment found in Project Files PLN06360 and PLN150752.

2. FINDING:

CONSISTENCY - The Permit Extension includes no changed circumstances from the previously approved permit(s). The original permit PLN060360 will continue to be referred to as the approved permit.

EVIDENCE:

- (a) The original subdivision was subject to the 1982 General Plan and Carmel Valley Ranch Specific Plan. The 2010 General Plan has since been adopted but maintains the special treatment designation and recognizes that the site is subject to the Carmel Valley Ranch Specific Plan (Policy CV- 1.22). Findings and evidence from PLN06360 (Board of Supervisors Resolution No. 07-287) and the extension PLN150752 (Planning Commission Resolution No. 06-054) have been carried forward to this extension PLN180515.
- (b) The applicant has requested a second extension to the previously approved project due to delays from past litigation, the economic downturn, and a change in ownership of the property. They are requesting additional time to comply with applicable conditions in pursuit of filing a final map for the site.
- (c) The subject extension is the second three-year extension for the subject project and will result in a total authorized extension period of six years combined. Section 19.05.065 of Title 19 of the Monterey County Code (Inland Subdivision Ordinance) authorizes the Planning Commission to grant an extension(s) not to cumulatively exceed three years for standard subdivisions. In contrast, Section 66452.6(e) of the Subdivision Map Act authorizes local governments to approve or conditionally approve extensions to tentative maps or vesting tentative maps for a period or periods not exceeding a total of six years. The difference between Title 19 and the Subdivision Map Act timeframes for extensions is a result of a change in the Map Act that has not been reflected in Title 19 as of the date of this resolution. As it applies to changes in State Law that are not reflected in the local subdivision regulations, Section 19.01.065 of Title 19 of

the Monterey County Code states: “The provisions of this Title are mandated by the Subdivision Map Act are subject to change without notice or action by the County in the event the State Legislature amends the Subdivision Map Act. This Title will be periodically updated to reflect such changes.” Given that Title 19 has not been updated to reflect the six-year maximum extension provisions contained in the Subdivision Map Act, the County may allow a maximum extension of Vesting Tentative Maps not to exceed six years pursuant to the State law and the state pre-emption language contained in Section 19.01.065 of Title 19. This extension is the second three-year extension, which when combined with the previously three-year extension would result in cumulative extensions totaling six years.

- (d) All conditions of approval and mitigations applicable to PLN060360 (Resolution No. 06-054) have been carried forward to this permit PLN180515. PLN060360 shall remain the operating permit with regards to Condition Compliance and Mitigation Monitoring.
- (e) See preceding and following Findings and Evidence.

3. FINDING: **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) A violation of County Code exists on Assessor’s Parcel Number 416-522-020-000 (18CE00047) for the construction of horse stabling facilities and related structures without permits. That violation is on a separate property and does not impact the extension of the Vesting Tentative Map for the condominium conversion.
 - (b) There are 144 hotel units existing on the site that were legally established at the time of construction. The hotel units are a recognized use in the Carmel Valley Ranch Master Plan.
 - (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 PLN180515.

4. FINDING: **CEQA** – A Mitigated Negative Declaration was adopted by the Planning Commission when the Vesting Tentative Map was approved. This three year extension does not require subsequent environmental review pursuant to Section 15162 of the Guidelines.

- EVIDENCE:**
- (a) A Mitigated Negative Declaration (MND) was prepared for PLN060360. The MND was circulated for public review from September 30, 2006 to October 19, 2006 and was adopted by the Planning Commission on November 8, 2006.
 - (b) Section 15162 states that when a Negative Declaration has been adopted for a project, no subsequent review shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following: New or more severe impacts than those previously considered will occur due to substantial changes in the project,

substantial changes with respect the circumstances, or new information.

- (c) The original project (PLN060360) consisted of a conversion of 144 existing hotel units into 144 individually-owned hotel units on existing parcels; the conversation involved the ownership of interior airspace. This extension will not change the project.
- (d) Circumstances remain substantially the same as they existed in 2006. The Carmel Valley Ranch has continued operations. Updates to the General Plan have occurred but the update maintains reference to the Carmel Valley Master Plan.
- (e) There is no new information that could not have been known at the time of the original approval. The project involves conversion of existing visitor serving uses to condominiums. There has been no indication during review of the project that new impacts are now anticipated that were not previously addressed in the adopted Mitigated Negative Declaration.
- (f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed amendment found in Project Files PLN060360, PLN150752, and PLN180515.

4. **FINDING:** **APPEALABILITY** - The decision on this permit extension may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 19.16.020 of the Monterey County Subdivision Ordinance (Title 19 of the Monterey County Code).

DECISION

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

1. Certify that the Planning Commission has considered the previously adopted Mitigated Negative Declaration and no new review is required pursuant to Section 15162 of the CEQA Guidelines; and
2. Approve a three-year extension (until March 9, 2022) of a Vesting Tentative Map consisting of a standard subdivision converting 144 hotel units to individually owned condominium units.

PASSED AND ADOPTED this 10th day of March upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Erik Lundquist, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 _____.

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. This permit expires March 9, 2022.

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN180515

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A three year extension (until March 9, 2022), of an approved Vesting Tentative Map consisting of a standard subdivision converting 144 hotel units to individually owned condominium units. ("Condominium subdivision" (PLN180515)) [Original File No. PLN060360; previously extended under File No. PLN150752]. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD- Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless the appropriate authorities approve additional permits. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD -Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
A request to extend an approved Vesting Tentative Map (Resolution Number _____), was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 416-522-010-000 and 416-592-023-000 on March 10, 2021. The Extension was granted subject to 2 new conditions of approval and 223 original conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD-Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD-Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD-Planning.

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