

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 03078

A. P. # 420-021-026-000-

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In the matter of the application of
Salvatore Anthony Lucido TR (PLN030133)

FINDINGS & DECISION

to allow a Lot Line Adjustment in accordance with Chapter 19.09 (Lot Line Adjustment) of the Monterey County Code, consisting of a Coastal Development Permit for a Lot Line Adjustment between two parcels resulting in an 80 acre parcel (420-021-026-000) increasing in size to 160 acres and a 160 acre parcel (420-021-027-000) decreasing in size to 80 acres. The parcels are located in Anderson Canyon, off Old Coast Road, within Los Padres National Forest, Big Sur, Coastal Zone, came on regularly for hearing before the Planning Commission on November 12, 2003.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

- 1. FINDING: CONSISTENCY** – The Project, as conditioned, is consistent with all applicable plans and policies, including the *Big Sur Coast Land Use Plan* and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.145 (*Regulations for Development in the Big Sur Coast Land Use Plan*), and the zoning code (Title 20) and Part 6 of the Coastal Implementation Plan (Appendices). The parcels are designated as “WSC/40-D (CZ)” (*Watershed and Scenic Conservation, 40 acres per unit, Design Control District, Coastal Zone*).

EVIDENCE:

 - (a) Planning and Building Inspection Department (PBID) staff have reviewed the lot line adjustment as contained in the application and accompanying materials for consistency with the *Big Sur Coast Land Use Plan*, the *Regulations for Development in the Big Sur Coast Land Use Plan*, and Part 6 of the Coastal Implementation Plan (Appendices). PBID staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the *Big Sur Coast Land Use Plan*. Permit application, plans, and materials contained in Project File No. PLN030133.
 - (b) Project planner conducted onsite inspections on May 22, 2003 to verify that the project on the subject parcel conforms to the plans mentioned above.
 - (c) The project, as conditioned, allows a Coastal Development Permit for a lot line adjustment, in accordance with Section 20.17.050.JJ of Title 20 (Lot Line Adjustments in the WSC zoning district).
 - (d) The parcels are Watershed and Scenic Conservation, 40 acres per unit, Design Control District, Coastal Zone (WSC/40-D [CZ]).
 - (e) The subject parcels straddle the border between the two LUAC's in the *Big Sur Coast Land Use Plan* area. On May 20, 2003, the South Coast LUAC voted to recommend denial of the project with a vote of 4 to 0 (with one member absent). On May 27, the Big Sur LUAC voted to recommend approval of the project with a vote of 5 to 0 (with 2 members absent).

(f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File No. PLN030133.

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

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks & Recreation, and the California Department of Forestry and Fire. Conditions recommended have been incorporated.
(b) A report by an outside biologist reveals that there are no environmental constraints that would indicate the site is not suitable for the use proposed. Agency staff concurs. Reports are in Project File No. PLN030133.
(c) Staff conducted an onsite inspection on May 22, 2003 to verify that the site is suitable for this use.
(d) Limited necessary public facilities are available and will be provided.

3. **FINDING: CEQA (EXEMPT)** – The proposed project will not have a significant environmental impact.

EVIDENCE: (a) CEQA Guidelines Section 15305 lists criteria that allow minor alterations in land use limitations, including minor lot line adjustments, to be categorically exempted from CEQA review.
(b) No adverse environmental effects were identified during staff review of the development application and materials or during a site visit on May 22, 2003. Therefore, the exceptions to the exemptions listed under Section 15300.2 of the CEQA Guidelines are found not to apply.

4. **FINDING: VIOLATIONS PENDING** – The subject property is currently in violation of the County's Local Coastal Program because existing development onsite was carried out without the benefit of discretionary and ministerial permits. Approval of a concurrent application (File No. PLN03232) resolves the zoning code (Title 20) violations by bringing the subject property into compliance with all rules and regulations pertaining to it.

EVIDENCE: (a) During the course of project review by PBID staff, it was revealed that several structures and water & septic systems have been built at the properties without the benefit of Coastal Development Permits, Design Approvals, or grading and building permits.

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 section 20.70.050.B.4 of Title 20).

EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access or trails as indicated by Figure 3 of the Trails Plan and Figure 2 of the Shoreline Access Map of the *Big Sur Coast Land Use Plan*.
(b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

6. **FINDING: LOT LINE (ADJACENT PARCELS)** - The lot line adjustment is between two existing adjacent parcels.

EVIDENCE: Application and plans for a lot line adjustment found in the Project File PLN030133.

7. **FINDING: LOT LINE (PARCEL CREATION)** - 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.
8. **FINDING: LOT LINE (ZONING CONFORMITY)** - The parcels resulting from the lot line adjustment conform to the County Zoning and Building Ordinances.
EVIDENCE: (a) The proposed lot line adjustment is consistent with the site development standards for parcels within the WSC/40-D (CZ) Zoning District, pursuant to Section 20.17.060 of the Monterey County Zoning Ordinance (Title 20). The application and plans for a lot line adjustment found in Project File PLN030133.
9. **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.
10. **FINDING: APPEALABILITY** – The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors and the California Coastal Commission.
EVIDENCE: (a) Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

It is the decision of the Planning Commission that said application for a Lot Line Adjustment be granted as shown on the attached sketch and subject to the following conditions:

1. Coastal Development Permit **(PLN030133/Lucido)** allowing a Lot Line Adjustment between two parcels resulting in an 80-acre parcel (420-021-026-000) increasing in size to 160 acres and a 160-acre parcel (420-021-027-000) decreasing in size to 80 acres. All development is accessory to the Ventana Wilderness Society's condor reintroduction program. The project is 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. **(Planning and Building Inspection)**
2. This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. **(Planning and Building Inspection)**

Prior to the Issuance of Building Permits on the Parcels:

3. The applicant shall record a notice which states: *"A permit (Resolution #03078) was approved by the Planning Commission for Assessor's Parcel Numbers 420-021-026-000 & 420-021-027-000 on November 12, 2003. The permit was granted subject to 5 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. **(Planning and Building Inspection)**
4. Obtain a survey of the new line and have the line monumented. **(Public Works)**
5. File a Record of Survey showing new line and its monumentation. **(Public Works)**

PASSED AND ADOPTED this 12th day of November, 2003, by the following vote:

AYES: Errea, Sanchez, Padilla, Brennan, Parsons, Diehl, Salazar, Rochester, Wilmot
NOES: None
ABSENT: Hawkins

Original Signed By:

JEFF MAIN, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT 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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

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

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