

ATTACHMENT A

The March 18, 2014 staff report to the Board of Supervisors and Staff Report to the Planning Commission are included in the background information to this report. This report will address the changes which have been made since the March 18, 2014 Board of Supervisors hearing. These reports contain the necessary background information on the project and the requirements of the Santa Lucia Preserve.

PROJECT MODIFICATIONS:

1. Lot configuration. The applicant has reconfigured lots 1, 2, and 3 in order to create lot configurations that support more desirable Homeland Boundaries. Lot 1 now is located in a linear shape along the northern property line in the North West corner of the site. Lot 2 is located immediately to the south but has been reconfigured to provide a future owner a choice of Homeland Boundary locations. Lot 3 has been slightly adjusted but remains largely in the same configuration.
2. Homeland Boundary on Lot 1. The Homeland Boundary on Lot 1 has been placed at the western end of the parcel. This is an appropriate location. Much of the remaining area of the lot has been used as pasture, and some of that is in the floodplain. The applicant would like the flexibility to allow out buildings to be placed outside the Homeland Boundary in the pasture land area of the lot. Staff is in agreement with this approach, although the structures need to be kept outside of the floodplain.
3. Homeland Boundary on Lot 2. There are two alternative Homeland Boundaries shown on Lot 2. The first one is located on the northern portion of the lot. This was the location of a Homeland Boundary that was previously rejected by the Planning Commission. The applicant has flagged the building height at this location and while a residence at this location will be visible, a low profile building will not conflict with the policies of the Santa Lucia Preserve. The applicant has agreed to limit the height of any building at this location to 18' above grade. The point requested is at the 150' elevation resulting in a house that would not exceed an actual elevation of 168' above sea level. This would allow the future property owner to design a house into the side of the hill and have a two story structure, but still use the trees to the north of the Homeland Boundary as screening. Staff finds this to be an acceptable approach to minimizing the visibility of the structure at this location and addresses the concerns expressed by the Planning Commission.

A second alternative Homeland Boundary is proposed higher on the site in a clearing that has significant tree screening. This Homeland Boundary is shown in the location where Lot 2 is labeled. Most of this proposed Homeland Boundary will not be visible. There will be some visibility from the mouth of the Carmel Valley. Staff and the applicant had discussed providing a portion of the Homeland Boundary as no building area to minimize the visual impact of this homeland boundary. This is not shown on the map, but a condition has been added to incorporate this requirement prior to recordation of the Parcel Map. The road up to this location does not affect trees, but will be across an area that is visible so the grading in this area will need to minimize the visibility of cut and fill slopes. A condition has been

added to address this requirement. Replacement tree screening can be used to address this also.

The alternative Homeland Boundaries are an acceptable approach in this location, provided that only one of the Homeland Boundaries is utilized. Development in both locations will be visible, but in choosing one Homeland Boundary, the impact will be minimal. A condition has been added to allow a future property owner to choose one homeland boundary, the other would then be considered part of the scenic and conservation easement.

4. Homeland Boundary on Lot 3. The Planning Commission required that all development on Lot 3 be kept to the lower pasture land. The primary concern associated with the higher elevations is the grading and tree removal needed to reach areas higher on the hill. The applicant is proposing two building envelopes on Lot 3. The primary building envelope is in a natural clearing completely surrounded by trees along the proposed western property line between lots 2 and 3. The access to this location will require grading in slopes in excess of 30% but it does follow an existing ranch road which will need to be improved to provide adequate access. Staff remains concerned about the ability to provide access without significant tree removal. The applicant's design assumes no tree removal is needed. If additional tree removal is necessary a new Use Permit for tree removal will be required prior to removal of additional trees. Overall, staff is in agreement with this proposed Homeland Boundary.

The second homeland boundary proposed by the applicant is located around the top of a natural drainage. Extensive grading will be required to reach this Homeland Boundary and the fact that a drainage channel runs through this Homeland boundary make it a location that should not be approved. A condition has been added to eliminate the second Homeland Boundary. At this point this is the only point of dispute between the applicant and staff over the revised proposal.

The applicant would also like the ability to place equestrian outbuildings on the pasture portion of the lot. This would include maintaining the existing caretakers unit on the property and existing barn. The Scenic and Conservation easement will not be placed on the pasture land to allow buildings in those locations.

5. Homeland on Lot 4. No Homeland Boundary is shown on Lot 4, as the entire Lot is in an area previously occupied by pasture or has been historically cultivated; there is no remaining natural resource area to protect on this proposed parcel. Staff finds that in this limited circumstance it is appropriate to either not require a Homeland Boundary on this lot or to designate the whole lot as a homeland boundary. The restrictions on lot development in this particular case are contained in the Scenic and Conservation easement which will not be recorded on this property. For this reason staff would recommend not including a Homeland Boundary on this lot.
6. Tree Removal. The Planning Commission approved removal of a total of 8 trees, 5 trees being removed to install access to Lot 1 and 3 trees associated with the building envelope. The applicant now requests removal of 8 trees associated with the driveway providing access

to Lots 1 and 2. The applicant is not requesting approval to remove any trees for the Homeland Boundary development; this will be addressed at the time each lot is developed. The request to remove 8 trees is different than the number of trees approved by the Planning Commission. In this particular case, staff is willing to provide the flexibility to remove the additional trees and the resolution and conditions of project approval have been modified to reflect this.

7. Removal of Requirement for Managed Easement. The Santa Lucia Preserve requires that all property outside of the Homeland Boundaries be placed in an Openlands Conservation Easement and be managed by a non-profit land trust in perpetuity. The applicant has requested that this requirement not be applied to this subdivision because the property is separated from the other managed lands within the Santa Lucia Preserve, the cost is expensive for a small development to bear, and most of the property that would be protected is on steep slopes which will be protected by the Scenic and Conservation that will be recorded on the property. Under these circumstances, staff recommends that the Openlands Conservation Easement be eliminated, but the Scenic and Conservation Easement be placed on all property outside of the Homeland Boundaries and above the existing pasture areas. A condition of approval requires the dedication of the Scenic and Conservation easement.
8. Accessory Dwelling Units. The applicant requests that he be allowed to keep the same number of accessory dwelling units and guesthouses as could currently be constructed on the property. The Planning Commission action imposed the limitations applied throughout the Santa Lucia Preserve, which would allow 3 guesthouses and 2 accessory dwelling units. The applicant would like to have 3 guesthouses and 3 accessory dwelling units. This property is remote from the preserve and provides its own water source so does not have the same resource constraints as the other properties in the preserve. Staff has modified the condition to accommodate the applicant's request.

RECOMMENDATION:

The changes made to the project design by the applicant and as discussed above are refinements to the project approved by the Planning Commission. The modifications allow some increased flexibility for the applicant while maintaining consistency with the Santa Lucia Preserve Comprehensive Development Plan. Since the Board of Supervisors action considers the whole project, the appeal should be denied, but the Project should be approved as revised and conditioned. The attached draft resolution has been written to reflect this recommendation.