



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: RES 21-015, **Version:** 1

Public hearing continued from December 9, 2020 to consider adoption of a resolution denying an appeal by Vista Nadura LLC and Nader Agha from the September 30, 2020 decision of the Monterey County Planning Commission that the Vista Nadura Subdivision application (Agha/PLN990274) for a Standard Subdivision dividing three parcels totaling 50 acres into 20 lots ranging in size from 1.1 acres to 8.5 acres was incomplete prior to October 16, 2007 and remains incomplete.

Project location: 8767 Carmel Valley Road, Carmel Valley Master Plan (APNs 169-011-009-000, 169-011-014-000, and 169-011-015-000).

Proposed CEQA Action: Application completeness determination is not a project per Section 15378 of the California Environmental Quality Act Guidelines.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution (**Attachment A**) to:

- a. Deny the appeal by Vista Nadura LLC and Nader T. Agha from the Monterey County Planning Commission's September 30, 2020 determination that a subdivision application filed by Durrel and Nader Agha (PLN990274) was incomplete prior to October 16, 2007 and remains incomplete; and
- b. Find that the application (Agha/PLN990274) for a Standard Subdivision to subdivide three lots totaling 50 acres into 20 lots ranging in size from 1.1 acres to 8.5 acres was not deemed complete prior to October 16, 2007 and continues to be incomplete pursuant to Government Code Section 65943 (the Permit Streamlining Act) and Monterey County Code Chapter 19.03.

PROJECT INFORMATION:

Property Owner: Vista Nadura LLC

Applicant: Vista Nadura LLC (successors to Durrel and Nader Agha)

Representative: Paul Hart

APNs: 169-011-009-000, 169-011-014-000, 169-011-015-000

Zoning: LDR/2.5-D-S-RAZ

Parcel Size: Approx. 50 Acres

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No

SUMMARY/DISCUSSION:

Vista Nadura LLC (the application was made in the name of Durrel and Nader Agha) owns three parcels totaling 50-acres of land located north of Los Arboles Road in mid Carmel Valley. County records show that on August 26, 2002, Durrel and Nader Agha ("applicant") submitted an application for processing a Standard Subdivision to create 20 lots ranging in size from 1.1 acres to 8.5 acres (PLN990274, aka Vista Nadura Subdivision).

The issue in this appeal is whether the Vista Nadura subdivision application is complete or incomplete. On September 30, 2020, at a duly noticed public hearing, the Monterey County Planning Commission upheld staff's determination that the application was incomplete as of October 16, 2007 and remains incomplete. (**Attachment C.**) Vista Nadura LLC and Nader Agha appealed the Planning Commission's determination to the

Board of Supervisors.

The Board of Supervisors held a public hearing on the appeal on December 9, 2020 to consider if the project application should have been deemed complete, and if so when. (See December 9, 2020 staff report at **Attachment B.**) On December 9, the Board adopted a motion of intent to find that the Board had jurisdiction of the appeal and that the application was and remains incomplete. The Board continued the hearing on the appeal to January 26, 2021, with direction to staff to return with a resolution with findings and evidence to support this determination. Staff has prepared the draft resolution, which is attached to this staff report. (**Attachment A.**)

This determination of application completeness is not a decision on the project. When and if the application is determined complete, if applicant desires to continue pursuing the application, the County will process the application. Regardless of the application completeness date, the project application will be subject to a complete analysis and process. That includes completing environmental review (CEQA) that will involve a hydrogeologic report as well as other technical data (e.g. traffic report).

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has been consulted on this matter.

FINANCING:

Application fees for this request and appeal were paid. If the project moves forward, subdivision and EIR projects are considered extraordinary development applications that require the applicant to pay for actual costs of the EIR consultant as well as the actual staff time to process the application.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our HCD customers. This matter has been processed in accordance with all applicable policies and regulations.

Check the related Board of Supervisors Strategic Initiatives:

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

Prepared by: John M. Dugan FAICP, Management Specialist

Reviewed by: Carl P. Holm, AICP, Director, Housing and Community Development

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

Attachment A - Draft Resolution, including Attachment A with its Exhibits 1 through 24

Attachment B - Board Report (without attachments), December 9, 2020

Attachment C - Planning Commission Resolution No. 20-031

cc: Front Counter Copy; Property Owner; Adrian Lopez; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Interested Party List in Accela; Project Files PLN990274