

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

W6c

RECORD PACKET COPY

Filed: 7/19/2005
49th day: 9/06/2005
Staff: CKC-SC
Staff report prepared: 7/28/2005
49-Day Waiver: 7/28/2005
Hearing date: 8/10/2005
Hearing item number: W6c

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal numberA-3-MCO-05-052, Jana Weston, et al
ApplicantsJana Weston; Kelly Short Lloyd, Agent
Appellant.....Commissioners Wan and Shallenberger
Local government.....Monterey County
Local decisionApproved with conditions on May 26, 2005
Project location.....APNs 420-011-002, 420-171-032; located west of Highway One, southerly of Post Ranch Inn, Big Sur Coast Area, Monterey County.
Project descriptionPLN040180 – Lot line adjustment to reconfigure four existing lots of record of approximately 0.15, 23, 34, and 75 acres each in/ adjacent to Coastlands into four lots of approximately 18, 27, 45 and 45 acres each; variance to allow two resulting lots that do not meet the minimum lot size of 40 acres.
File documents.....Monterey County Certified Local Coastal Program (LCP), including Big Sur Coast Land Use Plan (LUP) and Coastal Implementation Plan (CIP); Monterey County Coastal Development Permit PLN040180.
Staff recommendation ...**Substantial Issue**

I. Recommended Findings and Declarations for Substantial Issue:

Monterey County's approval of a Coastal Development Permit for a lot line adjustment to reconfigure four existing lots of record of approximately 0.15, 23, 34, and 75 acres each in and adjacent to Coastlands into four lots of approximately 18, 27, 45 and 45 acres each, and a variance to allow two resulting lots that do not meet the minimum lot size of 40 acres has been appealed to the Coastal Commission on the basis that: (1) the lot line adjustment creates two parcels less than 40 acres in size, which raises a substantial issue of consistency with LCP policies that require 40-acre minimum parcel size; (2) the adjustment will increase the density of residential development beyond that which is allowed by the LCP; (3) the increase in development density resulting from the lot line adjustment will have cumulative adverse impacts on coastal access and recreation, water supplies, and the unique coastal resources of the Big Sur coast. Project location and plans are attached as Exhibit s A-C. Photos of the



California Coastal Commission
August 2005 Meeting in Costa Mesa

Staff: K. Cuffe Approved by: *JM* 7/28/05

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site are included in Exhibits D and E. The County's Final Local Action Notice (FLAN), approving the project (Minor Subdivision Committee Resolution Number 05014), is attached to the report as Exhibit H. The submitted reasons for appeal are attached to this report as Exhibit I.

These contentions are valid as discussed below, and, thus, the Commission finds that the appeal raises a substantial issue regarding the project's conformance to the Monterey County certified LCP.

The project area is governed by the Big Sur LUP and is within the LCP's Rural Density Residential (RDR) land use designation and Watershed and Scenic Conservation (WSC) zoning district. Sections 20.17.060.B and 20.145.140.A.8 of the LCP's Coastal Implementation Plan (CIP) establish a forty acre minimum parcel size for such areas. In this case, there is no way the density standard of 40-acre minimum parcel size could be met, since a minimum of 160 acres is necessary to have four buildable lots. With a combined total area for the four lots (which currently measure 0.15, 23, 34, and 75 acres each) of 132.15 acres, conformance with the 40-acre minimum can not be accomplished by this lot line adjustment. While the proposed lot line adjustment would reduce the number of undersized lots from three to two, it still results in establishing two lots that are non-conforming with regards to minimum lot size. However, conformance with the 40-acre density standard could be achieved by merging the four parcels into three legally conforming parcels, as provided for by the Big Sur LUP Policy 5.4.3.G¹, provided there is substantial evidence demonstrating that there are at least three currently buildable lots. The lot line adjustment approved by the County thus raises a substantial issue of consistency with the minimum lot size requirements, as well as with Big Sur LUP Policy 5.4.3.G and CIP Section 20.145.140.A.1², because the project creates two new parcels under 40 acres in size. That the project was granted a variance because it did not meet the minimum lot size is evidence that the project does not meet "all other LCP requirements," as required by CIP Section 20.145.140.A.1. In addition, the County's findings for approval of a variance to LCP minimum lot size requirements are not accompanied by substantial evidence to establish consistency with LCP standards for variances (CIP Section 20.78).

With regards to development potential of the existing parcels, CIP Section 20.145.140.A.5 states that development of a parcel shall be limited to density, land use, and site development standards specific to that parcel's land use designation. Furthermore, CIP Section 20.145.140.A.15 states that existing parcels of record are considered to be buildable provided that: a) all resource protection policies of the land use plan and standards of the ordinance can be met; b) there is adequate building area on less than 30% slopes; and, c) that all other provisions of the Coastal Implementation Plan can be fully met. (Ref. LUP

¹ Big Sur LUP Policy 5.4.3.G – Specific Policies for Rural Residential land uses – Reconstitution of parcels or mergers may be required for any area of the coast where past land divisions have resulted in parcels being unusable under current standards or where cumulative impacts on coastal resources require limitations on further development. Parcel mergers shall be based on the following criteria: a) the minimum buildable parcel shall be one acre; b) each parcel must contain a suitable septic and drainfield location on slopes less than 30%, and must be able to meet regional Water Quality and County stream setback and septic system requirements; and c) each parcel must conform to all Plan policies for residential development on existing parcels.

² Section 20.145.140.A.1 of the LCP's Implementation Plan (CIP) requires the development to conform and be consistent with policies of the Big Sur Land Use Plan (BSLUP)



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Policy 5.4.2.5). Pursuant to these standards, two of the four existing parcels (the 0.15-acre Lot 3 and 26-acre Lot 4) should not be considered buildable with residential uses for the following reasons:

- **Wastewater Treatment.** Lot 3 (0.15 acres) and Lot 4 (26 acres) do not meet the on-site wastewater treatment standards established by CIP Section 20.145.140.A.13. Specifically lot 3 does not conform to the 1-acre minimum, while Lot 4 does not have adequate area outside of 30% slopes to accommodate on-site treatment.
- **Slopes.** Lot 4 is too steep for residential and associated roadway development. With an average slope of approximately 60%, and very little, if any, portion of the property containing slopes less than 30%, it would be impossible to construct a residence and access road consistent with CIP Section 20.145.140.A.4, which limits development to slopes of under 30%.
- **Hazards.** Lots 3 and 4 are within High Hazard Areas due to their proximity to a fault scarp, and in the case of Lot 4, the presence of a large, active landslide (see Exhibits E through G). Big Sur LUP Policy 3.7.1 requires that land use and development be carefully regulated through the best available planning practices in order to minimize risk to life and property and damage to the natural environment. Policy 3.7.2.3 states that areas of a parcel which are subject to high hazards shall generally be considered unsuitable for development, and requires an environmental or geotechnical report prior to County review of development. The County's approval of the Lot Line Adjustment does not contain adequate information regarding hazards at the project site, and, as a result, does not conform to the requirements of Policies 3.7.1 and 3.7.2.3, nor establishes that Lots 3 and 4 are buildable under their current configuration.
- **Water Supplies.** The County's approval of the lot line adjustment does not contain evidence of an adequate water supply to support future residential development of Lots 3 and 4, and thereby does not address the requirements of Big Sur LUP Policy 3.4.2.3, which limits development to prevent overuse of limited water supplies, protect the public's health and safety, and preserve the natural value of streams and watersheds.

To summarize, the increase in residential development enabled by the adjustment conflicts with Big Sur LUP Policy 5.4.3.H.4, which states that "lot line adjustments are encouraged when no new developable lots are created and when plan policies are better met by this action" (emphasis added). In other words, Policy 5.4.3.H.4 encourages reconfiguration of buildable parcels so that coastal resources can be better protected, and discourages adjustments that convert unbuildable parcels into buildable parcels. The County approved lot line adjustment and variance raises a substantial issue of consistency with Policy 5.4.3.H.4 because it converts sub-standard parcels that cannot be developed with residential uses into buildable parcels, and sets a precedent that would have significant adverse cumulative impacts on coastal resources, as discussed further below, that do not advance LCP policies. Policy 5.4.3.G, in fact, acknowledges that past land use divisions may have resulted in parcels being unusable under current standards, and provides a remedy by stating that the reconstitution of parcels or mergers may be required in such cases.



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Finally, the reconfiguration of sub-standard parcels that cannot safely accommodate residential development into new buildable parcels would cumulatively increase the level of residential development in Big Sur well beyond that which is anticipated and allowed by the LCP. This will result in increased traffic on Highway One, which currently operates at the worst level of service (LOS F) at peak times, and would thereby interfere with the public's ability to access and recreate on the Big Sur Coast. Such an increase in residential development will also place greater demands on limited water supplies, which would, in turn, adversely impact riparian habitats. For example, the additional water use associated with the increase in residential development resulting from this lot line adjustment poses adverse impacts to the sensitive habitats of the Mule Creek watershed. Furthermore, increases in residential development potential (over and above that already contemplated in the LCP) throughout the planning area could alter the unique character of Big Sur that makes it such a popular destination for coastal access and recreation. Because of these cumulative impacts, the lot line adjustment raises a substantial issue of consistency with Big Sur LUP Policy 5.4.3.G.3, which provides for unbuildable lots to be merged where cumulative impacts on coastal resources require limitations on further development, as well as with Coastal Act Sections 30211 and 30213, which protect the public's right of access to the sea, and to lower cost visitor and recreational facilities, such as the many camping and hiking opportunities that make the Big Sur coast such a highly desirable destination for coastal recreation.

II. Recommended Motion and Resolution

MOTION:

*I move that the Commission determine that Appeal No. A-3-MCO-05-052 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-MCO-05-052 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. Appeal Procedures:

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the



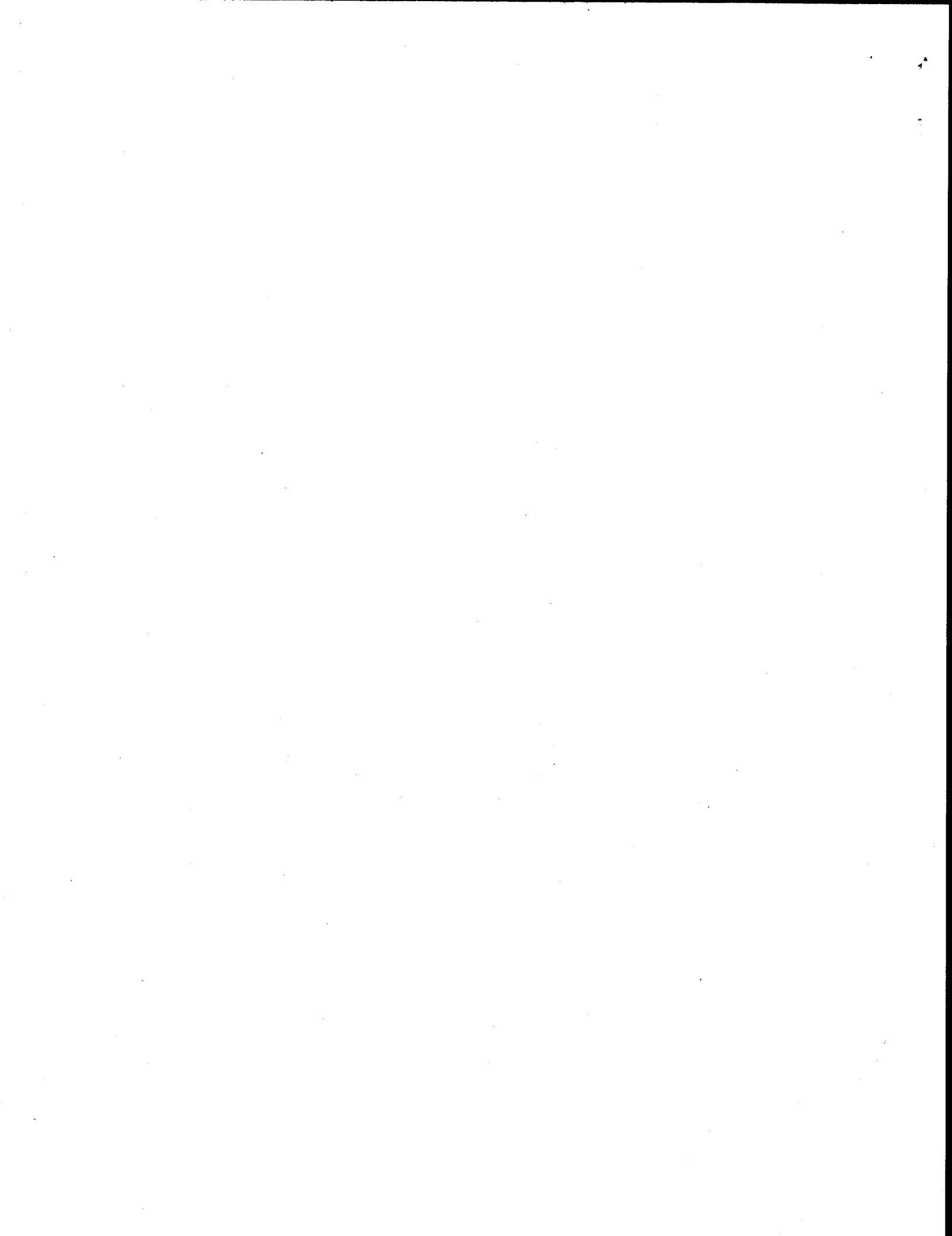
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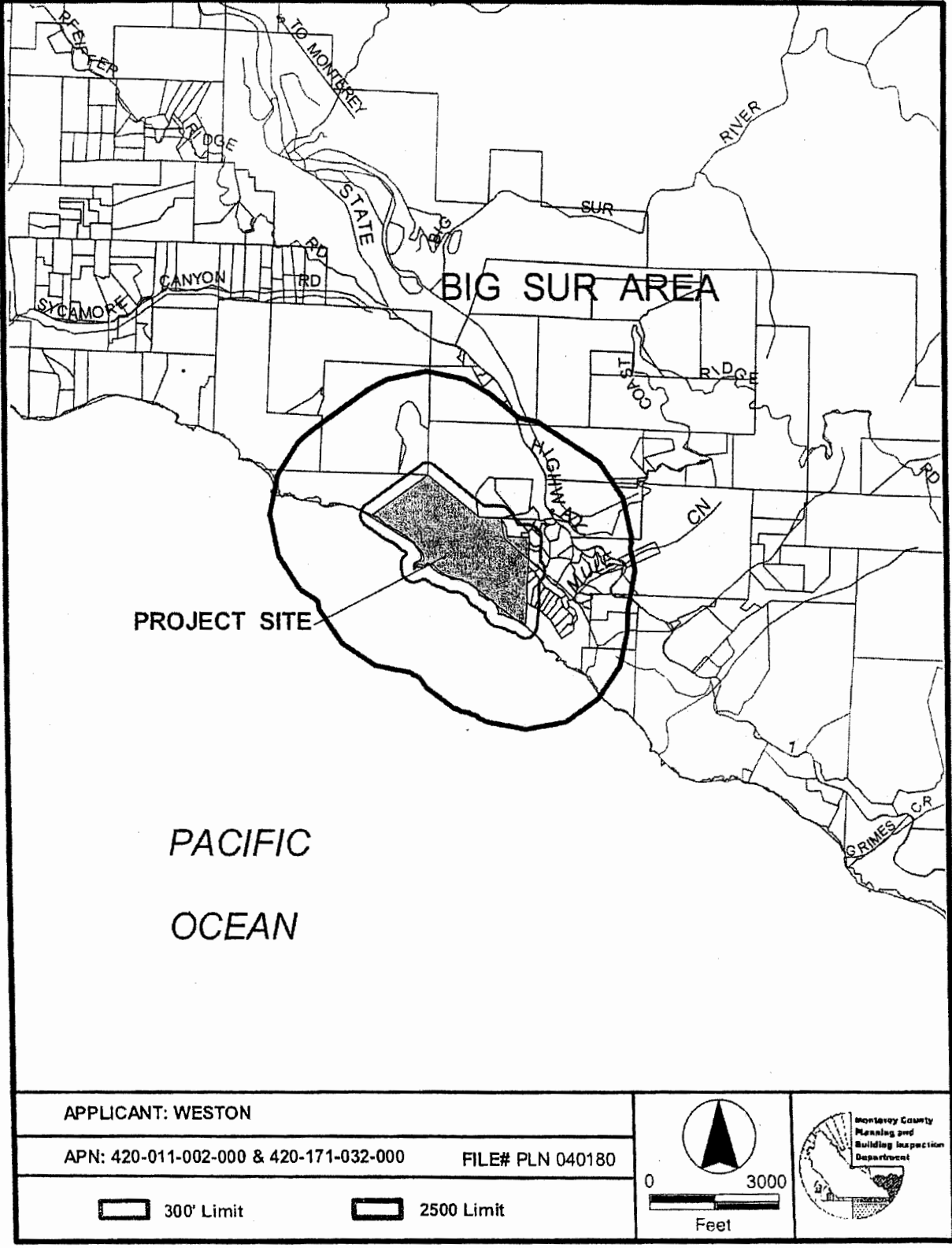
first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is between the first public road and the sea, and because a lot line adjustment is not designated as the principal permitted use.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located between the first public road and the sea and thus, this additional finding would need to be made in a *de novo* review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the *de novo* stage of an appeal.







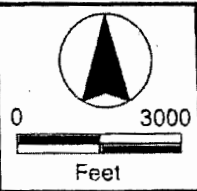
APPLICANT: WESTON

APN: 420-011-002-000 & 420-171-032-000

FILE# PLN 040180

300' Limit

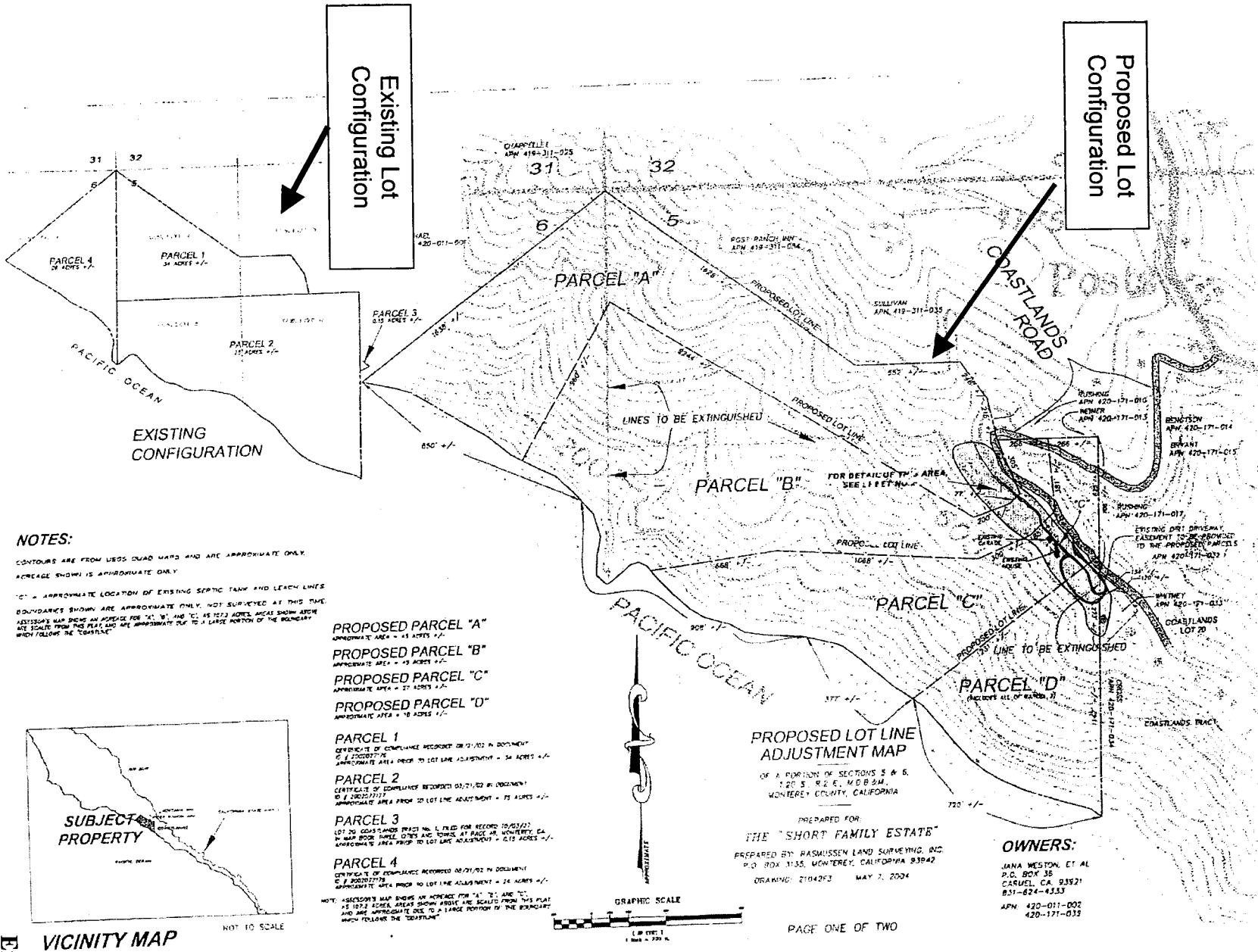
2500' Limit



PLANNER: GALLAGHER

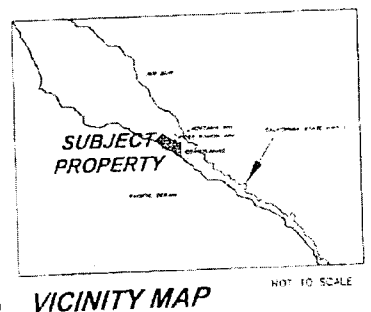
Exhibit B
Parcel Map Showing Project and Vicinity

A-3-MCO-05-052
Weston et al Lot Line Adjustment



NOTES:
 CONTOURS ARE FROM USGS QUAD MAPS AND ARE APPROXIMATE ONLY.
 HEIGHTS SHOWN IS APPROXIMATE ONLY.
 'X' = APPROXIMATE LOCATION OF EXISTING SEPTIC TANK AND LEACH LINES.
 BOUNDARIES SHOWN ARE APPROXIMATE ONLY. NOT SURVEYED AT THIS TIME.
 THIS MAP SHOWS AN APPROXIMATE 'X' AND 'Y' AS TO 20 FEET. ANGLES SHOWN ARE NOT SCALE FROM THIS PLAN AND ARE APPROXIMATE DUE TO A LARGE PORTION OF THE BOUNDARY WHICH FOLLOWS THE 'COASTLINE'.

- PROPOSED PARCEL "A"
APPROXIMATE AREA = 43 ACRES +/-
 - PROPOSED PARCEL "B"
APPROXIMATE AREA = 19 ACRES +/-
 - PROPOSED PARCEL "C"
APPROXIMATE AREA = 27 ACRES +/-
 - PROPOSED PARCEL "D"
APPROXIMATE AREA = 18 ACRES +/-
 - PARCEL 1
CERTIFICATE OF COMPLIANCE RECORDED 08/21/02 IN DOCUMENT C 4 20020775
APPROXIMATE AREA PRIOR TO LOT LINE ADJUSTMENT = 34 ACRES +/-
 - PARCEL 2
CERTIFICATE OF COMPLIANCE RECORDED 08/21/02 IN DOCUMENT C 4 20020775
APPROXIMATE AREA PRIOR TO LOT LINE ADJUSTMENT = 75 ACRES +/-
 - PARCEL 3
LOT 20 COASTLANDS TRACT NO. 1, FILED FOR RECORD 05/03/02
BY MAP BOOK MAPLE CITIES AND TOWNS, AT PAGE 48, MONTEREY, CA.
APPROXIMATE AREA PRIOR TO LOT LINE ADJUSTMENT = 215 ACRES +/-
 - PARCEL 4
CERTIFICATE OF COMPLIANCE RECORDED 08/21/02 IN DOCUMENT C 4 20020775
APPROXIMATE AREA PRIOR TO LOT LINE ADJUSTMENT = 24 ACRES +/-
- NOTE: THIS MAP SHOWS AN APPROXIMATE 'X' AND 'Y' AS TO 20 FEET. ANGLES SHOWN ARE NOT SCALE FROM THIS PLAN AND ARE APPROXIMATE DUE TO A LARGE PORTION OF THE BOUNDARY WHICH FOLLOWS THE 'COASTLINE'.



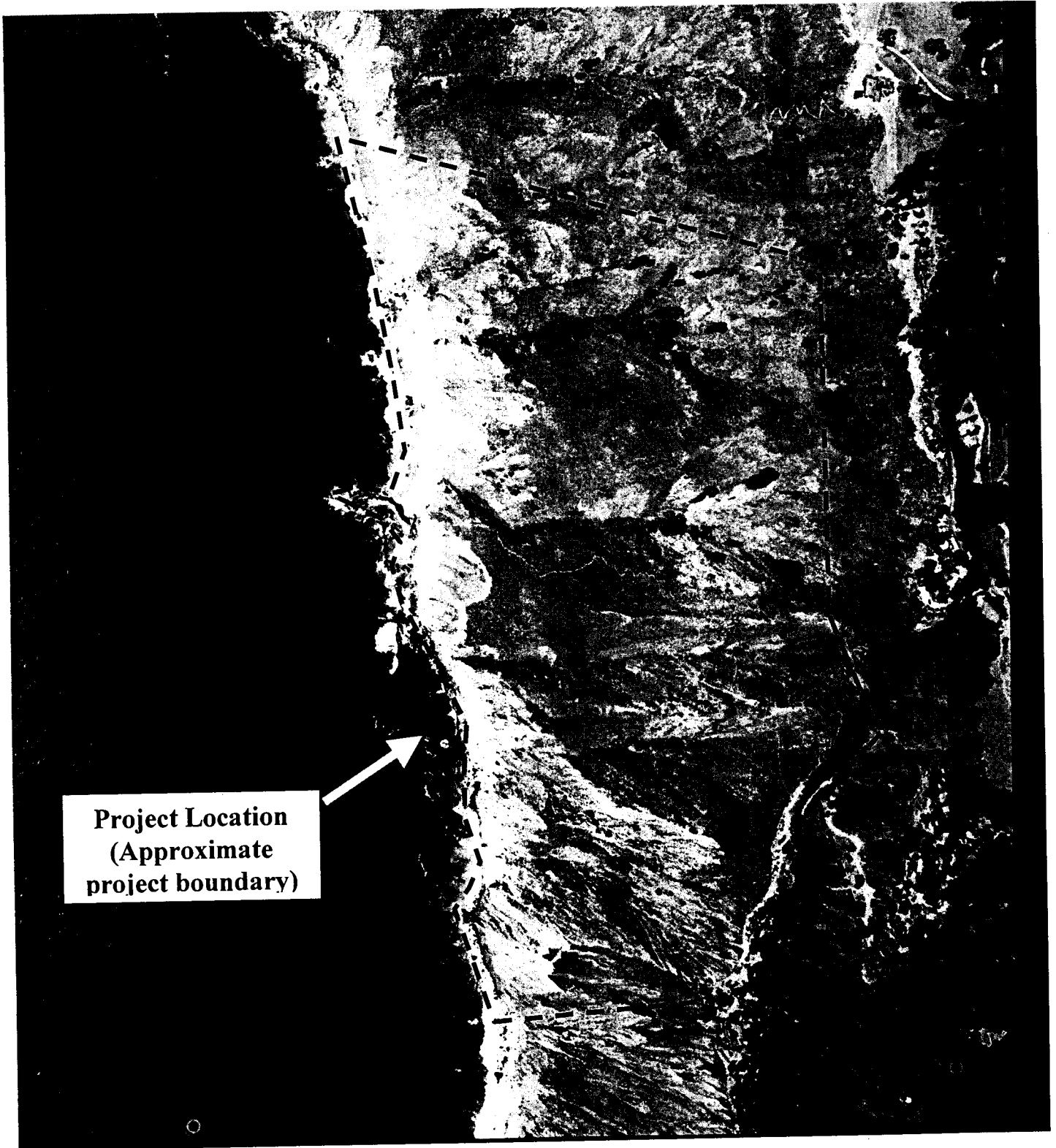
PROPOSED LOT LINE ADJUSTMENT MAP
 OF A PORTION OF SECTIONS 5 & 6,
 T20 S., R2 E., M2 B 34,
 MONTEREY COUNTY, CALIFORNIA

PREPARED FOR
THE "SHORT FAMILY ESTATE"

PREPARED BY: HASMUSSEN LAND SURVEYING, INC.
 P.O. BOX 3135, MONTEREY, CALIFORNIA 93942
 DRAWING: 2104253 MAY 7, 2004

OWNERS:
 JANA WESTON ET AL
 P.O. BOX 38
 CARROLL, CA 95927
 916-624-4333
 APN 420-011-002
 420-171-033





**Project Location
(Approximate
project boundary)**

Exhibit D
2001 Vertical Aerial Photo of Project Area

A-3-MCO-05-052
Weston et al Lot Line Adjustment



**Project Location
(Approximate
project boundary)**

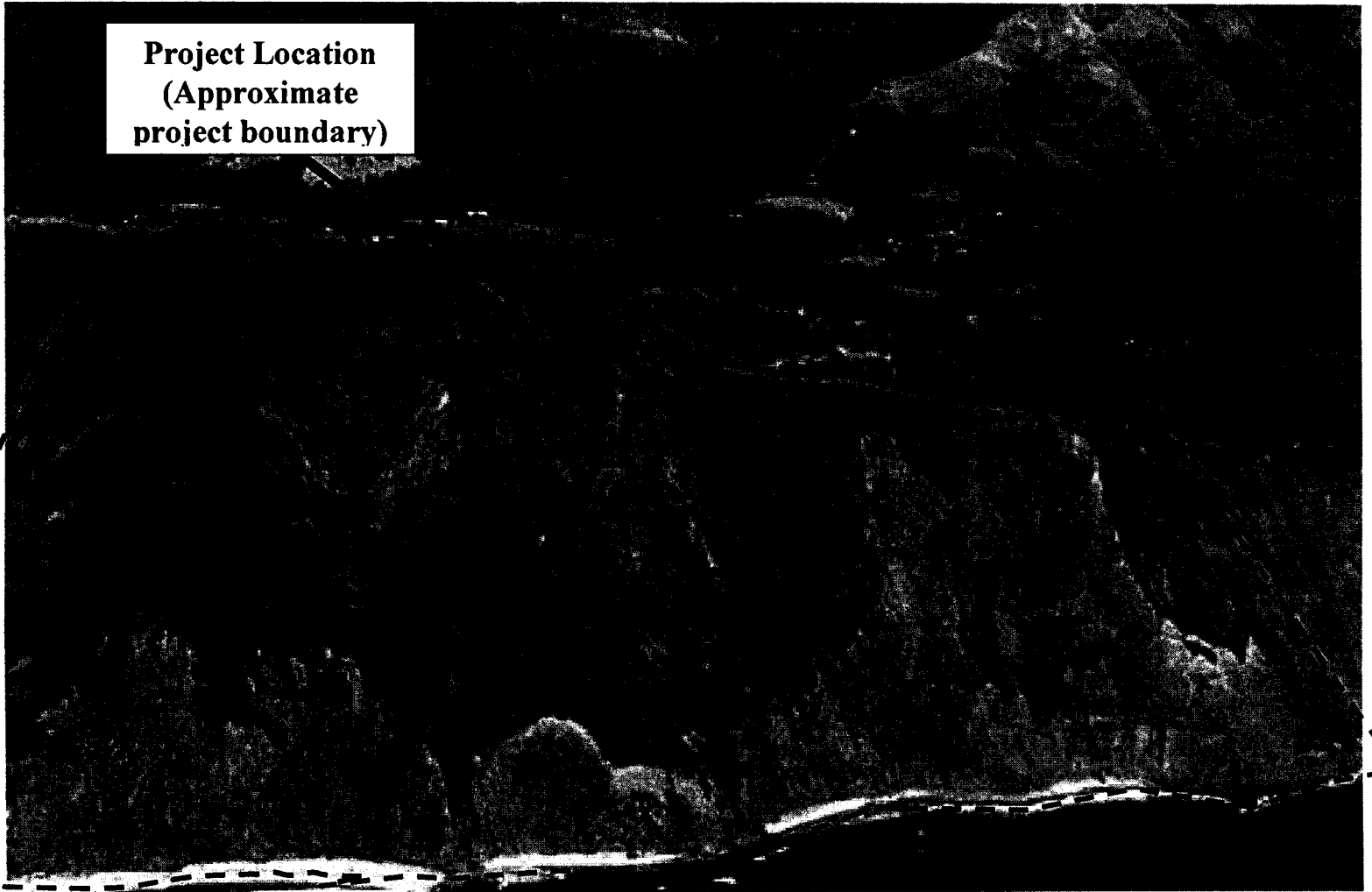


Photo 1. Oblique aerial photo of Project Area northwest of Coastlands subdivision and Coastlands Road.
(Photo ©California Coastal Records Project, Image #2560, dated 9/2/02)

Exhibit E
Oblique Aerial Photo of Project Area and Vicinity

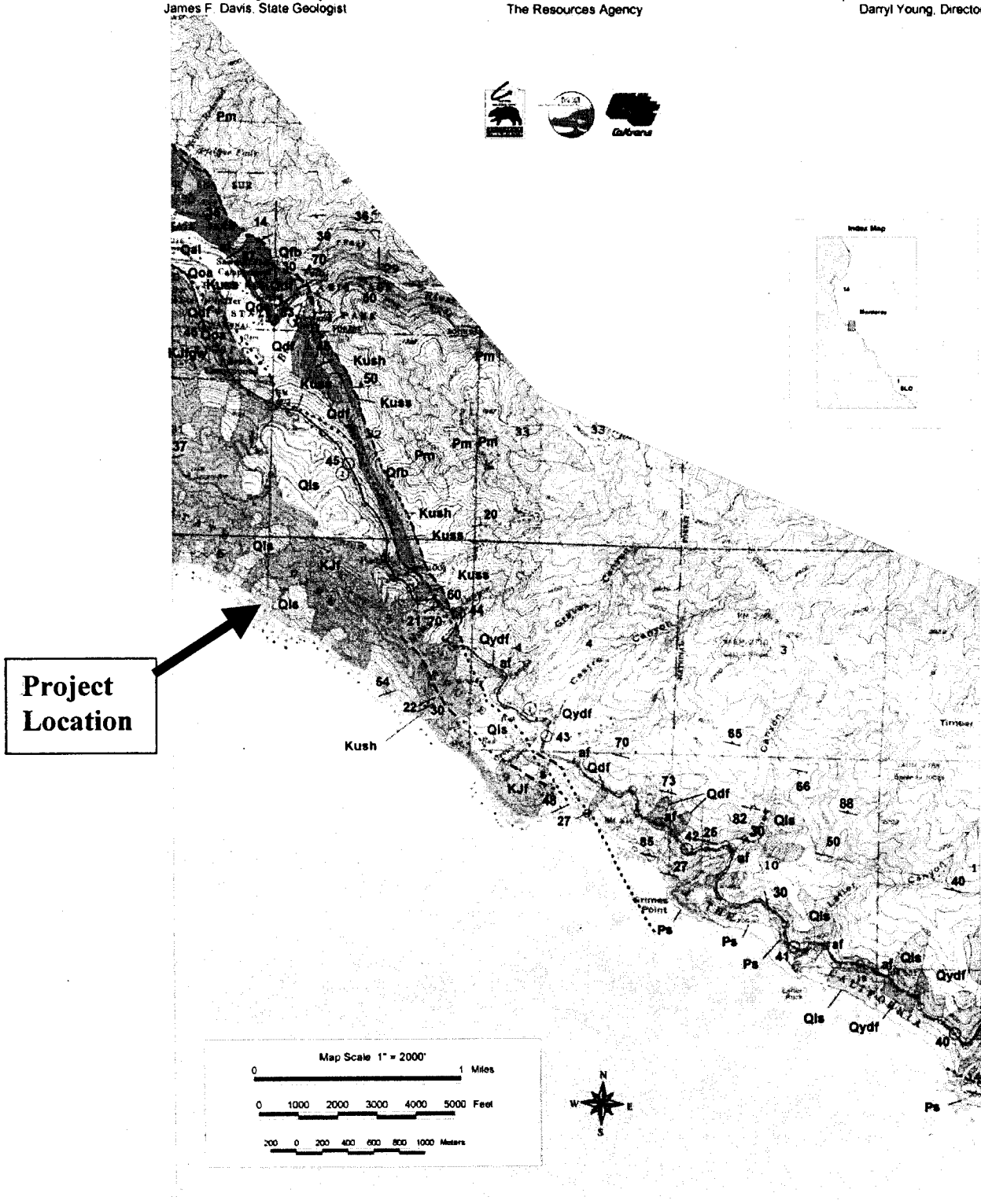
A-3-MCO-05-052
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California Geological Survey
James F. Davis, State Geologist

State of California
The Resources Agency

California Department of Conservation
Darryl Young, Director



Project Location

Plate 1
Map 9 of 14

Geology and Slope Stability Along the Big Sur Coast
Highway Corridor Geologic Map

USGS Quads Partington Ridge
Pfeiffer Point & Big Sur
February 1, 2003

Exhibit G – pg 1 of 2
Geologic Map of Big Sur Coast in Project Vicinity (source: Coast
Highway Management Plan, November 2001)



California Coastal Commission

PLATE 1
EXPLANATION
Geologic Units

Geology of the Highway 1 corridor between
Point Lobos and San Carpoforo Creek,
Monterey and San Luis Obispo Counties,
California

prepared for the
COAST HIGHWAY MANAGEMENT PLAN

by
C.J. Wells, M.W. Manson, K.D. Brown, C.W. Davenport, and C.J. Domrose
California Department of Conservation
California Geological Survey



Quaternary	Holocene	af	Artificial Fill		
		Qal	Alluvium		
		Qb	Beach deposit		
		Qc	Colluvium		
		Qdf	Youngest (active) debris fans		
		Qd	Dune deposits		
		Qls	Landslide deposits		
		Qydf	Young debris fans		
		Qodf	Older Debris fan		
		Qoa	Older Alluvium		
Pleistocene	Qod	Older dune deposits			
	Qom	Marine terrace deposit, undifferentiated			
	Qom2	Youngest marine terrace deposits			
	Qom1	Oldest marine terrace deposit			
	Qrb	Fault breccia			
	Qvpa	Very old alluvium			
	Tmpe	Pismo Fm. Edna member			
	Tmpo	Pismo Fm. Miguelito member			
	Tmr	Rincon Fm.			
	Tm	Monterey Fm.			
Tertiary	Miocene	Tes, Tus	Miocene marine sandstone of Clark and others		
		Tv, Tyb	Miocene volcanic rocks of Clark and others		
		Tmv	Vaqueros Fm.		
		Tc	Carmelo Fm.		
		Paleocene	Ka, Ku	Cretaceous sandstone & shale	
			Kush	Cretaceous shale	
			Kusa	Cretaceous sandstone	
			Kp	Cretaceous conglomerate	
			Cretaceous	Kpgd	Porphyritic granodiorite
				KMgd	Granodiorite of Cachagua
KMdsp	Hornblende-biotite quartz diorite				
KMct	Charnockitic Tonalite				
Mesozoic	Jurassic-Cretaceous			KMt	Charnockitic tonalite equivalent?
				KJf	Franciscan complex (undifferentiated)
		KJfgw		Franciscan graywacke	
		KJfmv		Franciscan meta-volcanic	
		KJfc		Franciscan chert	
		KJfg		Franciscan greenschist	
		KJfmg	Franciscan altered gabbro		
		KJfs	Franciscan shale		
		KJfsc	Franciscan conglomerate		
		KJfsc	Franciscan silica carbonate rocks		
Paleozoic?		KJfsc	Franciscan Blueschist		
		Ps	Sur complex undifferentiated		
		Pm	Sur complex marble		
		Ps, q	Sur complex quartz dike		

Location Information

The geologic map is divided into 14 map pages as shown at left, arranged from south to north. Boundaries are shown along Highway One as at right, each mile is labeled and letters shown by unlettered colors.

Geologic structure symbols

	Fault, well located
	Fault, approximately located
	Fault, concealed
	Fault, uncertain
	Fault, offshore
	Anticline, approximately located
	Anticline, concealed
	Overtured anticline, approximately located
	Syncline, approximately located
	Syncline, concealed
	Overtured syncline, approximately located
	Thrust fault, well located
	Thrust fault, approximately located
	Thrust fault, concealed
	Fault, inclined
	Fault, vertical
	Inclined Beds
	Inclined Beds, Approximately Located
	Vertical Beds
	Overtured Beds
	Irregular Bedding
	Inclined Foliation/Beds
	Inclined Foliation
	Vertical Foliation
	Deformed Foliation
	Inclined Joint

Exhibit G - pg 2 of 2

Geologic Map of Big Sur Coast in Project Vicinity - Legend
(source: Coast Highway Management Plan, November 2001)



RECEIVED

JUL 05 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA

**FINAL LOCAL
ACTION NOTICE**

REFERENCE # 3-MCO-05-262

APPEAL PERIOD 7/6 - 7/19/05

RESOLUTION NO. 05014

APN# 420-011-002-000 AND 420-171-032-000

FINDINGS & DECISION

In the matter of the application of
WESTON JANE ET AL (PLN040180)

Combined Development Permit consisting of: Coastal Development Permit for a Lot Line Adjustment to reconfigure four existing lots of record of approximately 0.15, 23, 34, and 75 acres each in the coastlands subdivision into four lots of approximately 18, 27, 45, and 45 acres each; and a Variance to allow two resulting lots that do not meet the minimum lot size of 40 acres. The lots are located west of Highway One, southerly of Post Ranch Inn, Big Sur Area, Coastal Zone. This project came on regularly for hearing before the Minor Subdivision Committee on May 26, 2005.

WHEREAS: 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 Coastal Development Permit for a Lot Line Adjustment (PLN040368/Weston). The proposed project conforms to the plans, policies, requirements and standards of the Big Sur Coastal Area Plan.

EVIDENCE:

- (a) The property has approximately 2,855 lineal feet of frontage along the Pacific Ocean located approximately two miles west of Highway 1 along the Lower Coastlands Road, southerly of the Post Ranch Inn. 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. Coastal Implementation Plan, Part 3 (Chapter 20.145 MCC).
- (c) 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 45 acres (Parcel A), 45 acres (Parcel B), 27 acres (Parcel C) and 18 acres (Parcel D).
- (d) 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. A Condition has been included that requires the applicable owner to address this prior to development of their lot.
- (e) Necessary public facilities are available to the project site.
- (f) On May 25, 2004, the Big Sur Land Use Advisory Committee voted 4-0 to recommend approval of the project as proposed. The following concerns have been addressed:
 1. Water. A concern that the applicant only has rights to one water meter hookup and need to find water for the other three lots prior to reconfiguring the lots. No new lots would be created under this application and the owners will need to provide prove water before they would be issued any

entitlement to develop the properties. The Minor Subdivision Committee finds that with the same number of lots there is no intensification from the current development potential as it relates to water use.

2. Vehicle Access. Concerns were expressed regarding the increased road use by creating three more home sites. Access to the subject property is through use of a private road. There would be no new lots created under this application, so there is no increase from current development potential. Since this application is not intensifying potential development, the Committee finds that access using a private road is a civil issue between the interested parties.
 3. Beach Access. The Coastlands expressed concern of configuring the lots in a manner that the existing beach trail becomes a liability. Table 1 of the Big Sur Land Use Plan identifies the Coastlands as a destination with a provision to retain existing access through Coastlands and Nepenthe or allow by permission of residents. The Committee finds that the revised lot configuration would have no affect on public access or trails.
 4. Ridgeline. A concern that new development and tree removal would expose potential building sites to upslope neighbors. Proposed building sites have been located within a generally flat area of the resulting parcels on the ocean side of a ridgeline. Based on existing topography and landscape, development on the proposed lots would not be located where it would obstruct any existing private or public views. An existing access road off the Lower Coastlands Road would serve these parcels. The proposed sites would allow development oriented toward the ocean with dense tree over creating a buffer between the building sites and existing development in the Coastlands. As designed, reasonable development could occur without impact to any existing trees. As such, the Committee finds that there would be no impact to ridgeline views.
- (g) 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.
- (h) 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.
- (i) Materials in project file PLN040180/Weston-Short.

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 20.16 of the Monterey County Zoning Ordinance regulations for development in the Rural Density Residential zone.
 3. Chapter 20.17 of the Monterey County Zoning Ordinance regulations for development in the Watershed and Scenic Conservation zone.
 4. Chapter 20.70 of the Monterey County Zoning Ordinance regulations for Coastal Development Permits.
 5. Chapter 20.78 of the Monterey County Zoning Ordinance regulations for Variances.
- (b) Parcels A, B and C are zoned "WSC/40(CZ)" Watershed and Scenic Conservation (minimum 40 acres), Coastal Zone. Parcel D is zoned "RDR/40(CZ)" Rural Density Residential (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) 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.
- (e) That the lot line adjustment is between four existing adjacent legal lots of record. Certificates of Compliance were recorded for Lots A, B and C in August 2002 and Lot D was part of the Coastlands subdivision (Coast Lands Tract No. 1) that was recorded in 1927. Copies of said documents are located in the project file.
- (f) 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.
- (g) 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.
- (h) Application materials contained in File PLN040180/Weston-Short.

3. **FINDING – NO NEW PARCELS:** The proposed lot line adjustment will not create a greater number of parcels than originally existed.

EVIDENCE:

- (a) Two 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 135.15 acres. Proposed amendments include: increasing Parcel 1 (portion of assessor's parcel number 420-011-002-000) from 34.00 acres to 45 acres (Parcel B), reducing Parcel 2 (portion of assessor's parcel number 420-011-002-000) from 75.00 acres to 27 acres (Parcel C), increasing Parcel 3 from 0.15 acres to 18 acres (Parcel D), and increasing Parcel 4 (portion of assessor's parcel number 420-011-002-000) from 26.00 acres to 45 acres (Parcel A).
- (c) Application materials contained in File PLN040368/Weston.

4. **FINDING - VARIANCE (Special Circumstances):** Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of the Monterey County Coastal Implementation Plan (Parts 1 and 3) is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

EVIDENCE:

- (a) The Land Use and Zoning designations require a minimum of 40 acres for each lot in the Watershed and Scenic Conservation zone. The intent of this density is to preserve natural views along the Big Sur Coast.
- (b) The project area consists of steep slopes ranging in elevation from the Pacific Ocean to about 900 feet that are covered with a mix of chaparral and coast sage scrub.
- (c) There are currently four lots and the current lot configuration would encourage development (grading, roads, structures) to occur on slopes and through habitat. Reconfiguring the lots provides adequate building sites on a relatively flat portion of the property using an existing access road. This

allows the remaining portion of the lots to be placed into an open space and conservation easement to prevent disruption of the scenic quality of these hillsides.

- (d) There are special circumstances on the site that warrant a variance to reduce the front set back requirement provided there is no special privilege (Finding 5) and it is an authorized use (Finding 6).
- (e) Materials and documents in Project File No. PLN040180/Weston-Short.

5. **FINDING - VARIANCE (Special Privileges)**: The variance shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

EVIDENCE:

- (a) Each legal lot of record has a right to develop one single family home. The reconfiguration does not increase the allowed density. Therefore, granting this variance would not constitute any special privilege.
- (b) Future development would be required to meet all development standards for the WSC/40 (CZ) zoning designation. Building sites and septic envelopes have been identified as part of the lot line adjustment process to illustrate the ability to meet these standards. The proposed building sites better meet the objectives of the Big Sur Land Use Plan by avoiding development on steep slopes that are part of the viewshed.
- (c) Materials and documents in Project File No. PLN040180/Weston-Short.

6. **FINDING - VARIANCE (Authorized Use)**: The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE:

- (a) The first single family dwelling on a legal lot of record is an allowed use subject to a Coastal Administrative Permit (Section 20.17.040.A CIP). No new development is proposed at this time.
- (b) Materials and documents in Project File No. PLN040180/Weston-Short.

7. **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.

8. **FINDING- CEQA/EXEMPTION**: Lot Line Adjustment (PLN040180/Weston-Short) is exempt from the requirements of the California Environmental Quality Act (CEQA).

EVIDENCE:

- (a) Section 153005(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.

- (b) The project consists of adjusting the lot lines for four legal lots of record and resulting in four lots that better meet the minimum lot size. There is no increase in the number of lots, density, or potential development. No development is proposed at this time.
- (c) The average slope of proposed building sites are less than 20%. This adjustment would avoid 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). Trees along the east portion of the property provide screening so no ridgeline development would occur. An existing house with some historical significance would remain and meets the minimum set back requirements based on the new lot line configuration.
- (d) 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.
- (e) File No. PLN040180/Weston-Short; administrative record.

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

EVIDENCE:

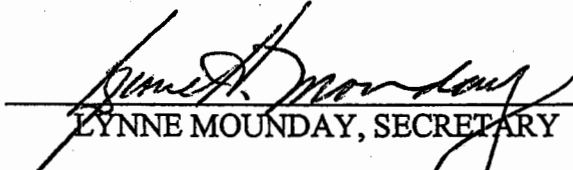
- (a) Section 19.01.040 of the Monterey County Coastal Zone Subdivision Ordinance (Title 19).
- (b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 26th day of May, 2005 by the following vote:

AYES: McPharlin, Mulholland, Hori, Hodges, Mounday
 NOES: None
 ABSENT: Hawkins
 ABSTAIN: None



 LYNNE MOUNDAY, SECRETARY

Copy of this decision mailed to the applicant on **JUN 10 2005**

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

JUN 20 2005

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

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 Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

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)
2		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 05014) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 420-011-002-000 and 420-171-032-000 on May 26 2005. The permit was granted subject to 8 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>	<p>Proof of recordation of this notice shall be furnished to PBI.</p>	<p>Owner/ Applicant PBI</p>	<p>Prior to Issuance of grading and building permits or start of use.</p>	
3		<p>PBD - SURVEY OF RESOURCES (NON-STANDARD) 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. (Planning and Building Inspection)</p>	<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.</p>	<p>Owner/ Applicant PBI</p>	<p>Prior to the future residential development of any of the four subject lots of record</p>	

Item/Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance 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 (Date/Date)
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. (Planning and Building Inspection)	Submit approved and recorded easement to PBI.	Owner/ Applicant PBI	Prior to the future residential development of any of the four subject lots of record	
ENVIRONMENTAL HEALTH (755-4505)						
5		EH (NON-STANDARD) For Parcels A, B, and D: Submit an updated map indicating proposed septic envelopes for the parcels to the Division of Environmental Health for review and approval. Once approved the septic envelopes shall appear as part of the adjustment map. (Environmental Health)	Once approved the septic envelopes shall appear as part of the adjustment map	CA Licensed Engineer /Owner/ Applicant	Prior to filing a final map.	
6		EH (NON-STANDARD) For Parcels A, B, and D: A deed notification shall be recorded concurrently with the lot line adjustment map with the Monterey County Recorder which states: "A soils and percolation report has been prepared for this parcel by Grice Engineering, Inc., dated September 7, 2004 and is on record at the Division of Environmental Health, Monterey County, File Number PLN040180. (Environmental Health)	Submit proposed wording and forms to be recorded to EH and P&BI for review and approval. Record deed notification.	CA Licensed Engineer /Owner/ Applicant	Concurrently with filing the lot line adjustment map.	
PUBLIC WORKS (755-4800)						

Exhibit

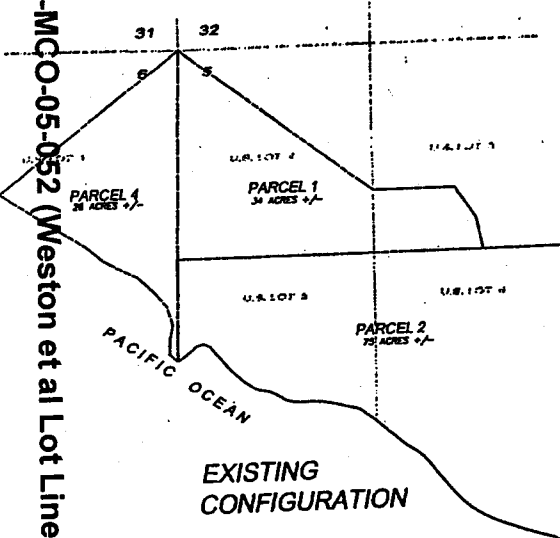
Pg 9 of

A-3-M-2015-152 (Weston et al Lot Line Adjustment)

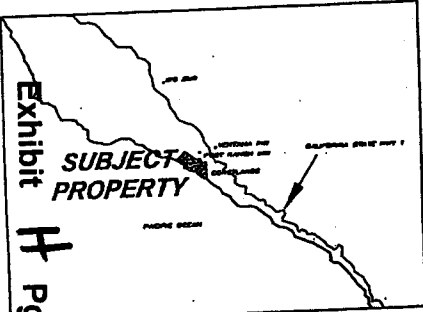
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
7		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 Recordati on of Survey	
8		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 Recordati on of Record of Survey	

Exhibit H Pg 10 of

A-3-MCO-05-052 (Weston et al Lot Line Adjustment)



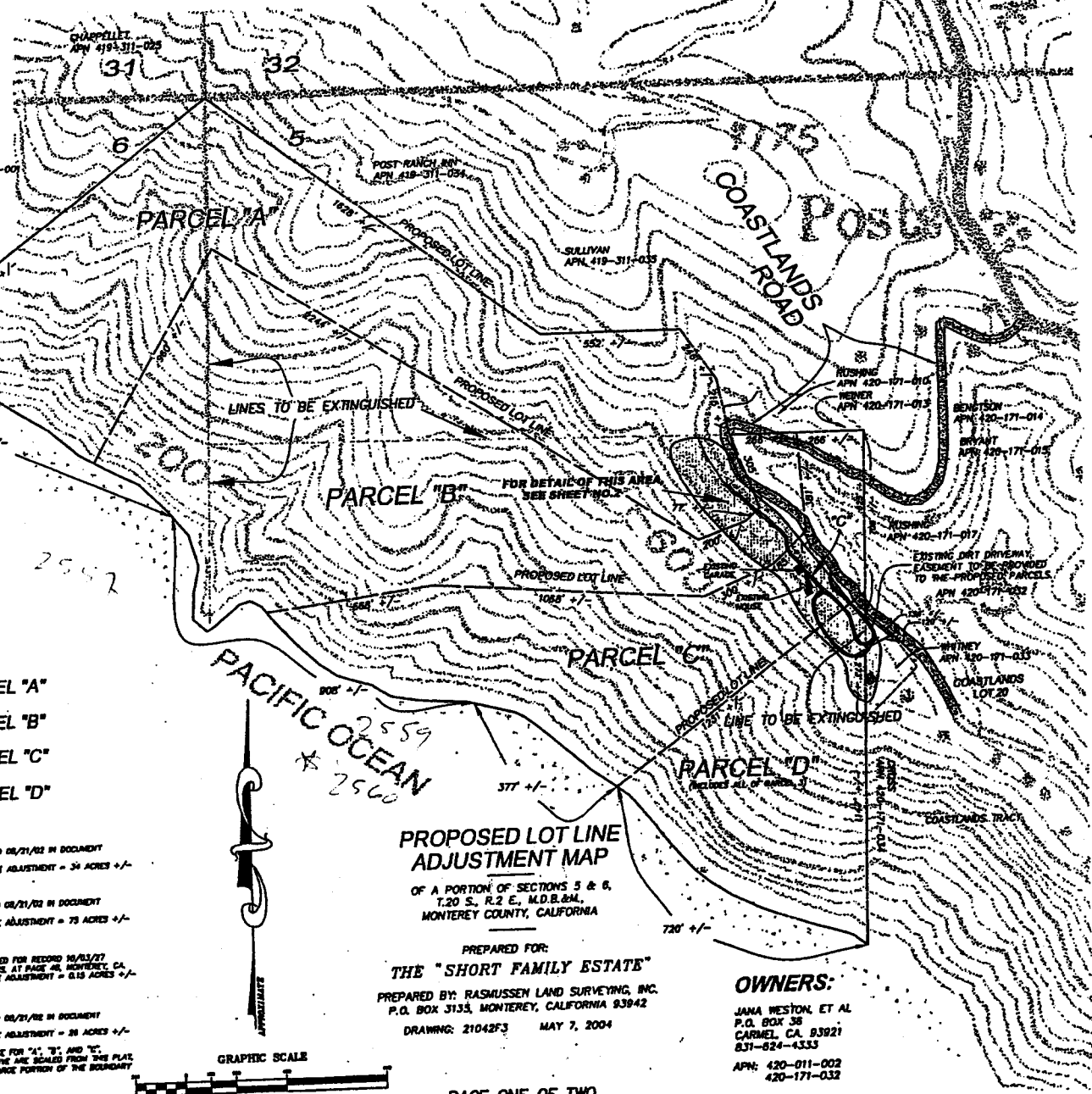
NOTES:
 CONTOURS ARE FROM USGS QUAD MAPS AND ARE APPROXIMATE ONLY.
 ACRES SHOWN IS APPROXIMATE ONLY.
 'C' APPROXIMATE LOCATION OF EXISTING SEPTIC TANK AND LEACH LINES.
 BOUNDARIES SHOWN ARE APPROXIMATE ONLY, NOT SURVEYED AT THIS TIME.
 ASSESSOR'S MAP SHOWS AN ACREAGE FOR "A", "B", AND "C", AS 107.2 ACRES. AREAS SHOWN ABOVE ARE SCALED FROM THIS PLAN, AND ARE APPROXIMATE DUE TO A LARGE PORTION OF THE BOUNDARY WHICH FOLLOWS THE "COASTLINE".



VICINITY MAP

- PROPOSED PARCEL "A"**
APPROXIMATE AREA = 43 ACRES +/-
- PROPOSED PARCEL "B"**
APPROXIMATE AREA = 43 ACRES +/-
- PROPOSED PARCEL "C"**
APPROXIMATE AREA = 37 ACRES +/-
- PROPOSED PARCEL "D"**
APPROXIMATE AREA = 18 ACRES +/-
- PARCEL 1**
CERTIFICATE OF COMPLIANCE RECORDED 08/21/02 IN DOCUMENT ID # 200207719
APPROXIMATE AREA PRIOR TO LOT LINE ADJUSTMENT = 34 ACRES +/-
- PARCEL 2**
CERTIFICATE OF COMPLIANCE RECORDED 08/21/02 IN DOCUMENT ID # 200207717
APPROXIMATE AREA PRIOR TO LOT LINE ADJUSTMENT = 75 ACRES +/-
- PARCEL 3**
LOT 20, COASTLANDS TRACT No. 1, FILED FOR RECORD 10/13/27
LOT 20, COASTLANDS TRACT, CITIES AND TOWNS, AT PAGE 46, MONTEREY, CA.
APPROXIMATE AREA PRIOR TO LOT LINE ADJUSTMENT = 0.15 ACRES +/-
- PARCEL 4**
CERTIFICATE OF COMPLIANCE RECORDED 08/21/02 IN DOCUMENT ID # 200207718
APPROXIMATE AREA PRIOR TO LOT LINE ADJUSTMENT = 26 ACRES +/-

NOTE: ASSESSOR'S MAP SHOWS AN ACREAGE FOR "A", "B", AND "C", AS 107.2 ACRES. AREAS SHOWN ABOVE ARE SCALED FROM THIS PLAN, AND ARE APPROXIMATE DUE TO A LARGE PORTION OF THE BOUNDARY WHICH FOLLOWS THE "COASTLINE".



PROPOSED LOT LINE ADJUSTMENT MAP
 OF A PORTION OF SECTIONS 5 & 6,
 T.20 S., R.2 E., M.D.B.&M.,
 MONTEREY COUNTY, CALIFORNIA

PREPARED FOR:
THE "SHORT FAMILY ESTATE"
 PREPARED BY: RASKUSSEN LAND SURVEYING, INC.
 P.O. BOX 3133, MONTEREY, CALIFORNIA 93942
 DRAWING: 21042F3 MAY 7, 2004

OWNERS:
 JANA WESTON, ET AL
 P.O. BOX 38
 GABRIEL, CA 93921
 831-824-4333
 APN: 420-011-002
 420-171-032

NOTES:

LOTS SHOWN ON THIS PLAT ARE FROM THAT CERTAIN PLAT FILED FOR RECORD OCTOBER 3, 1927 IN THE OFFICE OF THE MONTEREY COUNTY RECORDER, IN VOLUME 3 OF "CITIES AND TOWNS" AT PAGE 48.

DIMENSIONS ARE APPROXIMATE ONLY.

ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.

THERE MAY BE OTHER EASEMENTS AFFECTING THIS PROPERTY NOT SHOWN HEREON.

GROUND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE.

RW = ROCK WALLS

29'x = 29" OAK

14'x = 14" BAY

11'x = 11" PINE

NOT ALL TREES WERE LOCATED THIS SURVEY.

SEPTIC FEASIBILITY ENVELOPES SUMMARIZE THE POTENTIAL SEPTIC SYSTEMS DESIGNED BY GRICE ENGINEERING WHICH ARE ATTACHED TO THIS PROPOSED LOT LINE ADJUSTMENT MAP.

SEPTIC FEASIBILITY ENVELOPES ALLOW A PARCEL OWNER TO CONSTRUCT ALTERNATE SEPTIC SYSTEMS WITH THE APPROVAL OF THE COUNTY OF MONTEREY.

APPROXIMATE AREA WITH SLOPE OF 30% OR GREATER COMPUTER GENERATED, NOT FIELD CONFIRMED AT THIS TIME.

PROPOSED PARCEL "D"
18 ACRES +/-

PROPOSED PARCEL "B"
45 ACRES +/-

PROPOSED PARCEL "C"
27 ACRES +/-

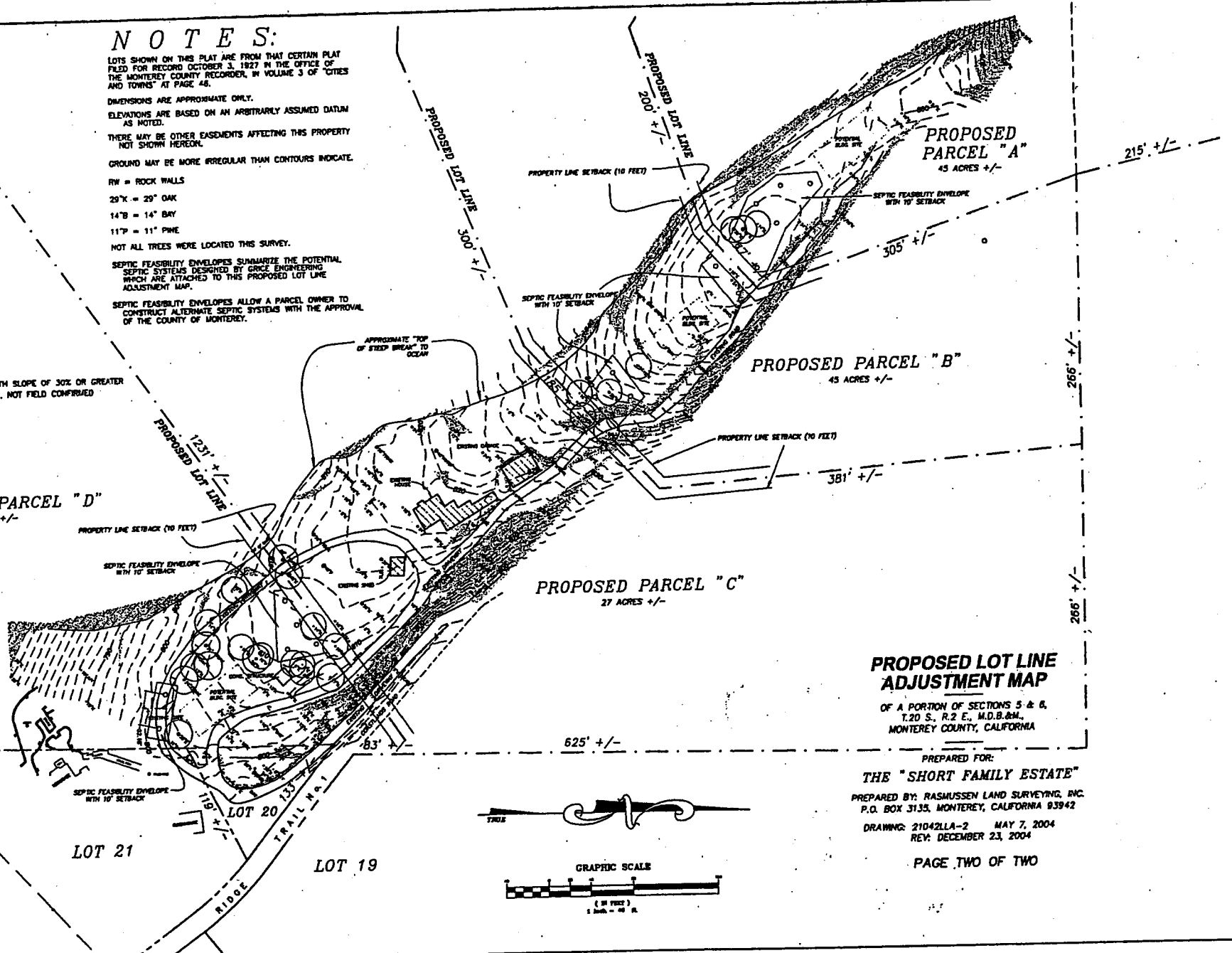
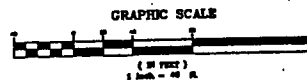
PROPOSED PARCEL "A"
45 ACRES +/-

PROPOSED LOT LINE ADJUSTMENT MAP

OF A PORTION OF SECTIONS 5 & 6,
T.20 S., R.2 E., M.D.B.&M.,
MONTEREY COUNTY, CALIFORNIA

PREPARED FOR:
THE "SHORT FAMILY ESTATE"
PREPARED BY: RASMUSSEN LAND SURVEYING, INC.
P.O. BOX 3133, MONTEREY, CALIFORNIA 93942
DRAWING: 21042LLA-2 MAY 7, 2004
REV: DECEMBER 23, 2004

PAGE TWO OF TWO



A-3-MCO-05-052 (Weston et al Lot Line Adjustment)

PROPOSED LOT LINE ADJUSTMENT MAP

OF A PORTION OF SECTIONS 5 & 6,
T.2D S., R.2 E., M.D.B.M.,
MONTEREY COUNTY, CALIFORNIA

PREPARED FOR:
THE "SHORT FAMILY ESTATE"

PREPARED BY: RASMUSSEN LAND SURVEYING, INC.
P.O. BOX 3133, MONTEREY, CALIFORNIA 93942

DRAWING: 21042LLA-2 MAY 7, 2004

THE DISPLAYED SITE INFORMATION IS AS AVAILABLE FROM RASMUSSEN LAND SURVEYING. OTHER THAN EXCLUDING NONESSENTIAL INFORMATION, MOVING CERTAIN OBJECTS FOR CLARITY, CLIPPING THE FILE TO FIT IN THE WINDOW AT SCALE AND EXTENDING THE TOPO FOR THIS PURPOSE THE FILE IS REPRODUCED AS RECEIVED. PLEASE REFER TO THE ORIGINAL FILE FOR EXACT INFORMATION AND VIEWING OF ENTIRE SUBJECT AREA.

LEACHFIELD LAYOUT IS GIVEN TO INDICATE THE POSSIBILITY OF INSTALLING THREE LEACHFIELD SUFFICIENT IN SIZE TO SERVICE A THREE BEDROOM HOUSE AFTER THE PROPOSED LOT LINE ADJUSTMENT. ALL DETAILS NOT GIVEN SHALL BE AS REQUIRED BY THE MONTEREY COUNTY HEALTH DEPARTMENT. OTHER LAYOUTS OR LEACHFIELD TYPES MAY BE POSSIBLE AND CAN BE REVIEWED DURING FUTHER SITE DEVELOPMENT.

PARCEL C SEPTIC SYSTEM IS EXISTING AND NOT INCLUDED IN THIS DESIGN

PROPOSED PARCEL "C"

27 ACRES +/-

APPROXIMATE "TOP OF STEEP BREAK" TO OCEAN

PARCEL B SEPTIC SYSTEM DESIGN

COMPRISED OF 6 PITS IN SETS OF 2, AS SUCH THERE IS A PRIMARY SYSTEM, SECONDARY SYSTEM AND A TERTIARY SYSTEM SHOWN. EACH SET PROVIDES 1,000 SQUARE FEET OF EFFECTIVE WALL AREA. EACH PIT HAS AN EFFECTIVE DEPTH OF 40 FEET AND A DIAMETER OF 4 FEET.

APPROXIMATE BUILDING ENVELOPE (60 FT X 100 FT) SHOWN TO DISPLAY POSSIBILITY

PROPOSED PARCEL "A"

45 ACRES +/-

PARCEL A SEPTIC SYSTEM DESIGN

COMPRISED OF 6 PITS IN SETS OF 2, AS SUCH THERE IS A PRIMARY SYSTEM, SECONDARY SYSTEM AND A TERTIARY SYSTEM SHOWN. EACH SET PROVIDES 1,000 SQUARE FEET OF EFFECTIVE WALL AREA. EACH PIT HAS AN EFFECTIVE DEPTH OF 40 FEET AND A DIAMETER OF 4 FEET.

PROPOSED PARCEL "B"

45 ACRES +/-

PARCEL D SEPTIC SYSTEM DESIGN

COMPRISED OF 6 PITS IN SETS OF 2, AS SUCH THERE IS A PRIMARY SYSTEM, SECONDARY SYSTEM AND A TERTIARY SYSTEM SHOWN. EACH SET PROVIDES 1,000 SQUARE FEET OF EFFECTIVE WALL AREA. EACH PIT HAS AN EFFECTIVE DEPTH OF 40 FEET AND A DIAMETER OF 4 FEET.

PROPOSED PARCEL "D"

18 ACRES +/-

TREE SETBACK
10 FT PLUS TRUNK

PIT TO PIT SETBACK
20 FT PLUS 1 DIAMETER
(24 FEET MINIMUM)

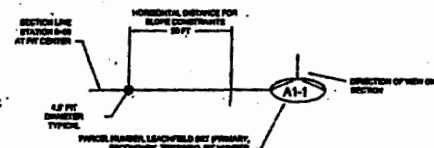
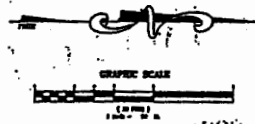


Exhibit A Pg 15

GRICE ENGINEERING INC

ENGINEERING • SURVEYING • HYDROLOGY • SOILS • FOUNDATIONS • EARTH STRUCTURES
5614 Brakes Avenue, Salinas, California Salinas (831) 422-9818 Monterey (831) 372-1198 Paso (831) 422-1896



PREPARED FOR:
MS. KELLY SHORT LLOYD
P.O. BOX 1638
DILLON, COLORADO
80435
FILE NO. 6119-05-05 PUBLICATION 11-17-04 REV

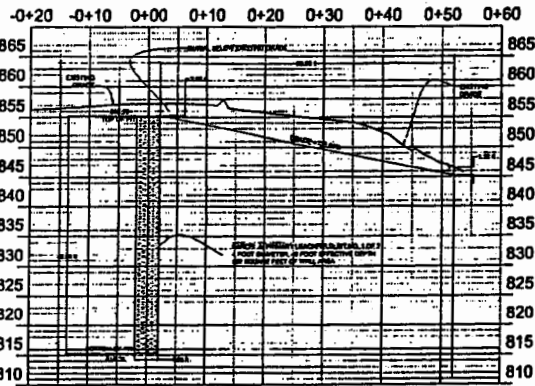
SHORT PROPERTY; A.P.N. 420-011-002
COASTLANDS, BIG SUR, CALIFORNIA
SEPTIC SYSTEM; SITE PLAN

SHT 1/4

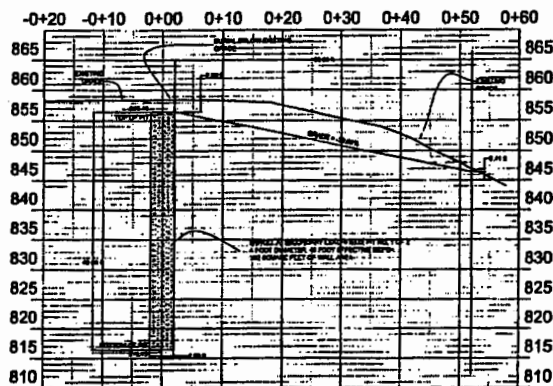
A-3-MCO-05-052 (Weston et al Lot Line Adjustment)

Exhibit

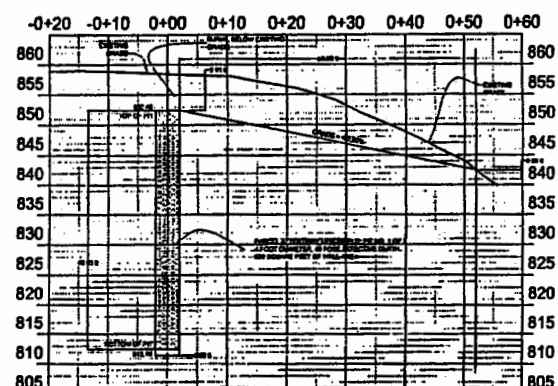
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P
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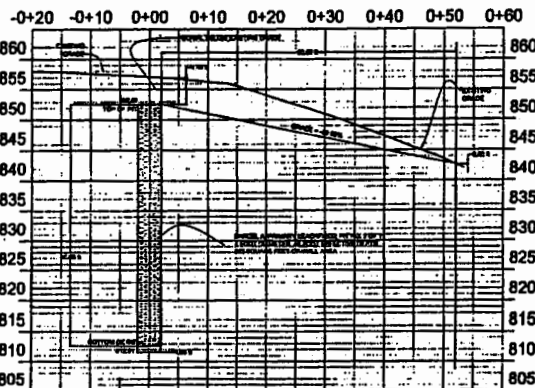
A1-1 PRIMARY SYSTEM, PIT No. 1 OF 2
SCALE 1 INCH = 10 FEET, HORIZONTAL & VERTICAL



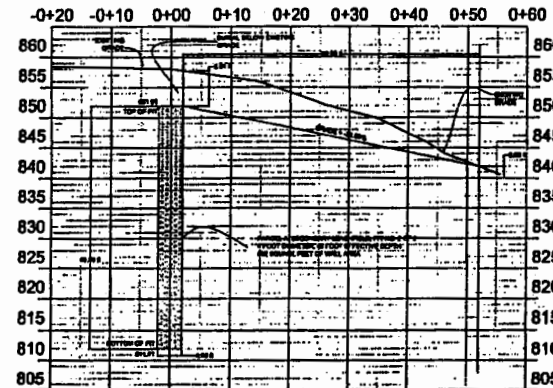
A2-1 SECONDARY SYSTEM, PIT No. 1 OF 2
SCALE 1 INCH = 10 FEET, HORIZONTAL & VERTICAL



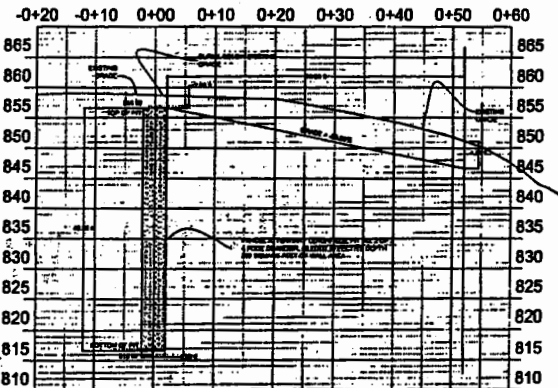
A3-1 TERTIARY SYSTEM, PIT No. 1 OF 2
SCALE 1 INCH = 10 FEET, HORIZONTAL & VERTICAL



A1-2 PRIMARY SYSTEM, PIT No. 2 OF 2
SCALE 1 INCH = 10 FEET, HORIZONTAL & VERTICAL



A2-2 SECONDARY SYSTEM, PIT No. 2 OF 2
SCALE 1 INCH = 10 FEET, HORIZONTAL & VERTICAL



A3-2 TERTIARY SYSTEM, PIT No. 2 OF 2
SCALE 1 INCH = 10 FEET, HORIZONTAL & VERTICAL

ENGINEERING INC

581A Broadway Avenue, Solvang, California Solvang (831) 422-9619 Mendocino (831) 373-1198 Fresno (831) 422-1898



LAWRENCE E. GRACE, P.E. No. 12345

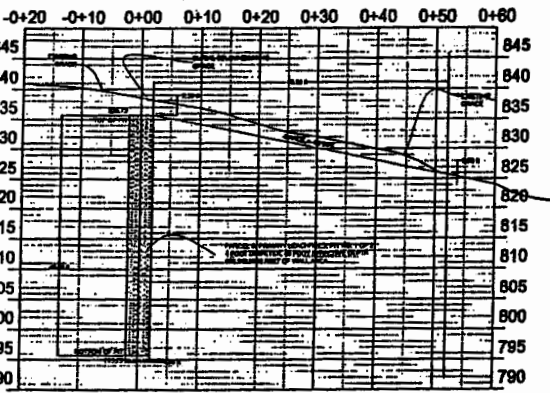
PREPARED FOR:
MS. KELLY SHORT LLOYD
P.O. BOX 1938
DILLON, COLORADO
80435

FILE NO. 4119-02-02, PUBLICATION 11-20-05

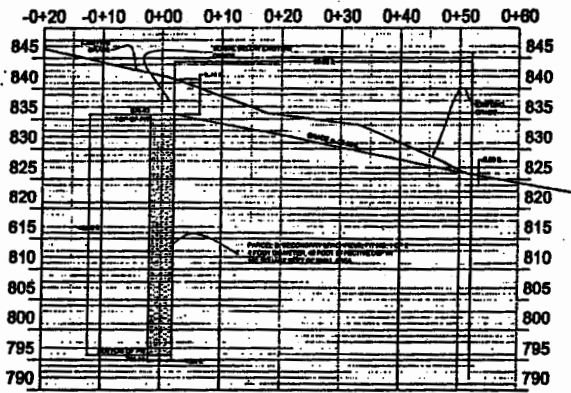
SHORT PROPERTY; A.P.N. 420-011-002
COASTLANDS, BIG SUR, CALIFORNIA

PARCEL A SEPTIC SYSTEM; SECTIONS

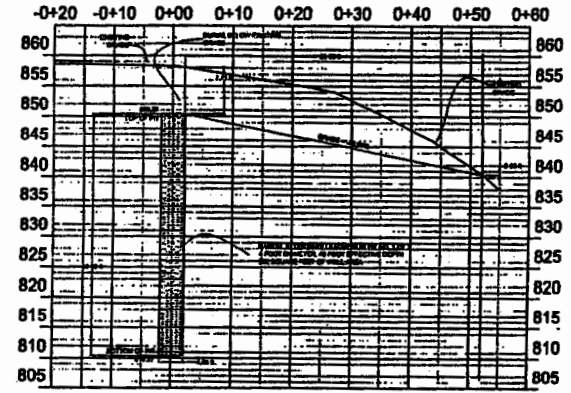
SHT 2/4



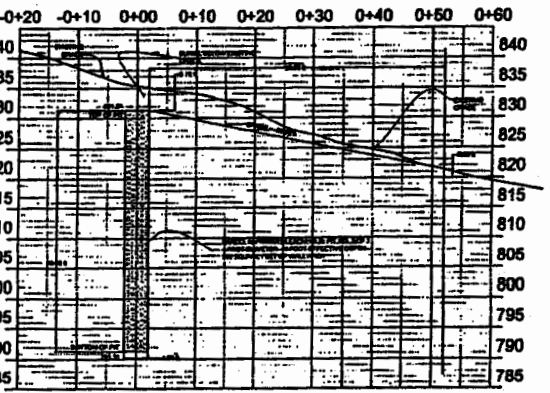
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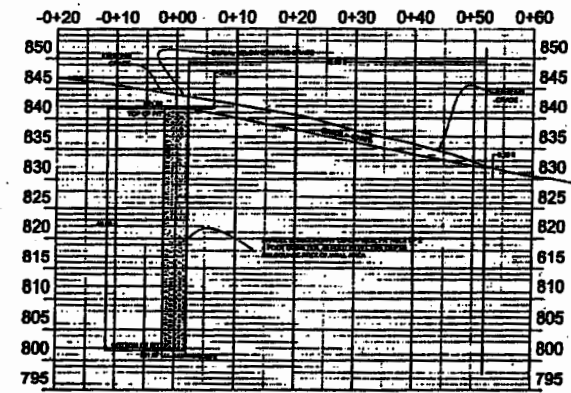
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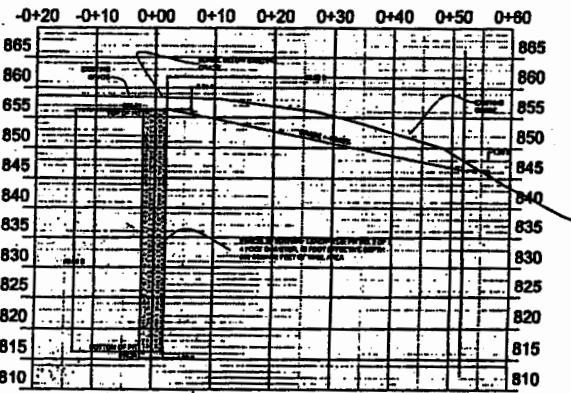
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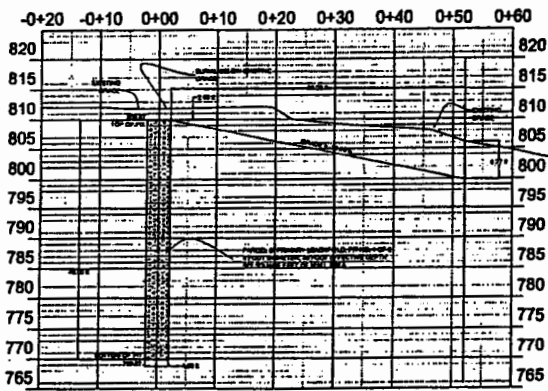


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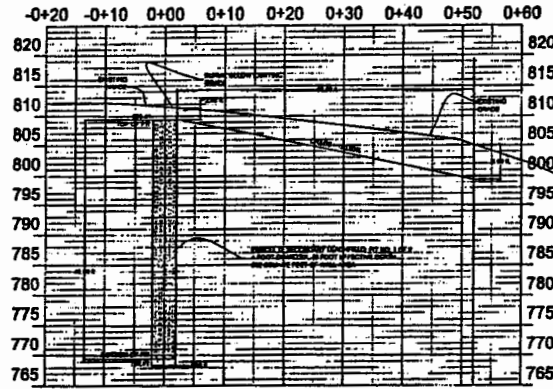


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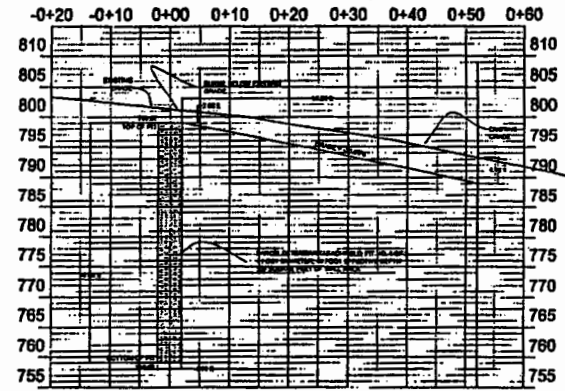




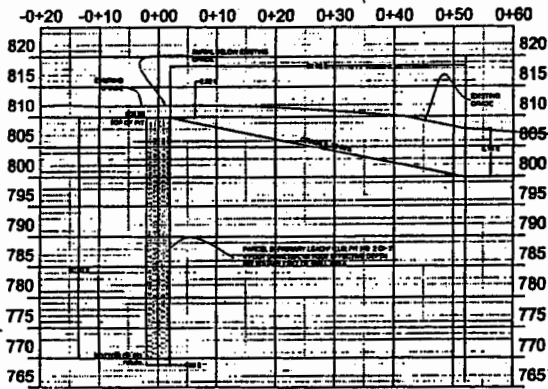
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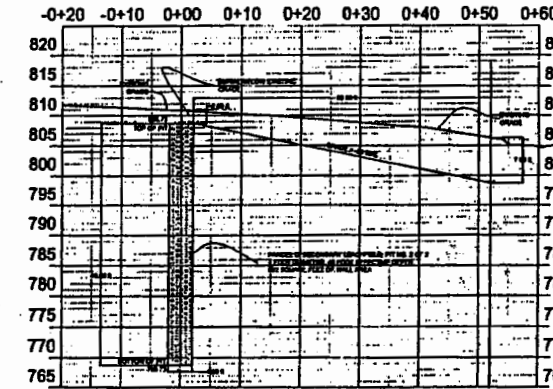
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SCALE 1 INCH = 10 FEET, HORIZONTAL & VERTICAL



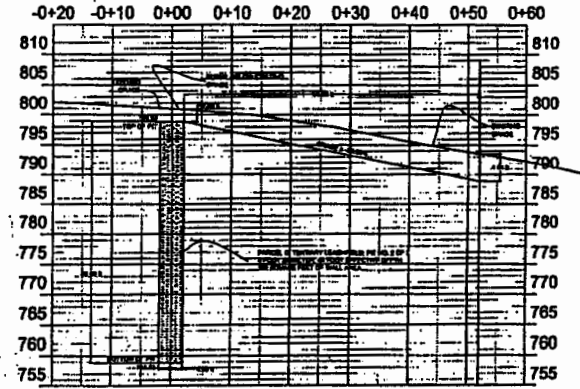
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D1-2 PRIMARY SYSTEM, PIT No. 2 OF 2
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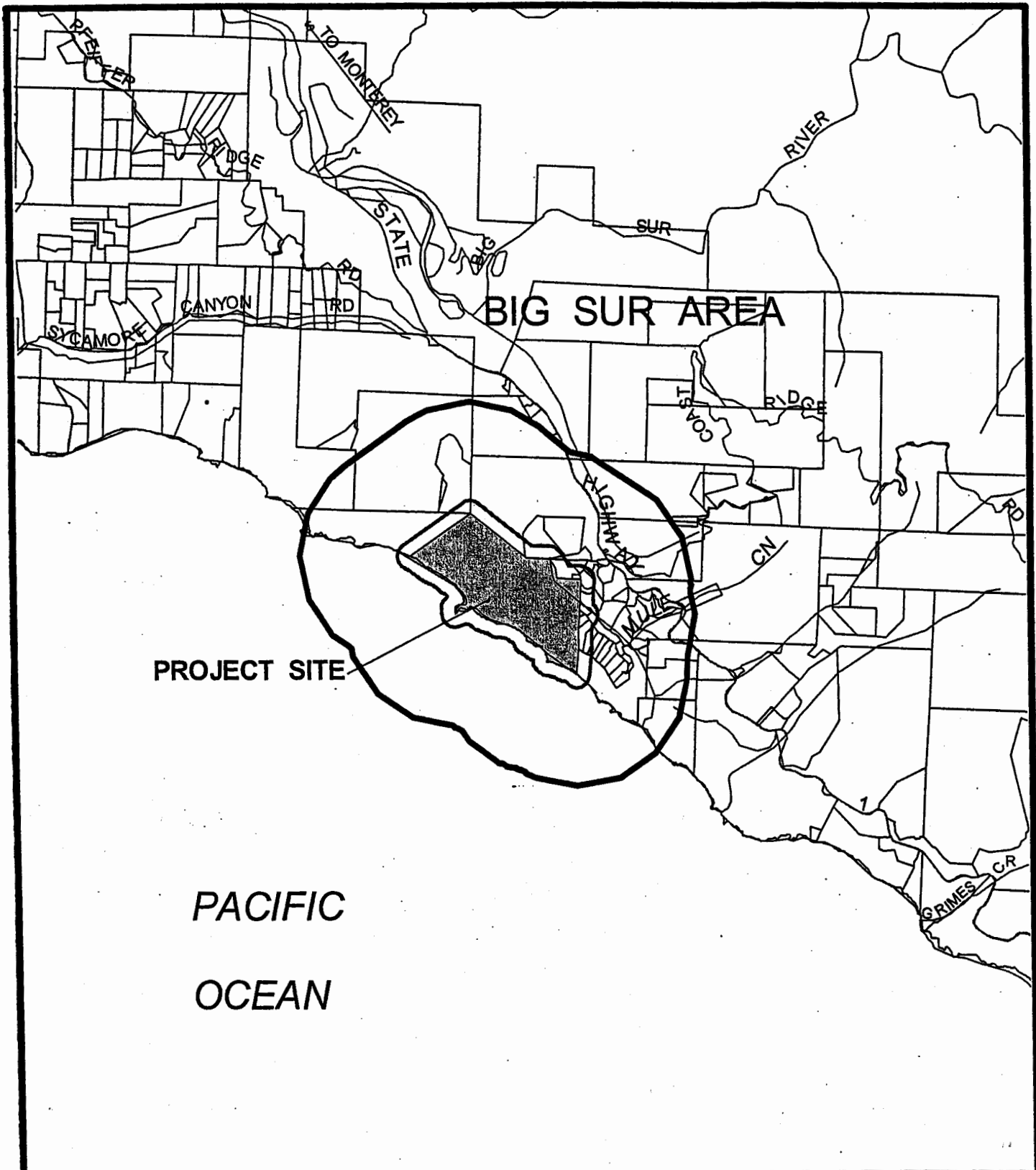


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SCALE 1 INCH = 10 FEET, HORIZONTAL & VERTICAL



D3-2 TERTIARY SYSTEM, PIT No. 2 OF 2
SCALE 1 INCH = 10 FEET, HORIZONTAL & VERTICAL





PROJECT SITE

PACIFIC
OCEAN

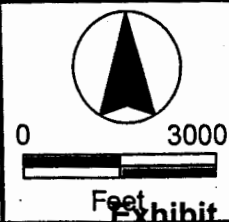
APPLICANT: WESTON

APN: 420-011-002-000 & 420-171-032-000

FILE# PLN 040180

 300' Limit

 2500' Limit



A-3.MCO-05-052 (Weston et al Lot Line Adjustment)

PLANNER: GALLAGHER

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 (831) 427-4863
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: July 20, 2005
TO: Jeff Main & Carl Holm
 County of Monterey, Planning Department
 168 W. Alisal St., 2nd Flr.
 Salinas, CA 93901
FROM: Steve Monowitz, Permit Supervisor
RE: Commission Appeal No. A-3-MCO-05-052

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: PLN040180
Applicant(s): Jana Weston, Attn: Kelly Short Lloyd
Description: Lot line adjustment to reconfigure four existing lots of record of approximately 0.15, 23, 34, and 75 acres each in the Coastlands subdivision into four lots of approximately 18, 27, 45, and 45 acres each; variance to allow two resulting lots that do not meet the minimum lot size of 40 acres.
Location: Highway 1 (west of Highway 1, southerly of Post Ranch Inn), Big Sur (Monterey County) (APN(s) 420-011-002, 420-171-032)
Local Decision: Approved w/ Conditions
Appellant(s): California Coastal Commission, Attn: Commissioner Sara Wan; Commissioner Mary Shallenberger
Date Appeal Filed: 7/19/2005

The Commission appeal number assigned to this appeal is A-3-MCO-05-052. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Monterey's consideration of this coastal development permit must be delivered to the Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Kelly Cuffe at the Central Coast District office.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863



**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Commissioner Wan	Commissioner Shallenberger
California Coastal Commission	California Coastal Commission
45 Fremont Street, Suite 2000	45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219	San Francisco, CA 94105-2219
(415) 904-5200	(415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

Monterey County

2. Brief description of development being appealed:

PLN040180 - Lot line adjustment to reconfigure four existing lots of record of approximately 0.15, 23, 34, and 75 acres each in the Coastlands subdivision into four lots of approximately 18, 27, 45 and 45 acres each; variance to allow two resulting lots that do not meet the minimum lot size of 40 acres.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

APNs 420-011-002, 420-171-032, located west of highway One, southerly of Post Ranch Inn, Big Sur Area, Monterey County.

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
 b. Approval with special conditions: xx
 c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-05-052

DATE FILED: 7/19/05

DISTRICT: Central Coast District

RECEIVED

JUL 19 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- b. City Council/Board of Supervisors
- c. Planning Commission
- d. Other: Minor Subdivision Com.

6. Date of local government's decision: May 26, 2005

7. Local government's file number: PLN040180 (Resolution No. 05-014)

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Jana Weston
C/o Kelly Short Lloyd
PO Box 1938
Dillon, CO 90435

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Jeff Main / Carl Holm
Monterey County Planning & Building Inspection
2620 First Avenue, Marina, CA 93933

(2) Maureen Wruck, Planning Consultants, LLC (Representative)
2 Rancho San Carlos Road
Carmel, CA 93923

(3) Aengus Jeffers
Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook
P.O. Box 3350
Monterey, CA 93942-3350

SECTION IV. Reasons Supporting This Appeal

See attached "Reasons for Appeal"

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mary K. Challenburger
Appellant or Agent

Date: July 19, 2005

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

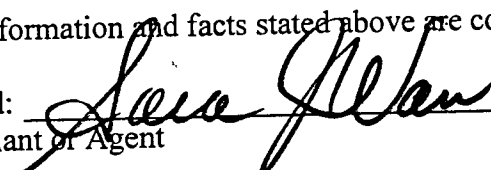
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: July 19, 2005

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

**Reasons for Appeal of Monterey County Coastal Development Permit PLN040180
(Weston-Short Lot Line Adjustments)**

Monterey County Coastal Development Permit PLN040180 authorizes a lot line adjustment among four parcels in the “Coastlands” subdivision west of Highway One, in the Big Sur Area of Monterey County. The approved adjustment allows the reconfiguration of 0.15, 23, 34, and 75 acre lots into 18, 27, 45 and 45 acre lots, and includes a variance to the 40-acre minimum parcel size established by the LCP. The County’s approval of the project is inconsistent with the Monterey County certified Local Coastal Program, as well as with the access and recreation policies of the Coastal Act, for the following reasons:

1. Two of the new lots created by the lot line adjustment do not conform to LCP minimum parcel size requirements.

The project area is within the LCP’s Rural Density Residential (RDR) land use designation and Watershed and Scenic Conservation (WSC) zoning district. Sections 20.17.060.B and 20.145.140.A.8 of the LCP’s Coastal Implementation Plan (CIP) establish a forty acre minimum parcel size for such areas. The lot line adjustment approved by the County is inconsistent with the minimum lot size requirements, as well as with Big Sur LUP Policy 5.4.3.G¹ and CIP Section 20.145.140.A.1², because the project creates two new parcels under 40 acres in size. In addition, the County’s findings for approval of a variance to LCP minimum lot size requirements are not accompanied by substantial evidence to establish consistency with LCP standards for variances (Section 20.78).

2. The adjustment will increase the density of residential development beyond that which is allowed by the LCP.

CIP Section 20.145.140.A.5 states that development of a parcel shall be limited to density, land use, and site development standards specific to that parcel’s land use designation. Furthermore, CIP Section 20.145.140.A.15 states that existing parcels of record are considered to be buildable provided that: a) all resource protection policies of the land use plan and standards of the ordinance can be met; b) there is adequate building area on less than 30% slopes; and, c) that all other provisions of the Coastal Implementation Plan can be fully met. (Ref. LUP Policy 5.4.2.5). Pursuant to these standards, two of the four existing parcels cannot be developed with residential uses for the following reasons:

- **Wastewater Treatment.** Lot 3 (0.15 acres) and Lot 4 (26 acres) do not meet the on-site wastewater treatment standards established by CIP Section 20.143.140.A.13.

¹ Big Sur LUP Policy 5.4.3.G – Specific Policies for Rural Residential land uses – Reconstitution of parcels or mergers may be required for any area of the coast where past land divisions have resulted in parcels being unusable under current standards or where cumulative impacts on coastal resources require limitations on further development. Parcel mergers shall be based on the following criteria: a) the minimum buildable parcel shall be one acre; b) each parcel must contain a suitable septic and drainfield location on slopes less than 30%, and must be able to meet regional Water Quality and County stream setback and septic system requirements; and c) each parcel must conform to all Plan policies for residential development on existing parcels.

² Section 20.145.140.A.1 of the LCP’s Implementation Plan (CIP) requires the development to conform and be consistent with policies of the Big Sur Land Use Plan (BSLUP)

Specifically lot 3 does not conform to the 1-acre minimum, while Lot 4 does not have adequate area outside of 30% slopes to accommodate on-site treatment.

- **Slopes.** Lot 4 is too steep for residential and associated roadway development. With an average slope of approximately 60%, and very little, if any, portion of the property containing slopes less than 30%, it would be impossible to construct a residence and access road consistent with CIP Section 20.145.140.A.4, which limits development to slopes of under 30%.
- **Hazards.** Lots 3 and 4 are within High Hazard Areas due to their proximity to a fault scarp, and in the case of Lot 4, the presence of a large, active landslide. Big Sur LUP Policy 3.7.1 requires that land use and development be carefully regulated through the best available planning practices in order to minimize risk to life and property and damage to the natural environment. Policy 3.7.2.3 states that areas of a parcel which are subject to high hazards shall generally be considered unsuitable for development, and requires an environmental or geotechnical report prior to County review of development. The County's approval of the Lot Line Adjustment does not contain adequate information regarding hazards at the project site, and, as a result, does not conform to the requirements of Policies 3.7.1 and 3.7.2.3, nor establish that Lots 3 and 4 are buildable under their current configuration.
- **Water Supplies.** The County's approval of the lot line adjustment does not contain evidence of an adequate water supply to support future residential development of Lots 3 and 4, and thereby does not address the requirements of Big Sur LUP Policy 3.4.2.3, which limits development to prevent overuse of limited water supplies, protect the public's health and safety, and preserve the natural value of streams and watersheds.

To summarize, the increase in residential development enabled by the adjustment conflicts with Big Sur LUP Policy 5.4.3.H.4, which states that "lot line adjustments are encouraged when no new developable lots are created and when plan policies are better met by this action" (emphasis added). In other words, Policy 5.4.3.H.4 encourages reconfiguration of buildable parcels so that coastal resources can be better protected, and discourages adjustments that convert unbuildable parcels into buildable parcels. The County approved lot line adjustment and variance is inconsistent with Policy 5.4.3.H.4 because it converts sub-standard parcels that cannot be developed with residential uses into buildable parcels, and sets a precedent that would have significant adverse cumulative impacts on coastal resources, as discussed further below, that do not advance LCP policies.

3. The increase in development density resulting from the lot line adjustment will have cumulative adverse impacts on coastal access and recreation, water supplies, and the unique coastal resources of the Big Sur coast.

The reconfiguration of sub-standard parcels that cannot safely accommodate residential development into new buildable parcels would cumulatively increase the level of residential development in Big Sur well beyond that which is anticipated and allowed by the LCP. This will result in increased traffic on Highway One, which currently operates at the worst level of service (LOS F) at peak times, and would thereby interfere with the public's ability to access and recreate on the Big Sur Coast. Such an increase in residential development will also place greater demands on limited water supplies, which

would, in turn, adversely impact riparian habitats. For example, the additional water use associated with the increase in residential development resulting from this lot line adjustment poses adverse impacts to the sensitive habitats of the Mule Creek watershed. Furthermore, increases in residential development potential (over and above that already contemplated in the LCP) throughout the planning area could alter the unique character of Big Sur that makes it such a popular destination for coastal access and recreation. Because of these cumulative impacts, the lot line adjustment is inconsistent with Big Sur LUP Policy 5.4.3.G.3, as well as with Coastal Act Sections 30211 and 30213.