



## Board Report

File #: PC 21-014, Version: 1

### PLN180515 & PLN180516 - CVR HSGE LLC (CARMEL VALLEY RANCH)

Public hearing to consider approving:

- a. 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]; and
- b. An amendment and three year extension (until March 9, 2022), of an approved Combined Development Permit, including a Vesting Tentative Map for a subdivision of approximately 218 acres into 12 residential lots and 4 open space parcels, development on slopes greater than 30%, and removal of 193 trees for three years. The amendment would add a condition of approval requiring demolition of equestrian facilities prior to recordation of the final map. ("Oakshire/Land Reserve subdivision" (PLN180516)) [Original File No. PLN020280; previously extended by under File No. PLN150751]

**Project Location:** 1 Old Ranch Road, Carmel Valley

**CEQA Action:** For the condominiums (PLN180515), consider previously adopted Mitigated Negative Declaration (adopted November 8, 2006); and

For the Oakshire/Land Reserve (PLN180516), consider previously adopted Mitigated Negative Declaration (adopted on July 15, 2007).

#### RECOMMENDATION:

It is recommended that the Planning Commission adopt two separate resolutions (one for each project extension):

- a. Resolution for the Condominium conversion subdivision (PLN180515)
  1. Certifying that the Planning Commission has considered the previously adopted Mitigated Negative Declaration (dated November 8, 2006); and
  2. Extending an approved Vesting Tentative Map for three years including a standard subdivision converting 144 hotel units to individually owned condominium units on Carmel Valley Ranch. (**Exhibit B**)
- b. For the Oakshire/Land Reserve Subdivision, Combined Development Permit, and Zoning Amendment (PLN180516):
  1. Certifying that the Planning Commission has considered the previously adopted Mitigated Negative Declaration (dated July 5, 2007); and
  2. Amending the entitlements granted under file Number PLN180516 to add a condition requiring demolition of an equestrian barn and associated structures prior to recordation of a Final Map for the subdivision; and extending the approved Combined Development Permit for three years, including a Vesting Tentative Map for a subdivision of approximately 218 acres into 12 residential lots and 4 open space parcels, development on slopes greater than 30%, and removal of 193 trees. (**Exhibit G**)

Draft resolutions are attached that include findings and evidence for consideration, one for each extension (Exhibits B & G respectively). Staff recommends approval of both extensions subject to the original conditions of approval with the addition of a new condition for PLN180516 requiring demolition of an equestrian barn prior to recordation of a final map.

**PROJECT INFORMATION:**

**Agent:** Anthony Lombardo & Associates

**Property Owner:** CVR HRGE LLC (dba Carmel Valley Ranch), Property Owners

**APN:** For PLN180515 (condominiums), 416-522-010-000 and 416-592-023-000.

For PLN180516 (Oakshire/Land Reserve), 416-522-020-000 and 416-522-017-000.

**Plan Area:** Carmel Valley Master Plan

**SUMMARY:**

The applicant, CVR HRSG LLC (Carmel Valley Ranch), is requesting that the Planning Commission grant a three-year extension to two previously approved Vesting Tentative Maps due to a number of factors including a period of litigation, economic downturn, and a change in ownership of the property. The two previously approved maps include:

- A Vesting Tentative Map converting 144 hotel units to individually owned condominium units originally approved November 8, 2006; and
- Vesting Tentative subdividing 218 acres into 12 residential lots and 4 open space parcels originally approved December 19, 2006, a Combined Development Permit for development on slopes over 30% and remove 193 trees, and a zoning amendment that takes effect upon filing of the final map for the subdivision.

This staff report addresses both extensions, and separate resolutions for each of the extensions are attached as **Exhibits B and G** to this report. Both of the previously approved subdivisions are located in Carmel Valley Ranch. Carmel Valley Ranch is located in mid Carmel Valley, east of Robinson Canyon Road and south of Carmel Valley Road. The Carmel Valley Ranch property is approximately 500 acres and contains private resort facilities including a golf course, tennis facilities, fitness center, restaurant, lodging facilities, and other amenities.

Due to litigation stays, prior County extensions, and automatic legislative extensions provided by the Subdivision Map Act, the vesting tentative map associated with the condominium subdivision (PLN180515) has been extended to March 9, 2019, and the map associated with PLN180516 has been extended to March 9, 2019. The chronology is set forth in **Exhibit A**, Project Timelines. California Government Code Section (§ 66452.6(e)), part of California's Subdivision Map Act, affords applicants the ability to request map extensions for up to six years. Both subdivisions have been previously extended for three years, and prior to the map expiration, the applicant filed a request for an additional three-year extension.

A violation of County Code existed on Assessor's Parcel Number 416-522-020-000 (18CE00047) for the construction of horse facilities and related structures without permits. This violation is located on future Lot 6 of the Oakshire/land reserve subdivision. Since the applicant has not filed a final map for record, the structures were not a violation of the conditions of the tentative map; rather the violation was of the existing regulations applicable to the property. A separate application to cure the violation for the barn was considered at the Planning Commission on March 13, 2019 (PLN180281). An after-the-fact permit to approve the barn construction was approved by the Planning Commission subject to a condition that requires that the barn be demolished prior to recordation of a final map for the subdivision. The condition was added because the barn conforms with current zoning but would conflict with zoning if and when the final map were filed and the zoning amendment were to take effect (the adopted zoning amendment states by its terms that the rezone would take effect only if and when the final map is recorded). Due to the addition of the equestrian facility on Lot 6 and consistent with the condition that was added to the after-the-fact permit for the barn, staff is recommending adding a condition of approval for the Oakshire/Land Reserve subdivision that clarifies that the barn must be demolished prior to recordation of a final map for the subdivision. The after-the-fact barn approval cures the

violation, but procedurally Code Enforcement does not close the case until final building permit inspection is obtained. In this case, a barn was partially constructed without a permit before a stop work notice was posted at the site. Planning approval and Building Permits are now in place that allow for the completion of construction of the barn. Barn construction is currently being completed under permit from the County and all work at the property is now in compliance with County permits and regulations. The addition of the condition to the vesting tentative map as part of this extension is allowed per Government Code section 66498.1, as the condition incorporates the language from the permit that was issued to cure the code violation on the property.

If approved, the Vesting Tentative Map approval for the condominium project would be extended by three years. The Vesting Tentative Map for the Oakshire/Land Reserve subdivision would be amended to add a condition regarding the removal of the barn constructed on Lot 6 and would be extended three years. With the extension, both maps would expire on March 9, 2022 unless Final Maps are filed before that time.

#### DISCUSSION:

##### *Condominium Subdivision Extension (PLN180515):*

On November 8, 2006, a Vesting Tentative Map was approved by the Planning Commission for the conversion of 144 hotel units on the Carmel Valley Ranch to 144 individually owned condominium units (Planning File Number PLN060360 - Resolution No. 06054). An appeal of the Planning Commission decision was subsequently filed; however, the appeal was withdrawn on January 9, 2007. Pursuant to Monterey County Code, the decision of the Planning Commission became effective immediately upon the withdrawal of the appeal (January 9, 2007). The Vesting Tentative Map approval was automatically extended by a series of legislative actions enacted during the recession (**Exhibit A** Project Timelines). Then, on March 9, 2016, after the automatic legislative extensions had run out, the Planning Commission granted a three-year extension to the approved Vesting Tentative Map (Planning File Number PLN150752 - Resolution No. 16-009), which extended the map approval through March 9, 2019. An application for a second map extension was submitted to the Resource Management Agency on November 13, 2018, more than 60 days prior to expiration of the map (File number PLN180515). Expiration of the maps has been stayed while the County processed the extension request. The condominiums are on a separate lot within Carmel Valley Ranch from the Oakshire/Land Reserve subdivision.

##### *Oakshire /Land Reserve Subdivision Extension (PLN180516):*

On December 19, 2006, after the original July 13, 2004 approval was remanded back to the County by the Superior Court, the Board of Supervisors considered a revised Initial Study and adopted a resolution approving a Combined Development consisting of:

1. A Vesting Tentative Map (VTM) for the subdivision of a 218-acre parcel into 12 residential lots of approximately 6.8 acres to 16.9 acres in size and 4 open space parcels totaling approximately 99 acres;
2. Approve a zoning reclassification to reclassify 11 existing lots of record in the Oakshire subdivision of the Carmel Valley Ranch from "MDR/5-D-S" (Medium Density Residential/5 Units per Acre, with Design and Site Review overlays) to "O-D-S" (Open Space with Design and Site Review overlays); and
3. Assign zoning classifications to designate the residential portions of the proposed subdivision (Lot Nos. 1-12) as "LDR/B-6-D-S" (Low Density Residential, / Building Site Review - Design Control - Site Review); and to designate the open space portions of the subdivision (Parcels A, B, C & D) as "O-D-S" (Open Space/ Design Control - Site Review).
4. A Use Permit for development on slopes greater than 30% for the construction of an access road; and
5. A Use Permit for the removal of approximately 193 protected oak trees.

(Board Resolution No. 06-366; **Exhibit I** to this report)

Due to litigation surrounding approval of the subdivision, on July 24, 2007, the Board of Supervisors issued

Resolution No. 07-287 (**Exhibit K** to this report) clarifying that the expiration date for the VTM was “688 days after the current litigation is no longer pending or subject to appeal before the Court of competent jurisdiction.” The Superior court entered judgment on the case on June 15, 2007 upholding the County’s approval of the subdivision. As such, expiration of VTM was moved 688 days from June 15, 2007 and set to expire on April 19, 2009.

As was the case with the condominium project, the Vesting Tentative Map approval was automatically extended by a series of legislative actions enacted during the recession (**Exhibit A** Project Timelines). On March 19, 2016 after the automatic legislative extensions had run out, the Planning Commission granted a three-year extension to the approved Combined Development Permit (Planning File Number PLN150751 - Resolution No. 16-008) which extended the map approval through March 9, 2019. An application for a second map extension was submitted to the Resource Management Agency on November 13, 2018, more than 60 days prior to expiration of the map (File number PLN180516). The expiration of the map has been stayed while the County processed the request for the extension.

### *Analysis*

Title 19 of the Monterey County Code allows a subdivider, upon written application, to request extension(s) of Vesting Tentative Map approvals (19.05.065). Such applications must be filed with the Chief of Planning at least sixty (60) days before approval is due to expire. Two requests for second extensions respectively to approved Vesting Tentative Maps were submitted on November 13, 2018, more than 60 days in advance of the expiration of March 9, 2019 in both cases (Extension File Nos PLN180515 (condominiums); and PLN180516 (Oakshire/Land Reserve).

In both cases, the Vesting Tentative Maps were previously extended by the Planning Commission for a three-year period (PLN150752 and PLN150751 respectively). Current Subdivision Map Act regulations provide for extension of the expiration of Vesting Tentative Maps for a period or periods not to exceed a total of six years (Gov’t Code § 66452.6(e)). The request before the Planning Commission is to extend both maps an additional three-years for a total combined period of six years of locally approved extensions in both cases. If granted, both maps would expire on March 9, 2022 unless Final Maps are filed before that time.

### ENVIRONMENTAL REVIEW:

The proposed Project(s) Planning Commission Resolution No. 16-008 & Resolution No. 16-009 include an extension of time for a previously-approved Vesting Tentative Subdivision Maps. Potential environmental impacts were analyzed as part of the previously adopted Initial Study/Mitigated Negative Declaration (IS/MND) for each of the two previously approved projects (PLN020280 and PLN060360). The Project continues to be subject to the previously-adopted Mitigation Monitoring and Reporting Program and all conditions and mitigations are carried forward as part of this extension. The projects have not changed since their original approval and the environmental setting has not significantly changed since the adoption of the environmental document. Therefore, pursuant to State CEQA Guidelines Section 15162 no subsequent analysis is required.

The project does not require additional environmental review under CEQA Guidelines Section 15162 because no substantial changes are proposed to the project or map which require major revisions of MND due to new significant environmental impacts or increase in severity of environmental impacts previously analyzed, no substantial changes have occurred with respect to circumstances under which the project was undertaken that required major revisions to the MND due to new significant environmental impacts or increase in severity of environmental impacts previously analyzed, and there is no new information of substantial importance that

shows new significant environmental impacts or increase in severity of environmental impacts previously analyzed.

**OTHER AGENCY INVOLVEMENT:**

The following agencies have reviewed the project and have no new recommended conditions:

- Environmental Health Bureau
- HCD-Public Works
- HCD-Environmental Services
- FPD-Monterey County Regional Fire

The proposed extensions were not referred to the Carmel Valley Land Use Advisory Committee (LUAC) because the map extensions did not require referral pursuant to the Board adopted guidelines for review. This project is limited to application of a new condition addressing the barn and an extension of previously approved tentative maps.

Prepared by: Kenny Taylor, Associate Planner, ext. 5096.  
Reviewed by: Craig Spencer, Planning Services Manager ext. 5233  
Approved by: Erik Lundquist, AICP, Chief of Planning

The following attachments are on file with the HCD:

- Exhibit A - Vesting Tentative Map Timelines

**Related to PLN180515**

- Exhibit B - Draft Resolution for PLN180515 (condominiums)
- Exhibit C - Previously approved Vesting Tentative Map
- Exhibit D - Planning Commission Resolution No. 06054 (Original Approval)
- Exhibit E - Planning Commission Resolutions No.16-009 (First Extension)
- Exhibit F - Initial Study/Mitigated Negative Declaration (condominiums)

**Related to PLN180516**

- Exhibit G - Draft Resolution for PLN180516 (Oakshire/Land Reserve)
  - Exhibit I - Conditions of the extension (to be added to original conditions of approval)
- Exhibit H - Previously approved Vesting Tentative Map
- Exhibit I - Board of Supervisors Resolution No. 06-366
- Exhibit J - Planning Commission Resolution No. 16-008 (First Extension)
- Exhibit K - Board of Supervisors Resolution No. 07-287 (Stay of Expiration)
- Exhibit L - Initial Study/Mitigated Negative Declaration (Oakshire/Land Reserve)

cc: Front Counter Copy; Erik Lundquist, Chief of HCD-Planning; CVR HSGE LLC /AI, Applicant/Owner; Anthony Lombardo & Associates, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Eric Sand; Project File PLN180515, PLN1805156