

**MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 05022

A.P. #418-021-047-000
#418-021-048-000
#418-021-049-000
#418-021-052-000

In the matter of the request of
JOHN MOON (PLN050310)

FINDINGS AND DECISIONS

for a **Combined Development Permit** pursuant to regulations established by local ordinance and state law, to allow a coastal development permit for a lot line adjustment between four parcels totaling 405 acres to increase Parcel A (Assessor's Parcel Number 418-021-047-000) from 40 acres to 62 acres, reduce Parcel B (Assessor's Parcel Number 418-021-048-000) from 165 acres to 105 acres, increase Parcel C (Assessor's Parcel Number 418-021-049-000) from 40 acres to 108 acres, and reducing Parcel D (Assessor's Parcel Number 418-021-052-000) from 160 acres to 130 acres. Existing Parcels B and D each have one existing single family home. This permit would locate both units on Parcel B and includes a Coastal Development Permit to convert one existing single family home to a caretaker's unit on the reconfigured Parcel B. A dirt driveway to the site extends approximately 3 miles east from Old Coast Road at a point located approximately 2.5 miles southeast from the north end of Old Coast Road, Big Sur, Coastal Zone came on regularly for hearing before the Minor Subdivision Committee on November 10, 2005.

Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING – CONSISTENT WITH PLAN/POLICIES:** The project proposed in this application consists of a Combined Development Permit (PLN050310/Moon). The proposed project conforms to the plans, policies, requirements and standards of the Big Sur Coastal Area Plan.

EVIDENCE: (a) The property is located approximately three miles east from Old Coast Road at a point located approximately 2.5 miles southeast from the north end of Old Coast Road. This area is the Big Sur Coastal area of the Coastal Zone.

- (b) The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

1. Big Sur Coastal Land Use Area Plan.
2. Monterey County Coastal Implementation Plan - Part 3 (Chapter 20.145 MCC).
3. Monterey County Coastal Implementation Plan – Part 1 (Zoning Ordinance - Title 20), which establishes regulations for:
 - Watershed Scenic Conservation (Chapter 20.17).

- Design Control (Chapter 20.44).
 - Caretaker Units (Chapter 20.64.030)
- - (c) Project Description. The project area is designated for Watershed and Scenic Conservation (40 acres/unit) under the Big Sur, Local Coastal Program, Land Use Plan. Proposed parcels consist of 62 acres (Parcel A), 105 acres (Parcel B), 108 acres (Parcel C) and 130 acres (Parcel D).
 - (d) Permits. The project generally involves an application for permits to adjust lot lines between four legal lots of record and to convert an existing residence to a caretaker unit on the new Parcel "B.". Entitlements for the proposed project include:
 - Coastal Development Permit for a Lot Line Adjustment (LLA).
 - Coastal Development Permit to allow a caretaker unit.
 - (e) Easements. Detailed plans including soils and other types of reports will be required with any proposed future development of these sites. Big Sur Land Use Plan regulations require the properties to identify and establish scenic and conservation easements over areas that include critical viewshed, slopes greater than 30% and environmentally sensitive habitat. Conditions 3 and 4 have been included that requires the applicable owner to address this prior to development of their lot.
 - (f) Necessary public facilities are available to the project site.
 - (g) On July 26, 2005, the Big Sur Land Use Advisory Committee voted 4-0 to recommend approval of the project as proposed.
 - (h) As conditioned, the subject property is in compliance with all rules and regulations pertaining to the use of the property and no violations exist on the property.
 - (i) No testimony, either written or oral, was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.
 - (j) Materials in project file PLN050310/Moon.

2. **FINDING- CONFORMS TO REGULATIONS:** The parcels resulting from the lot line adjustment conform to County's zoning and building ordinances. The proposed lot line adjustment is consistent with the Monterey County Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: (a) The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

1. Monterey County Coastal Subdivision Ordinance (Title 19).
2. Chapter 20.17 of the Monterey County Zoning Ordinance regulations for development in the Watershed and Scenic Conservation zone.
3. Chapter 20.64.030 of the Monterey County Zoning Ordinance regulations for Caretaker Units

4. Chapter 20.70 of the Monterey County Zoning Ordinance regulations for Coastal Development Permits.
 - (b) All of the Parcels are zoned “WSC/40(CZ)” Watershed and Scenic Conservation (minimum 40 acres), Coastal Zone. All development in this area is subject to design approval. No development is proposed at this time.
 - (c) The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Section 20.70.050.B.4 CIP). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
 - (d) Caretaker Unit. One existing residence is located on what is currently Parcel D and would remain on what would become Parcel B. Parcel B consists of 165 acres, so a second unit would be allowed. As built, a 384 square foot cabin to be converted as a caretaker unit meets all of the criteria in Sections 20.64.030 and 20.145.140.B.4.b CIP. A maximum of 50 caretaker units may be approved within the Big Sur Land Use Plan (Section 20.145.140.B.10 CIP). The current count shows less than 50 caretaker units have been approved in the Big Sur Land Use Plan since it was certified.
 - (e) There is no actual change in the use or proposed development at this time. Future developers will be required to process plans prior to development of these sites.
 - (f) That the lot line adjustment is between four existing adjacent legal lots of record. Certificates of Compliance were recorded for all four parcels on May 3, 2002 (CC010109, CC010112, CC010114, CC010115). Copies of said documents are located in the project file.
 - (g) The proposed project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, and the California Department of Forestry and Fire Prevention. There has been no indication from these agencies that the site is not suitable for the proposed development.
 - (h) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property. A condition is included to assure that all zoning abatement costs, if any, have been paid.
 - (i) Application materials contained in File PLN050310/Moon.
3. **FINDING – NO NEW PARCELS:** The proposed lot line adjustment will not create a greater number of parcels than originally existed.

EVIDENCE: (a) Four contiguous separate legal parcels of record will be adjusted and four contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.

- (b) The project area has a total of approximately 405 acres. Proposed amendments include: increasing Parcel A (assessor's parcel number 418-021-047-000) from 40 acres to 62 acres, reducing Parcel B (assessor's parcel number 418-021-048-000) from 165 acres to 105 acres, increasing Parcel C (assessor's parcel number 418-021-049-000) from 40 acres to 108 acres, and reducing Parcel D (assessor's parcel number 418-021-052-000) from 160 acres to 130 acres.
- (c) Application materials contained in File PLN050310/Moon.

4. **FINDING – HEALTH AND SAFETY:** The establishment, maintenance, or operation of the subdivision and building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: (a) The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, California Department of Forestry and Fire Prevention, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

5. **FINDING - PUBLIC ACCESS.** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 and Section 20.145.150 of the Big Sur Coastal Land Use Plan and Coastal Implementation Plan.

EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 2, the Shoreline Access Map, of the Big Sur Coast Land Use Plan.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Staff site visit.

6. **NO VIOLATION:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no

violations exist on the property and that all zoning abatement costs, if any have been paid.

7. **FINDING- CEQA/EXEMPTION:** Lot Line Adjustment (PLN050310/Moon) is exempt from the requirements of the California Environmental Quality Act (CEQA).

- EVIDENCE:** (a) Section 15305(a) is a Categorical Exemption (Class 5) for minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel. The project consists of adjusting the lot lines for four legal lots of record and resulting in four lots that meet the minimum lot size (minimum 40 acres). There is no increase in the number of lots, density, or potential development. No development is proposed at this time. This adjustment would not increase potential development on steep slopes and allow preservation of those areas in conservation easements thereby better meeting the objectives of the Big Sur Land Use Plan (LUP).
- (b) Section 15301 is a Categorical Exemption (Class 1) for a change of use of an existing structure with negligible or no expansion of use. The project consists of converting an existing residence into a caretaker unit with no increase of floor area.
- (c) Based on available information, there is no reasonable possibility that the proposed activity will have a significant effect on the environment due to unusual circumstances. The proposed Lot Line Adjustment would not require a change in building or access locations that could cause environmental impacts over the existing conditions.
- (d) File No. PLN050310/Moon; administrative record.

8. **FINDING - APPEAL:** The project is appealable to the Board of Supervisors and California Coastal Commission.

- EVIDENCE:** (a) Section 19.01.040 of the Monterey County Coastal Zone Subdivision Ordinance (Title 19).
- (b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said request for a Combined Development Permit be approved as shown on the attached sketch, subject to the attached conditions:

PASSED AND ADOPTED THIS 10th day of November 2005 by the following vote:

AYES: McPharlin, Hawkins, Mounday, Mulholland, Hodges, Hori

NOES:

ABSENT:

LYNNE MOUNDAY, SECRETARY

COPY OF THIS DECISION WAS MAILED TO APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.03.035, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON *. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Monterey.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

Exhibit "C" RESOLUTION 05022, TABLE 1 Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>MOON</u> File No: <u>PLN050310</u> APNs: <u>418-021-047-000, 418-021-048-000, 418-021-049-000, and 418-021-052-000</u> Approval by: <u>Minor Subdivision</u> Date: <u>November 10, 2005</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
PLANNING AND BUILDING INSPECTION (755-5025)						
1		PBD029 - SPECIFIC USES ONLY This Combined Development Permit (PLN050310/Moon) consisting of: a Coastal Development Permit for a lot line adjustment between four parcels totaling 405 acres to increase Parcel A (assessor's parcel number 418-021-047-000) from 40 acres to 62 acres, reduce Parcel B (assessor's parcel number 418-021-049-000) from 165 acres to 105 acres, increase Parcel C (assessor's parcel number 418-021-048-000) from 40 acres to 108 acres, and reducing Parcel D (assessor's parcel number 418-021-052-000) from 160 acres to 130 acres. Existing Parcels B and D each have one existing single family home. This permit would locate both units on Parcel B and includes a Coastal Development Permit to convert one existing single family home to a caretaker's unit on the reconfigured Parcel B. The project is located approximately 2.5 miles southeast from the north end of Old Coast Road, Big Sur, coastal zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed	Adhere to conditions and uses specified in the permit.	Owner/ Applicant PBI	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities.				
2		<p>PBD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 05022) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 418-021-047-000, 418-021-048-000, 418-021-049-000, and 418-021-052-000 on November 10, 2005. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use.</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant PBI	Prior to Issuance of grading and building permits or start of use.	
3		<p>PBD – SURVEY OF RESOURCES (NON-STANDARD)</p> <p>The owner of the lot being developed shall contract with a qualified biologist and licensed surveyor to accurately map the lot being developed in order to cartographically depict all areas: within the critical viewshed (as defined by Section 20.146.020.V of the <i>Big Sur Land Use Plan</i>); with environmentally sensitive habitat (as defined by Section 20.145.020.EE of the <i>Big Sur Land Use Plan</i>, as well as all other applicable State, federal, and local criteria); and/or with slopes of 30% or greater.</p>	Submit copies of the reports and maps to the County for approval by the Director of Planning & Building Inspection prior to conveyance of the easements to the County.	Owner/ Applicant PBI	Prior to the building permit for future residential development of any of	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		(Planning and Building Inspection)			the four subject lots of record	
4		PBD - SCENIC & CONSERVATION EASEMENT (NON-STANDARD) The owner of the lot being developed shall convey a Scenic & Conservation Easement to the County over all areas within the lot being developed identified under Condition 3 that: are located within the critical viewshed; contain environmentally sensitive habitat; and/or that have slopes of 30% or greater. Easements shall allow for the approved future residential development. (Planning and Building Inspection)	Submit approved and recorded easement to PBI.	Owner/ Applicant PBI	Prior to the building permit for future residential development of any of the four subject lots of record	
5		PBD006 - DEED RESTRICTION - USE Prior to the issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the <i>Caretaker Unit</i> in accordance with Section 20.64.030 and 20.145.040.B of the Coastal Implementation Plan (CIP). (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
PUBLIC WORKS (755-4800)						
6		PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented. (Public Works)	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Survey	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
7		PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and it's monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Surveyor	Prior to Recordation of Record of Survey	