

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT, Mike Novo, Director

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October 15, 2008

Roger W. Briggs
Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

SUBJECT: 192/194 San Remo, Carmel Highlands, Monterey County of Monterey
Lot Line Adjustment

Dear Mr. Briggs:

Opponents to the Moeller projects, are making contentions regarding adjusting the lot line between the two Moeller properties. In different letters addressed to you dated August 22, 2008:

A. Mr. Brian Call states:

1. The alternative onsite wastewater disposal system is designed for a lot configuration that does not exist. The applicant's proposed lot line adjustment has been denied by the California Coastal Commission. It is not appropriate to grant a waiver in connection with a lot configuration (with property lines running north and south) when the current lot configuration provides for lot lines running east and west.

B. Mr. William Daniels contends, in part that:

1. The lot line adjustments could not be granted under state law: The lot line adjustments sought by the applicants violated Government Code Section 66412(d), a copy of which I attach hereto as Exhibit B. Subsection (d) is one of four exceptions to the Subdivision Map Act. However, it imposes state law criteria for local approval of lot line adjustments involving four or fewer adjoining parcels, as is the case here. You will note that Subsection (d) states in part:

First of all, we begin with the Subdivision Map Act Section 66412 excluding Lot Line Adjustments (LLA) from discretionary review. However, Monterey County's LCP requires a Coastal Development Permit for a LLA thereby retaining Coastal Commission appeal authority for an action that can otherwise be ministerial in nature. The reference made by Mr. Daniels appears to be an attempt to imply that the LLA would not be consistent with the LCP.

Issues of the first LLA application raised by the Coastal Commission had to do with access and how that impacts slopes and vegetation. The Commission appeal action on the first home included a

condition recognizing there would be a home on the second lot and limiting that home to three bedrooms due to septic limitations for this area. I technically see no reason why the County would not support the Lot Line Adjustment (LLA)...as we did before. In my opinion, the proposed configuration would allow developing a second home on a bench in the hillside that is more in keeping with LCP policies (e.g.; reduce slope development). Whether or not the LLA is granted or not, there are two legal lots that can each develop one home. The biggest LCP issue I see is access and there are generally two options, both of which involve private easements and both are technically possible with or without the LLA.

I hope this helps clarify the County's position regarding LLA points made by opponents to this project. If you have any questions regarding this matter, please feel free to contact me at 831-755-5103 or holmcp@co.monterey.ca.us.

Sincerely,

Carl P. Holm, AICP
RMA –Planning Department
Assistant Director