



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Legislation Details (With Board Report)

**File #:** PC 18-097 **Name:** PLN160344 - Phillips  
**Type:** Planning Item **Status:** Agenda Ready  
**File created:** 8/14/2018 **In control:** Monterey County Planning Commission  
**On agenda:** 8/29/2018 **Final action:**  
**Title:** PLN160344 - PHILLIPS  
Public Hearing to consider amending the Homeland Boundary of Lot 2 as shown on the Final Map of Santa Lucia Preserve, Phase F to accommodate construction outside of the recorded boundary;  
Project Location: 2 Red Tail Trace, Carmel, Greater Monterey Peninsula Area Plan  
Proposed CEQA Action: Categorically Exempt per CEQA Guidelines Section 15317

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Staff Report, 2. Exhibit A - Draft Resolution, 3. Exhibit B - Amendment Final Map Lot 2. Phase F. dated May 2016, 4. RESpc\_18-034\_PLN160344\_082918, 5. Hearing Submittal

Date	Ver.	Action By	Action	Result
8/29/2018	1	Monterey County Planning Commission		

### PLN160344 - PHILLIPS

Public Hearing to consider amending the Homeland Boundary of Lot 2 as shown on the Final Map of Santa Lucia Preserve, Phase F to accommodate construction outside of the recorded boundary;

**Project Location:** 2 Red Tail Trace, Carmel, Greater Monterey Peninsula Area Plan

**Proposed CEQA Action:** Categorically Exempt per CEQA Guidelines Section 15317

### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution (**Exhibit A**) recommending that the Board of Supervisors:

- Find the project is an Open Space Contract which qualifies as a Class 17 Categorical Exempt per CEQA Guidelines Section 15317, and that no exceptions exist pursuant to 15300.2;
- Accept the Amended Map for Lot 2 as shown on the Final Map of Santa Lucia Preserve, Phase F (**Exhibit B**) for the Layn R. and Kathryn H. Phillips TR property;
- Authorize the Chair of the Board of Supervisors to execute the Amended Final Map for Lot 2 as shown on the Final Map of Santa Lucia Preserve, Phase F; and
- Direct the Clerk of the Board to submit the Amended Final Map to the County Recorder for recordation.

### PROJECT INFORMATION:

**Owner:** Layn R. and Kathryn H. Phillips TR

**Applicant:** Maureen Wruck Planning Consultants, LLC

**APN:** 239-151-002-000

**Plan Area:** Greater Monterey Peninsula Area Plan

**Flagged and Staked:** No

### SUMMARY:

Parcels within the Santa Lucia Preserve were designed with building envelopes, called Homeland Boundaries, that establish limits where development can occur on the lot. A corner of the house was constructed outside of

the existing boundary. It appears that this was done inadvertently based on what appears to have been misinformation from the contractor. This is a request by the homeowner to adjust the Homeland Boundary on this parcel to accommodate these improvements, and would reduce the net area of Homeland Boundary by 126 square feet. The area of the Homeland Boundary being dedicated has trees and slopes that would have been affected had they built in that area. Therefore, there is a benefit to dedicating this area to the Preserve.

This adjustment would not create any potential for development in areas with resources or hazards and would increase the undevelopable area of the parcel. Therefore, staff finds that allowing the realigned Homeland Boundary for Lot 2 would be an appropriate solution and recommends the Planning Commission support the modification. If the map amendment were denied, the homeowner must demolish all improvements extending beyond the Homeland Boundary and restore that area.

#### DISCUSSION:

In 2013, the owners engaged the services of a contractor (RJL Construction) to construct rear-yard improvements which included: a new 620 square foot covered patio, terrace with a hot tub, outdoor fireplace and a small dog kennel area. This work would have been subject to a Design Approval and building permit, however no permits were obtained. After the rear yard improvements were completed, the owners were notified by the Santa Lucia Preserve that improvements were built without HOA design review or approval. A subsequent search of County records also confirmed that no local permits were obtained for this work.

Upon notification, the current owners immediately applied for the necessary permits/approvals to correct the unpermitted additions. Along with the work being unpermitted, it was found that the improvements encroached outside of the designated Homeland Boundary by approximately 2,040 square feet for this parcel shown on the Final Map of Santa Lucia Preserve, Phase F. The owners also began to address this encroachment with the Santa Lucia Preserve Association (HOA/DRB), the Santa Lucia Conservancy. The HOA/DRB has since approved the encroachment. The Santa Lucia Conservancy met with the County and ultimately determined that that a subdivision map amendment was required to correct the encroachment.

Pursuant to Section 19.08.015.A.7 of the Subdivision Ordinance of Monterey County (Title 19), modifications to a parcel map or final map shall be considered through consecutive public hearings by the appropriate decision making body(s) that approved or recommended approval of the original tentative map or tentative parcel map. The appropriate decision making body shall confine the hearing to consideration of, and action on, the proposed modification. On December 13, 1995, the Planning Commission recommended that the Board of Supervisors certify the EIR and approve the Combined Development Permits for the development of this parcel. Final approval by the Board of Supervisors was on August 26, 1997. Therefore, the Planning Commission must make a recommendation to the Board of Supervisors on the proposed adjustment to this homeland boundary.

The amendment of Lot 2 as shown on the Final Map of Santa Lucia Preserve, Phase F, consists of moving the homeland boundary to include the unpermitted additions. The existing homeland boundary consists of 3,697 square feet of developable space. Once the boundary is adjusted, the new homeland boundary will consist of 3,571 square feet, a reduction of 126 square feet of developable space. The Santa Lucia Preserve is in support of this re-alignment finding that it provides a net benefit by increasing the preserved Open Land area. The exchange of land through the re-alignment of the Homeland Boundary would bring the development into compliance. Alternatively, the homeowner would need to demolish any improvements extending beyond the Homeland Boundary and restore that area.

Staff evaluated neighboring privacy with moving the homeland boundary slightly closer to the adjacent parcel. The applicants also own the adjoining parcel located near the additions, so they can manage where development were to occur on that lot and any new owner would be able to see the extent of these improvements.

The extension of the boundary would not enter into any areas of slopes or ESHA that may have been intended to be protected. Any easements on the property were prepared separately of the County and will be handled between outside parties.

CEQA Guideline Section 15317, Class 17 consists of the acceptance of easements or fee interest in order to maintain the open space character of an area. This resolution would increase the existing open space easement but realigning the easement in accordance with the new Homeland Boundary.

#### OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved the Map Amendment to amend Lot 2 as shown on the Final Map of Santa Lucia Preserve, Phase F.

#### FINANCING:

Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for the Planning Department.

Prepared by: Elizabeth Gonzales, Associate Planner, ext. 5102

Reviewed by: Brandon Swanson, RMA-Planning Services Manager, ext. 5334

Approved by: John M. Dugan, FAICP, Deputy Director, RMA Land Use and Community Development

cc: Front Counter Copy; Carl P. Holm, Director-Planning Department; Brandon Swanson, Planning Services Manager; Layn R. and Kathryn H. Phillips TR, Owners; Joel Panzer, Maureen Wruck and Associates, Applicant; John Fossum, Owners' Attorney; The Open Monterey Project; LandWatch; Project File PLN160344.

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution

Exhibit B - Amended Final Map Lot 2, Phase F, dated May 2016

- Lot F2 Homeland Area of Adjustment Diagram
- Lot F2 Homeland Area of Adjustment with structures