

MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE

Meeting: November 9, 2006 Time.	Agenda Item No.:
Project Description: Coastal Development Permit to allow a lot line adjustment of 14 acres increasing Parcel A from 40 acres to 54 acres and decreasing Parcel B from 105 acres to 91 acres. The parcels are zoned "WSC/40 (CZ)" and the reconfigured lots will meet all requirements of the zoning district.	
Project Location: 53154 Highway One, Big Sur	APN: 420-021-021-000
Planning File Number: PLN060445	Name Elmer Staude, Trust Life Estate, owner; David F. Brubaker, Trust, Applicant; Aengus L. Jeffers, Agent
Plan Area: Big Sur Land Use Plan	Flagged and staked: No
Zoning Designation: "WSC/40 (CZ)" Watershed & Scenic Conservation/40 acres per unit, (Coastal Zone)	
CEQA Action: Categorically Exempt per Section 15305 (a) Class 5	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Minor Subdivision Committee approve the Coastal Development Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT OVERVIEW

The applicant is requesting approval of a lot line adjustment to subtract 14 acres from Parcel B which would reduce its size from 105 acres to 91 acres and increase Parcel A from 40 acres to 54 acres. The parcels are under common ownership. There are currently two single family residences, a guesthouse and two studios on Parcel B. The adjustment would allow Parcel A to include one single family residence and a studio. Each residence has its own septic system and water source (well). The existing structures meet all applicable setback requirements, and therefore, the proposed adjustment does not exceed any development standard requirements.

Staff finds that the proposed adjustment meets the applicable development standards. There is no new development proposed with this lot line adjustment. There would be no impacts to environmental resources (habitat, slopes, views, etc).

OTHER AGENCY INVOLVEMENT:

- ✓ California Department of Forestry (Big Sur)
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions were recommended by Public Works and have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the Big Sur Land Use Advisory Committee (LUAC) for review based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236. This application did not warrant referral to the LUAC.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

Elizabeth A. Gonzales, Associate Planner
(831) 755-5102; gonzalesl@co.monterey.ca.us
October 18, 2006

Cc: Minor Subcommittee; California Department of Forestry (Big Sur); Public Works Department; Environmental Health Division; Water Resources Agency; Carl Holm; Bob Schubert, Elizabeth Gonzales; Elmer Staude, Owner; David F. Brubaker, Applicant; Aengus L. Jeffers, Applicant; Planning File PLN060445.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Existing and Proposed Site Plans

This report was reviewed by Bob Schubert, Acting Planning and Building Services Manager

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Land Use Plan, Title 20 Monterey County Codes, Monterey County Coastal Implementation Plan - Part 3 (Chapter 20.145 MCC), and Monterey County Code Title 19, Subdivision Ordinance which designates this area appropriate for lot line adjustments.

- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- (b) The properties are located at Highway One at Anderson Canyon, Big Sur (Assessor's Parcel Number 420-021-021-000), Big Sur Coast Land Use Plan. The parcels are zoned Watershed and Scenic Conservation, 1 unit per 40 acres, Coastal Zone ("WSC/40 (CZ)"). The subject properties comply with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Titles 19 and 20, and are therefore suitable for the proposed lot line adjustment.
- (c) The project planner conducted a site inspection on August 17, 2006, to verify that the project on the subject parcel conforms to the plans listed above.
- (d) The project was not referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors, this project did not warrant referral to the LUAC.
- (e) The application, plans, and related support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development found in Project File PLN060445.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: Planning Department, California Department of Forestry (Big Sur), Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- (b) Technical reports are not required for the Coastal Development Permit. During staff's review of the project, there was no indication of physical or environmental constraints that would require outside technical consultants to determine that the site is not suitable for the use proposed.
- (c) Staff conducted a site inspection on August 17, 2006, to verify that the site is suitable for this use.
- (d) Materials in Project File PLN060445.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.

- EVIDENCE:** (a) Section 15305 (a) Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments.
- (b) No adverse environmental effects were identified during staff review of the Lot Line Adjustment application and during the site visit on August 17, 2006. Environmentally sensitive habitats or trees or other natural resources on site are not impacted by the proposed Lot Line Adjustment.
- (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 that would require additional review.
- (d) See preceding and following findings and supporting evidence.
- (e) Materials in project file PLN060445.

4. **FINDING: SUBDIVISION ORDINANCE (TITLE 19) LOT LINE ADJUSTMENTS (CHAPTER 19.09)** The Lot Line Adjustment is between two existing adjacent parcels. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

- EVIDENCE:** (a) Two contiguous separate legal parcels of record will be adjusted and two adjacent contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
- (b) The project consists of an equal exchange of land between two existing legal lots of record consisting of 91 acres and 54 acres (420-021-021-000), respectively.
- (c) The number of existing units on the proposed lots meets the land use density limitations and lot lines are designed to meet structural set back requirements.
- (d) The project complies with the regulations for lot line adjustments in accordance with Title 19 (MCC). A condition has been incorporated requiring the applicant to record a lot line adjustment map.

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). 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.

- 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 specified in Policy 6.1.5 (Figure 2) 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 on August 17, 2006.

6. **FINDING: NO VIOLATIONS** - 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 costs, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning Department and Building Services records and is not aware of any violations existing on subject property.

7. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

8. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Section 20.86.030 of the Monterey County Zoning Ordinance (Board of Supervisors).

(b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission).

EXHIBIT C
Monterey County Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Brubaker, Trustee of the Brubaker Living Trust
File No: PLN060445 **APNs:** 420-021-021-000
Approved by: MINOR SUBDIVISION COMMITTEE **Date:** November 9, 2006

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<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>Verificati on of Complian ce (name/dat e)</i>
1.	1.	<p>PBD029 - SPECIFIC USES ONLY</p> <p>This Coastal Development Permit (PLN060445) is to allow a lot line adjustment of 14 acres increasing Parcel A from 40 acres to 54 acres and decreasing Parcel B from 105 acres to 91 acres. The parcels are zoned "WSC/40 (CZ)" and the reconfigured lots will meet all requirements of the zoning district. The properties are located at 53154 Highway One and are two legal lots of record (Parcels A and B) under one Assessor's Parcel Number (420-021-021-000), Big Sur area, 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 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. [Resource Management Agency (RMA) – Planning Department]</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

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2.	2.	<p>PBD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution No. 060445) was approved by the Minor Subcommittee for Assessor's Parcel Numbers 420-021-021-000 on November 9, 2006. The permit was granted subject to 4 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>(RMA – Planning Department)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.	3.	<p>PW0034 – LOT LINE ADJUSTMENT</p> <p>Obtain a survey of the new line and have the line monumented. (Public Works)</p>	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	
4.	4.	<p>PW0035 – RECORD OF SURVEY</p> <p>File a Record of Survey showing the new line and its monumentation. (Public Works)</p>	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	