

MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE

Meeting: May 8, 2008 Time: 9:30 A.M.	Agenda Item No.: 2
Project Description: Coastal Development Permit for a Lot Line Adjustment consisting of an equal exchange of land between two legal lots of record resulting in no change of area: Lot 5 has 0.61 acres (APN: 243-181-005-000/192 San Remo Road) and Lot 6 has 0.85 acres (APN: 243-181-006-000/194 San Remo Road).	
Project Location: 192 and 194 San Remo Drive, between San Remo and Mentone Roads, east of Highway 1, Carmel Highlands, Coastal Zone.	APN: 243-181-005-000, 243-181-006-000
Planning File Number: PLN070629	Name: Michael Moeller, Property Owner/Agent
Plan Area: Carmel Land Use Plan	Flagged and staked: Lot 6: No (under construction) Lot 5: Yes
Zoning Designation: : "LDR/1-D (CZ)" Low Density Residential, acre per unit with Design Control (Coastal Zone)	
CEQA Action: Categorically Exempt per Section 15305 CEQA, Minor Lot Line Adjustment	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Minor Subdivision Committee approve the proposed Lot Line Adjustment based on the Findings and Evidence (**Exhibit C**) and subject to recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

Michael and Patricia Moeller own two adjacent vacant lots (Lot 5 and Lot 6). A Lot Line Adjustment (LLA) was approved by the County as part of an application to build a single family home on Lot 6 (PLN040050). On appeal at the Coastal Commission, the house was approved but the LLA was denied and referred back to the County with direction for further review, particularly as it relates to emergency access. The Moeller's submitted a new application proposing a new home on Lot 5 along with a new LLA request (PLN060251). The new home is located within an area affected by Interim Ordinance 5086, which is a moratorium limiting development that impacts septic density for the area. The Moeller project was listed as an exception, but they are waiting for approval of their septic system from the Regional Water Quality Control Board (RWQCB). Therefore, staff separated out the LLA (PLN070629) and is moving this component forward separately from the residence (PLN060251).

The two lots currently abut each other in a north-south orientation and the proposed LLA would change that to an east-west orientation. This would result in changing the access for Lot 5 from an easement that requires development over a drainage channel and on slopes greater than 30%. The access for both lots would be via (1) an existing private driveway from San Remo Road and (2) an existing emergency access easement connecting from San Remo Road to Mentone Road. Widening the existing road to 18 feet for emergency access from Mentone Road that passes between Lot 11 (Lewis) and Lot 6 (Moeller) will satisfy the fire department requirements. The proposed configuration encourages development that would better meet the goals and policies of the LUP; however, development of Lot 2 requires separate consideration .

The driveway and emergency access are revised from a previous application that was deemed incomplete (see Background in **Exhibit B**). Emergency access will be from Mentone Road with two 9 foot lanes within an existing easement. The revised emergency access road and driveway design were approved by the Carmel Highlands Fire Protection District and meet the

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895 Aero Vista
Salinas, CA 94606

Item No. 26 Attachment No. 15 R3-2008-0061
WDR Moeller Residence
194 San Remo Rd.
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requirements of Section 18.56.060 Monterey County Code (MCC). Other roads for emergency access, evaluated as part of this staff report, include the driveway access from San Remo Road and access from a private road located northwest of the project site. The Mentone access was chosen because it is more direct, flatter, requires the least amount of grading and site disturbance, and provides minimal impacts to vegetation, tree, and riparian habitat as directed by the Coastal Commission.

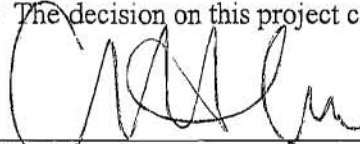
OTHER AGENCY INVOLVEMENT: The following agencies and departments have reviewed this project.

- ✓ Carmel Highlands Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ California Coastal Commission
- ✓ Regional Water Quality Control Board

Conditions recommended by Carmel Highlands Fire Department, Public Works, Environmental Health, and Planning have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project consisting of a house and LLA was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review on June 4, 2007. The LUAC had previously reviewed the LLA request on April 5, 2004 as part of project PLN040050 for Lot 6. In light of the neighbor issues regarding the access and the change of project descriptions resulting from the Interim Ordinance, staff referred the LLA back to the LUAC on April 21, 2008. The LUAC continued the item to discuss septic issues. Staff did not return the item to the LUAC because this matter is outside of their scope and is being handled by the RWQCB.

Note: The decision on this project can be appealed to the Board of Supervisors and Coastal Commission.



Carl P. Holm, AICP, Assistant Director of Planning
(831) 755-5103, holmcp@co.monterey.ca.us
April 28, 2008

cc: Front Counter, Minor Subdivision Committee; Carmel Highlands Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Regional Water Quality Control Board, Planning Manager (L Lawrence); Project Planner (C. Holm); Clerk (C Allen), Applicants (Moeller); Agent (P Silkwood); Neighbor's Agent (B. Call); Planning File PLN070629.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Overview
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Draft Condition Matrix
	Exhibit E	LLA Maps with Access Road
	Exhibit F	Aerial Map

EXHIBIT B
PROJECT OVERVIEW
PLN070629/Moeller
May 8, 2008

Background

PLN04005/Moeller consisting of a LLA between Lot 5 and Lot 6 and development of a new SFR on Lot 6 (APN: 243-181-006-000/194 San Remo Road) was approved April 19, 2005 on appeal to the Monterey County Board of Supervisors. The LLA would change the orientation of the lot, but the lot sizes would remain exactly the same. The development proposal for Lot 6 included construction of a two story 3,588 square foot single family residence with a 1,164 square foot attached garage, septic system, and circular driveway on the 0.85 acre lot.

The matter was appealed to the California Coastal Commission (CCC) by the neighborhood. On August 10, 2005, the CCC found that the County permit raised a substantial issue regarding the project's consistency with the Monterey County Local Coastal Program (LCP), and thereby took jurisdiction over the Moeller application. The CCC raised several questions as to access:

1. Access for the potentially developable areas was limited.
2. Future development would require an increase in the width of the shared driveway to 18-feet.
3. Roadway construction would require the removal of native vegetation, development on steep slopes or conflict with riparian habitats.

CCC subsequently approved the SFR (MCO-05-033), but removed the lot line adjustment from the Coastal Development Permit subject to further review of the emergency access for development on Lot 5. The Coastal Development Permit issued for the residential development on Lot 6 was subject to these conditions:

1. Limit the amount of new driveway.
2. Protect and restore native plants outside of the approved development envelope. Boundary adjustments for Lot 6 and Lot 5 must be accompanied by a comprehensive analysis of the impacts and alternatives associated with a development plan for Lot 5 also know as development proposal for Lot 5 (PLN060251).

A Combined Development Permit (PLN060251) consisting of:

- 1) Coastal Administrative Permit and Design Approval for a three-story 3,994 square foot single family dwelling, 643 square foot three-car garage and 858 square feet of deck area; and
 - 2) Coastal Development Permit for a Lot Line Adjustment
- was submitted on April 13, 2006 for Lot 5 (APN: 243-181-005-000/192 San Remo Road). The application was deemed "incomplete" because of septic system feasibility (Chapter 15.20 MCC Septic Ordinance) with requirements to submit "...an engineered wastewater disposal system design to the Director of Environmental Health..." The Division of Environmental Health also required "...written certification and any necessary certification from State agencies that Carmel Rivera Mutual Water Co...." will supply adequate water for fire and health needs.

Moratorium (PLN070521)

This area of Carmel Highlands is located within an area affected by Interim Ordinance 5086, which is a moratorium limiting development that impacts septic density for the area. These restrictions were first established October 2, 2007 and allowed exception for about 10 applications that were filed on or before March 7, 2007 (date of Regional Water Board letter identifying issue). The Moeller project (PLN060251) was listed as an exception, but they are

waiting for approval of their septic system from the Regional Water Quality Control Board before they can move forward on the house design.

The moratorium is directed at development that generates wastewater. (Ordinance title..."SPECIFIED NEW DEVELOPMENT THAT CAUSES GENERATION OF WASTEWATER AND ON THE CONSTRUCTION OF WELLS IN A SPECIFIED AREA"...) Staff's interpretation of the County's interim ordinance is that a Lot Line Adjustment (LLA) is not subject to the moratorium because it does not create potential to generate wastewater. No wastewater would be generated until/unless a single family home is approved (with or without the LLA), and a SFR could not be developed on either the existing lot or the lot after the LLA without a discretionary permit. LLAs are not considered a subdivision and findings for a LLA require that no new lots be created. The Moeller's own two legal lots of record to start, and there would be two developable lots (reconfigured) if the LLA is approved.

Therefore, staff separated out the LLA (PLN070629) and is moving this component forward separately from the residence (PLN060251). Development of Lot 5, although a known fact, is not included as part of this application. Any single family home or addition, even those exempted from the moratorium, are required to first obtain Regional Water Quality Control Board (RWQCB) approval for the septic design to address the concern identified. The RWQCB has expressed no concern with the LLAs, but rather the septic systems associate with single family homes.

Proposed Minor Lot Line Adjustment

The proposed Lot Line Adjustment has been comprehensively reviewed by staff. We find that this LLA minimizes development constraints and better achieves the goals, policies and objectives of the Monterey County Local Coastal Program because it minimizes tree removal and avoids development of steeper areas of the adjusted parcels. In addition, staff determined that the LLA has addressed concerns raised by the CCC in their appeal of 2005 (MCO-05-033).

Since Lot 6 is under construction, staff has focused our analysis of potential development on Lot 5 and the access road. Much of the existing Lot 5 consists of slopes that are greater than 30% and also has a seasonal stream located on the lower portion of the property where access would be taken. Although there is potentially suitable area for development on the existing Lot 5 for a small building envelope, any complete development, including grading for an access road, could not avoid slopes of 30% or greater.

With the proposed LLA, Lot 5 would have access on the higher, flatter portion of the property thereby avoiding development on 30% slopes and avoid the stream. Development of Lot 5 would be limited to the upper portion of the lot. Development on Lot 5 would certainly have a larger impact on resources under the present lot configuration than would occur with the proposed lot line adjustment.

The land use designation for this area is LDR/1, meaning one unit per acre. Based on this density, both lots have less area than the one acre minimum. Since the application for LLA proposes an equal exchange of land so both lots remain the same size, no variance is required. In addition, the minimum lot size allowed by zoning is 6,000 square feet. Given that both parcels are legal lots of record with development rights, the new lot line will allow one house each to be built on Lot 6 and Lot 5, and the new lot line will also allow a shared emergency access from Mentone Road.

Emergency Access

The project site is located within a State Responsibility Area for fire suppression. An access road serving three or more buildings must be at least 18-feet in width according to the Section 18.56.030.J MCC where as a driveway serving two or less buildings must only be 12 feet wide. The existing driveway access from San Remo Road is 12 feet wide and currently serves Lots 9, 10, and 11. The Moeller development (Lot 6) originally proposed to upgrade the driveway access road to 18 feet with improved pavement surfaces and radiuses. However, Carmel Highlands Fire Protection District, along with County staff, reconsidered this access and re-evaluated three emergency access options available for the LLA (**Exhibit F, Aerial Map**). Each access is discussed in detail below

Easement #1: A shared driveway from San Remo serves Lot 9 (Hoxie), Lot 10 (Whitney) and Lot 6 (Moeller) and connects to Mentone between Lot 6 (Moeller) and Lot 11 (Lewis). This access is the current emergency access for fire and police. A Driveway Maintenance Agreement (Doc. #9994874) was executed by the parties on September 8, 1999, for the maintenance of the 30-foot wide non-exclusive easement granted for driveway purposes. The Carmel Highland Fire Protection District would require that the current 12-foot wide driveway be widened to two, 9-foot lanes if Easement #1 was to provide emergency access to Lot 5. However, because some areas of the driveway require sharp turns on steep slopes, the Carmel Highland Fire Protection District preferred the widening of Easement #3 for use during emergencies as discussed below. The widening of the road would result in removal of vegetation and landscaping and construction of a retaining wall along Lot 9 (Hoxie).

Easement #2: A driveway on a 30-foot wide easement (Easement #1) is currently used by Lot 241-291-010 (De La Rosa) and Lot 11 (Moeller). A 30-foot easement was created by an instrument (2027 Page 356) for the purposes of ingress and egress. Easement #2 follows the southern boundary of Lot 241-291-010 (De La Rosa) but stops before reaching Lot 11 (Moeller) (**Exhibit F**). Easement #2 was rejected as a feasible alternative to providing access to Lot 5 because access from this easement would be extremely costly and very destructive of existing trees and topography. An intermittent stream moves along the northern boundary of the currently configured Lot 5, which would also be disrupted. The Carmel Land Use Plan 2.7.4 (1) states "All development shall be sited to conform to site topography and to minimize grading and other site preparation activities...reviewed for potential impacts to onsite and offsite development arising from geologic and seismic hazards and erosion." The Carmel LUP also states in 2.7.4 (4) "New roads across slopes of 30 percent or greater shall be allowed only when potential erosion impacts can be adequately mitigated (i.e., the proposed road construction will not induce landslides or significant soil creep, nor increase existing erosion rates). Mitigation measures shall not include massive grading or excavation or the construction of protective devices that would substantially alter natural landforms." Improvements to Easement #2 for access to Lot 5 would be inconsistent with these Land Use Plan policies.

Easement #3: Easement #3 could connect from Mentone Road, along an existing road at the northern boundary of Lot 11 (Lewis). Lewis granted a 20-foot wide nonexclusive easement for emergency access purposes to the Carmel Highlands Fire Protection District through a grant deed (Reel 2644 Page 543). The existing road could be widened to two 9-foot lanes, developed with pavement, and provide sufficient radius to allow a fire truck to make a turn. This alternative was preferred by Carmel Highlands Fire Protection District because of a flatter gradient and an easier entry from Mentone than from San Remo during emergencies. Several trees on the Moeller property would require removal with an increase to 18-foot pavement. In addition, some landscaping and a small retaining wall on the Lewis property will have to be

partially removed. The advantages in using Easement #3 are (1) easier fire access, (2) minimal effect to the environment, (2) flatter gradient, and (3) no requirement for a retaining wall.

Staff is recommending a new emergency access from Mentone Road while maintaining the current San Remo Drive access for use by the residents based on (1) the recommendation from the Carmel Highlands Fire Protection District, which is responsible for the State Responsibility Area within Carmel Highlands and (2) Easement #3 provides easier fire access with minimal effect to the environment.

Improvements to Easement #3

Pursuant to Section 18.56.060 Monterey County Code (MCC), the Carmel Highlands Fire Protection District has recommended an 18-foot wide emergency access road from Lot 6 to Mentone Road along the property line between Lot 11 (Lewis), Lot Ken 243-192-010 (Ken) and the Lot 5 (Moeller). Based on the number of homes, this emergency access would require constructing a minimum of two 9-foot traffic lanes (18 feet). This emergency access would be constructed within the 20-foot wide right-of-way/easement granted to the District through Grant Deeds (**Exhibit E**).

The emergency access will be widened within the right-of-way/easement previously granted for emergency purposes, (**Exhibit E**) based on an approved emergency access plan accepted by the Carmel Highlands Fire Department. The improved emergency access road from Mentone Road will be much easier to use with its flatter grades and the wider pavement which would allow better maneuvering of fire trucks. The fire department will now have an easier entry point from Mentone Road as well as a secondary access/exit to San Remo Road. As a result, area residents would be able to use the driveway to San Remo during an emergency without interfering with fire department operations entering from Mentone.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE
PLN070629/Moeller
May 8, 2008

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, Carmel Area Land Use Plan, County of Monterey Subdivision Ordinance, and the Monterey County Zoning Ordinance (Title 20) that designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. The Lot Line Adjustment complies with the Subdivision Ordinance Title 19 (Section 19.02.150) (*Findings 5 and 6*). 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 192 and 194 San Remo Lane (Assessor's Parcel Numbers 243-181-005-000 and 243-181-006-000, respectively), Carmel Land Use Plan. The parcels are zoned "LDR/1-D (CZ)" Low Density Residential, 1 acre per unit with Design Control (Coastal Zone) which allows the proposed lot line adjustment. After the proposed lot line adjustment, there will be two properties with equal sizes but a different configuration size.

(c) The project planner conducted a site inspection on April 9, 2007 to verify that the project on the subject parcel conforms to the plans listed above. Lot 6 is under construction with a new SFR, but Lot 5 is undeveloped with a separate application to develop a new SFR (PLN060251). This application includes no proposed change to structures, building locations, road alignment, or fences. The properties are therefore suitable for the proposed development.

(d) The Lot Line Adjustment allows realignment of two lots (Assessor's Parcel Numbers 243-181-005-000 and 243-181-006-000) into lots that will support development of one single family home on each lot consistent with the Carmel Area Land Use Plan. The proposed configuration better meets LUP policies relative to development on steep slopes, tree removal, or impact to intermittent stream channels (ESHA).

(e) The project consisting of a house and LLA was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review on June 4, 2007. The LUAC had previously reviewed the LLA request on April 5, 2004 as part of project PLN040050 for Lot 6. In light of the neighbor issues regarding the access and the change of project descriptions resulting from the Interim Ordinance, staff referred the LLA back to the LUAC on April 21, 2008. The LUAC recommended continuing to item to address septic conditions, but since that matter is being addressed by the Regional Water Quality Control Board (RWQCB) the item was not referred back to the LUAC.

(f) This area of Carmel Highlands is located within an area affected by Interim Ordinance 5086, which is a moratorium limiting development that impacts septic density for the area. These restrictions were first established October 2, 2007 and allowed exception for about 10

applications that were filed on or before March 7, 2007 (date of Regional Water Board letter identifying issue). The Moeller project (PLN060251) was listed as an exception, but they are waiting for approval of their septic system from the Regional Water Quality Control Board before they can move forward on the house design. (see *Finding 5*)

- (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 are found in Project Files PLN040050, PLN060251 and PLN070629.

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, Carmel Highlands Fire Protection District, Public Works, Environmental Health Division, Water Resources Agency and Regional Water Quality Control Board. 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) The Moeller parcels (APN: 243-181-005-000 and 243-181-006-000) are in the Highlands area of the Carmel Area Land Use Plan. The proposed lot line adjustment will comply with Title 20 Zoning Ordinance rules for LDR District that allows lot line adjustments as conditional uses and the proposed lot sizes will not change. Proposed development will be able to meet setback, slope, and biological resource requirements.

(c) According to the PBID Geographic Information System, the project lies in a seismic-hazard zone “III” (i.e., “moderate”), landslide risk is low to moderate, and liquefaction risk is low. Erosion risk is high. A geotechnical report, “Geotechnical Investigation for San Remo Road Properties Monterey County, California”, prepared by Pacific Crest Engineering Inc. Watsonville, California (LIB060621) concluded that there are adequate sites based on soil conditions on Lots 5 and 6 for potential development. Future development can also be placed in areas where there are no steep slopes or disturbance of sensitive plants or environments. Staff visited the property on April 9, 2007 to verify that future building sites are available.

- (d) The lots have suitable areas for a single family hose to avoid slope steeper than 30%, significant trees, environmentally sensitive areas, streams and other protected environmental areas.

(e) A biological survey prepared for the project by Vern Yadon, (LIB070207) dated March 14, 2003, reports that there are no statutorily-protected species found on-site. Two locally protected species are present, which are Monterey pine and coast live oaks. A Coastal Development Permit is required prior to removal of native trees in this area, and prior to the issuance of the permit, the County must find that removal is the minimum necessary and that there is no feasible alternative.

- (f) Materials are in Project Files PLN040050, PLN060251 and PLN070629.

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 15305 Class 5 (a) categorically exempts Minor Lot Line Adjustments.
- (b) Lot 6 is under construction and Lot 5 has adequate area for development that is less than 20% average grade. Therefore, this project qualifies for a Class 5 Categorical Exemption.
- (c) The current Lot Line Adjustment is not proposing any development and has met all of the requirements of Title 19 Subdivision Ordinance and Title 20 Zoning Ordinance. No adverse environmental effects were identified during staff review of the development application during a site visit on April 9, 2007.
- (d) 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:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
- (b) Refer to other Findings and Evidence as applicable.

5. **FINDING: CONFORMS TO REGULATIONS:** The parcels resulting from the Lot Line Adjustment conform to County of Monterey zoning and building ordinances. The proposed Lot Line Adjustment is consistent with the County of Monterey Subdivision Ordinance (Title 19) and the County of Monterey Zoning Ordinance (Title 20).

- EVIDENCE:** (a) Planning 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 20.12 of the Monterey County Zoning Ordinance regulations for development in the Low Density Residential zone.
 3. Chapter 20.70 of the Monterey County Zoning Ordinance regulations for Coastal Development Permits.
- (b) Lot 6 and Lot 5 are zoned "LDR/1-D (CZ)" Low Density Residential, 1 unit per acre, Design Overlay, Coastal Zone. The lot line adjustment is between two existing adjacent legal lots of record.
- (c) The proposed project has been reviewed by the Monterey County Planning Department, Water Resources Agency, Public Works Department, Environmental Health Division, and the California Department of Forestry, California Coastal Commission, Regional Water Control Board and Carmel Fire Prevention District. There has been no indication from these agencies that the site is not suitable for the proposed development.
- (d) 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 (*Finding 4*). The properties will be in compliance with setback, minimum lot size and coverage limits in Title 20 Coastal Implementation Plan (Zoning Ordinance).
- (e) Interim Ordinance 5086 is directed at development that generates wastewater. Lot Line Adjustments (LLAs) are not subject to the moratorium because it does not create potential to generate wastewater. Development of the revised Lot 5, although is currently a proposed

project, is not included as part of this application. The Regional Water Quality Control Board (RWQCB) has expressed no concern with the LLAs, but rather the septic systems associate with single family homes. Any single family home or addition, even those exempt from the moratorium, are required to first obtain RWQCB approval for the septic design to address the concern identified. Once RWQCB approval is achieved, the application for a single family dwelling is then subject to a Coastal permit by the County for development.

- (f) Development on Lot 5 would certainly have a larger impact on resources under the present lot configuration than would occur with the proposed lot line adjustment. Much of the existing Lot 5 consists of slopes that are greater than 30%. As currently configured, any development on the lot would likely occur on 30% slopes. The proposed reconfiguration would avoid development on 30% slopes. The lot has a seasonal stream located on the lower portion of the property. As currently configured, access to the development would impact the seasonal stream. With the proposed LLA, Lot 5 would have access on the higher, flatter part of the property thereby avoiding impacts to the stream. In addition, the LLA has addressed concerns raised by the CCC in their appeal of 2005 (MCO-05-033).
- (g) The project site is located with a State Responsibility Area for fire suppression. The Carmel Highland Fire Protection District maintains responsibility for the State Responsibility Area within Carmel Highlands. The Carmel Highland Fire Protection District recommends the widening of the access road to provide emergency access to Lots 5 and 6 from Mentone Road. The project is required to widen the emergency access to two 9-foot lanes from Mentone Road within the 20-foot easement right-of-way (**Condition 4**). As conditioned, the LLA conforms to the emergency access requirements of Section 18.56.060 Monterey County Code (MCC), *Emergency Access*.
- (h) Application materials contained in File PLN070629 Moeller.

6. **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 no new parcels will be created.
 - (b) Proposed LLA would change Lot 5 and Lot 6 from a north/south orientation to an east/west orientation (longest dimension); however, both parcels will retain their original acreage of 0.85 acres for Lot 6 and 0.61 acres for Lot 5.
 - (c) This LLA minimizes development constraints and better achieves the goals, policies and objectives of the Monterey County Local Coastal Program. Development of Lot 5 would be limited to the upper, flatter portion of the lot in order to minimize tree removal and avoid development of steeper areas of the adjusted parcels.
 - (d) Application materials contained in File PLN070629.

7. **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 (Section 20.146.130.B.1 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 20.146.130.D. 1 of the Monterey County Coastal Implementation Plan (CIP) can be demonstrated.

- EVIDENCE:** (a) The subject property is not described as an area where the Local Coastal Program requires public access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as specified in Policy 5.3.1 (Figure 3) of the Carmel Area 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 April 9, 2007.

8. **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 support the Lot Line adjustment because the proposal minimizes development constraints and better achieves the goals, policies and objectives of the Monterey County Local Coastal Program.
- (b) The proposal minimizes tree removal and avoids development of steeper areas of the adjusted parcels.

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

- EVIDENCE:** (a) This project can be appealed to the Board of Supervisors pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), Coastal Implementation Plan (CIP).
- (b) This project can be appealed to the California Coastal Commission pursuant to Section 20.86.080.A.2 CIP.