

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

RESOLUTION NO. 07031

A.P. # 419-311-012-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Hillary Lipman (PLN060613)**

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.70 (Coastal Development Permits) of the Monterey County Code, to allow the designation of a "Donor Site" in exchange for Transferable Development Credits pursuant to section 20.64.190 of the Monterey County Zoning Ordinance (Title 20). The property is located at 41730 Pfeifer Ridge Road, Big Sur, Big Sur Land Use Plan, Coastal Zone, and came on regularly for hearing before the Planning Commission on July 11, 2007.

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

**FINDINGS OF FACT**

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, Big Sur Coast Land Use, Coastal Implementation Plan, Part 3, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

**EVIDENCE:** (a) Plan Conformance - 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) Zoning Consistency - The property is located at 41730 Pfeifer Ridge Road (Assessor's Parcel Number 419-311-012-000), Big Sur Coast Land Use Plan. The parcel is zoned Rural Density Residential, 40 acre per unit with a Design Control Overlay, in the Coastal Zone ("RDR/40-D [CZ]"). The parcel, located in the critical viewshed, consists of the designation of a "Donor Site" in exchange for Transferable Development Credits pursuant to Section 20.64.190 of the Monterey County Zoning Ordinance. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the "Donor Site" designation.

(c) Site Visit - The project planner conducted site inspections in April and July 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(d) Transfer of Development Credit (TDC) - The project planner conducted site visits on November 21, 2006 and July 2, 2007 and determined that Assessor's Parcel Number 419-311-012-000 qualifies as a donor site because it is a buildable lot that is visible from Highway One and is within the critical viewshed pursuant to Section 20.145.020.V of the Coastal Implementation Plan. The parcel is a viewshed lot in that it is a buildable parcel upon which a residential building site can be located and accessed in conformity with the Big Sur Coast Land Use Plan policies except for the Local Coastal Program (LCP) viewshed policies.

- (e) Land Use Advisory Committee (LUAC) - 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 because it does not involve ridgeline/viewshed development. Condition No. 3 requires placing the property in an irrevocable open space easement; thus, preventing any future development of the property (Section 20.64.190.040.5 of the CIP).
- (f) 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 PLN060613.
- (g) The written decision of the Planning Commission shall serve as the TDC defined in Section 20.64.190.030 of the CIP. This right shall exist in perpetuity and shall be extinguished upon transfer to a receiver site.

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, California Department of Forestry, California Department of Transportation, 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 by outside archaeological, biological and geotechnical/geoseismic consultants indicate that there are not physical or environmental constraints that would indicate that the site is not suitable to be designated as a "donor site" pursuant to Section 20.64.190.030 of the Monterey County Zoning Ordinance (Title 20). County staff concurs. The following reports have been prepared:

- ☛ *"Preliminary Archaeological Reconnaissance" (LIB070292) prepared by Gary S. Breschini, April 19, 1979.*
- ☛ *"Biological Assessment Letter" (LIB070293) prepared by Jeff Norman, Consulting Biologist, Big Sur, CA, August 26, 2000.*
- ☛ *"Preliminary Geotechnical/Geoseismic Report" (LIB070294) prepared by Grice Engineering, Inc, Salinas, CA, April 2005*
- ☛ *"Percolation Study and Septic System Design" (LIB070295) prepared by Grice Engineering, Inc, Salinas, CA, April 2005*

(c) Assessor's Parcel Number 419-311-012-000, located in the critical viewshed, is appropriate for designation as a "Donor Site", pursuant to Section 20.156.040 of the Coastal Implementation Plan. The parcel has been determined to be buildable. The subject site can be accessed and at least one single family residence can be constructed in conformity with all of Monterey County's Health and Safety Codes and all County Land Use Plan policies except the critical viewshed policy. A preliminary geotechnical/geoseismic report (LIB070294) prepared by Grice Engineering, Inc. (April 2005) indicates that there is adequate area on the lot to locate a suitable building site. Adequacy of water and septic systems have been verified by the Division of Environmental Health. Additionally, the preliminary archaeological reconnaissance (April 1979) prepared by Gary S. Breschini (September 1995) concludes that there are no known archaeological resources on the subject parcel. Finally, the biological assessment recommends revegetation and the placement of a habitat conservation easement, consistent with the requirements of the CIP, if development were to occur.

- (d) Staff conducted site inspections on November 21, 2006 and July 3, 2007 to verify that the site is buildable and is located within the Critical Viewshed.
- (e) Materials in Project File PLN060613.

3. **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 15325(a) categorically exempts acquisition or transfer of ownership of interest in land in order to preserve open space. The project involves a TDC that requires the property to be dedicated as a permanent irrevocable open space easement.

(b) No adverse environmental effects were identified during staff review of the development application during sites on November 21, 2005 and July 3, 2007.

(c) See preceding and following findings and supporting evidence.

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. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

5. **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:** Preceding findings and supporting evidence.

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

**EVIDENCE:** Section 20.140.080 G and J of the Monterey County Zoning Ordinance (Title 20).

### DECISION

**THEREFORE**, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

**PASSED AND ADOPTED** this 11th day of July, 2007, by the following vote:

AYES: Errea, Brown, Isakson, Padilla, Ottone, Diehl, Sanchez, Salazar, Vandever  
NOES: None  
ABSENT: Rochester

  
\_\_\_\_\_  
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON JUL 24 2007

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

AUG - 3 2007

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 90<sup>th</sup> 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 Salinas.

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

**Monterey County Resource Management Agency  
Planning Department  
Condition Compliance and/or Mitigation Monitoring  
Reporting Plan**

Project Name: Lipman

File No: PLN060613

Approved by: Planning Commission

APNs: 419-311-012-000

Date: July 11, 2007

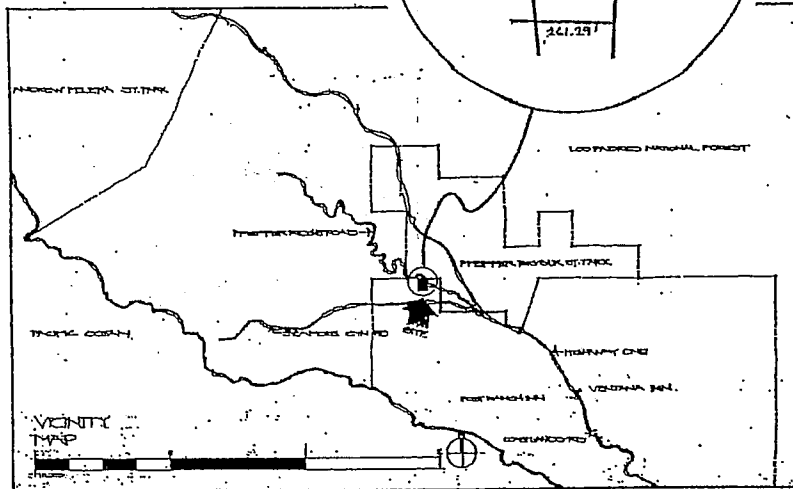
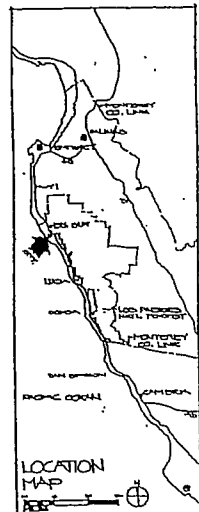
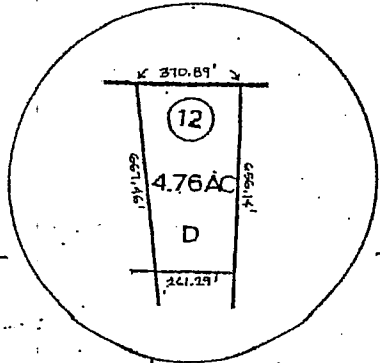
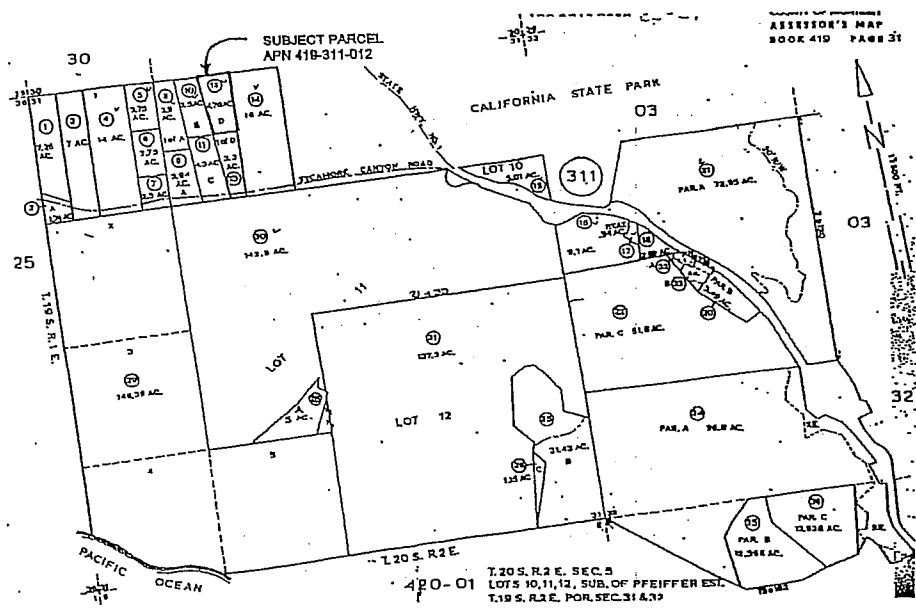
*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifica- tion of Complia- nce (name/d ate)
1.		<p><b>PD001 - SPECIFIC USES ONLY</b>            This Coastal Development Permit (PLN060613) consists of the designation of a "Donor Site" in exchange for two (2) Transferable Development Credits, pursuant to Section 20.64.190 of the Monterey County Zoning Ordinance (Title 20). The property is located at 41730 Pfeifer Ridge Road (Assessor's Parcel Number 419-311-012-000), Big Sur Coast Land Use Plan. 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 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

		mitigation measures are properly fulfilled. <b>(RMA - Planning Department)</b>			
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit <b>(Resolution No. 07031)</b> was approved by the Planning Commission for Assessor's Parcel Number 419-311-012-000 on July 11, 2007. The permit was granted subject to <u>5</u> 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 building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.
3.		<b>NON STANDARD IRREVOCABLE OPEN SPACE EASEMENT</b> That the applicant record a scenic easement, dedicated to the County of Monterey, over APN 419-311-012-000. The form and content of the easement must be approved pursuant to Section 20.142.130 and utilize Appendix 10 of the Monterey County Coastal Implementation Plan. The easement must be recorded prior to the validation of the two (2) Transfer Development Credits (TDC). Designation of a parcel as a donor site shall require an offer to dedicate to the County of Monterey, the text of which has been approved by the County. Upon transfer of the two (2) TDCs, the County shall accept the easement offer. <b>(RMA - Planning Department)</b>		Owner/ Applicant	Prior to validation of the two (2) Transfer Development Credits
4.		Development credits shall not be issued to a receiver site unless and until the above requirements have been met and the receiver site has received approval of a Coastal Development Permit. <b>(RMA - Planning Department).</b>		Applicant/ Owner & RMA-PD	On-going

5.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b>  The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(RMA - Planning Department)</b></p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Upon demand of County Counsel or prior to recordation of the Notice of Transferable Development Credit(s)</p>	
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END OF CONDITIONS



**PROJECT DESCRIPTION - PLN 060613**

Coastal Development Permit to designate a Donor Site in exchange for Transferable Development Credits, pursuant to Section 20.64.190 of the Monterey County Zoning Ordinance. Subsequently, development rights will be extinguished on the subject donor parcel.

**RESIDENTIAL BUILDING SITE**

The purpose of the attached plans is to demonstrate that a residence can be developed on the subject parcel, but that it is in the critical viewshed of Highway 1.

In addition to the architectural plans, the applicant has previously submitted consultant reports to the Planning Department that demonstrate the buildability of the subject parcel:

1. Geotechnical soils-foundation & Geoseismic Report with Geo-hazards evaluation by Grice Engineering & Geology, April 2005
2. Report of Percolation study and Septic system design by Grice Engineering & Geology, April 2005
3. Biological evaluation by Jeff Norman, August 2000
4. Archaeological report by Gary Breschini, April 1979

**PROJECT DATA**

Project location: Pfeiffer Ridge Road, 0.5 mi. west of Hwy. 1  
 APN: 419-311-012-000  
 Lot size: 4.76 acres  
 Lot coverage: none existing, none proposed  
 Grading: none  
 Tree removal: none  
 Zoning district: RDR/40 (CZ)  
 Owner: Lipman, Hillary  
 P.O. Box 22588  
 Carmel, CA, 93922

**SHEET INDEX**

Project Description, Data, and Maps	1
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REVISIONS	BY

COUNTY FILE NO. PLN 060613  
 APPLICATION TO CREATE A DONOR SITE  
 FOR THE TRANSFER OF DEVELOPMENT CREDITS  
 APN 419-311-012, PFEIFFER RIDGE ROAD, BIG SUR

VICINITY MAPS  
 PARCEL MAPS  
 PROJECT DESCRIPTION  
 PROJECT DATA

DATE	4/18/07
SCALE	AS NOTED
DATE	
DATE	



**NOTES:**

THIS MAP PORTRAYS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT SHOW SOILS OR GEOLOGY INFORMATION, UNDERGROUND CONDITIONS, EASEMENTS, ZONING OR REGULATORY INFORMATION OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER.

THERE MAY BE EASEMENTS OR OTHER RIGHTS, RECORDED OR UNRECORDED, AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREON.

UNDERGROUND UTILITIES, IF ANY, WERE NOT LOCATED. INFORMATION REGARDING UNDERGROUND UTILITY LOCATIONS SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES OR PUBLIC AGENCIES.

ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.

GROUND COVERED BY DENSE VEGETATION AND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE.

DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

PARENTHESES DENOTE RECORD DATA.

THE CROSS SYMBOL (+) MARKS THE HORIZONTAL POSITION OF THE SPOT ELEVATION SHOWN.

SURVEY PREPARED BY: RASMUSSEN LAND SURVEYING, INC.  
PO BOX 3135, MONTEREY, CA 93942  
TEL: 831-375-7240

APN 419-021-002

APN 419-311-012  
(REEL 1339, PG.175)

HEAVY BRUSH  
(CONTOURS APPROXIMATE)

EXISTING ASPHALT DRIVEWAY

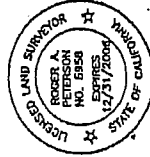
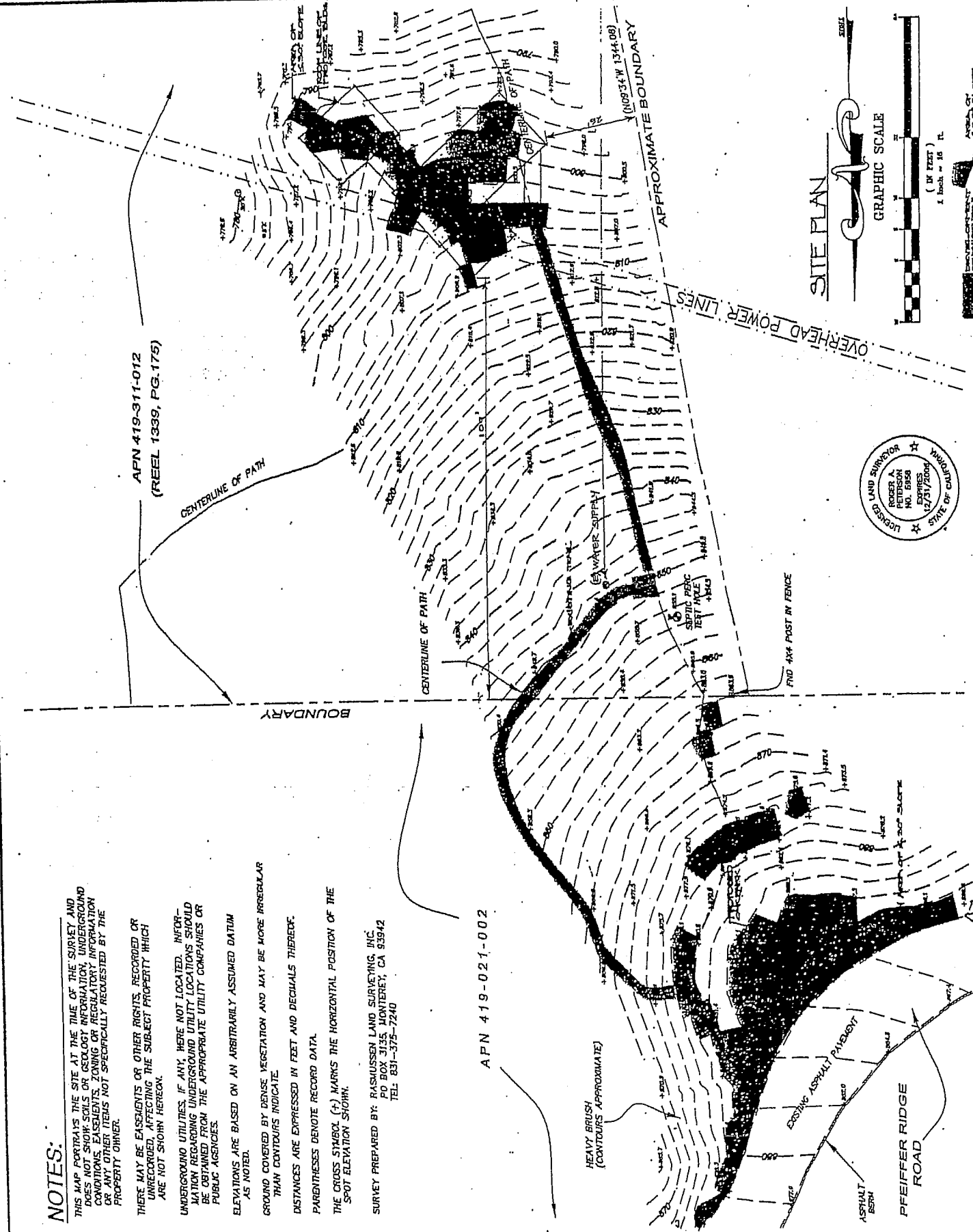
ASPHALT DRIVEWAY

PFEIFFER RIDGE ROAD

END 4x4 POST IN FENCE

OVERHEAD POWER LINES

APPROXIMATE BOUNDARY



SITE PLAN

GRAPHIC SCALE

(BY FEET)

1 inch = 16 ft.

DATE 12/24/06  
REEL 1339 PG.175  
DRAWN BY RASMUSSEN  
CHECKED BY RASMUSSEN  
SCALE 1" = 16'

EROSION CONTROL PLANNING

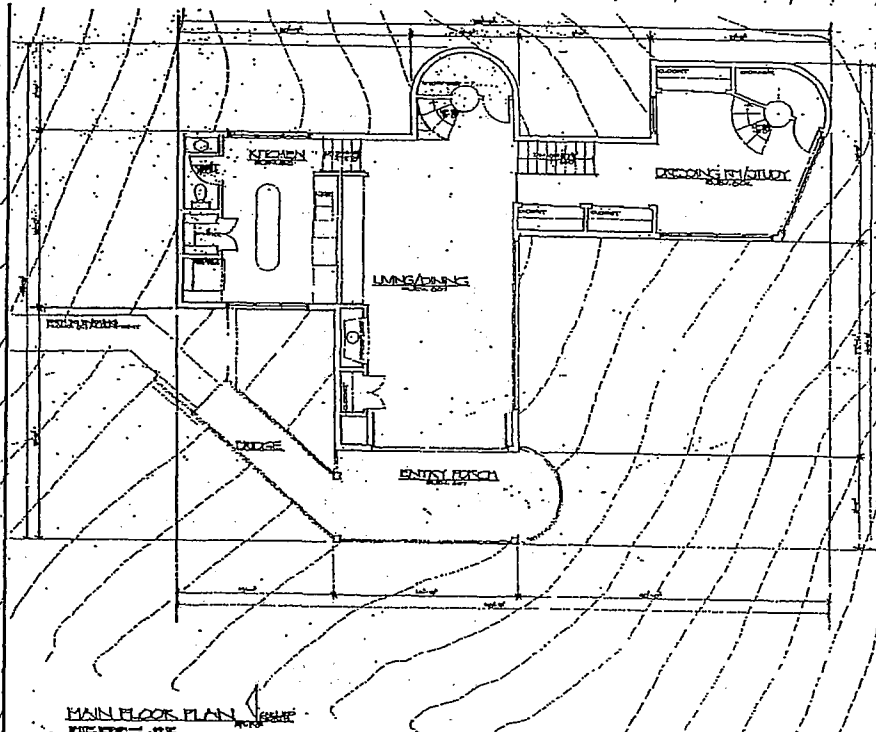
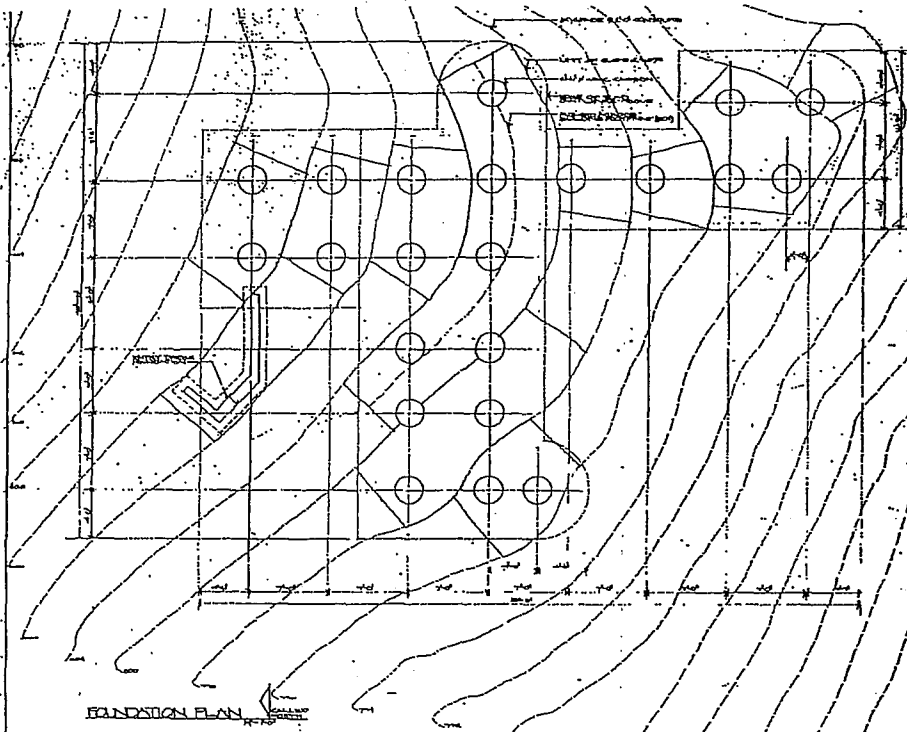
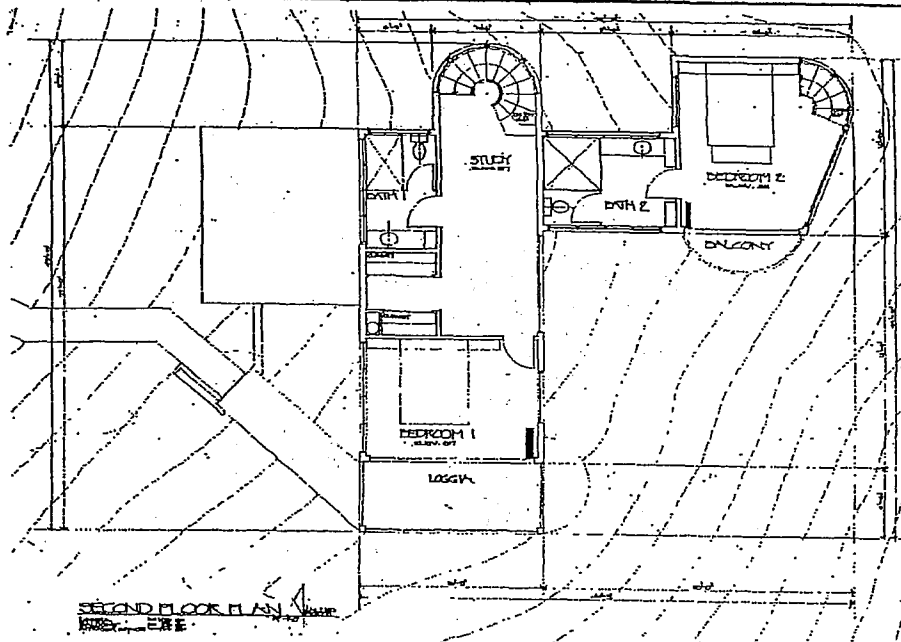
General Description

1. Design the project to fit the topographic and hydrologic features of the site. It is important to minimize grading of or near steep slopes. Disturbing native vegetation and natural soil structure allows runoff velocity and transport of sediments to increase.
2. Maintain runoff rates at or below pre-development levels. Runoff from post-development impervious structures should be retained on-site. The preferred method is to filter it back into the soil by means of percolation trenches intended for storm runoff only. Storm runoff should never be directed to septic tank system leachfields.

If retention is not possible, post-development generated runoff should be detained on-site and released in a controlled fashion. Runoff flows should be directed into pipes or lined ditches and then onto an energy dissipater to remove sediment before discharging the runoff into streams or drainage ways. De-silting the runoff may take form of stilling basins, gravel berms, reforested vegetation screens, etc.

3. During construction, never store cut and fill material where it may wash into streams or drainage ways. Keep all culverts and drainage facilities free of silt and debris. Keep emergency erosion control materials such as straw mulch, plastic sheeting, and sandbags on-site and install these at the end of each day as necessary.

4. Re-vegetate and protect exposed soils by October 15. Use appropriate grass/legume seed mixes and/or straw mulch for temporary cover. Plan permanent vegetation to include native and drought tolerant plants. Seeding and re-vegetation may require special soil preparation, fertilizing, irrigation, and mulching.



REVISIONS	BY

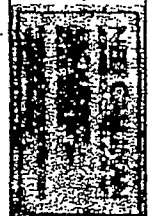
LIFMAN RESIDENCE  
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 PINEHURST RIDGE ROAD  
 BIG SUR, CA 93710

FLOOR PLANS  
 FOUNDATION  
 EROSION CONTROL

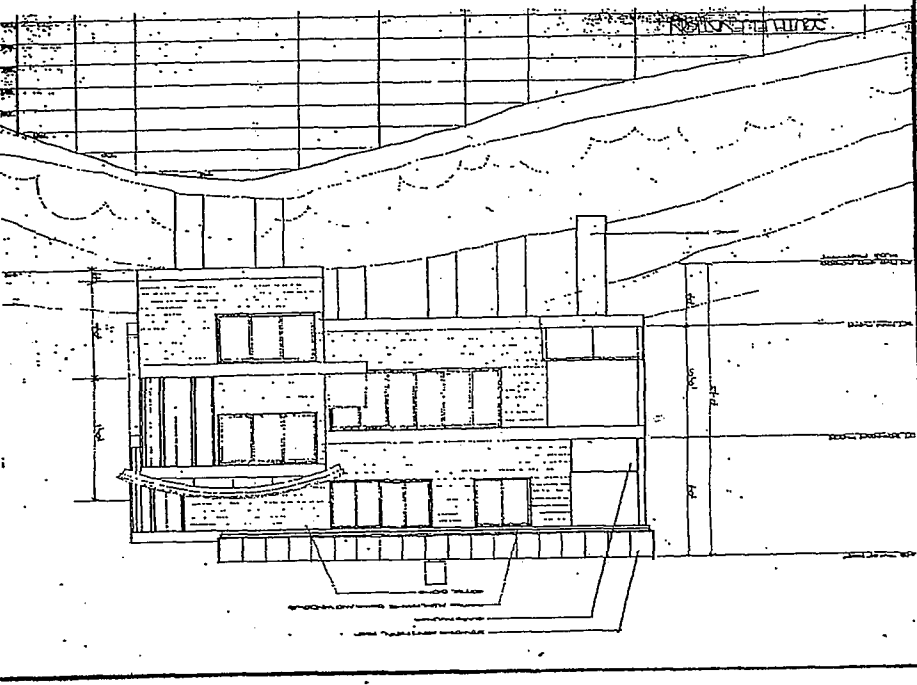
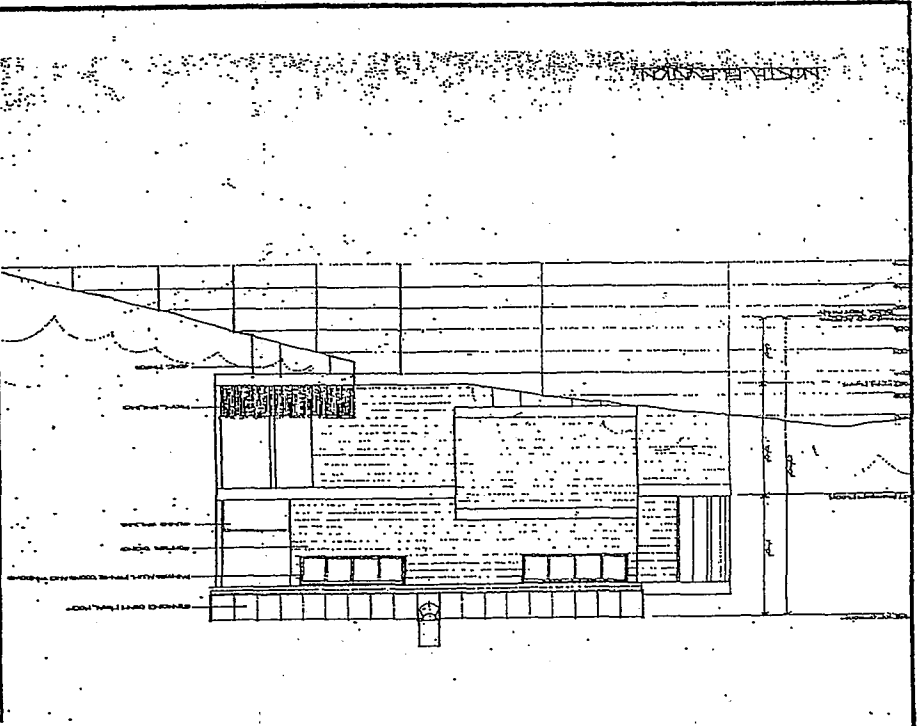
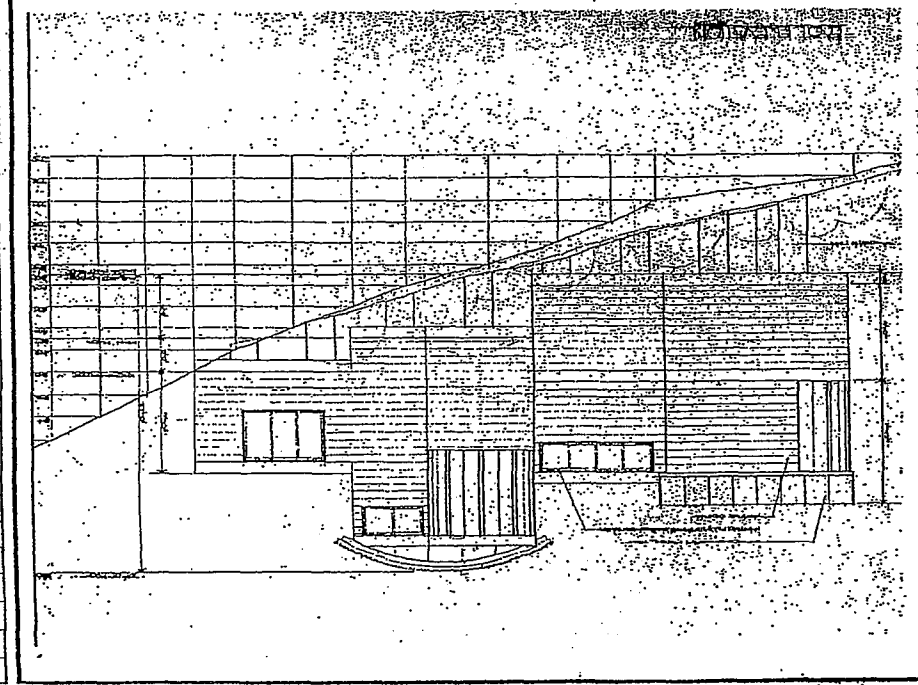
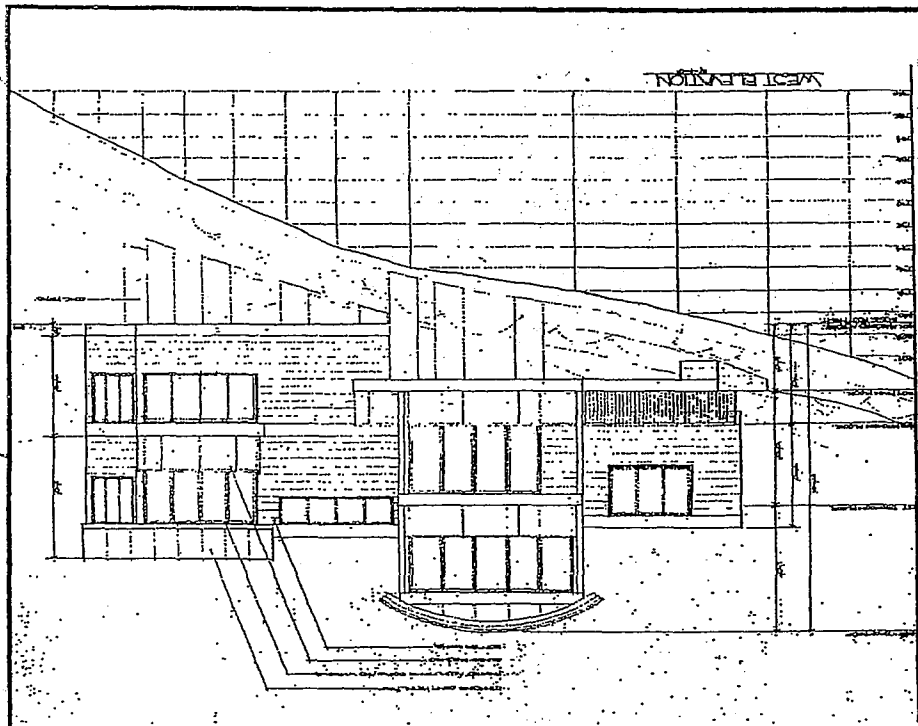
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ELEVATIONS

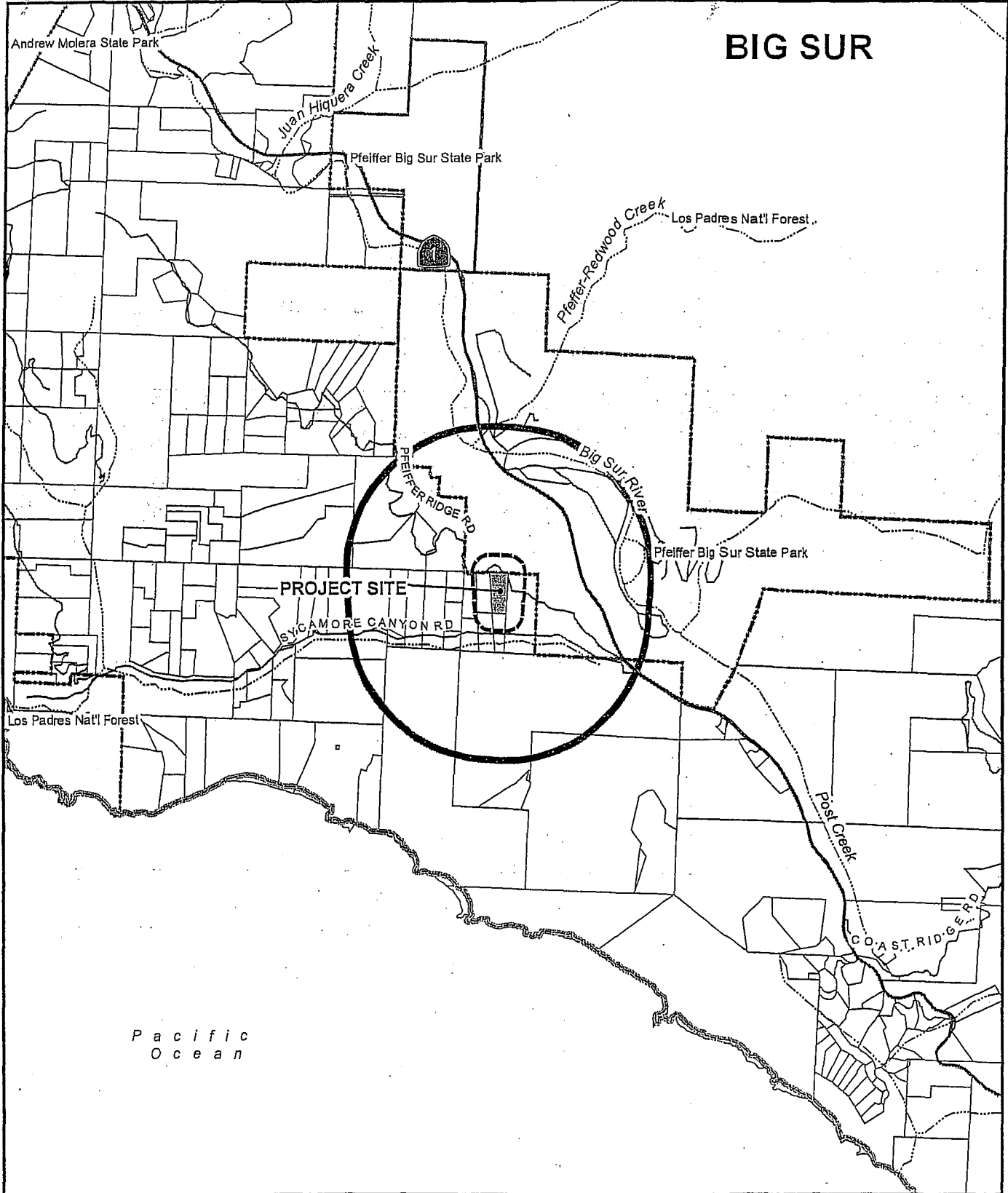
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DANON RIDGE  
PULFRIER RIDGE ROAD  
DAS SUR, CA 95920



REVISIONS






# BIG SUR



APPLICANT: LIPMAN

APN: 419-311-012-000

FILE # PLN060613

 300' Limit  2500' Limit  City Limits

