



Legislation Details (With Board Report)

File #:	RES 21-140	Name:	PLN040061-AMD1 - Rancho Canada Ventures
Type:	BoS Resolution	Status:	Passed
File created:	7/21/2021	In control:	Board of Supervisors
On agenda:	7/27/2021	Final action:	7/27/2021

Title: Public hearing to consider actions to conditionally approve the Rancho Cañada Village Project (PLN040061-AMD1/ Rancho Canada Ventures, LLC), including:

- a. General Plan Amendment - Resolution to amend of the text of Carmel Valley Master Plan Policy CV -1.27 to provide that notwithstanding any other General Plan policies, residential development may be allowed with a density of up to 10 units/acre with a minimum of 20% affordable housing; and
- b. Zoning Amendment - An ordinance to rezone approximately 25 acres of the project site from Public/Quasi-Public with Design Control, Site Plan Review and Residential Allocation Zoning Overlay Districts (PQP-D-S-RAZ) to Medium Density Residential with Design Control and Site Plan Review Overlays (MDR/3-D-S), rezone 5 acres from PQP-D-S-RAZ to High Density Residential with Design Control, Site Plan Review Overlays (HDR/10-D-S); rezone approximately 3 acres from PQP-D-S-RAZ to High Density Residential with Design Control, Site Plan Review Overlays (HDR/5-D-S); and rezone the remaining approximate 41 acres of the project site from PQP-D-S-RAZ to Open Space (O). The ordinance also amends sections 21.10.070 (High Density Residential Zoning District special regulations) and 21.12.070 (Medium Density Residential Zoning District special regulations) of the Monterey County Code to include special setback, height, lot coverage, and floor area ratio regulations for development in the Rancho Cañada Village Subdivision.; and
- c. Rancho Cañada Village project - A Combined Development Permit for Rancho Cañada Village "Increased Unit, Greater Affordability Project" (refinement of Alternative 6B of the Second Final EIR), for a total of 145 units, including forty affordable units consisting of twenty-eight units affordable to moderate income households, six Workforce Housing I (affordable to households earning between 120% and 150% of County median income) and six Workforce Housing II units (affordable to households earning between 150% and 180% of County median income). The Combined Development Permit consists of:
 - 1) A Standard Subdivision Vesting Tentative Map subdividing 77 acres into 106 residential lots with common areas and roadways, and approximately 38-acres of habitat preserve on two Open Space lots;
 - 2) A blanket Administrative Permit (Site Plan Approval) allowing development on 93 single family residential lots (parcels to be zoned MDR), 12 townhomes, and 40 units of affordable/workforce housing (parcels to be zoned HDR) within the S (Site Plan Review) Zoning Overlay District;
 - 3) An Administrative Permit for development within the S District of a 1.5 acre community park and 8.6 acres of common areas, grading of up to 220,000 cubic yards and infrastructure installation, including installation of a below-grade drainage pipe and culvert to improve area-wide flood control and drainage.
 - 4) Use Permit for development in the Carmel Valley Floodplain; and
 - 5) Use Permit for removal of up to 37 trees.
- d. Adopt a Mitigation Monitoring and Reporting Plan.

Proposed CEQA Action: Certify the Rancho Cañada Village Second Final Environmental Impact Report (SCH#: 20006081150) (SFEIR)

Location: In the Carmel Valley along Carmel Valley Road, east of the intersection of Carmel Valley Road and State Route 1 in unincorporated Monterey County (former West Course at Rancho Canada Golf Course) [Assessor Parcel Numbers: 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, and portions of 015-162-043-000 and 015-162-051-000]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Project Discussion, 3. Attachment C - Draft Board Resolution for General Plan Amendment, 4. Attachment B - Draft Board Resolution for Second Final EIR, 5. Attachment D - Draft Ordinance amending Section 21-16, 6. Attachment E - Draft Resolution for RCV Project, 7. Attachment F - Errata Memo to the FEIR, 8. Attachment G - Vicinity Map, 9. Attachment H - Housing Advisory Committee Minutes for January 13 and February 17, 2021, 10. Attachment I - Carmel Valley Land Use Advisory Committee Minutes for February 16, 2021, 11. Attachment J - Final EIR (distributed on April 16, 2021), 12. Attachment K - Correspondence concerning the Project refinements, 13. Attachment L - Correspondence concerning the FEIR, 14. Attachment M - Court of Appeal Decision in CVA v. County (May 19, 2021), 15. Attachment N - Planning Commission Resolution Nos. 21-023 and 21-024, 16. Attachment O - Proposed Floor Plans, Design and Layout for Affordable Housing, 17. Power point No 19, 18. Completed Board Order Item No. 19, 19. Completed Ordinance Item No. 19, 20. Completed Resolution Item No. 19 (21-307), 21. Completed Resolution Item No. 19 (21-308), 22. Completed Resolution Item No. 19 (21-309)

Date	Ver.	Action By	Action	Result
7/27/2021	1	Board of Supervisors	adopted	Pass

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Proposed CEQA Action: Certify the Rancho Cañada Village Second Final Environmental Impact Report

(SCH#: 20006081150) (SFEIR)

Location: In the Carmel Valley along Carmel Valley Road, east of the intersection of Carmel Valley Road and State Route 1 in unincorporated Monterey County (former West Course at Rancho Canada Golf Course) [Assessor Parcel Numbers: 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000, and portions of 015-162-043-000 and 015-162-051-000]

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

1. Certify the Rancho Cañada Village Second Final Environmental Impact Report (SCH#: 20006081150) (SFEIR);
2. Adopt CEQA findings for approval of the Project;
3. Adopt a Statement of Overriding Considerations;
4. Adopt a resolution to amend the text of Carmel Valley Master Plan Policy CV-1.27 as follows (changes shown in strikethrough/italics) and update Assessor Parcel Numbers:
Special Treatment Area: Rancho ~~Cañada Canada~~ Village - Up to 40 acres within properties located generally between Val Verde Drive and the *former* Rancho Cañada Golf Course, from the Carmel River to Carmel Valley Road, excluding portions of properties in the floodplain shall be designated as a Special Treatment Area. ...*Notwithstanding any other General Plan policies, r*~~R~~esidential 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.”
5. Adopt an ordinance to: rezone approximately 25 acres of the Project site from Public/Quasi-Public with Design Control, Site Plan Review and Residential Allocation Zoning Overlay Districts (PQP-D-S-RAZ) to Medium Density Residential with a maximum density of 3 dwelling units per acre together with Design Control and Site Plan Review Overlays (MDR/3-D-S); rezone 5 acres from PQP-D-S-RAZ to High Density Residential with a maximum density of 10 dwelling units per acre and Design Control and Site Plan Review Overlays (HDR/10-D-S); rezone approximately 3 acres from PQP-D-S-RAZ to High Density Residential with a maximum density of 5 dwelling units per acre and Design Control and Site Plan Review Overlays (HDR/5-D-S), and a rezone of the remaining approximate 41 acres of the project site from PQP-D-S-RAZ to Open Space (O). The ordinance also amends sections 21.10.070 (High Density Residential Zoning District special regulations) and 21.12.070 (Medium Density Residential Zoning District special regulations) of the Monterey County Code to include special setback, height, lot coverage, and floor area ratio regulations for development in the Rancho Cañada Village Subdivision.; and
6. Approve a Combined Development Permit for the Rancho Cañada Village “Increased Unit, Greater Affordability Project” (refinement of Alternative 6B of the SFEIR), for a total of 145 units, including forty affordable units consisting of twenty-eight units affordable to moderate income households, six Workforce Housing I (affordable to households earning between 120% and 150% of County median income) and six Workforce Housing II units (affordable to households earning between 150% and 180% of County median income). The Combined Development Permit consists of:
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 - c) An Administrative Permit for development within the S District of a 1.5 acre community park and 8.6 acres of common areas, grading of up to 220,000 cubic yards and infrastructure installation, including installation of a below-grade drainage pipe and culvert to improve area-wide flood control and drainage.
 - d) Use Permit for development in the Carmel Valley Floodplain; and

- e) Use Permit for removal of up to 37 trees.
7. Adopt the Mitigation Monitoring and Reporting Plan.

The approval of the Combined Development Permit is conditional on two conditions subsequent which are, in sum, that no litigation is filed on the approvals and that the applicant notify the County Housing and Community Development Director of intention to proceed with the approvals within 100 days of the posting of the Notice of Determination.

PROJECT INFORMATION:

Property Owner: Lombardo Land Group I LP & Monterey Peninsula Regional Park District

Applicant: Rancho Canada Ventures, LLC

Applicant's Agent: Alan Williams

Project Location and size: Within the Carmel Valley along Carmel Valley Road, east of the intersection of Carmel Valley Road and State Route 1 in unincorporated Monterey County (former West Course at Rancho Canada Golf Course); approximately 77 acres

APNs: 015-162-009-000, 015-162-017-000, 015-162-025-000, 015-162-026-000, 015-162-040-000, 015-162-048-000, 015-162-049-000 and portions of 015-162-043-000 and 015-162-051-000.

Zoning: Public/Quasi-Public (P/Q-P)

Plan Area: Carmel Valley Master Plan

SUMMARY:

The Project includes a General Plan amendment, ordinance rezoning the property, and Combined Development Permit for a residential subdivision that would allow for 145 residential units, 40 of which would be affordable ((hereafter the "Project" or "the 2021 Proposal"). The project described in the Second Final EIR (SFEIR) is a 130-unit residential development project. However, the preferred project is Alternative 6b, Increased Unit, Greater Affordability Alternative in the SFEIR. The applicant, Rancho Canada Ventures LLC, is requesting approval of Alternative 6b refined to specify 40 affordable units at the following distribution of affordability: twenty-eight units of moderate income housing, six units of Workforce I and six units of Workforce II housing. The Project occupies an approximately 77-acre area of the former West Course of the Rancho Canada Golf Club. The Project requires a Combined Development Permit, which includes the Vesting Tentative Map and Use Permits for development in the Carmel River Floodplain, tree removal (up to 37 native trees would be removed), and administrative permits for Site Plan Approvals for grading (no imported fill material is proposed) and infrastructure installation and the development of the lots. Residential lots and roadways are to make up approximately 28.5 acres of the site; approximately 45 acres of the site are proposed as open space in the form of habitat conservation, a park and common areas. The Vesting Tentative Map includes these 106 residential lots and fifteen parcels for roadway, open space and common area purposes serving the residential subdivision.

The entire Project site is designated Public/Quasi-Public (P/Q-P) by the *Monterey County 2010 General Plan*, with a Special Treatment Area designation allowing for residential development pursuant to Carmel Valley Master Plan (CVMP) Policy CV-1.27. The subject site is in the P/Q-P Zoning District, consistent with its General Plan land use designation and the site's long-time past use as a public golf course. Approval of the Project requires a General Plan Amendment (amending CVMP Policy CV-1.27 addressing affordable housing unit requirements) and rezoning for consistency of the proposed densities and uses of the Project parcels with the General Plan and zoning. On December 13, 2016, the Board of Supervisors certified a Final Environmental Impact Report, approved a General Plan amendment, adopted Ordinance No. 5281 to rezone the former site of the Rancho Canada West Golf Course, and approved a Combined Development Permit for the Rancho Canada Village subdivision, including a Vesting Tentative Map for 130 units (Planning File PLN040061) (the 2016 Approvals). Litigation challenging the 2016 certification of the EIR was filed, and on May 19, 2021, the California Court of Appeal upheld the County's certification of the EIR. When the Court of Appeal decision

becomes final as expected, the General Plan Amendment adopted in 2016 by the Board of Supervisors will go into effect, and no further amendment of the General Plan would be needed for the Project to be consistent with the General Plan; however, because the Monterey County Superior Court has not yet entered judgment pursuant to the Court of Appeal decision, the Board of Supervisors is also considering adoption of the General Plan amendment again, concurrently with the action herewith. The Board of Supervisors is also concurrently considering a zoning ordinance to rezone the Project site; if the zoning ordinance is adopted, the zoning will be consistent with the Special Treatment designation in the General Plan, and the Project will be consistent with zoning. The zoning ordinance taking effect is conditional on the occurrence of the condition subsequent, described below.

In light of the Court of Appeal decision upholding the Board's 2016 approvals of the project, the applicant is requesting and staff is recommending approval of the Combined Development Permit, conditional on the occurrence of the following two conditions subsequent: (a) the passage of 95 days after the posting by the Monterey County Clerk of a Notice of Determination (NOD) for the approval of this Permit and related entitlements for the 2021 Proposal without the filing of any litigation challenging those County approvals under any law, including without limitation, either CEQA or Planning and Zoning Law (Gov. Code, § 65000 et seq.); and (b) written notification from the applicant to the County Housing and Community Development Director, within 100 days of posting of the NOD, of RCV's intention to proceed with this Permit and related entitlements for the 2021 Proposal. If the two conditions subsequent occur, then this Combined Development Permit would fully take effect and supersede the 2016 Combined Development Permit approved under Board of Supervisors Resolution No. 16-334. Regardless of the occurrence of the conditions subsequent, however, conditions of approval nos. 3 and 10 (conditions pertaining to indemnification and payment of Fish & Game fee) shall take effect immediately.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on the Project on May 5, 2021 and June 9, 2021. The Planning Commission unanimously recommended certification of the SFEIR, adoption of the General Plan amendment and zoning ordinance, and approval of the 145-unit refinement of the Increased Unit, Greater Affordability Alternative (Alternative 6B) with 40 units of affordable housing (vote of 9 to 0, 1 absent) (Planning Commission Resolution Nos. 21-023 and 21-024, **Attachment N**).

At the June hearing, the Planning Commission also directed staff to further discuss options for the conditions of approval that the applicant expressed concern with (per the June 8, 2021 RCV letter, **Attachment K**) and bring any changes to the Conditions of Approval/Mitigation Monitoring and Reporting Plan to the Board for discussion.

Most of the concerns expressed in the June 8th RCV letter are resolved, as expressed in the next letter from Remy Moose Manley on behalf of RCV on July 12, 2021 (**Attachment K**). One issue relating to the depiction of a road and cul de sac in Parcel A on the VTM has been resolved with applicant submission of a corrected VTM on July 20, 2021. Two issues remain unresolved, however, and they are presented in brief below and elaborated, with a comparison table, in the Project Discussion (**Attachment A**).

Roads are preferably all private inside the subdivision. RCV requests approximately 3,280 linear feet be owned and maintained by County. County recommends that the Board either direct staff to return to the Board with a redesign of the Project which locates the affordable housing closer to Carmel Valley Road *or* dedicate approximately 1,500 linear feet of the road to County, *or* give other direction.

Condition 52, the subdivision improvement condition, currently includes a County-modified version of what RCV asked to be added: "The owner/applicant shall be reimbursed *for costs above its fair share* for these

improvements from Carmel Valley Transportation Improvement Plan (CVTIP) funds received from other benefitting property owners.” The Board can direct staff to keep this somewhat vague language in the condition *or* leave “fair share” expressions out of the Condition of Approval/Mitigation Monitoring and Reporting Plan and leave the matter up to RCV to seek Regional Parks and other neighbor contributions.

DISCUSSION:

See **Attachment A** for a detailed discussion.

FINANCING:

Funding for staff time associated with this project was from the Applicant’s Project Deposit.

Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy, or other implications to the County of Monterey.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely responses to our HCD customers. Processing this amended application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
 - Health & Human Services
 - Infrastructure
 - Public Safety

Prepared by: Mary Israel, Associate Planner

Reviewed and Approved by: Erik V. Lundquist, AICP, HCD Director

The following attachments are on file with the Clerk of the Board:

- Attachment A - Project Discussion
- Attachment B - Draft Board Resolution for Second Final EIR
- Attachment C - Draft Board Resolution for General Plan Amendment
- Attachment D - Draft Ordinance amending Section 21-16 of the Sectional District Maps
 - Exhibit 1 and 2 to Attachment D - Rezoning Maps
- Attachment E - Draft Board Resolution for RCV Project
 - Conditions of Approval/and Mitigation Monitoring and Reporting Plan
 - Site Plan Vesting Tentative Map, Preliminary Grading & Drainage Plan
- Attachment F - Errata Memo to the FEIR
 - MPWMD letters dated June 11 & June 30, 2021
- Attachment G - Vicinity Map
- Attachment H - Housing Advisory Committee Minutes, January 13 & February 17, 2021
- Attachment I - Carmel Valley LUAC Minutes for February 16, 2021
- Attachment J - Second Final EIR (distributed on April 16, 2021)
- Attachment K - Correspondence concerning the Project refinements:
 - Letters from RCV dated July 12, 2021, June 8, 2021, May 26, 2021, April 27, 2021, April 23, 2021, February 11, 2021
- Attachment L - Correspondence concerning the FEIR:

- CalTrans District 5 letter dated May 14, 2021
- NOAA Fisheries letter dated May 4, 2021
- Margaret Robbins email dated April 30, 2021

Attachment M - Court of Appeal Decision in CVA v. County (May 19, 2021)

Attachment N - Planning Commission Resolution Nos. 21-023 and 21-024

Attachment O - Proposed Floor Plans, Design and Layout for Affordable Housing

Copies of the FEIR were distributed separately and are available for review on the County's public website at the following link:

<http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/current-major-projects/rancho-canada-village-specific-plan>

cc: Front Counter Copy; Planning Commission; Erik V. Lundquist, Director of HCD; HCD - Development Services; Environmental Health Bureau; Water Resources Agency; Cypress Fire Protection District; Monterey County Sheriff; MPWMD; Carmel Unified School District; Gregor Blackburn, FEMA c/o Patricia Rippe, FEMA; Chris Bjornstad, Caltrans District 5; Monterey-Salinas Transit; TAMC; MBARD; Emily Hamm, MBEP; Aimee Braddock, CDFW; Monterey County LAFCO; Molly Erickson, Stamp & Erickson; Carmel Valley Association; Open Monterey Project; Land Watch Monterey County; Jim Moose, applicant's attorney; Alan Williams, Carmel Development Company, applicant; Margaret Robbins; William Parkin, Wittwer Parkin LLC; Suzie Franklin; Bob Bogardus; Douglas Breschini; John Domiter; Pamela Forman; Charly Franklin; Joshua Fuller; Alissa Kisperksy; Lindy Mullally; Tara Ryan; Rachel Saunders, BSLT; Scott Hanham; Dick Stott; Meg Seibert; Brad and Leanna Towle; Elke Wehner; Jen and Margaret Pedersen; Charles Winge; Robin Stelle; Cyndy Rink; Charles Hayes; Larry Levine; CSA50 Citizens Advisory Committee; Deborah Kimes; Patrice Taylor; Michael Cate; Eric Sand; Bill Stevens, NOAA Fisheries; Sandra Schachter; Tom & Nicole Jakaby; Suzy Worcester; Cathy Rivera, Communities for Sustainable Monterey County.