

Attachment A
Discussion

PLN060603

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ATTACHMENT A

PROJECT OVERVIEW AND BACKGROUND:

This project was initially submitted in 2006 as a 10 lot subdivision. The application was revised from a 10- lot to a 4- lot vesting tentative map because the subject site is within the boundary of the Santa Lucia Preserve and there is only one market rate unit remaining to be allocated as part of the Comprehensive Development Plan for the Santa Lucia Preserve. This unit counts against the units allocated in the Santa Lucia Preserve but does not count against the unit allocation within the Carmel Valley Master Plan.

The proposed minor subdivision vesting tentative map would subdivide three existing lots into four lots resulting in a net increase of one lot. The site is approximately 103 acres and is located along the south side of the Carmel River, west of Rancho San Carlos Road. An EIR was certified for the Santa Lucia Preserve Comprehensive Development Plan. An Addendum to the Santa Lucia Preserve FEIR has been prepared for this project.

This request was initially considered by the Planning Commission at their meeting of October 30, 2013. Staff presented to the Planning Commission that the site is located in the Santa Lucia Preserve, and the applicant testified to concerns associated with conditions designed to implement the requirements of the Santa Lucia Preserve Comprehensive Development Plan (CDP). The applicant's primary concerns related to the imposition of the Homeland Boundaries established in the CDP and the requirement for placing a managed conservation easement over the areas of the lots which will remain in their natural state.

The applicant particularly objected to limiting the lots to one Homeland boundary on each lot. The conditions required the Homeland boundaries be shown in locations that minimize grading and tree removal and limit the visibility of future development as required by the CDP. The applicant expressed a desire to have more flexibility for future homeowners in choosing the location of home sites. The conditions recommended by staff included modifications and limitations to the homeland boundaries proposed by the applicant. The Planning Commission wanted an exhibit showing where the Homeland Boundaries would be located. In addition the Planning Commission wanted to allow some added flexibility for the existing irrigated areas on proposed lots 3 and 4, wanted some more specificity related to the number of trees to be removed, and wanted the allowance of guesthouses and caretakers units to be addressed consistent with the rest of the Santa Lucia Preserve. The hearing on the application was continued to December 11, 2013 to allow staff to address these items.

Staff modified the conditions and findings in response to the direction of the Planning Commission and sent out a staff report for the December 11, 2013 meeting. Prior to the December 11, 2013 meeting, the applicant submitted a letter dated December 8, 2013 requesting that the Planning Commission grant additional flexibility to the conditions. Based upon this letter from applicant, staff requested a continuance of the hearing to January 8, 2014 to enable staff to work with the applicant and develop an alternative approach. The discussions between staff and the applicant did not result in any additional changes, and the item was considered by the Planning Commission on January 8, 2014 at which time the Planning Commission approved the Combined Development Permit subject to the conditions recommended by staff.

ANALYSIS:

The applicant has a vision of marketing this property with a great deal of flexibility for home sites with ample development opportunity for equestrian infrastructure and to allow future property owners to choose where they place their homes, barns, stables, etc., while the goal of the Santa Lucia Preserve is to protect natural resources and view sheds. The Santa Lucia Preserve Comprehensive Development Plan establishes clearly articulated limitations on development which would help a homeowner have a clear understanding of what they can or cannot do. This vesting tentative map has been conditioned to accomplish this objective, consistent with the Comprehensive Development Plan. The decision that faced the Planning Commission was whether the project as conditioned would be consistent with the General Plan and the Santa Lucia Preserve Comprehensive Development Plan. The Commission found that the project was consistent with these plans and could be approved. The conditions are written in such a way that in order for the applicant to record his vesting tentative map and create the new parcels, he would need to implement those specific conditions.

The applicant does not agree with the application of the specific conditions because they limit the flexibility he envisions in marketing the property. The Planning Commission found the conditions as imposed were required to make the proposed map consistent with the applicable General Plan and Santa Lucia Preserve Comprehensive Development Plan.

APPEAL:

On January 27, 2014, the applicant/appellant, Jeff Taylor (Heritage Development LP), timely appealed the Planning Commission's January 8, 2014 decision. The appellant requests the Board grant the appeal and approve the Combined Development Permit for PLN060603 (Heritage Development), subject to a different set of conditions and amended Findings. The basis of the appeal is: a lack of fair or impartial hearing; and the findings or decision or conditions are not supported by the evidence. The contentions are contained in the notice of appeal (Attachment C).

Responses to appellants' contentions are found in the proposed resolution presented to the Board. The primary issue raised in the contentions is the appropriate application of conditions and mitigations required by the Santa Lucia Comprehensive Development Plan.

OPTIONS:

If the Board of Supervisors chooses to grant the appeal and omit the contested conditions (Condition 9 – Tree Removal; Condition 14 – Openland Conservation Easement; Condition 17 – Homeland Limitations; and Condition 45 – Second Units), then the project conditions would need to be amended and further evaluation would be required to determine if the project is consistent with the Santa Lucia Comprehensive Development Plan and whether additional environmental review is required .

However, staff's recommendation -- denial of the appeal and approval of the project subject to the conditions as approved by the Planning Commission – enables the Board to find the project consistent with the Santa Lucia Comprehensive Development Plan and to rely upon the environmental analysis in the associated Santa Lucia EIR..

RECOMMENDATION:

Staff recommends that the Board of Supervisors deny the appeal and approve the project subject to the conditions required by the Planning Commission.

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