



Monterey County Planning Commission

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Agenda Item No. 2

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PLN150805 - Lobos Ridge

Public hearing to consider establishing building areas for future residential and ancillary development (i.e. Accessory Dwelling Unit (ADU), guesthouse, garage, non-habitable accessory structures, septic and leach field system, etc.)

Project Location: Easterly of State Highway One and Point Lobos State Park at 3400 Red Wolf Drive, Carmel.

CEQA Action: Mitigated Negative Declaration per Section 15074 of CEQA Guidelines

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Adopt a Mitigated Negative Declaration per Section 15074 of CEQA Guidelines;
- b. Approve a Combined Development Permit consisting of:
 - 1) Coastal Administrative Permit to establish three possible building areas where future residential and ancillary development could occur (i.e. Accessory Dwelling Unit (ADU), guesthouse, garage, non-habitable accessory structures, septic and leach field system, etc.), subject to a condition where only one area would be identified as the building site and the other two areas will be placed into scenic/conservation easement with the balance of the property;
 - 2) Coastal Development Permit for development within 100 feet of ESHA;
 - 3) Coastal Development Permit for development on slopes exceeding 30% (within the established building areas)
 - 4) Coastal Development Permit for a well (Note: There is an approved Coastal Administrative Permit [PLN170175] for a test well); and
- c. Adopt a Mitigation Monitoring and Reporting Program

A draft resolution with findings and evidence supporting this recommendation is attached for consideration (**Exhibit B**). Staff recommends that the Planning Commission adopt the resolution subject to 17 Conditions of approval and 7 Mitigation Measures.

PROJECT INFORMATION:

Property Owners: The Big Sur Land Trust,

APN: 416-011-007-000

Parcel Size: 27.9 acres

Zoning: "WSC/80-D (CZ) "Watershed and Scenic Conservation, 80 acres per unit, Design Control District (Coastal Zone)"

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: No

SUMMARY:

The subject property is located east of Highway 1 on a western facing slope of Santa Lucia Mountains overlooking the Pacific Ocean. Access to the property is provided by a paved gated private road, Red Wolf Drive, by way of Riley Ranch Road through the neighboring State Parks Point Lobos Ranch. Red Wolf Drive runs approximately two miles east from Highway One, and bisects the project site from the northwestern boundary through the southeastern boundary of the property.

Zoning within the vicinity of the subject property is “WSC/80-D (CZ)” or Watershed and Scenic Conservation, 80 acres per unit with a Design Control District overlay, in the Coastal Zone. Although this zoning designation allows for one SFD per parcel, the primary focus of this district is to protect the significant and substantial resources found in the remote or mountainous areas in the Coastal Zone. Improved parcels in proximity of the subject property contain residential and accessory-to-residential structures as well as large open space areas.

Since 1993, The Big Sur Land Trust (BSLT) has been purchasing property around the Point Lobos area with the intent of transferring land to the California State Parks. During that time, the BSLT acquired four properties in the watersheds above Point Lobos State Reserve and Point Lobos Ranch with the goal to preserve the integrity of the watershed for a future state park expansion. BSLT currently still retains ownership of two of those properties, one of which is the subject parcel that is approximately 28-acres. After years of pursuing the best public usage of the land, BSLT has been able to find no viable option for a public park agency to acquire, manage and conserve these lands. Since then, a residential community has grown along Red Wolf Drive up to Lobos Ridge, immediately adjacent to this property. There have been a number of single family homes constructed and others proposed to be constructed. The 28-acre parcel is now essentially surrounded by private parcels, with only one small corner of the property bordering public land. BSLT’s vision to conserve this property and add it to a public park system appears unachievable at this point.

BSLT desires to sell the property with development entitlements along with conservation easements that sustain the conservation value on the property. There is no specific design proposed for any of the three areas, so development of the area selected for development would be subject to any additional entitlements (e.g. Design Approval) and environmental review. Sale of this property will further BSLT’s conservation mission as proceeds from the sale will be used for future conservation projects. Instead of offering the property up for sale “as is,” BSLT proposes to ensure conservation of the parcel while providing focused development potential to help bring added value to the transaction.

To that end, the project proposes to restrict development through the conveyance of conservation easements over portions of the 27.9-acre parcel to the BSLT in perpetuity. The concept for consideration before the Planning Commission is unique in that two areas of the property, “Area A” and “Area B” would be managed by delineating distinct areas for development and conservation. This concept is summarized below:

- Area A would allow limited development through the creation of three optional building areas. In the future, one area only would be selected for development. Once the preferred building site is selected, the other two areas would be conveyed via conservation easement to the BSLT. Timing of the conveyance would likely need to occur during escrow where BSLT has

ownership to apply the easement but the buyer has selected the preferred building site. The area selected for development would then be subject to any required additional environmental review, specific development standards, and the discretionary permit process.

- Area B currently contains leases for wireless communication facilities (WCF). The remaining entirety of this area without development will be placed into conservation through the conveyance of easements to the BSLT in perpetuity.

This unique concept would allow future potential buyers the most flexibility while preserving the potentially visible and environmentally sensitive areas of the parcel. Granting entitlements for slope, ESHA and a well ahead of having a proposed design helps to make the site more marketable knowing where/how development can occur. Future development proposals within the Option Areas will be analyzed when they are submitted, as this application has no development associated with it. At a minimum, proposed development will require Design Approval. A key policy that will need to be evaluated with proposed development is visibility within the critical viewshed.

DISCUSSION:

Project:

The subject application consists of the following:

- Area A, would allow limited future development with the benefit of a Coastal Development Permit and Design Approval within only one of three designated option areas:
 - Area 1 - 34,600 square feet;
 - Area 2 -54,500 square feet; or
 - Area 3-53,250 square feet.

Building areas 1, 2, and 3 have been selected based on topography and lowest potential for impacts to Monterey pine and Environmentally Sensitive Habitat Areas (ESHA). All three building areas are located wholly within Area A, in areas with less than 30 percent slopes with avoidance to trees. Future property owners/buyers would have the ability to propose residential development in one of the three building areas. The proposed residential development, not to exceed 10,000 square feet along with associated support facilities including a driveway, driveway turnaround, parking, and domestic well within the selected building area, would be subject to securing the applicable land use entitlements. A 100-foot fire clearance would be maintained around all buildings. Additionally, the application would consider the construction of a 16,800 square foot septic leach field outside of the building area, but still wholly within Area A. Area A contains environmentally sensitive habitat. Development within any of the building area options (1, 2 or 3) would require proper analysis to minimize impacts to ESHA. A portion of Area A will be subject to prohibited uses and restrictions provided in a conservation easement for the protection of ESHA to be held in perpetuity by the Big Sur Land Trust (BSLT). All undeveloped portions of Area A will ultimately be preserved by the imposition of habitat conservation easements

- Area B will allow no new development. The only development allowed in this area will be future proposed improvements to an existing cell tower within the easement for that facility. No cell tower improvements are proposed or included in this project description. Any future proposed work would be analyzed separately. All of Area B will be subject to prohibited

uses and restrictions provided in the conservation easement.

If the project is approved, BSLT intends to sell the subject property but retain and manage the conservation easements in perpetuity. The purpose of the proposed project is to allow limited future residential development on the site, avoid development on slopes in excess of 30%, avoid visibility from State Highway 1, and impacts to protected trees and other ESHA. The BSLT intends to work with a future buyer to preserve maritime chaparral in all undeveloped and unimproved portions of the property for potential use as habitat mitigation through the requirement of the proposed conservation easements. The proposed project, specifically the establishment of the Conservation Easement and building areas 1-3 within Area A, is intended to help reduce impacts from the construction of residential development to the maximum extent possible. Area B is intended to provide a one for one mitigation for any habitat loss within Area A, as it will be subject to strict requirements of the conservation easement.

Project Analysis:

Due to the unique nature of this application which will establish building area without the benefit of specific architectural designs, the property has not been analyzed for residential development in accordance with the policies and regulations of the Carmel Area Land Use Plan and Coastal Implementation Plan, Part 4 (Regulations for Development in the Carmel Areal Land Use Plan - Chapter 20.146). It has also not been staked for visual assessment, therefore the application currently being processed is a Combined Development Permit consisting of a Coastal Administrative Permit to establish building areas for future residential and ancillary development (i.e. Accessory Dwelling Unit (ADU), guesthouse, garage, non-habitable accessory structures, septic and leach field system, etc.); Coastal Development Permit for development within 100 feet of ESHA; Coastal Development Permit for development on slopes exceeding 30% (within the established building areas); Coastal Development Permit for a well.

Since no structures are proposed at this time, a prospective property owner/buyer will need to secure the applicable Coastal entitlements (Coastal Development Permit [CDP] and Design Approval) for all residential development and associated facilities and related development. The future development proposal would be analyzed for appropriate design criteria and visibility within the building envelope.

Any future proposed residential development will be required to be consistent with the policies and regulations contained in the 1982 Monterey County General Plan, the Carmel Area Land Use Plan, the Monterey County Coastal Implementation Plan, Part 4 (Regulations for Development in the Carmel Areal Land Use Plan - Chapter 20.146) and Title 20 (Zoning Ordinance, Coastal Zone), regulations specific to the Watershed and Scenic Conservation zoning district. The following information would be required as part of any future submittals of a development application to Monterey County RMA:

- Floor Plan
- Exterior Elevations
- Conceptual Landscape Plan
- Exterior Lighting Plan

- Fuel Management Plan
- Drainage Plan
- Construction Management Plan
- Adequate Water Supply System Assessment
- On-site Wastewater Treatment System
- Technical Plans to Obtain Building Permits
- Public Works Department Address Request

Water:

Pursuant to Section 20.17.040.J of the Monterey County Zoning Ordinance (Title 20), a Coastal Administrative Permit (PLN170175) has been obtained for a test well prior to establishing a water system, in this case a potable water well, and has met the requirements set forth in Chapter 15.04 - Domestic Water Systems of the Monterey County Code, to ensure the well meets operational requirements, water quality standards, bacteriological quality, chemical quality, and drinking water standards before it can be converted to a permanent well. In an effort to ensure that potable water would be available to future development on the subject property, BSLT obtained a permit for construction of a test well (PLN170175). A Coastal Development Permit to convert the test well into a domestic well would be included with the future land use entitlements for residential development in Area A.

ESHA:

The subject property supports maritime chaparral, which is considered ESHA by the California Department of Fish and Wildlife and the Carmel Area Land Use Plan. In addition, there is a stand of native Monterey pine on the subject property, also a protected tree in the Carmel Area Land Use Plan. Development within any of the designated building areas would be sited to avoid impacts to native pines but would impact maritime chaparral. Theoretical maximum impact areas are conservatively assumed to be the total square footage of each optional building area plus the septic area, which could be:

- 51,400 square foot impact area for Area Option 1;
- 71,300 square foot impact area for Area Option 2; or
- 70,050 square foot impact area for Area Option 3.

However, impacts would likely be much less than the theoretical max impact square footage as the areas actually impacted would only include up to 10,000 square feet of building area (plus 100-foot fire clearance around those buildings), driveway, driveway turnaround, parking, domestic well, and 16,800 square feet of septic installation area.

Land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses are considered compatible only in a situation in which the proposed incorporates necessary site planning and design features which protect habitat impacts (CIP 20.146.040.B.3). Any future development will be analyzed for protection and long term maintenance of the resources on that specific site. The initial study also requires that a biologist quantify and mitigate all impacted maritime chaparral habitat and other ESHA prior to issuance of any

grading or building permits in order to preserve the sensitive habitat on site.

CEQA/Initial Study:

A Draft Mitigated Negative Declaration (MND) was prepared in accordance with CEQA and circulated for public review from November 20 to December 20, 2017. Issues that were analyzed in the Initial Study included Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning and Transportation/Traffic. There are seven (7) mitigation measures for Biological Resources, Geology/Soils, and Hydrology/Water Quality.

Two comment letters were received during the public review period. One letter from the BSLT was a response to the State Parks and Recreation District regarding the acquisition and expansion of the park district. Both correspondences are attached (Exhibit E).

In summary, the State of California Parks and Recreation District recommends:

- The alternative which establishes the developable area out of the viewshed of Pt. Lobos State natural reserve with the use of orange netting prior to development;
- The use of natural colored building materials and low lighting; landscaping of non-invasive plants;
- Property lines shall be well surveyed and staked so there is no confusion of state Park boundary;
- A mitigation plan should be developed for protection of special status species.

The recommendations from State Parks and Recreation District have been incorporated as mitigation measures or will be required as conditions of approval with the land use entitlements with the residential development. Additional recommendations include a deed restriction and modified wording within the proposed conservation easement. BSLT will incorporate and address these issues in its conservation easement, and disclose development limitations to the prospective buyers.

The BSLT President/CEO submitted a letter questioning the accuracy of a statement in the Initial Study stating that the property has not been properly analyzed for residential development. The County would agree that the Initial Study appropriately analyzes the Option Areas proposed for development, however, specific development cannot be fully analyzed until such time that subsequent entitlements are applied for.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- ✓ Environmental Health Bureau
- ✓ RMA-Public Works
- ✓ RMA-Environmental Services
- ✓ Water Resources Agency
- ✓ Carmel Highlands Fire Protection District

The project was heard by the Carmel Unincorporated/Highlands Land Use Advisory Committee

(LUAC) on December 21, 2015. They were concerned with the size of the three optional building areas contained in Area A, and the potential for large future development. Staff explained that this project did not allow any specific development projects, and any future application for development would be brought back to the LUAC as part of the discretionary permit process. The LUAC ultimately recommended approval of the project by a 4-0 vote with the guidance that future development should be critically scrutinized.

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Reviewed by: Jacqueline R. Onciano, RMA Chief of Planning Manager
Brandon Swanson, RMAN Planning Services Manager
Approved by: Carl Holm, AICP, RMA Director

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- Exhibit B1 - Conditions of Approval/Mitigation Monitoring Reporting Plan
- Exhibit B2 - Building Envelope Options 1, 2, & 3

Exhibit C - LUAC Minutes (12/21/15)

Exhibit D- Initial Study/Mitigated Negative Declaration

Exhibit E - Comments on the MND

Exhibit F - Vicinity Map

cc: Front Counter Copy; Planning Commission; Carmel Highland Fire Protection District; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Jacqueline R. Onciano, RMA Chief of Planning; Brandon Swanson, RMA Services Manager; Elizabeth Gonzales, Project Planner; The Big Sur Land Trust, Owners; Rich Hamilton, Chief Operating Officer; The Open Monterey Project; LandWatch; Dale Ellis, interested party; Planning File PLN160746.