

## MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE

<b>Meeting:</b> November 8, 2012 <b>Time:</b> 9:00 A.M.		<b>Agenda Item No.:</b> 1
<b>Project Description:</b> Consider a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record consisting of Parcel 1, 81.87 acres (Assessor's Parcel Number 243-301-021-000), and Parcel 2, 2.5 acres (Assessor's Parcel Number 243-321-002-000). The adjustment would result in two parcels of 70.87 acres (Parcel A) and 13.5 acres (Parcel B).		
<b>Project Location:</b> 35904 and 36140 Highway 1 (Garrapata Ridge Road), Big Sur		<b>APNs:</b> 243-301-021-000 243-321-002-000
<b>Planning File Number:</b> PLN120387		<b>Owners:</b> Dana and Jane Forsberg Arnold Whitman and Terri Lundberg
<b>Planning Area:</b> Big Sur Coast Land Use Plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone)] and RDR/40-D (CZ) [Rural Density Residential, 40 acres per unit, with a Design Control Overlay (Coastal Zone)]		
<b>CEQA Action:</b> Categorically exempt per CEQA Guidelines Section 15305		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Minor Subdivision Committee adopt a resolution (**Exhibit B**) to:

- 1) Find the project categorically exempt, and
- 2) Approve a Coastal Development Permit to allow a Lot Line Adjustment, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

### PROJECT OVERVIEW:

The applicants propose a minor lot line adjustment of 11.0 acres between two legal lots of record consisting of Parcel 1, consisting of Parcel 1, 81.87 acres (Assessor's Parcel Number 243-301-021-000), and Parcel 2, 2.5 acres (Assessor's Parcel Number 243-321-002-000). The adjustment would result in two parcels of approximately 70.87 acres (Parcel A) and 13.5 acres (Parcel B). The Applicants (Whitman and Lundberg) intend to keep the 11.0 acre area in open space. No new lots will be created. No demolition, construction, or other type of development is proposed. There are no identified impacts to environmental resources. The existing site coverage on both the existing and proposed lots is within the development standards for property zoned either Watershed and Scenic Conservation or Rural Density Residential, and the lot line adjustment would not intensify the level of development allowed on the parcels.

Staff has confirmed the current configuration and legality of the lots via the 1972 Assessor's Map Books, Volume 8, on file in the RMA-Planning Department. On January 5, 1988, the zoning for both parcels changed from TB-5 [Transitional, with a B-5 Overlay] to the current designations of WSC/40-D (CZ) and RDR/40-D (CZ) [Watershed and Scenic Conservation and Rural Density Residential, 40 acres per unit, with a Design Control Overlay (Coastal Zone)].

The change in zoning resulted in Parcel 2 (the 2.5 acre parcel) becoming legal nonconforming with regard to the minimum building site size (Section 20.68.060.C of the Monterey County Zoning Ordinance, Title 20 – Legal Nonconforming Building Sites). The proposed lot line adjustment will improve the non-conformity of this lot (i.e., decrease its non-conformity with regard to minimum building site size), yet will still not bring it into full compliance with current zoning. However, the County's practice has been to allow this type of proposed lot line

adjustment so long as the lot's non-conformity is not increased and as long as the resulting parcels are compatible with, and do not obstruct, the objectives and policies of zoning and applicable plans. The proposed lot line adjustment satisfies these requirements (see **Exhibit B**, Draft Resolution, Finding Nos. 1, 5, and 7).

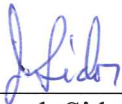
**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

RMA - Public Works Department  
Environmental Health Bureau  
Water Resources Agency  
CALFIRE Coastal (Fire Protection District)  
California Coastal Commission

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by the RMA – Planning Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit B**).

The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. The LUAC unanimously voted to support the project as proposed, at a public meeting held on September 25, 2012 (**Exhibit D**).

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



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Joseph Sidor, Associate Planner  
(831) 755-5262, SidorJ@co.monterey.ca.us  
October 26, 2012

cc: Front Counter Copy; Minor Subdivision Committee; CALFIRE Coastal (Fire Protection District); RMA - Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Wanda Hickman, Planning Services Manager; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Dana and Jane Forsberg, Owners; Arnold Whitman and Terri Lundberg, Owners; Christine Kemp, Agent; The Open Monterey Project; LandWatch; Planning File PLN120387

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Draft Resolution, including:
		• Conditions of Approval
		• Site Plan/Tentative Lot Line Adjustment Map
	Exhibit C	Vicinity Map
	Exhibit D	Advisory Committee Minutes (Big Sur Coast LUAC)

This report was reviewed by Wanda Hickman, Planning Services Manager. *Wah*

**EXHIBIT A**  
**PROJECT DATA SHEET**

PLN120387 – Forsberg – Whitman – Lundberg Lot Line Adjustment

Minor Subdivision Committee  
November 8, 2012

## EXHIBIT A

### Project Information for PLN120387

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#### Project Information:

<b>Project Name:</b>	FORSBERG, WHITMAN, & LUNDBERG	
<b>Location:</b>	35904 & 36140 HWY 1 BIG SUR	
<b>Permit Type:</b>	Coastal Development Permit	
<b>Environmental Status:</b>	Exempt	<b>Final Action Deadline (884):</b> 11/27/2012
<b>Existing Structures (sf):</b>	6860	<b>Coverage Allowed:</b> N/A
<b>Proposed Structures (sf):</b>	0	<b>Coverage Proposed:</b> N/A
<b>Total Sq. Ft.:</b>	6860	<b>Height Allowed:</b> N/A
<b>Tree Removal:</b>	0	<b>Height Proposed:</b> N/A
<b>Water Source:</b>	GARRAPATA WATER SYSTEM	<b>FAR Allowed:</b> N/A
<b>Water Purveyor:</b>	CAL AM	<b>FAR Proposed:</b> N/A
<b>Sewage Disposal (method):</b>	SEPTIC	<b>Lot Size:</b> 84
<b>Sewer District:</b>	N/A	<b>Grading (cubic yds.):</b> 0

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#### Parcel Information:

<b>Primary APN:</b>	243-301-021-000	<b>Seismic Hazard Zone:</b>	RELATIVELY STABLE AREA
<b>Applicable Plan:</b>	BIG SUR COAST LUP	<b>Erosion Hazard Zone:</b>	N/A
<b>Advisory Committee:</b>	BIG SUR COAST	<b>Fire Hazard Zone:</b>	HIGH
<b>Zoning:</b>	WSC/40-D(CZ) & RDR/40-D(CZ)	<b>Flood Hazard Zone:</b>	N/A
<b>Land Use Designation:</b>	RESIDENTIAL	<b>Archaeological Sensitivity:</b>	HIGH
<b>Coastal Zone:</b>	Y	<b>Viewshed:</b>	BIG SUR CRITICAL
<b>Fire District:</b>	CALFIRE COASTAL	<b>Special Setbacks on Parcel:</b>	N

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#### Reports on Project Parcel:

<b>Soils Report #:</b>	N/A
<b>Biological Report #:</b>	N/A
<b>Geologic Report #:</b>	N/A
<b>Forest Management Rpt. #:</b>	N/A
<b>Archaeological Report #:</b>	N/A
<b>Traffic Report #:</b>	N/A

**EXHIBIT B**  
**DRAFT RESOLUTION w/**  
**CONDITIONS & SITE PLAN**

PLN120387 – Forsberg – Whitman – Lundberg Lot Line Adjustment

Minor Subdivision Committee  
November 8, 2012

**EXHIBIT C**  
**DRAFT RESOLUTION**

**Before the Minor Subdivision Committee in and for the  
County of Monterey, State of California**

In the matter of the application of:

**FORSBERG-WHITMAN-LUNDBERG (PLN120387)**

**RESOLUTION NO. 12 -**

Resolution by the Monterey County Minor  
Subdivision Committee:

- 1) Finding the project categorically exempt per CEQA Guidelines Section 15305, and
- 2) Approving a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record consisting of Parcel 1, 81.87 acres (Assessor's Parcel Number 243-301-021-000), and Parcel 2, 2.5 acres (Assessor's Parcel Number 243-321-002-000). The adjustment would result in two parcels of 70.87 acres (Parcel A) and 13.5 acres (Parcel B).

[PLN120387, Dana and Jane Forsberg, Arnold Whitman and Terri Lundberg, 35904 and 36140 Highway 1 (Garrapata Ridge Road), Big Sur Coast Land Use Plan (APNs: 243-301-021-000 and 243-321-002-000)]

**The Forsberg-Whitman-Lundberg application (PLN120387) came on for public hearing before the Monterey County Minor Subdivision Committee on November 8, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Minor Subdivision Committee finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the 1982 Monterey County General Plan;
  - Big Sur Coast Land Use Plan;
  - Monterey County Coastal Implementation Plan Part 3;
  - Monterey County Zoning Ordinance (Title 20); and
  - Monterey County Subdivision Ordinance (Title 19 - Coastal)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 35904 and 36140 Highway 1 (Garrapata Ridge Road), Big Sur (Assessor's Parcel Numbers 243-301-021-000 and 243-321-002-000), Big Sur Coast Land Use Plan. The parcels are zoned WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone)] and RDR/40-D (CZ) [Rural Density Residential, 40 acres per unit, with a Design Control Overlay (Coastal Zone)], which allows lot line adjustments as a conditional use with a Coastal Development Permit. Therefore, the project is an allowed land use for this site.
- c) Neither parcel is under Williamson Act contract or used for agricultural purposes.
- d) The project planner conducted site inspections on June 26 and September 25, 2012, to verify that the project on the subject parcel conforms to the plans listed above.
- e) Legal nonconforming lot: The current configuration and legality of the lots has been confirmed via the 1972 Assessor's Map Books, Volume 8, on file in the RMA-Planning Department. On January 5, 1988, the zoning for both parcels changed from TB-5 [Transitional, with a B-5 Overlay] to the current designations of WSC/40-D (CZ) and RDR/40-D (CZ). The change in zoning resulted in Parcel 2 (the 2.5 acre parcel) becoming legal nonconforming with regard to the minimum building site size (Section 20.68.060.C of the Monterey County Zoning Ordinance, Title 20 – Legal Nonconforming Building Sites). The proposed lot line adjustment will improve the non-conformity of this lot (i.e., decrease its non-conformity with regard to minimum building site size), yet will still not bring it into full compliance with current zoning. However, the County's practice has been to allow this type of proposed lot line adjustment so long as the lot's non-conformity is not increased and as long as the resulting parcels are compatible with, and do not obstruct, the objectives and policies of zoning and applicable plans. The proposed lot line adjustment satisfies these requirements.
- f) The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a lot line adjustment in the Coastal Zone. The LUAC unanimously voted to support the project as proposed at a public meeting held on September 25, 2012.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120387.

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: RMA - Planning Department, CALFIRE Coastal (Fire Protection District), RMA - Public Works Department, Environmental Health Bureau, 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) Staff conducted site inspections on June 26 and September 25, 2012, to verify that the site is suitable for this use.
- c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120387.

3. **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) The project was reviewed by the RMA - Planning Department, CALFIRE Coastal (Fire Protection District), RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. The respective agencies 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.
- b) Necessary public facilities are available. The existing and proposed parcels and residences have required septic systems and are connected to the Garrapata Water System, will continue to use these same facilities, and will have adequate septic repair areas. The Environmental Health Bureau reviewed the project application, and did not require any conditions of approval.
- c) See Finding Nos. 1, 2, and 4, and supporting evidence.
- d) Staff conducted site inspections on June 26 and September 25, 2012, to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120387.

4. **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.

**EVIDENCE:**

- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject properties.
- b) Staff conducted site inspections on June 26 and September 25, 2012, and researched County records to assess if any violation exists on the subject properties.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed



development are found in Project File PLN120387.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305 categorically exempts minor lot line adjustments. The County, pursuant to Monterey County Code Title 19 (Subdivision Ordinance – Coastal) Section 19.09.005.C, has determined that lot line adjustments which do not result in the relocation of the building area are consistent with the intent of the categorical exemption for minor lot line adjustments. This determination and application to the subject lot line adjustment is also consistent with CEQA Guidelines Section 15061(b)(3), which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
  - b) The applicants propose a minor lot line adjustment of 11.0 acres between two legal lots of record consisting of Parcel 1, consisting of Parcel 1, 81.87 acres (Assessor's Parcel Number 243-301-021-000), and Parcel 2, 2.5 acres (Assessor's Parcel Number 243-321-002-000). The adjustment would result in two parcels of approximately 70.87 acres (Parcel A) and 13.5 acres (Parcel B). No new lots will be created. No demolition, construction, or other type of development is proposed. There are no identified impacts to environmental resources. The existing site coverage on both the existing and proposed lots is within the development standards for property zoned either Watershed and Scenic Conservation or Rural Density Residential, and the lot line adjustment would not intensify the level of development allowed on the parcels. Both existing and proposed lots are already developed with single family residences, and due to slope density constraints, neither parcel could be further subdivided or support development of an additional main dwelling unit. The 11.0 acre area involved in the proposed lot line adjustment contains two potential building sites. Since both the existing and proposed lots are already developed with main dwelling units, these potential building sites would only be available to the owners for development of accessory structures consistent with applicable development standards and policies of the Big Sur Coast Land Use Plan. Therefore, the proposed development is consistent with CEQA Guidelines Section 15305 and Title 19 Section 19.09.005.C.
  - c) No adverse environmental effects were identified during staff review of the development application during site visits on June 26 and September 25, 2012.
  - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve alterations to a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment.
  - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Trails Plan, in 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 conducted site inspections on June 26 and September 25, 2012.
  - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120387.
7. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:
- 1. The lot line adjustment is between four (or fewer) existing adjoining parcels;
  - 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
- The parcels resulting from the lot line adjustment conforms to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.
- EVIDENCE:**
- a) The parcels are zoned WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit, with a Design Control Overlay (Coastal Zone)] and RDR/40-D (CZ) [Rural Density Residential, 40 acres per unit, with a Design Control Overlay (Coastal Zone)].
  - b) The project area has a total of approximately 84.37 acres.
  - c) The lot line adjustment is between four (or fewer) existing adjoining parcels. The two existing parcels share a common boundary of approximately 100 feet.
  - d) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created. The adjustment would reduce Parcel 1 (Assessor's Parcel Number 243-301-021-000) from 81.87 acres to 70.87 acres, and increase Parcel 2 (Assessor's Parcel Number 243-321-002-000) from 2.5 acres to 13.5 acres.
  - e) The proposed lot line adjustment is consistent with the Monterey

County Zoning Ordinance (Title 20). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property and that no violations exist on the property (see Finding No. 4). The zoning requires a minimum building site of 40 acres; therefore, Parcel 2 is legal nonconforming with regard to minimum building site acreage and density. The proposed lot line adjustment will improve, yet not completely correct, the existing legal nonconforming nature of this lot (see Finding No. 1, Evidence e). In addition, the existing structures on both lots meet setback and lot coverage requirements.

- f) The existing and proposed parcels and residences have required septic systems and are connected to the Garrapata Water System, will continue to use these same facilities, and will have adequate septic repair areas. The Environmental Health Bureau reviewed the project application, and did not require any conditions of approval. See Finding No. 3, Evidence b.
- g) The proposed lot line adjustment does not interfere with existing access and utility easements, which will remain unchanged.
- h) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval (Condition No. 4).
- i) The project planner conducted site inspections on June 26 and September 25, 2012, to verify that the project would not conflict with zoning or building ordinances.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120387.

8.       **FINDING:**       **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**   a) Board of Supervisors: Section 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allow an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

## **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Minor Subdivision Committee does hereby:

1. Find the project categorically exempt per CEQA Guidelines Section 15305, and
2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record consisting of Parcel 1, 81.87 acres (Assessor's Parcel Number 243-301-021-000), and Parcel 2, 2.5 acres (Assessor's Parcel Number 243-321-002-000). The adjustment would result in two parcels of 70.87 acres (Parcel A) and 13.5 acres (Parcel B), in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of November, 2012 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Laura Lawrence, Minor Subdivision Committee

COPY OF THIS DECISION MAILED TO APPLICANTS ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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 may 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 Department and Building Services Department office in Salinas.

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

# Monterey County Planning Department

## DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN120387

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This permit (PLN120387) grants a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record consisting of Parcel 1, 81.87 acres (Assessor's Parcel Number 243-301-021-000), and Parcel 2, 2.5 acres (Assessor's Parcel Number 243-321-002-000). The adjustment would result in two parcels of 70.87 acres (Parcel A) and 13.5 acres (Parcel B). The properties are located at 35904 and 36140 Highway 1 (Garrapata Ridge Road), Big Sur, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Coastal Development Permit (Resolution Number 12 - \_\_\_\_ ) was approved by Minor Subdivision Committee for Assessor's Parcel Numbers 243-301-021-000 and 243-321-002-000 on November 8, 2012. The permit was granted subject to four (4) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of the Certificates of Compliance. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of Certificates of Compliance, the Owners/Applicants shall provide proof of recordation of this notice to the RMA - Planning Department.

### 3. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of two years, to expire on November 8, 2014, unless issuance of Certificates of Compliance has occurred within this period. (RMA-Planning Department)

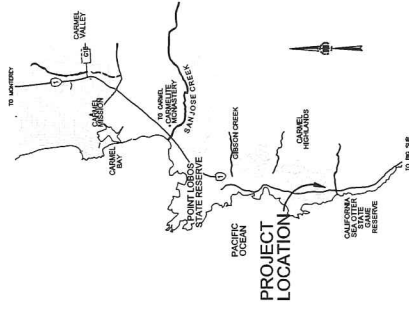
**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owners/Applicants shall commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

### 4. PD045 - COC (LOT LINE ADJUSTMENTS)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall request unconditional certificates of compliance for the newly configured parcels.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall submit a map and legal descriptions for each newly configured parcel as prepared by the Surveyor. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the map and legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.



**PROJECT LOCATION**

**VICINITY MAP**  
NOT TO SCALE

**PROJECT INFORMATION**

<b>LOT 1</b>	
APN:	243-301-021
LOCATION:	NO ADDRESS, MONTEREY, CA 93940
ZONING:	WSD/4D-0(C2) & RSD/4D-0(C2)
LAND USE:	SINGLE FAMILY RESIDENTIAL (SFR)
<b>LOT 2</b>	
APN:	243-301-002
LOCATION:	38140 HIGHWAY ONE, MONTEREY, CA 93940
ZONING:	RUP/4D-0(C2)
LAND USE:	SINGLE FAMILY RESIDENTIAL (SFR)

**BASIS OF BEARING**

**BENCHMARK**

VERTICAL DATUM IS NAVD83.

**LEGEND**

- MONUMENT
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE

**LOT AREA**

LOT	EXISTING LOT AREA	PROPOSED LOT AREA
1	61.87 AC	74.88 AC
2	84.32 AC	84.32 AC
TOTAL	146.19 AC	159.20 AC

**NOTES:**

- AERIAL IMAGERY WAS COMPILED FROM PUBLICLY AVAILABLE PHOTOGRAPHY FROM 2009 GOOGLE EARTH.
- PROPERTY LINES SHOWN HEREIN ARE SPATIAL ONLY, AS COMPILED FROM PUBLIC RECORD AVAILABLE FROM THE MONTEREY COUNTY ASSESSORS OFFICE.
- THIS DOCUMENT IS FOR INFORMATION ONLY. IT DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. PHYSICAL MEASUREMENTS AND FIELD SURVEYING CAN ONLY BE OBTAINED BY A FIELD SURVEY. SHOWN ON THIS EXHIBIT.



**LOT CONFIGURATION**  
SCALE 1"=200'

DATE:	DESIGNED BY:	ENGINEER:	REVIEWED BY:
	DESIGNED BY:	ENGINEER:	REVIEWED BY:



**BESTOR ENGINEERS, INC.**  
CIVIL ENGINEERING - SURVEYING - LAND PLANNING  
9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

PREPARED FOR: DANA FORSBERG  
**FORSBERG LOT LINE ADJUSTMENT**  
PRELIMINARY MAP  
CARMEL HIGHLANDS, CALIFORNIA  
COUNTY OF MONTEREY, CALIFORNIA

SCALE:	1"=200'
DATE:	06/04/12
SHEET:	1.2
W.C.	2945.02



# **EXHIBIT C**

## **VICINITY MAP**

PLN120387 – Forsberg – Whitman – Lundberg Lot Line Adjustment

Minor Subdivision Committee  
November 8, 2012

# BIG SUR

Garrapata Beach State Park

**PROJECT SITE**

Kasler Point

GARRAPATA RIDGE RD

Rocky Point

Pacific  
Ocean

PALO COLORADO RD

**APPLICANT: FORSBERG & WHITMAN**

**APN: 243-301-021-000 & 243-321-002-000**

**FILE # PLN120387**

Water 2500' Limit 300' Limit City Limits



0 1,000  
Feet



**PLANNER: SIDOR**

# **EXHIBIT D**

## **LUAC MINUTES**

PLN120387 – Forsberg – Whitman – Lundberg Lot Line Adjustment

Minor Subdivision Committee  
November 8, 2012

# Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025

Advisory Committee: **Big Sur**

Please submit your recommendations for this application by: **September 25, 2012**

**Project Title:** FORSBERG DANA & JANE AND WHITMAN ARNOLD & TERRI LUNDBERG

**File Number:** PLN120387

**File Type:** MS

**Planner:** SIDOR

**Location:** 35904 & 36140 HWY 1 MONTEREY

**Project Description:**

Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record consisting of Parcel 1, 79.5 acres (Assessor's Parcel Number 243-301-021-000), and Parcel 2, 2.5 acres (Assessor's Parcel Number 243-321-002-000). The adjustment would result in two parcels of 68.5 acres (Parcel A) and 13.5 acres (Parcel B). The properties are located at 35904 and 36140 Highway 1, Monterey (Garrapata Ridge Road), Big Sur Coast Land Use Plan, Coastal Zone.

**Was the Owner/Applicant/Representative Present at Meeting?** Yes   X   No           

**Was a County Staff/Representative present at meeting?**   Joe Sidor   (Name)

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
None			

## LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
None		

## ADDITIONAL LUAC COMMENTS

To support as described in project description

## RECOMMENDATION :

Motion by: Richard Ravich (LUAC Member's Name)

Second by: Steve Beck (LUAC Member's Name)

☒ Support Project as proposed

☐ Recommend Changes (as noted above)

☐ Continue the Item

Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

AYES: Mary Trotter, Steve Beck, Richard Ravich and Dan Priano

NOES: 0

ABSENT: 0

ABSTAIN: 0