



Legislation Details (With Board Report)

**File #:** RES 14-029      **Name:** Heritage Development  
**Type:** BoS Resolution      **Status:** Scheduled PM  
**File created:** 3/10/2014      **In control:** Board of Supervisors  
**On agenda:** 3/18/2014      **Final action:**

**Title:** Public hearing to consider:  
a. Appeal by Jeff Taylor from the Planning Commission’s decision approving the application by Heritage Development LP for a Combined Development Permit;  
b. Addendum together with the previously certified EIR for the Santa Lucia Preserve;  
c. Approval of a Combined Development Permit consisting of: 1) a Minor Subdivision vesting tentative map to allow the subdivision of three lots of 20.69 acres, 20.78 acres and 62 acres (total 103.2 acres) into a 4 lot subdivision of 10.4, 11.9, 20.1 and 60.8 acres; 2) a Use Permit to allow the removal of 20 protected Coastal live oak trees; 3) a Use Permit for development on slopes greater than 30%; and 4) an Administrative Permit and Design Approval for development in a Design Control and Site Plan District for a 100,000 gallon water storage tank and grading (approximately 45,000 cubic yards cut and 45,000 cubic yards fill).  
(Combined Development Permit - PLN060603/Heritage Development, 27050/25070/27080 Rancho San Carlos Road, Carmel, Carmel Valley Master Plan)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment A - Discussion, 2. Attachment B - Draft Board Resolution, 3. Attachment C - Notice of Appeal, 4. Attachment D - PC Resolution No. 14-005, 5. Attachment E - Addendum to SLP FEIR, 6. Attachment F - Vicinity Map, 7. Attachment G - 1-8-14 Staff Report to the PC, 8. Attachment H - Preliminary Geologic Investigation, 9. Attachment I - Traffic Assessment, 10. Attachment J - Biological Analysis, 11. Attachment K - Revision of Tree Impact Report, 12. Attachment L - Phase I Historic Review, 13. Attachment M - FEIR for Santa Lucia Preserve, 14. Attachment N - Tentative Map, 15. Completed Board Order

| Date      | Ver. | Action By            | Action    | Result |
|-----------|------|----------------------|-----------|--------|
| 3/18/2014 | 1    | Board of Supervisors | continued | Pass   |

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(Combined Development Permit - PLN060603/Heritage Development, 27050/25070/27080 Rancho San Carlos Road, Carmel, Carmel Valley Master Plan)

PROJECT INFORMATION:

**Planning File Number:** PLN060603

**Owner:** Heritage Development LP/ Jeff Taylor  
**Project Location:** 27050/25070/25070 Ranch San Carlos Road, Carmel  
**APN:** 157-181-006-000, 157-181-007-000, 157-181-008-000  
**Agent:** Maureen Wruck Planning Consultants (Joel Panzers)  
**Plan Area:** Carmel Valley Master Plan  
**Flagged and Staked:** No  
**CEQA Action:** Addendum to EIR certified February 1996.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors adopt a resolution (Attachment B) to:

- a. Deny the appeal by Jeff Taylor from the Planning Commission's decision approving the application for a Combined Development Permit (Heritage Development LP/PLN060603) consisting of: 1) a Minor Subdivision vesting tentative map to allow the subdivision of three lots of 20.69 acres, 20.78 acres and 62 acres (total 103.2 acres) into a 4 lot subdivision of 10.4, 11.9, 20.1 and 60.8 acres; 2) a Use Permit to allow the removal of 20 protected Coastal live oak trees; 3) a Use Permit for development on slopes greater than 30%; and 4) an Administrative Permit and Design Approval for development in a Design Control and Site Plan District for minor grading associated with road improvements; and
- b. Certify that it has reviewed and considered the Addendum together with the previously certified EIR for the Santa Lucia Preserve; and
- c. Approve the application for a Combined Development Permit (Heritage Development LP/PLN060603) consisting of: 1) a Minor Subdivision vesting tentative map to allow the subdivision of three lots of 20.69 acres, 20.78 acres and 62 acres (total 103.2 acres) into a 4 lot subdivision of 10.4, 11.9, 20.1 and 60.8 acres; 2) a Use Permit to allow the removal of 20 protected Coastal live oak trees; 3) a Use Permit for development on slopes greater than 30%; and 4) an Administrative Permit and Design Approval development in a Design Control and Site Plan District for minor grading associated with road improvements, subject to the conditions of approval; and
- d. Adopt a Mitigation Monitoring and Condition Compliance Reporting Plan.

**SUMMARY:**

On January 8, 2013, the Monterey County Planning Commission approved the Combined Development Permit and Minor Subdivision vesting tentative map subject to specific findings, conditions and mitigation measures, ensuring that the project would remain consistent with the Santa Lucia Preserve Comprehensive Development Plan (Planning Commission Resolution No. 14-005- Attachment D). Jeffery Taylor, acting on behalf of the applicant, Heritage Development LP and Jeffery and Paula Taylor, was not in agreement with many of the conditions of approval applied to the project to implement the provisions of the Santa Lucia Preserve Comprehensive Development Plan.

On January 27, 2014, the applicant/appellant, Jeff Taylor, timely appealed the Planning Commission's decision (**Attachment C**). The appellant requests the Board grant the appeal and approve the Combined Development Permit (Heritage Development LP/ PLN060603), 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. A more detailed discussion of these contentions can be found in **Attachment A**.

The project conditions implement the Santa Lucia Preserve Comprehensive Development Plan designed to protect natural resources and protect sensitive viewsheds. The primary method of protecting natural resources and protecting views is through the establishment of Homeland Boundaries on each lot. The areas outside of the Homeland Boundaries are protected through a conservation easement which is actively managed. The project was able to be approved in a manner consistent with the provisions of the Comprehensive Development

Plan, and thus the decision-maker could rely upon the EIR prepared for the Santa Lucia Preserve together with an addendum addressing this particular project because the project did not involve new significant impacts or more severe environmental impacts not already analyzed in the EIR. Significant deviations from these provisions could require additional environmental review. If the Board of Supervisors wishes to modify the conditions as requested by the applicant, consideration needs to be given as to whether or not the changes would have environmental impacts which have not been addressed in the EIR, and thus whether additional environmental review is required. It was the determination of the Planning Commission that the project as conditioned is consistent with the Santa Lucia Preserve Comprehensive Development Plan.

OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau
- RMA-Public Works Department
- Water Resources Agency
- Parks Department
- Monterey County Regional Fire Protection District

FINANCING:

Funding for staff time associated with this project has been provided through payment of all appropriate appeal fees.

Prepared by: John H. Ford, Planning Services Manager ext. 5158  
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192  
Benny Young, Director Resource Management Agency

cc: Front Counter Copy; John H. Ford, Planning Services Manager; Jeff Taylor, Applicant/Owner; Maureen Wruck Planning Consultants (Joel Panzer), Agent; The Open Monterey Project; LandWatch; Project File PLN060603.

The following attachments on file with the Clerk of the Board:

- Attachment A Discussion
- Attachment B Draft Board Resolution including recommended Conditions of Approval and Vesting Tentative Map
- Attachment C Notice of Appeal
- Attachment D Planning Commission Resolution 14-005
  - Conditions of Approval
  - Vesting Tentative Map (showing Commission approved changes)
- Attachment E Addendum to Santa Lucia Preserve FEIR
- Attachment F Vicinity Map
- Attachment G January 8, 2014 Staff Report to the Planning Commission (with associated attachments)
- Attachment H Preliminary Geologic Investigation prepared by Moore Twining (LIB080087)
- Attachment I Traffic Assessment prepared by Dowling Associates (LIB080100)
- Attachment J Biological Analysis prepared by Califauna (LIB080512)
- Attachment K Revision of Tree Impact Report (With Prior Arborist reports dated 8/26/2008, and 10/27/2007) (LIB120101, LIB120142, LIB080510, LIB080105)
- Attachment L Phase 1 Historic Review prepared by Kent L. Seavey (LIB110334)
- Attachment M FEIR for Santa Lucia Preserve

Attachment N    Tentative Map