

Exhibit No. 3
Planning Commission
Resolution No. 12-004

Carmel Rio Road, LLC
GPZ090004

Board of Supervisors
March 27, 2012



Exhibit No. 3

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

In the matter of the application of:

CARMEL RIO ROAD, LLC

RESOLUTION NO. 12-004

Resolution by the Monterey County Planning
Commission:

- 1) Finding that the project is Statutorily Exempt from CEQA pursuant to CEQA Guidelines Section 15270(a).
- 2) Denying an application for a Combined Development Permit consisting of: 1) Standard Subdivision of a 7.92 acre property into 31 Market Rate lots and one Inclusionary Housing lot containing 11 Inclusionary units (2 very low, 5 low and 4 moderate); and 2) Administrative Permit and Design Approval for development in the "D" (Design Control) and "S" (Site Review) Zoning Districts.

(GPZ090004, Carmel Rio Road, LLC Subdivisión, 15 and 26500 Val Verde Drive, Carmel Valley Master Plan (APNs: 015-021-015-000; 015-021-020-000, and 015-021-021-000))

The Carmel Rio Road, LLC Subdivisión application (GPZ090004) came on for public hearing before the Monterey County Planning Commission on November 9, 2011 and January 25, 2012. 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:** **Background** – The project application consists of a Combined Development Permit consisting of: 1) Standard Subdivision of a 7.92 acre property into 31 Market Rate lots and one Inclusionary Housing lot containing 11 Inclusionary units (2 very low, 5 low and 4 moderate); and 2) Administrative Permit and Design Approval for development in the "D" (Design Control) and "S" (Site Review) Zoning Districts.
EVIDENCE a) The application was deemed complete as of December 9, 2010, which is 30 days from November 9, 2010 which is the date the applicant submitted the last of the materials requested on the County's checklist.
EVIDENCE b) The 2010 General Plan was adopted on October 26, 2010 and went into effect on November 27, 2010. Pursuant to Board of Supervisors' action on October 16, 2007 and Policy LU-9.3, subdivision applications that are deemed complete after October 16, 2007 are subject to the 2010 General Plan.
EVIDENCE c) The Interim Urgency Ordinance (Ordinance No. 5171, as modified and extended by Ordinance No. 5172 and Ordinance No. 5193, establishes a process for determining General Plan consistency for discretionary

projects pending the adoption of applicable programs and ordinances to implement the 2010 General Plan. The ordinance provides that staff shall make a recommendation regarding General Plan consistency to the decision making body. If a project is found to be inconsistent with the General Plan, the applicant is afforded a reasonable time to revise the proposed development to attain consistency. If the applicant fails to submit a revised development project within the allotted time, the application shall be denied. No permit shall be issued if the proposed development does not conform to General Plan policies.

2. **FINDING:** **CEQA (Exempt)** - The project is statutorily exempt from environmental review because the County is denying the application.
- EVIDENCE:** A project that will be disapproved by the lead agency is statutorily exempt from CEQA. (Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a). The project is exempt from CEQA because the County is disapproving the project.
3. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code requires that a request for subdivision be denied if any of the following findings are made:
1. That the proposed map is not consistent with the applicable general plan and specific plans.
 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
 3. That the site is not physically suitable for the type of development.
 4. That the site is not physically suitable for the proposed density of development.
 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- EVIDENCE:** a) **General Plan Consistency.** The application is inconsistent with the 2010 General Plan. The General Plan was adopted on October 26, 2010 and went into effect on November 27, 2010. Pursuant to Board of Supervisor's action on October 16, 2007 and General Plan Policy LU-9.3, subdivision applications that are deemed complete after October 16, 2007 are subject to the ordinances, policies and standards that are enacted and in effect as a result of the 2010 General Plan. The subject application was submitted on September 3, 2009 and deemed complete as of December 9, 2010 and is subject to the 2010 General Plan.
- Proof of Access** – The project is inconsistent with General Plan Policy C-3.6 which states: *“The County shall establish regulations for new development that would intensify use of a private road or access easement. Proof of access shall be required as part of any development application when the proposed use is not identified in the provisions of*

the applicable agreement." To demonstrate consistency with General Plan Policy C-3.6, documentation is required, such as an agreement among all of the easement holders or a final determination by a court, that the easement allows the addition of new lots on Val Verde Drive beyond the density that was allowed when the easement was created. The applicant provided an easement document showing a non-exclusive, private easement for access and utilities. The ability to intensify the land use beyond the LDR/1 density has been contested by other parties to the easement. When the Gamboa project (now Cottages of Carmel) was processed in 2004, the County drafted a condition that required resolution via an agreement or court order – the applicant opted to obtain an easement via the Brinton's parking lot.

- b) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File GPZ090004.

4. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
EVIDENCE: Section 19.16 and 21.80 of the Monterey County Code.

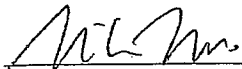
DECISION

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

- 1) Find the action statutorily exempt per Public Resources Code Section 21080(b)(5) and Section 15270(a) of the California Environmental Quality Act (CEQA); and
- 2) Deny the application for a Combined Development Permit based on the findings and evidence.

PASSED AND ADOPTED this 25th day of January, 2012 upon motion of Commissioner Vandevere, seconded by Diehl, by the following vote:

AYES: Vandevere, Roberts, Rochester, Getzelman, Mendez, Diehl, Padilla, Hert
NOES: Brown
ABSENT: Salazar
ABSTAIN: None


Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON JAN. 30 2012

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 FEB. 09 2012

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.

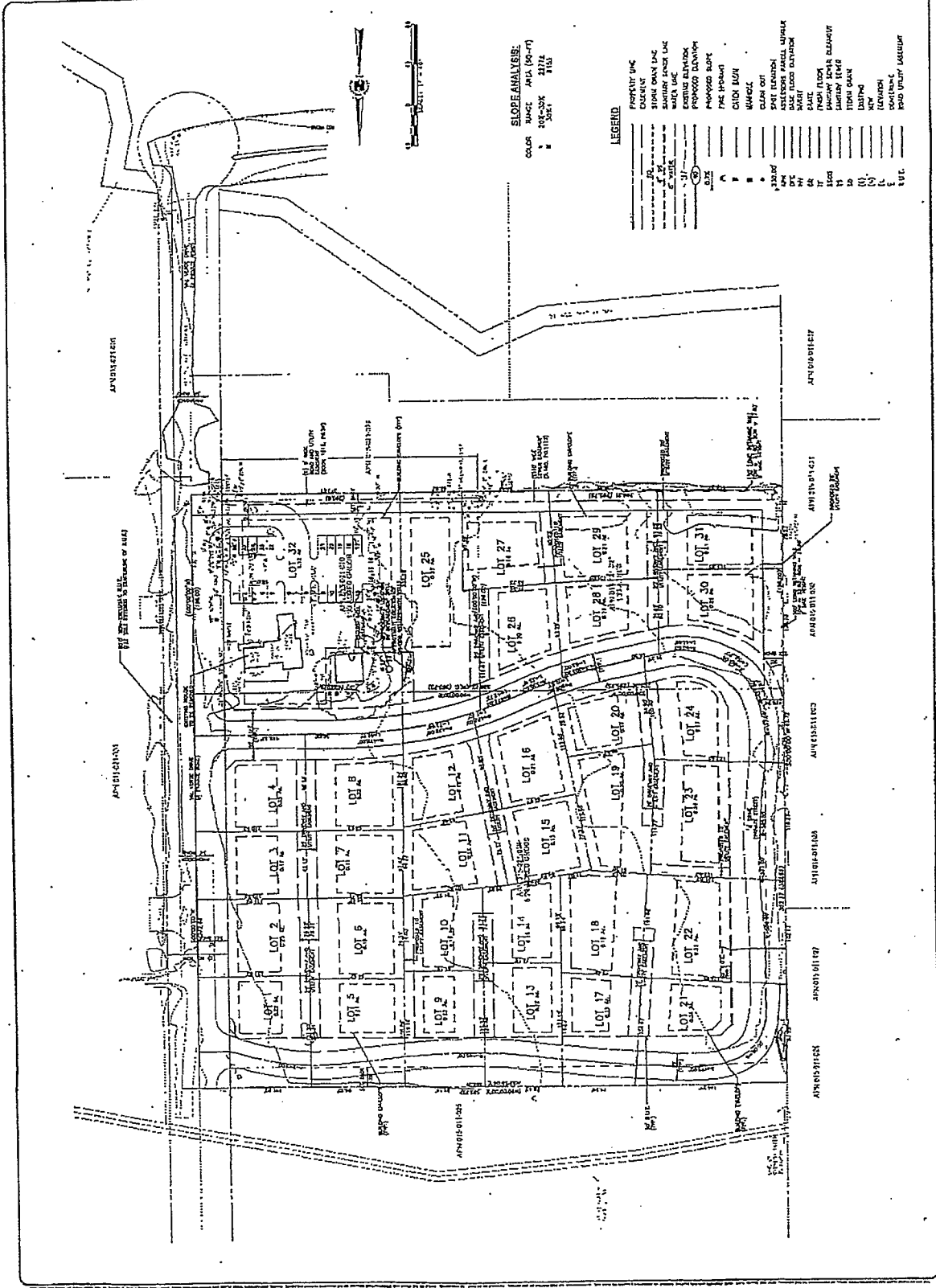


PROJECT: _____
 SHEET NO.: _____
 DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 APPROVED BY: _____

PRELIMINARY
NOT FOR CONSTRUCTION
REGOR ENGINEERS, INC.
 1111 ...
 (APR. 15 - 07/15/11)

SITE PLAN
YAM YERDE
 PREPARED FOR: ...
 COUNTY OF HONOLULU

SHEET NO. C-2
 DATE: 07/11/11



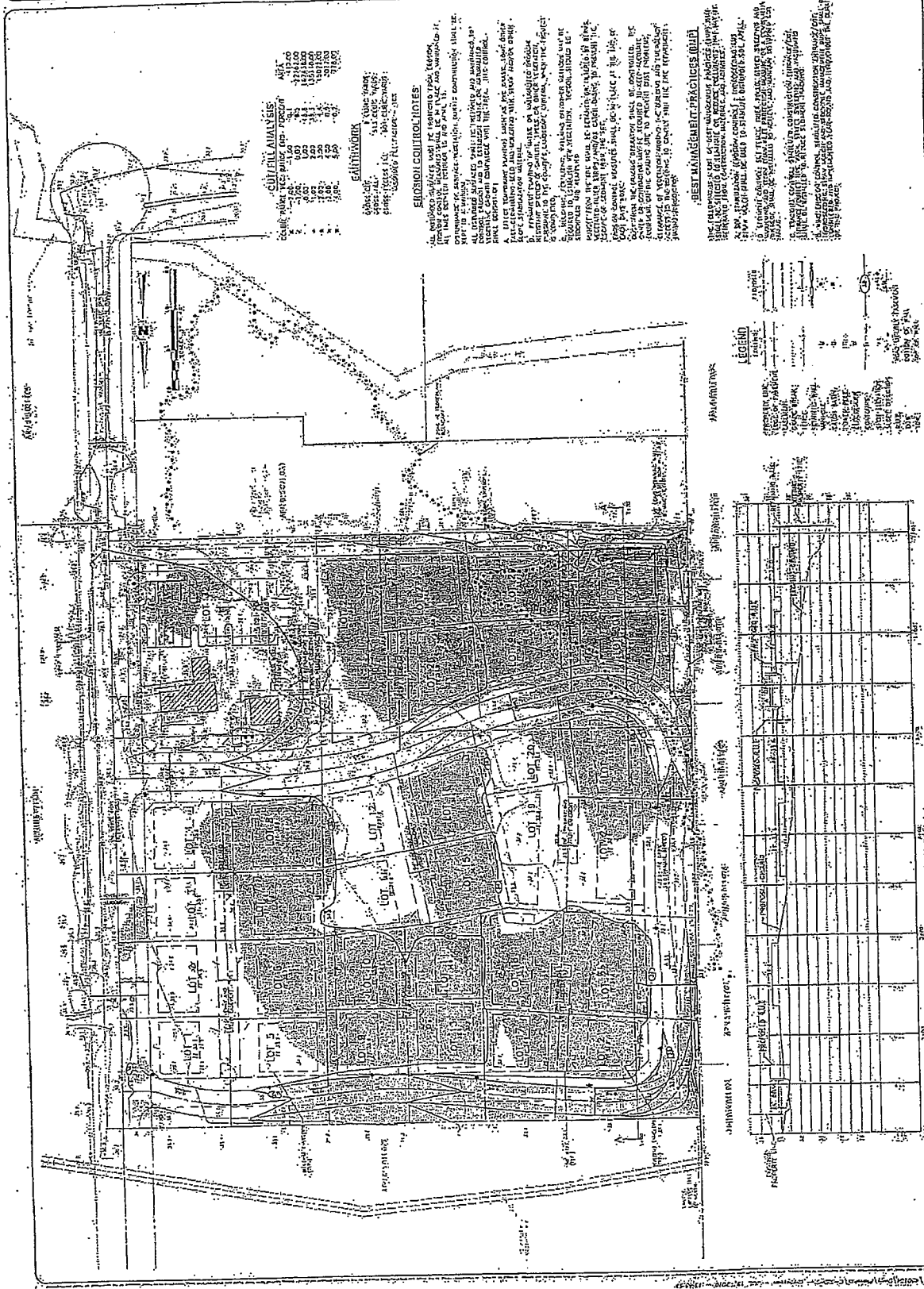
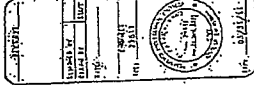
SLOPE ANALYSE:
 COLOR: 1: 1%
 2: 2%
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LEGEND

1	PROPOSED DMC
2	EXISTENT
3	STREET DRAIN DMC
4	STREET DRAIN EXISTENT
5	STREET DRAIN
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29	STREET DRAIN
30	STREET DRAIN EXISTENT

GRADING & EROSION CONTROL

BOSTON ENGINEERS, INC.
 PRELIMINARY
 NOT FOR CONSTRUCTION



CUT/FILL ANALYSIS

Station	Cut (ft)	Fill (ft)
1+00	0.00	0.00
2+00	0.00	0.00
3+00	0.00	0.00
4+00	0.00	0.00
5+00	0.00	0.00
6+00	0.00	0.00
7+00	0.00	0.00
8+00	0.00	0.00
9+00	0.00	0.00
10+00	0.00	0.00
11+00	0.00	0.00
12+00	0.00	0.00
13+00	0.00	0.00
14+00	0.00	0.00
15+00	0.00	0.00
16+00	0.00	0.00
17+00	0.00	0.00
18+00	0.00	0.00
19+00	0.00	0.00
20+00	0.00	0.00

EROSION CONTROL NOTES

1. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED AT ALL TIMES TO PREVENT SOIL EROSION AND TO PROTECT THE ADJACENT PROPERTIES AND THE PUBLIC HEALTH AND SAFETY.

2. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED AT ALL TIMES TO PREVENT SOIL EROSION AND TO PROTECT THE ADJACENT PROPERTIES AND THE PUBLIC HEALTH AND SAFETY.

3. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED AT ALL TIMES TO PREVENT SOIL EROSION AND TO PROTECT THE ADJACENT PROPERTIES AND THE PUBLIC HEALTH AND SAFETY.

BEST MANAGEMENT PRACTICES (BMP)

1. THE PROPOSED SITE IS A DEVELOPMENT OF 20 LOTS. THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT. THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT.

2. THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT. THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT.

3. THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT. THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT.

LEGEND

1	Proposed Road
2	Proposed Sidewalk
3	Proposed Ditch
4	Proposed Retaining Wall
5	Proposed Erosion Control Structure
6	Proposed Planting
7	Proposed Utility
8	Proposed Boundary
9	Proposed Lot
10	Proposed Elevation
11	Proposed Contour
12	Proposed Spot Elevation
13	Proposed Elevation
14	Proposed Contour
15	Proposed Spot Elevation
16	Proposed Elevation
17	Proposed Contour
18	Proposed Spot Elevation
19	Proposed Elevation
20	Proposed Contour
21	Proposed Spot Elevation
22	Proposed Elevation
23	Proposed Contour
24	Proposed Spot Elevation
25	Proposed Elevation
26	Proposed Contour
27	Proposed Spot Elevation
28	Proposed Elevation
29	Proposed Contour
30	Proposed Spot Elevation

SECTION A-A

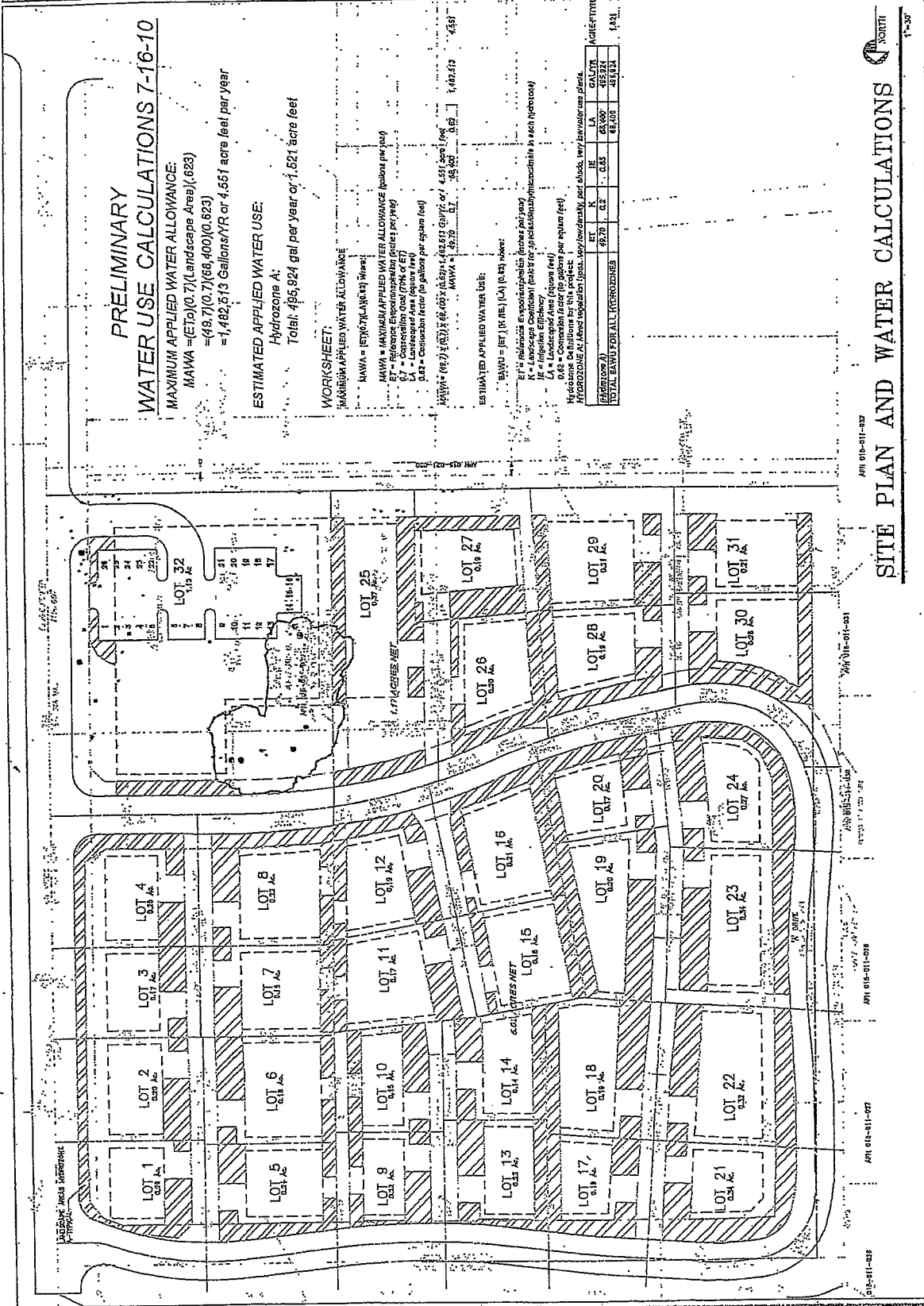
Station	Proposed Elevation	Existing Elevation	Cut/Fill
1+00	100.00	100.00	0.00
2+00	100.00	100.00	0.00
3+00	100.00	100.00	0.00
4+00	100.00	100.00	0.00
5+00	100.00	100.00	0.00
6+00	100.00	100.00	0.00
7+00	100.00	100.00	0.00
8+00	100.00	100.00	0.00
9+00	100.00	100.00	0.00
10+00	100.00	100.00	0.00
11+00	100.00	100.00	0.00
12+00	100.00	100.00	0.00
13+00	100.00	100.00	0.00
14+00	100.00	100.00	0.00
15+00	100.00	100.00	0.00
16+00	100.00	100.00	0.00
17+00	100.00	100.00	0.00
18+00	100.00	100.00	0.00
19+00	100.00	100.00	0.00
20+00	100.00	100.00	0.00



ANITA KANE
 LANDSCAPE ARCHITECT
 11111 Wilshire Blvd.
 Suite 1000
 Beverly Hills, CA 90210
 Phone: (310) 470-1000
 Fax: (310) 470-1001
 www.anitakane.com

VAL VERDE
 HO Road
 Carroll, California

SITE PLAN AND WATER CALCULATIONS



PRELIMINARY WATER USE CALCULATIONS 7-16-10
 MAXIMUM APPLIED WATER ALLOWANCE:
 MAWA = (ET)(0.7)(Landscaped Area)(.623)
 = (49.7)(0.7)(68,400)(.623)
 = 1,482,513 Gallons/YR or 4.551 acre feet per year

ESTIMATED APPLIED WATER USE:
 Hydrozone A:
 Total: 485,924 gal per year or 1.521 acre feet

WORKSHEET:
 MAXIMUM APPLIED WATER ALLOWANCE

MAWA = (ET)(0.7)(LA)(.623) where:
 MAWA = MAXIMUM APPLIED WATER ALLOWANCE (gallons per year)
 ET = Reference Evapotranspiration (gallons per acre)
 0.7 = Correction Factor (ET of ET)
 LA = Landscaped Area (acres)
 0.623 = Conversion Factor (to gallons per square foot)

MAWA = (49.7)(.7)(68,400)(.623) = 1,482,513

ESTIMATED APPLIED WATER USE:
 MAWA = (ET)(LA)(.623) where:
 ET = Reference Evapotranspiration (gallons per year)
 LA = Landscaped Area (acres)
 0.623 = Conversion Factor (to gallons per square foot)

Hydrozone A: 485,924 gal per year or 1.521 acre feet

HYDROZONE A		HYDROZONE B		TOTAL	
ET	LA	ET	LA	ET	LA
4.551	68,400	0.05	68,400	4.601	68,400
TOTAL MAWA FOR ALL HYDROZONES		TOTAL MAWA FOR ALL HYDROZONES		TOTAL MAWA FOR ALL HYDROZONES	
1,482,513		485,924		1,968,437	

