COASTAL CONSERVANCY

Project Summary
March 23, 2000

VICTORINE RANCH

CRAVEN-NATION DISPOSITION PLAN

File No. 81-043
Project Manager: Prentiss F. Williams

RECOMMENDED ACTION: Approval of an implementation plan (Exhibit 1) for the disposition of the "Craven-Nation" property in the Victorine Ranch (Monterey County Assessor's Parcel Numbers 243-211-017 and 243-221-019) directing sale of the property to carry out the Big Sur Restoration Plan adopted by the Conservancy in 1985, authorization for the Executive Officer to direct the Department of General Services to transfer the property in accordance with the implementation plan, and authorization to disburse an amount not to exceed $100,000 for access road repairs and other infrastructure improvements necessary to carry out the approved implementation plan.

LOCATION: The Victorine Ranch subdivision, located on the east side of State Highway One, approximately nine miles south of the City of Carmel (see Exhibit 2). The property is bordered on the south by Garapata State Park.

PROGRAM CATEGORY: Coastal Restoration

ESTIMATED COST: $100,000 (undesignated General Fund FY 98/99)

PROJECT SUMMARY: Staff is seeking approval of the Craven-Nation Disposition Plan, attached as Exhibit 1, and authorization to market and sell the Craven-Nation property, subject to easements, and two development credits created on the Conservancy's Kasler Point property pursuant to the disposition plan. Staff is also seeking authorization to disburse up to $100,000 to repair the property's only access road that was damaged by winter storms in 1997 and 1998, and to complete any other infrastructure improvements that may be necessary to market the property effectively.

The proposed disposition plan and funding authorization were previously submitted to the Conservancy for approval at its meeting of January 27, 2000. At that meeting, action on the proposed resolution was postponed and staff was directed to consult with Coastal Commission staff and try to resolve a number of concerns regarding development of the Craven-Nation property, raised in a memorandum to the Conservancy dated January 26, 2000 (see Exhibit 3). Staff was also directed to explore the possibility of selling the property to another public agency.

Staff has consulted with Coastal Commission staff, and we have reached some agreement on how best to protect the property's natural resources and preserve opportunities for public access (Exhibit 4). In order to assure protection of the scenic and natural resources present on the site, the Conservancy will reserve easements over those portions of the property that are within the Critical Viewshed and that contain Environmentally Sensitive Habitat Areas (ESHAs), including riparian corridors. (Any development on the property pursued by the future buyer would also require a Coastal Development Permit from Monterey County and be subject to a number of other development regulations.) Conservancy staff will work closely with Commission and Monterey County Planning staff to refine the Conservancy's preliminary identification of those areas with development potential (see Exhibit 5) that would not be subject to these easements.

Public access on the upper portion of the property would also be a permitted use under the terms of the conservation easement. The Conservancy would work with the staffs of the State Department of Parks and Recreation and the Coastal Commission to identify a suitable location on the property for a public accessway.

Staff has also contacted representatives of the State Department of Parks and Recreation, the County of Monterey, and the Big Sur Land Trust in order to determine the level of interest in a purchase of the Craven-Nation property by another public agency. Although all three organizations expressed a desire to protect the property's scenic and natural resources, none were able to commit to either a purchase price or a timeline for a public acquisition.

The marketing and sales procedures outlined in the Craven-Nation Disposition Plan are very similar to the procedures that were used to sell the Conservancy's 261-acre "Cascade Valley

Ranch," located on the San Mateo coast. The property was sold subject to a number of conservation and public access easements that significantly limit the amount and location of future development on the property. Like the Craven-Nation property, the Cascade Valley Ranch property is adjacent to a State Park and is located in a highly scenic area. The easements retained by the Coastal Conservancy, together with coastal development regulations in San Mateo County, have served to protect the property's scenic and natural resources while still allowing limited residential development. (The Cascade Valley Ranch sold for $1,600,000 in 1999.)

Since sale of the Craven-Nation property in the near future is an integral part of the Conservancy's long-term financial strategy, staff is recommending a sale of the property on the private market.

Sale of the Craven-Nation property represents the final phase of the Conservancy's model "Transferable Development Credit" (TDC) project undertaken pursuant to the Big Sur Restoration Plan adopted by the Conservancy in 1985. The model TDC project was intended to demonstrate the feasibility of Monterey County's TDC program, contained in the Monterey County Local Coastal Program's Big Sur Coast Land Use Plan. The Big Sur Coast Land Use Plan defines as "Critical Viewshed" everything that is visible from State Highway 1 and other "major public viewing areas" in Big Sur. According to Monterey County's regulations for development in Big Sur, no new construction or development may take place within this Critical Viewshed. These regulations have the effect of prohibiting new development on a large number of privately owned lots in Big Sur. However, under the TDC Program, the owners of such restricted viewshed lots may take the development potential from that lot and transfer it to another lot that lies outside the Critical Viewshed area. The lot from which development potential is removed is called a "donor site" and the lot to which the development potential is transferred is labeled a "receiver site." All development potential on the donor site is permanently extinguished through recordation of an open space easement.

The 100-acre Craven-Nation property was purchased in 1987 to serve as a TDC receiver site. The Conservancy obtained the development credits needed to transfer to the receiver site through the purchase of a TDC donor site at Kasler Point, further south in Big Sur. The Kasler Point donor site, which is now permanently restricted to open space, produced two development credits that will be offered for sale along with the Craven-Nation

property. These two TDCs may be purchased by the buyer of the Craven-Nation property and used to create two additional building sites on the property, or they may be marketed to another landowner elsewhere in the area. The Coastal Conservancy has accomplished its project purposes pursuant to the Big Sur Restoration Plan and is now seeking authorization to convey the property back into the private market consistent with the restoration plan. Revenue from the sale of the Craven-Nation property is also an important component of the Conservancy's Long Term Financial Strategy to recoup the Conservancy's past project expenditures ($1,143,500, including the proposed action) and to support future operations of the Conservancy.

COASTAL CONSERVANCY

Staff Recommendation
March 23, 2000

VICTORINE RANCH

CRAVEN-NATION DISPOSITION PLAN

File No. 81-043
Project Manager: Prentiss F. Williams

STAFF RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby adopts the Craven-Nation Parcel Disposition Plan, attached as Exhibit 1 to the accompanying staff recommendation, to implement the Conservancy's Big Sur Restoration Plan for the Victorine Ranch; directs the Executive Officer to request the Director of General Services to transfer title to the subject property (Monterey County Assessor's Parcel Numbers 243-211-017 and 243-221-019) expeditiously and in accordance with the provisions of the implementation plan; and authorizes the disbursement of an amount not to exceed one hundred thousand dollars ($100,000) for access road repairs and other infrastructure improvements as may be necessary to market the property."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The Coastal Conservancy has accomplished its project purposes pursuant to the Big Sur Restoration Plan, adopted by the Conservancy in 1985, and the Craven-Nation property is now surplus to the purposes of the Conservancy. Therefore, pursuant to the provisions of the Big Sur Restoration Plan and Public Resources Code Section 31200, the property should be conveyed back into private ownership;

2. Repairs to the road and completion of minor infrastructure improvements are necessary to effectively carry out the sale of the Craven-Nation property; and

3. Transfer of the Craven-Nation property pursuant to the property disposition plan is necessary to implement the Big Sur Restoration Plan approved by the Conservancy in 1985, and is consistent with the authority of the Conservancy under Section 31107 of the Public Resources Code and with the Property Disposition Procedures developed by the Conservancy and the Department of General Services pursuant to Section 31107.1 of the Public Resources Code."

STAFF DISCUSSION:

Project Description: Staff is seeking approval of the Craven-Nation Parcel Disposition Plan, attached as Exhibit 1, and authorization to market and sell the Craven-Nation property and two "Transferable Development Credits" (TDCs) pursuant to the disposition plan. Staff is also seeking authorization to disburse up to $100,000 to repair the property's only access road, which was damaged during the winter storms of 1997 and 1998, and to pay any other infrastructure improvement costs that may be necessary in order to market the property effectively.

As discussed in greater detail in the "Project History" section below, the 100-acre Craven-Nation property was purchased to serve as a "receiver site" for a model Transferable Development Credit (TDC) project being implemented by the Coastal Conservancy pursuant to the Big Sur Restoration Plan, adopted by the Conservancy in 1985. The model TDC project was undertaken to demonstrate the feasibility of Monterey County's TDC program. The TDC program had been adopted by the County in order to address the problems presented by the many viewshed lots that had been rendered unbuildable by the "Critical Viewshed" policy contained in the Big Sur Coast Land Use Plan (see Exhibit 6).

Due to changed conditions in Big Sur (see Project History), the TDC project has been substantially narrowed in scope since its inception. However, the Coastal Conservancy has accomplished its primary purposes pursuant to the Big Sur Restoration Plan and, consistent with the restoration plan, is ready to convey the property back into the private market. In addition to the Craven-Nation property, the Conservancy will also market the two development credits generated from the donor site at

Kasler Point. Should the buyer of the Craven-Nation property purchase the development credits as well, the credits could be used to apply for a four-unit subdivision on the property. Any development of the Craven-Nation property would require a Coastal Development Permit from Monterey County and would be subject to a number of other regulatory requirements.

There are a number of building constraints on the Craven-Nation property, including viewshed, slopes, geology, and soils. As a result, only a small portion of the property has even the potential for residential development (see Exhibit 5). Prior to sale, the Conservancy would delineate an area of the property that staff has determined could support residential development (subject to LCP and building code restrictions) and place a conservation easement over the remainder of the property, prohibiting all development. The result would be the permanent protection of those portions of the property located in the Critical Viewshed and those areas containing ESHAs and wildlife corridors. Any significant resources and/or habitat areas identified within the area not subject to the conservation easement would be protected through site-specific development restrictions.

Public access on the upper portion of the property would also be a permitted use under the terms of the conservation easement. The Conservancy would work with the staffs of the State Department of Parks and Recreation and the Coastal Commission to identify a suitable location on the property for a public accessway.

In order to market the property effectively, a small number of improvements are necessary. Most importantly, the access road was severely damaged in the winter storms of 1997 and 1998 and needs to be repaired to enable vehicular access on the property. It may also prove cost-effective to extend existing water and utility lines onto the property at the same time as the road is under repair. These improvements are likely to render the property more attractive to potential buyers and increase the property's value.

Project Financing: Financial Summary of Big Sur Restoration Plan:

Current Request:	$ 100,000
Plus Expenditures to Date:	
Purchase of Kasler Point:	$ 302,500
Purchase of Craven-Nation Parcels:	502,500
Purchase of Allen Parcel:	210,000
Environmental Analysis:	40,000
Water System Construction:	70,000
Common Road Maintenance:	18,500
Total Expenditures:	$1,243,500

Expected Revenue from Sale of Craven-Nation property: $1,500,000-$2,000,000

Net Return to Conservancy: $ 256,500-$ 756,500
(based on expected revenue above)

Site Description: The area known as the Victorine Ranch consists of approximately 460 acres subdivided into 18 parcels and is a ranch in name only. It is located at the northern boundary of the Big Sur region, east of Highway 1 and just south of Malpaso Creek, which forms the boundary between the Big Sur LCP planning area and the more developed Carmel Highlands planning area (see Exhibit 2). The Victorine Ranch is bounded on south by Garapata State Park. There are currently two completed homes in the Victorine Ranch subdivision and two more under construction.

The project site consists of two parcels (APNs 243-211-17 and 243-221-19) owned by the State Coastal Conservancy and located at the southern boundary of the Victorine Ranch (see Exhibit 7). The two parcels comprise a total of 100 acres and are currently undeveloped. No permit applications have been previously filed for development of these two parcels.

Access to the Craven-Nation property is provided by a private road serving the other residential properties in the Victorine Ranch. The property is within the service area of the Victorine Ranch Mutual Water Company, and the Conservancy has secured entitlements for the future owner of the Craven-Nation property to subscribe to the private mutual for water service.

According to preliminary engineering studies and environmental analysis, only a small portion of the project site appears to be appropriate for residential development under the standards of the Big Sur Land Use Plan (see Exhibit 5). The central

portion of the property is level and contains a number of potential building sites outside the Critical Viewshed. The soils on this portion of the site are geologically stable and appear suitable for the placement of septic systems. No threatened or endangered plant or animal species have been found on the site. The site is currently zoned Watershed/Scenic Conservation with a minimum lot size of 40 acres.

The Kasler Point property that generated the two development credits also proposed for sale is located approximately three miles down coast from the Victorine Ranch (see Exhibit 2). It consists of a rocky promontory overlooking the highly scenic Abalone Cove. Abalone Cove is a major public viewing area with a paved turnout area.

The Kasler Point property has a number of potential building sites, but all are located entirely within the Critical Viewshed and close to the public highway. In order to obtain approval from Monterey County to use the property as a TDC donor site, the Conservancy conducted a number of site studies to ascertain its potential for development. The Conservancy also had to demonstrate that the property had no building sites that could be located outside the Critical Viewshed. In order to generate the TDCs from the property, the Conservancy has permanently restricted the property to open space.

Project History: The Monterey County Big Sur Coast Land Use Plan, certified in 1987, contains a "Critical Viewshed Protection Policy" that prohibits new development that would be visible from State Highway 1 (see Exhibit 6). The Land Use Plan also authorizes the use of a Transfer of Development (TDC) mechanism whereby owners of lots located in the Critical viewshed may transfer their unusable development potential to "receiver sites" located outside of the Critical viewshed area.

In March of 1985, the State Coastal Conservancy adopted a restoration plan for the Big Sur area that provided for Conservancy assistance to the County in implementing the TDC policy through the development of a model donor-receiver project. The intended purpose of the model project was for the Conservancy to act as the first applicant under the new ordinances in order to clarify the procedures, identify any potential problem areas, and demonstrate the feasibility of the TDC program.

The Coastal Conservancy purchased the Craven-Nation property on the Victorine Ranch to serve as a TDC receiver site and acquired property at Kasler point, further south in Big Sur, to

serve as a TDC donor site (see Exhibit 2). Staff obtained all of the necessary approvals from the Monterey County Planning Commission for the designation of the Kasler Point Property as a donor site. The site was permanently restricted to open space and has generated two TDCs that may be applied towards two additional units located anywhere outside the Critical Viewshed. The original intention of the Conservancy's model project was to use the two TDCs to create two additional parcels on the Craven-Nation property through the completion of a four-unit subdivision. It was envisioned that staff would process all the necessary regulatory approvals and obtain a tentative subdivision map. The property would then be sold to a private party who would install improvements and file the final map.

To this end, staff has taken a number of actions over the past several years including:

- The design of a four-unit subdivision map;
- Contracting for environmental studies and preparation of documents necessary to submit the map for county approval;
- Negotiating and entering into a cost-sharing arrangement with the other landowners in the Victorine Ranch subdivision for the construction and maintenance of the private road that serves the subdivision;
- Paying a share of construction costs for the water system that serves all of the Victorine Ranch subdivision; and
- Obtaining the right for its successor(s) to purchase shares in a mutual water company and obtain water service for the property.

Over the past several years, however, conditions in Big Sur have changed, prompting staff to reassess the need, or even the desirability, of seeking approval of a tentative subdivision map for the Craven-Nation property.

First was the passage in 1988 of Proposition 70, which provided $25,000,000 to the County of Monterey for the acquisition of viewshed lots in Big Sur. Over the next several years, the County and the Big Sur Land Trust were able to purchase outright a number of private properties located in the Critical Viewshed. This program of public acquisition in the Critical Viewshed provided an alternative for owners who otherwise would have needed to participate in the TDC program in order to realize any financial value from their properties. In addition to eliminating many potential donor sites, the availability of the

Proposition 70 funds also engendered a great deal of community support for public acquisition of viewshed properties. With the County's acquisition of several key viewshed properties, the number of buildable lots in the Critical Viewshed has been significantly reduced and the need for the TDC program is perceived to be less urgent.

Second, a number of transactions under the TDC program have been completed entirely in the private market over the past several years. The TDC program has thus been proven feasible and has even enjoyed some modest success.

Staff has concluded that it is no longer necessary to process a subdivision map for the Craven-Nation property in order to complete the model TDC project and fulfill the purposes of the Big Sur Restoration Plan.

At the meeting held on January 27, 2000, staff sought authorization from the Conservancy to sell the Craven-Nation parcel, along with two TDCs, to a private buyer. Staff also sought approval to disburse an amount not to exceed $100,000 to repair the access road. At that meeting, the staff of the Coastal Commission presented a memorandum (dated January 26, 2000 and attached as Exhibit 3) outlining a number of concerns over the possible development of the property. The Conservancy also received a request from a local assemblyman to explore the possibility of a public acquisition of the Craven-Nation property. The Conservancy postponed action on the proposed authorization and directed staff to obtain more information from Coastal Commission staff regarding their concerns and, if possible, resolve any outstanding issues. Staff was also directed to follow up with the State Department of Parks and Recreation (DPR) and the County of Monterey (the County) on the potential for a public acquisition of the Craven-Nation property. Staff was instructed to return to the Conservancy at its March 23, 2000 meeting to present the results of these inquiries and discussions.

Since the January 27 board meeting, Conservancy staff has initiated discussions with Coastal Commission staff regarding the issues that were raised in the January 26 memorandum. Foremost among these were concerns over the protection of the visual and natural resources that exist on the Craven-Nation property. Conservancy staff has modified the original project proposal to afford stronger resource protection measures, which are discussed in more detail in the "Project Description" section above.

Conservancy staff initiated discussions with DPR staff to ascertain the level of interest in a purchase of the Craven-Nation property, and DPR's Acquisitions Division is currently analyzing the feasibility and desirability of acquiring a fee title interest. Preliminary discussions with staff in the Acquisitions Division have indicated that DPR's priority interests in the property are viewshed and open space protection, and preservation of public access opportunities from Garapata State Park to Point Lobos Ranch. Conservancy staff believes that the resource protection measures that have now been included in the modified project proposal (*i.e.*, the reservation by the Conservancy of a conservation easement and the proposed public access easements) are sufficient to address the concerns of DPR.

Furthermore, the marketing and sales procedures outlined in the Craven-Nation Disposition Plan are very similar to the procedures that were used to sell the Conservancy's "Cascade Valley Ranch" on the San Mateo coast. That property was sold subject to a number of conservation and public access easements that significantly limit the amount and location of future development on the property. Like the Craven-Nation property, the Cascade Valley Ranch property is adjacent to a State Park and is located in a highly scenic area. The easements retained by the Coastal Conservancy, together with coastal development regulations in San Mateo County, have served to protect the property's scenic and natural resources while still allowing limited residential development.

Staff is therefore proposing to market and sell the Craven-Nation property and two TDCs (generated from the Kasler Point property) on the private market, subject to the restrictions outlined in the "Project Description" section above.

PROJECT SUPPORT: The importance of a TDC Program for Big Sur has always been acknowledged by the County and the Coastal Commission, as well as by the Conservancy. In recent years, Commission staff and Conservancy staff have expressed different perspectives on the direction of the Conservancy's model TDC project, and the use of the Victorine Ranch property as a receiver site in particular (see Exhibit 8). Coastal Commission staff would clearly prefer that the property remain in public ownership or that development be prohibited on it altogether. At the same time, Commission staff acknowledges that there may continue to be a need for TDCs in the Big Sur Area, and has expressed a willingness to work with the Conservancy to ensure protection

of the property's natural resources if the Conservancy goes forward with the sale. Conservancy staff, therefore, believes that the revised Property Disposition Plan provides, on balance, the best means of achieving interagency and public goals for the Big Sur Coast.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The Craven-Nation and Kasler Point properties were acquired by the Conservancy pursuant to Public Resources Code Sections 31200 *et seq*, pertaining to Coastal Restoration projects. Under these Sections, Conservancy funds "shall be utilized for the assembly of parcels of land within designated coastal restoration areas, for the redesign of such areas, and the installation of public improvements required to serve such areas."

The Conservancy found that acquisition of the Craven-Nation property would help to implement the policies of the Big Sur Restoration Plan and the approved LCP Land Use Plan by providing development sites outside the Critical Viewshed to which development could be transferred from lands within the Critical Viewshed. The Conservancy also acquired property within the Critical Viewshed at Kasler Point, and obtained County approvals of this property as a donor site. As a result, the viewshed property of Kasler Point has been permanently restricted to open space, and its development credits can be made available for use outside the Critical Viewshed area.

Section 31200 further provides that "after redesign and installation of public improvements, if any, lands containing coastal restoration projects . . . shall be conveyed to any person for the purpose of development in accordance with a restoration plan." Sale of the Craven-Nation property and the Kasler Point TDCs would carry out this legislative directive and, demonstrate the operation of the TDC program pursuant to the Big Sur Restoration Plan and the Big Sur Coast LUP.

Public Resources Code Section 31107 requires that the Director of General Services transfer any land acquired pursuant to Division 21 when so requested by the Conservancy, pursuant to an implementation plan approved by the Conservancy. Pursuant to Section 31107.1 of the Public Resources Code, the Conservancy and the Department of General Services have established procedures to ensure that Conservancy property transactions "are carried out efficiently and equitably and with proper notice to the public." The Property Disposition Plan is consistent with the Conservancy's authority to dispose of prop-

erty acquired pursuant to Division 21 and procedures established with the Department of General Services.

CONSISTENCY WITH CONSERVANCY'S PROGRAM GUIDELINES: The proposed action is the final step to carrying out the Big Sur Restoration Plan that was adopted by the Conservancy in 1985 under the Coastal Restoration Program. At that time, the Big Sur Restoration Plan was found to be consistent with the Conservancy's Restoration Program Guidelines.

CONSISTENCY WITH THE COASTAL ACT: Several Coastal Act policies are applicable to Big Sur resources. The key policies relative to the Conservancy's assembling a receiver site are Public Resources Code Sections 30251 and 30010. Section 30251 requires the protection of significant coastal visual resources. Views from Highway 1 and other points along the Big Sur coast have been designated as such significant visual resources in the Big Sur Coast the Land Use Plan (LUP). The LUP and the Monterey County Coastal Implementation Plan contain specific provisions for the protection of these resources.

Several potential development sites on Craven-Nation property lie outside the Critical Viewshed area so designated. Section 30010 requires that an LCP allow for reasonable economic use of the land to avoid giving rise to inverse condemnation. The TDC program is intended to provide such equity to the owners of parcels wholly in the Critical Viewshed and assign them a value in the form of a density allowance that can be recouped at a receiver site. The proposed sale of the Craven-Nation property as a receiver site, along with the TDCs generated from the Kasler Point donor site, is therefore consistent with Section 30010 of the Coastal Act.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES: The preservation of the outstanding scenic resources of the Big Sur Coast and the prohibition of future development in the Critical Viewshed is the key policy in Section 3.2 of the Monterey County LCP Big Sur Coast Land Use Plan. The use of the Transfer of Development Credits is specifically called for in Sections 3.2.3(A) and 3.2.6.3 of the Land Use Plan as a component for the implementation of this key policy, and is included in the Coastal Implementation Plan as Chapter 20.156 of the Coastal Zoning Ordinance.

The proposed Conservancy action is also consistent with Section 3.2.6.1 of the Big Sur Coast Land Use Plan, which authorizes the utilization of a TDC system.

COMPLIANCE WITH CEQA: With the completion of actions called for by the Big Sur Restoration Plan, the Craven-Nation property is now surplus to needs of the Coastal Conservancy and, as such, its sale would be categorically exempt from review under CEQA pursuant to Public Resources Code Section 21084 and Section 15312 of the CEQA Guidelines. Pursuant to Section 15312 of the Guidelines, the sale of property located in the coastal zone is exempt only if the property does not have significant values for wildlife habitat and other environmental purposes, and its use and that of adjacent property has not changed since the time of purchase by the public agency (or if other conditions, not relevant here, obtain). With the retention of conservation easements, the unencumbered portion of the Craven-Nation property does not have significant values for wildlife habitat or other environmental purposes. When the Conservancy authorized its acquisition as a receiver site for development under the Big Sur Coast Land Use Plan in 1986, it adopted a Negative Declaration, attached to the October 16, 1986 staff recommendation, and determined that the project would not have a significant effect on the environment (Exhibit 9). At that time the Victorine Ranch properties, previously used for grazing, had been subdivided and sold into individual parcels for development. Residential development is permitted on these lots under the Monterey County Coastal Implementation Plan based on a slope-density formula and compliance with the Critical Viewshed policies. These permitted uses have not changed since the time of acquisition.

Furthermore, Section 15183 of the Guidelines provides that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. The sale of property and development credits would not of itself have any direct physical effect on the environment, and the reasonably foreseeable indirect effects of the project—development in accordance with established densities under the relevant zoning and plan policies—does not require further environmental review. An

Initial Study and Negative Declaration adopted by the Coastal Conservancy in 1996 (Exhibit 10) established that the property could be developed with up to four residences with no significant adverse environmental impacts. This is the maximum amount of development that could occur on the property, assuming use of the Conservancy's development credits and processing of tentative and final subdivision maps. Thus, even if the categorical exemption did not obtain, the Conservancy has already determined that reasonably foreseeable indirect physical changes resulting from the proposed sale would not have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.

Repairs to the road and water system are categorically exempt from CEQA pursuant to 14 California Code of Regulation Sections 15301 and 15302, because they involve operation, repair, maintenance or minor alteration of existing facilities and/or the replacement or reconstruction of existing structures and facilities on the same site, and having the same purpose and capacity, as the structure or facility being replaced. Staff will file a Notice of Exemption upon Conservancy approval of the project.

Exhibit 1

STATE COASTAL CONSERVANCY
VICTORINE RANCH COASTAL RESTORATION PROJECT

"CRAVEN-NATION PROPERTY" DISPOSITION/IMPLEMENTATION PLAN

The State Coastal Conservancy intends to sell State-owned property that it administers on the Victorine Ranch in coastal Monterey County. Based upon the Conservancy Staff Recommendation of January 27, 2000 and findings of the Conservancy adopted pursuant thereto, the Director of the Department of General Services is requested to sell Monterey County Assessor's Parcel Numbers 243-211-017 and 243-221-019, known as the "Craven-Nation Property" and located in the Victorine Ranch subdivision approximately nine miles south of the City of Carmel, Monterey County. The Coastal Conservancy also intends to sell two Transferable Development Credits (TDCs) that may be used to create additional parcels on the Craven-Nation property or elsewhere in areas subject to the Monterey County Local Coastal Plan (LCP).

The entire Conservancy-administered property ("the property") consists of two undeveloped parcels containing approximately 100 acres. This property disposition plan is necessary to implement the Big Sur Coastal Restoration Plan and sale of the Craven-Nation property as authorized by the Conservancy on January 27, 2000, pursuant to Public Resources Code Section 31107 and 31200-31215.

The Coastal Conservancy will sell the property and two (2) Transferable Development Credits (TDC's) to the best responsible offer received and accepted by the Conservancy pursuant to procedures detailed below. The property will be conveyed together with all appurtenant easements and rights to obtain water service from the Victorine Ranch Mutual Water Company through the purchase of up to four shares in the Mutual Water Company. These shares may be purchased pursuant to the terms contained in "Victorine Ranch Mutual Water Company Articles and Bylaws" and the "Victorine Ranch Mutual Water Company Subscription Agreement." The Subscription Agreement, entered into by and between the Mutual Water Company and owners of properties within its service area, is memorialized in a document recorded on December 22, 1995, at Reel 3315, Page 541 of Monterey County Official Records.

The Coastal Conservancy will reserve an easement for purposes of natural resource conservation over those portions of the property clearly lying within the Critical Viewshed established by the Monterey County LCP Big Sur Land Use Plan, and on which environmentally sensitive habitat is found.

The terms of the property disposition are specified below.

03/03/00

Specific Terms of Transfer

I. Request for Offers (RFO)

Conservancy staff will prepare a "Request for Offers" containing the following:

A. A description of the subject real property;

B. A description of the conservation and access easements to be reserved by the Conservancy;

C. A statement that the property was acquired pursuant to the authority of Public Resources Code Section 31200;

D. A statement that the Conservancy's purpose for disposing of the property is for financial return and completion of the Big Sur Restoration Plan adopted by the Conservancy on March 21, 1985, in accordance with the certified Monterey County Big Sur Local Coastal Program;

E. A statement that the property is being sold "as is" without warranty as to title or as to toxic substances;

F. A statement of the specific minimum requirements for any offer to be considered by the Conservancy, including refundable earnest money deposit and other items as may be appropriate;

G. A statement of the date by which sealed offers must be received by the Conservancy;

H. A statement that offers are to be submitted in writing to the headquarters offices of the State Coastal Conservancy;

I. A statement that written offers received will be opened publicly by the Executive Officer of the Conservancy (or his designee) at 10:00 a.m. on the next working day following the last date for receipt of written offers;

J. A statement that after the public opening of the written offers, oral offers in excess of the highest responsible written offer will be received by the Conservancy at its headquarters from those who had submitted responsible written offers;

K. A statement that the Executive Officer of the Conservancy has the authority to select and accept the successful offer, subject to approval by the Conservancy and the Director of the Department of General Services; and

L. A statement that the Conservancy reserves the right to reject all offers submitted.

03/03/00

Conservancy staff will submit the completed RFO to the Department of General Services for its review and comment.

II. Advertising

A. Publication.

1. The Conservancy will advertise the sale of the property at least once a week for at least two consecutive weeks prior to the opening of offers, in newspapers of general circulation published in the following locations:

   a. The county in which the property is located;

   b. The general geographic region in which the property is located;

   c. The major metropolitan centers of the State.

2. The Conservancy may advertise the sale of the property in other publications as deemed appropriate by staff.

B. Mailing. The RFO shall be mailed to any potential offeror known to the Conservancy.

C. Posting. Notice of the sale and contact for additional information shall be posted on the property for a minimum of four weeks prior to the opening of offers.

III. Responsible Written Offers

The RFO shall provide that all responsible written offers to purchase shall include the following:

A. Statement of the identity, mailing address, and telephone number of the offeror;

B. If the purchase is proposed to be on terms other than all cash, a statement of the financial qualifications of the offeror, including appropriate references;

C. A written offer to purchase the property at a specific sale price and specifying the terms of the offer including all pertinent purchase details. The amount of the offer shall be submitted in a sealed envelope separate from the other materials and information required, and this sealed envelope shall not be opened by the Conservancy until the time and date specified pursuant to I.H; and

D. A refundable earnest money deposit of fifteen thousand dollars ($15,000.00) by certified check

or cashier's check, which may be received by the Conservancy subsequent to the opening of bids pursuant to I.H but no later than the time of receipt of oral offers by the Conservancy.

IV. Responsible Oral Offers

The RFO shall provide that all responsible oral offers:

A. Shall be received by the Conservancy only from those previously submitting responsible written offers;

B. Shall be preceded by receipt at the Conservancy of a refundable earnest money deposit of fifteen thousand dollars ($15,000.00) by certified check or cashier's check; and

C. Shall be for all cash or for specific financial terms as previously announced by the Conservancy. Oral offers for financial terms other than all cash shall be considered responsible offers only if the offeror had submitted financial qualifications with the offeror's written bid, pursuant to III.B.

V. Review of Offers

A. Staff review of written offers. Conservancy staff will review all written offers received and determine whether each submitted offer is a "responsible offer" consistent with the RFO.

B. Staff review of oral offers. If any oral offers exceed the amount of the highest responsible written offer, staff will review the high oral offer received and determine if that offer is a responsible offer consistent with the RFO. If that offer is determined not to be a responsible offer, staff will review the next highest oral offer and determine if that offer is a responsible offer. Staff will continue this process until staff determines that an oral offer is a responsible offer, or that no oral offers higher than the highest written offer are responsible.

C. Counter offers. In the event that no responsible offers are received at a sale price equal to or greater than the Conservancy's minimum expectation as described in the RFO, Conservancy staff may determine to submit counter-offers to persons previously submitting offers.

D. Cooperation with agents. The Conservancy may cooperate with private real estate brokers in marketing and selling the property. The Conservancy may pay a brokerage commission up to six percent of the sale price to a real estate broker for arranging a sale in accordance with the RFO. In connection with any counter-offer as described in V.C. above, Conservancy staff may propose a reduction in such commission.

E. Financial qualifications. If the purchase is proposed to be on terms other than all cash, Conservancy staff will examine the financial qualifications of the offeror of the high bid and

the offeror's references and report the results of this examination to the Executive Officer of the Conservancy.

VI. Acceptance of Offer

A. High bid. After review of all offers received for the property, the Executive Officer of the Conservancy shall either conditionally accept the responsible offer that offers the highest net financial return among all responsible offers, or reject all offers. Acceptance by the Executive Officer shall be subject to approval of the Conservancy.

VII. Transfer of Property

Upon the Conservancy's approval of an offer, the Conservancy will instruct the Department of General Services to transfer the property to the offeror selected subject to detailed terms of sale and timing.

VIII. Continuation of Marketing

In the event that no adequate offer is received for the property pursuant to the offering described above, Conservancy staff will continue to market the property until a sale is achieved. This extended marketing program, if necessary, would include occasional publication of advertisements, contact with real estate agents, and canvassing of potential interested parties.

Exhibit 4: March 23, 2000 Staff Recommendation

Exhibit 2
Project Location

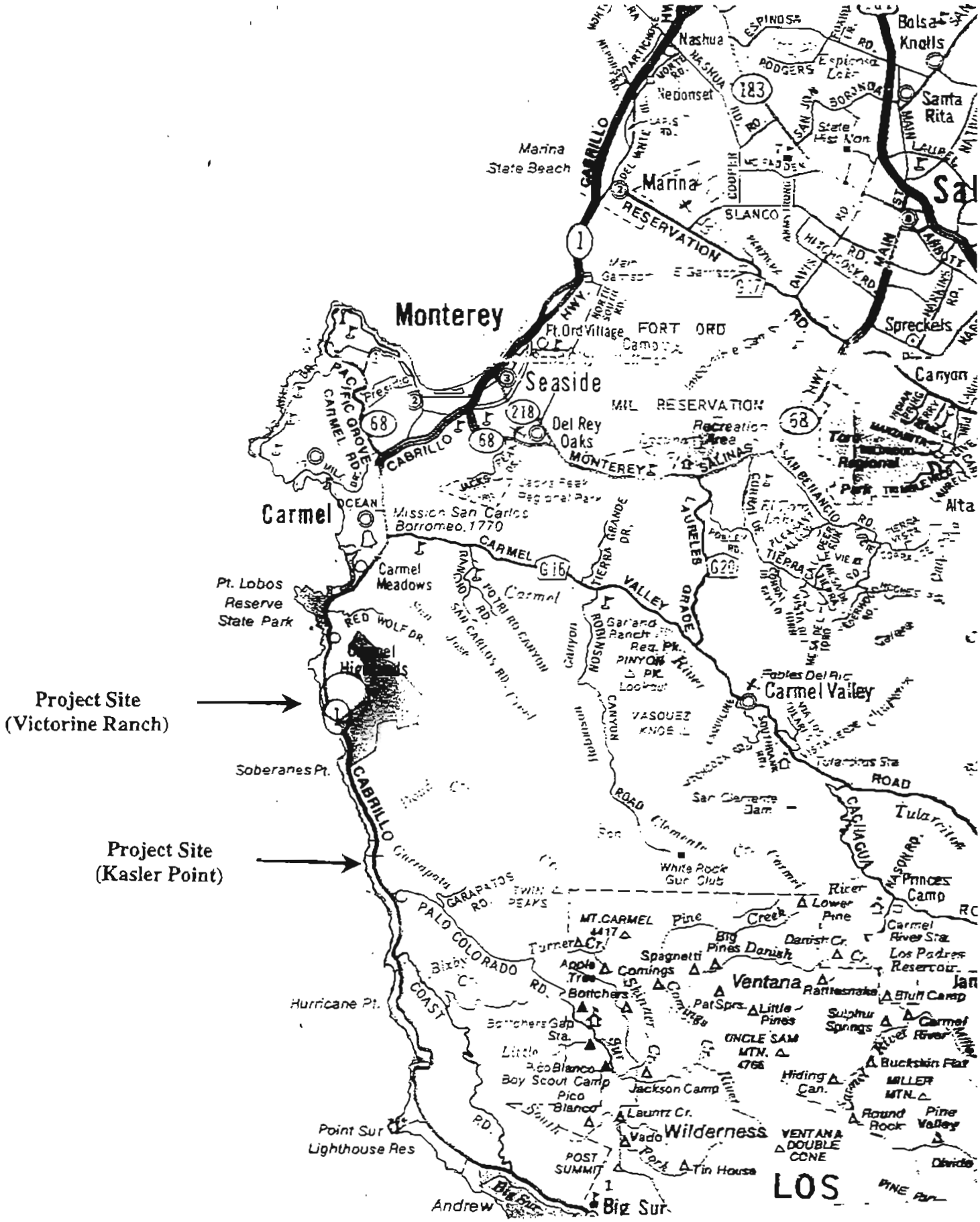

Exhibit 4: March 23, 2000 Staff Recommendation

Exhibit 2
Project Area Detail

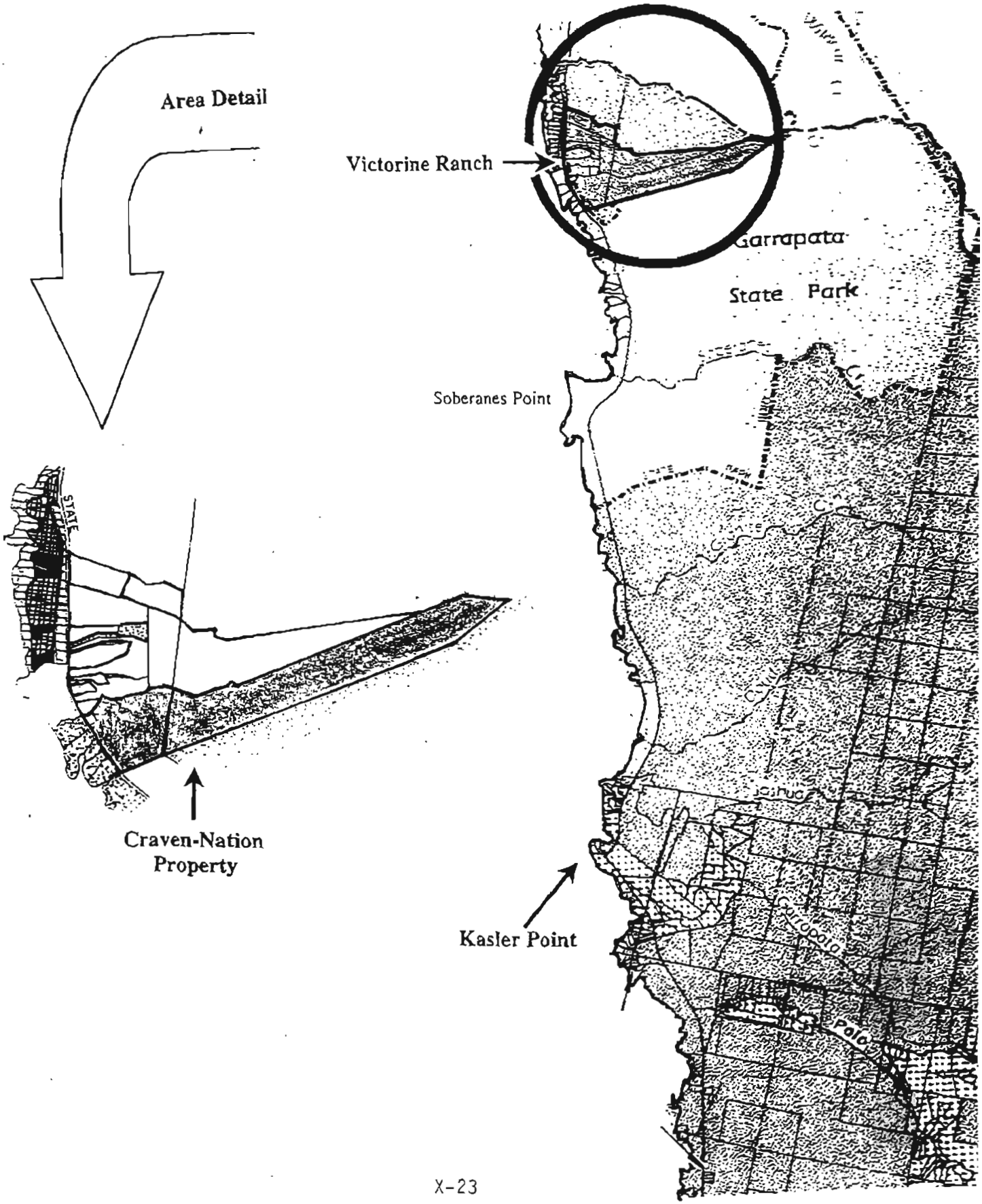

Exhibit 4: March 23, 2000 Staff Recommendation

STATE OF CALIFORNIA – THE RESOURCES AGENCY
GRAY DAVIS, Governor
CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Exhibit 3

MEMORANDUM

January 26, 2000

TO: Bill Ahern, Executive Officer
Coastal Conservancy

FROM: Tami Grove, Deputy Director
Coastal Commission

RE: *Victorine Ranch Disposition Plan (Coastal Conservancy File No. 81-043)*

Coastal Commission staff has just now had the opportunity to review the referenced staff report. While these comments are of necessity preliminary and incomplete, it is evident that substantial revision is in order. Conservancy staff is recommending that up to $100,000 be expended in order to market the Craven-Nation property in Big Sur. We strongly recommend that you delay authorization of this request for a variety of reasons. These reasons, by way of example, include the following:

1. Outdated Information. There are a host of changed circumstances and improved environmental insights since our letter of May 2, 1984, which is attached to the staff report as a "letter of support." This correspondence is severely out of date, and does not reflect subsequent events such as the acquisition of lands on both sides of this property with Proposition 70 funds. Similarly, it does not reflect current interpretations of the Coastal Act and the Local Coastal Program—especially with respect to environmentally sensitive habitats and public access. Therefore, our staff must go on record as recommending against the proposal in its present form. We are, of course, prepared to assist Conservancy staff in identifying alternatives that would better conform the project to Coastal Act and LCP policies.

2. Wildlife Habitat. On page XVIII-11 of the staff report appears the statement that the property "...does not have significant values for wildlife habitat or other environmental purposes." This is not true. The property, which is appropriately designated in the Big Sur Coast Land Use Plan (LUP) for Watershed & Scenic Conservation, is very much part of the overall Santa Lucia Mountains biome. This is mountain lion, deer, coyote and redtail hawk country. Our staff has observed dozens of deer and a bobcat during brief evening visits. It is evident that the property provides a wildlife corridor between Garrapata State Park on the south, and the Prop. 70 open space acquired by the County on the north.

3. Environmentally Sensitive Habitat Areas. In addition to its value as a wildlife corridor, there are specific types of ESHA on the property. Yet, the proposed disposition plan does not identify these, nor does it propose to protect such areas through dedication of protective easements or other legal instruments. Examples of such habitats which have been tentatively identified include patches of coastal maritime chapparal; riparian vegetation, including the yellow mimulus-equisitum populations along the seasonal stream at the north boundary of the site; and uncut redwood forest along Malpaso Creek at the extreme inland point of the property.

4. Critical Viewshed. The Big Sur Coast LUP's shining glory is its Critical Viewshed policy. All new development is required to be hidden from public view. Public views are defined in terms of particular vantage points. These include all locations along Highway One and

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certain other highly scenic viewpoints, including nearby Soberanes Point (a high knoll about one mile to the south, within Garrapata State Park). The staff recommendation relies on inadequate viewshed analysis, limited to only a few selected vantage points along the Highway prior to its post-El Nino reconstruction and not including the public viewpoint atop Soberanes Point. In any case, it is obvious that most of the foreslopes of the property are directly in view of the State Scenic Highway and are an inseparable part of the highly scenic backdrop for the Garrapata State Park shoreline. However, the proposed disposition plan appears to have no provision for protecting this important scenic resource through dedication of scenic easements or similar measures.

5. Entrance Road Impacts. Based on the advise of the Fire Marshall, the County will require that the present country lane serving the Victorine Ranch parcels (travel surface only 8-10 ft. in width) be widened to 18 ft. if even one more house is approved anywhere in the tract. Because of sight distance restraints, a different entry from Highway One may be required as well. This will amount to an essentially new road. However, grading and road development are not allowed uses in the Critical Viewshed. In addition, the Conservancy's proposed road repair also requires a coastal development permit from Monterey County. Such a permit has not yet been approved. The County has an application to improve the first segment of the road. That application itself is problematic, as noted above. We have not seen an application for the remaining segment of the road. However, improving that second segment will require a riparian corridor crossing. Such a proposal would have to be evaluated for consistency with the County's local coastal program. If such work in the riparian corridor could be avoided, that would appear to be the best course of action.

6. Public Access Opportunity. The historic cattle trail known as the Old Coast Trail, crosses the property and should be protected as an essential link between adjacent public lands. Yet the disposition plan does not mention the reservation of any public access easements. Also, if the property is initially marketed to a public recreation or private land conservancy entity, then there may not need to be any $100,000 expenditure for road repair. For example, if State Parks purchased the property, it would become an addition to Garrapata State Park. The only necessary site access would be on a trail. A trail connection could easily be made from the adjoining State Park land without the need to repair the road. Another example would be to market only the property's development credits. If someone purchased the development credits, then the Conservancy would be left holding a property with no development potential and hence no need for road access.

The Conservancy has spent considerable public money on trying to make a project work at Victorine Ranch. Since it has not happened, we urge extreme caution before sinking any more money into this site.

Exhibit 4

Coastal Conservancy

February 23, 2000

Tami Grove, Director
Central Coast District
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 95060

RE: Craven-Nation Property (Victorine Ranch) Disposition Plan

Dear Ms. Grove:

I am writing to summarize our telephone conversation of Friday, February 18, 2000 regarding the Coastal Conservancy's plans for its property at Victorine Ranch and the concerns raised in your January 26, 2000 memorandum to Bill Ahern. As we mentioned during that conversation, Conservancy staff is exploring a number of alternative project scenarios for the property, including possible acquisition of the Craven-Nation parcel by the Department of Parks and Recreation or some other public entity. Another scenario would be to proceed with the Conservancy's original plan to sell the property on the private market.

In your memorandum of January 26, you raised a number of concerns related to the possible sale of the property to a private owner and the subsequent development of the property. As a result of Friday's conversation, we now have a better understanding of those concerns and believe that we can work with your staff to address them.

As we discussed on the telephone, there are a number of important resources on the Craven-Nation property, including areas in the Big Sur Critical Viewshed, various types of Environmentally Sensitive Habitat Areas (ESHA's), wildlife corridors and a public accessway.

Although our original staff recommendation presumed that these resources would be addressed by the regulatory process, I think we all agree that these resources can be more effectively protected through the use of easements and deed restrictions. Due to the various site constraints on the Craven-Nation property, including viewshed, slopes, geology and soils, only a relatively small portion of the property has the potential for develop-

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Oakland, California 94612-2530
510-286-1015 Fax 510-286-0470

ment. We propose to delineate an area of the property that we determine could support residential development (subject to LCP and building code restrictions) and place a conservation easement over the remainder of the property, prohibiting all development. The result would be the permanent protection of those portions of the property located in the Critical Viewshed and those areas containing ESHA's and wildlife corridors. If significant resources and/or habitat areas are identified within the area that would not be subject to the conservation easement, we would consider appropriate restrictions to protect these as well. In addition, the Conservancy could reserve a public access easement over any existing public trails that your staff identifies on the property.

Our expectation is that we would work closely with your staff to conduct a comprehensive viewshed analysis of the property and to identify any additional areas of the property that contain important habitat types, including riparian corridors. We will also consult with your staff regarding the wording of the conservation easement. The Craven-Nation Property Disposition Plan will be amended to reflect these restrictions on development, before being presented to the Conservancy for approval.

Sale of the Craven-Nation property, not to mention the necessary preliminary analyses, will require a minimum level of vehicular access to the property. At present, the road that leads to the Craven-Nation property from the adjacent property (the Gozzi property) is completely impassable. The Conservancy proposes to repair only the segment of the road that was washed out in the winter storms of the last two years. Conservancy staff is aware of the necessity of obtaining permits for the road repair from all the pertinent County agencies and would certainly do this before initiating any construction activities. Funding authorization is needed from the Conservancy before planning, engineering and permitting can begin, however.

We are also aware that this segment of the road crosses the course of a seasonal stream, and we would take every care to minimize impacts to the stream corridor in the road reconstruction. Your staff specifically mentioned using railroad flatcars as bridges, instead of placing culverts across stream channels. Conservancy staff will follow up on this suggestion and explore the feasibility of this option for the Craven-Nation property.

You also expressed concerns regarding the possible widening of the Victorine Ranch Road, the common road that serves all of the properties on the Victorine Ranch. Conservancy staff does not propose to undertake any improvements to the road, beyond repair of the segment providing access solely to the Craven-Nation property. However, development of the Victorine Ranch properties, including the possible development of the Craven-Nation property following sale, could result in widening requirements that conflict with the Critical Viewshed Policy. In fact, Conservancy staff's inquiries with the Monterey County Planning Department revealed that the Fire Department has already requested that the common road be widened to 18 feet, and that a permit application is still pending for this project. Thus, it would appear that the issue of widening the road has already been broached and is under active consideration. Chances are high that at

least one additional building permit for the Victorine Ranch will be requested from the County before the Conservancy is ready to sell the Craven-Nation property. Therefore, it seems that widening the road is and will continue to be an issue with Monterey County and the Coastal Commission, whether or not the Craven-Nation property is ever developed.

Lastly, we discussed the status of the Conservancy's inquiries with the Department of Parks and Recreation regarding a purchase of the Craven-Nation property by the Department for inclusion in Garapata State Park. When we spoke on February 18, the Conservancy had received no definite response from the Department. We will continue to pursue the possibility of selling the property to the Department, or some other conservation organization such as Monterey County or the Big Sur Land Trust. We hope to have obtained a clear indication of interest from one of these organizations before the Conservancy's March 23, 2000 board meeting.

Marcia and I were glad for the opportunity to discuss directly with you and your staff the many issues raised in your January 26 memo. We hope to continue to work cooperatively with you to formulate a plan for the Victorine Ranch project that meets the needs of both of our agencies. If you would like to discuss any of this before the meeting with Peter Douglas scheduled for March 1, 2000, feel free to contact me at (510) 286-3773 or Marcia Grimm at (510) 286-1084.

Very truly yours,

Prentiss F. Williams

Prentiss F. Williams
Project Manager

cc: Gary Hernandez, Chair, State Coastal Conservancy
Sara Wan, Chair, California Coastal Commission
William Ahern, Chief Executive Officer, State Coastal Conservancy
Peter Douglas, Executive Director, California Coastal Commission
Marcia Grimm, State Coastal Conservancy
Carol Arnold, State Coastal Conservancy
Lee Otter, California Coastal Commission
Rick Hyman, California Coastal Commission

Exhibit 4: March 23, 2000 Staff Recommendation

Exhibit 5

Unrestricted Portion of Craven-Nation Property
(possible location of potential building sites)

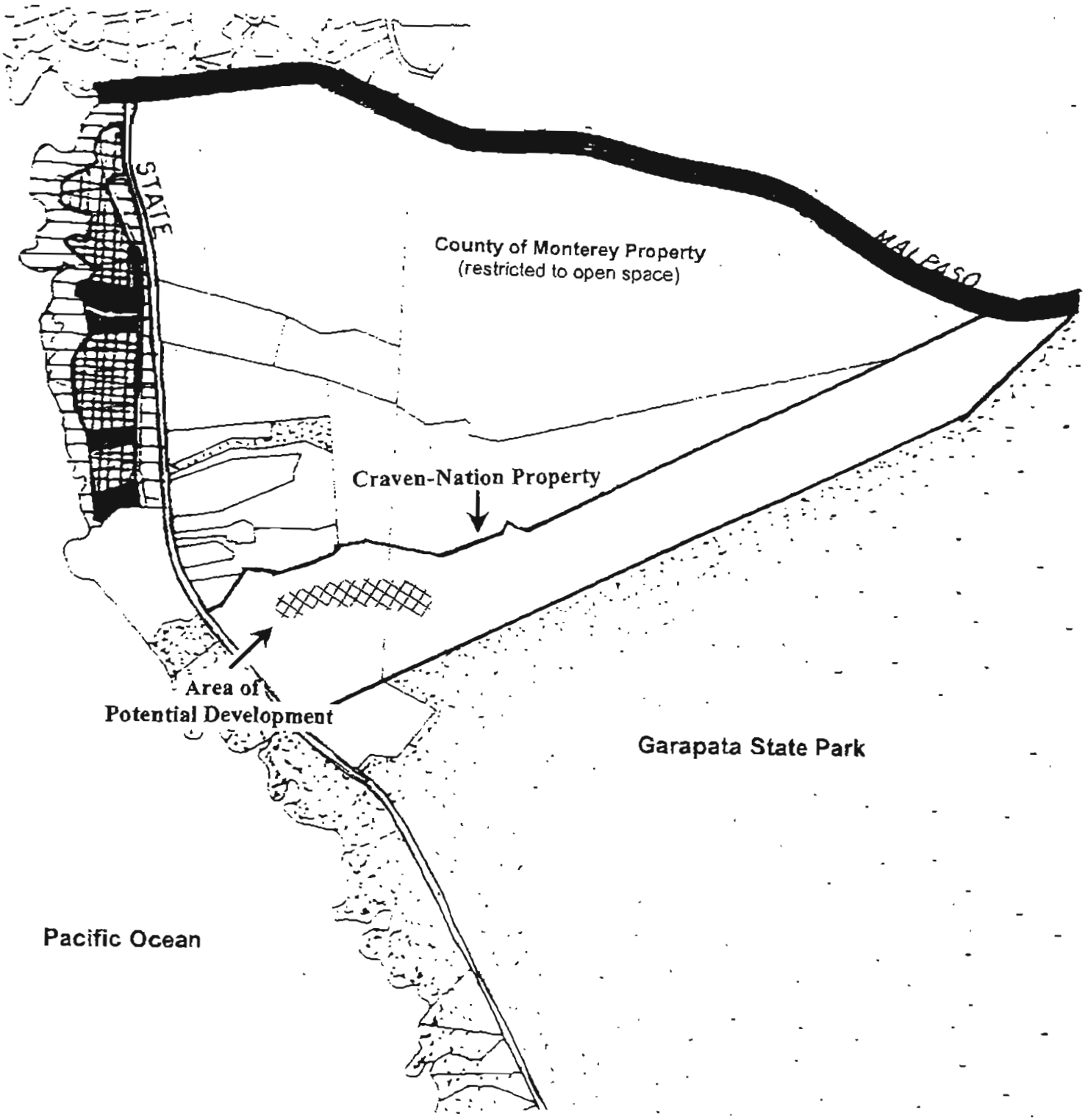

Exhibit 4: March 23, 2000 Staff Recommendation

BIG SUR COAST
LAND USE PLAN

LOCAL COASTAL PROGRAM
MONTEREY COUNTY, CALIFORNIA

Exhibit 4: March 23, 2000 Staff Recommendation

3.2 SCENIC RESOURCES

There is longstanding concern for the protection of the scenic beauty of the Big Sur area. During the early 1940's, the County's refusal to approve service station roadside advertising resulted in national attention. A landmark court decision in favor of the County, upheld the right of local government to regulate aesthetics through the police power. In the 1960's, Highway One was designated as the first scenic highway in California's new State Scenic Highway System. Many other measures have been taken by the County to preserve the outstanding visual qualities of the Big Sur area. These have included, among other things, use of the Scenic Conservation zone, careful site, design and landscaping control, and abatement of visual nuisance.

In spite of these controls, increased development has gradually encroached into areas of outstanding beauty. In some cases this has been caused by poorly sited homes, or structures which have not been designed to blend well enough with their surroundings. In other cases, highly visible roads have been built on scenically sensitive mountainsides to provide access to new homesites or residential parcels. In still other cases, public agencies have undertaken construction with little sensitivity to the land or to Big Sur's aesthetic values.

The aesthetic and scenic qualities and semi-wilderness character of the coast have received national and even international acclaim. Accordingly, the issue of visual resource protection is probably the most significant and far reaching question concerning the future of the Big Sur coast. A major premise of this plan is that unusual action must now be taken to preserve the coast's scenic beauty and natural appearance. The strong policies set forth in this plan are intended to safeguard this critically important resource. If carried out, they should assure the protection of the scenic magnificance of the area and reflect the desire of the people of Monterey County and the Big Sur community to preserve their heritage for present and future generations.

3.2.1 Key Policy

Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan. This applies to all structures, the construction of public and private roads,

utilities, lighting, grading and removal or extraction of natural materials.

3.2.2 Definitions

1. Critical viewshed: everything within sight of Highway I and major public viewing areas including turnouts, beaches and the following specific locations Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane Point Overlook, upper Sycamore Canyon Road (Highway 1 to Pais Road), Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road as defined by policy 3.8.4.4.

3.2.3 Critical Viewshed

A. Policies

1. In order to avoid creating further commitment to development within the critical viewshed all new parcels must contain building sites outside the critical viewshed.

2. The best available planning techniques shall be used to permit development of parcels partially in the critical viewshed. These may include clustering of structures, sensitive site design, design control, transfer of development credits, and other techniques designed to allow development on such parcels outside the critical viewshed.

3. Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal accordingly. Similarly, changes in the design, height, or bulk of proposed structures will be required where this will result in an approvable project.

4. New roads, grading or excavations will not be allowed to damage or intrude upon the critical viewshed. Such road construction or other work shall not commence until the entire project has completed the permit and appeal process. Grading or excavation shall include all alterations of natural landforms by earthmoving equipment. These restrictions shall not be interpreted as prohibiting restoration of severely eroded water course channels or gullying, provided a plan is submitted and approved prior to commencing work.

5. Where it is determined that a proposed development cannot be resited, redesigned, or in any other way made to conform to the basic critical viewshed policy, then the site shall be considered environmentally inappropriate for development.

6. The County will participate with other public agencies and private groups to secure adequate funds to purchase

critical viewshed parcels proposed for development or to secure for use by restricted landowners, other developable land areas to which new development can be transferred. The value of parcels, for purposes of establishing purchase price, shall not be diminished by virtue of their location in the viewshed or by the policies of this section.

7. The general policy concerning replacement of structures shall be to encourage resiting or redesign in order to conform to the Key Policy. Replacement or enlargement of existing structures, or structures lost in fire or natural disaster within the critical viewshed shall be permitted on the original location on the site, provided no other less visible portion of the site is acceptable to the property owner, and provided the replacement or enlargement does not increase the visibility of the structure. Replacement or enlargement of structures outside the critical viewshed shall be permitted as long as such replacement or enlargement does not cause the structure to intrude into critical viewshed.

8. Landowners will be encouraged to grant scenic easements to the County over portions of their land in the critical viewshed.

9. The County encourages creative public and private efforts to restore the scenic beauty of visually/impacted areas of the coast and will assist such efforts where possible.

B. <u>Procedures For identifying whether A Proposed Project Would Intrude On The Critical Viewshed</u>.

1. All development applications shall require individual on-site investigations to determine whether they would intrude on the critical viewshed. The proposed buildings shall be accurately indicated as to dimensions, height, and rooflines by poles and access roads, by stakes with flags which shall remain in place for the duration of the project review and approval process. Such indications of the extent of development shall be recorded photographically with superimposed representation of the proposed project. The standard for review is the objective determination of whether any portion of the proposed development is visible from Highway 1 or the major public viewing areas identified in the definition of the critical viewshed.

   Visibility will be considered in terms of normal, unaided vision in any direction for any amount of time at any season. Ocean views from Highway 1 shall not be obscured by artificial berming/mounding or landscaping. Distant development, although in the technical line of sight, will not be considered visible if sited and designed so as not to be seen from Highway 1 and other major public viewing areas. Exterior light sources shall be prohibited if such light source would be directly visible from the locations

designated in Policy 3.2.2.1 above. The critical viewshed does not include areas visible only from the hiking trails shown on the Trails Plan (Figure 3).

All new development not in conformance with the approved representations shall be removed.

3.2.4 Land Not in the Critical Viewshed

A. Policies

1. So that the visual continuity may remain undisturbed, the design and siting of structures, whether residential, commercial, agricultural, or public, and access thereto, shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.

2. New applicants, when selecting a building site, must consider the visual effects upon public views as well as the views and privacy of neighbors. The portion of a parcel least visible from public viewpoints will be considered the appropriate site for the location of new structures. New structures shall be located where existing topography or trees provide natural screening and shall not be sited on open hillsides or silhouetted ridges. Sites shall not leave excavation scars or slope disturbance. Structures and access roads shall be designed to minimize alterations of the natural landform and to avoid, insofar as feasible, removal of healthy tree cover.

3. New development should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening.

4. Landscape screening may be used wherever a moderate extension of native forested and chaparral areas is possible. Other screening must be of similar plant or tree species.

5. Sites for new structures shall be selected to avoid the construction of visible access roads and minimize the extent of environmental and engineering problems resulting from road construction.

6. New roads providing residential, recreational, or agricultural access will be considered only where it has been demonstrated that the use of existing roads is not feasible, or that permission for the use of an existing road is shown in writing to be unobtainable from neighboring property owners.

7. New roads shall avoid steep slopes and shall be located along the margins of forested areas, along natural land

contours, or within existing vegetation. Road shall be aligned to minimize removal of native trees, and constructed to minimum standards consistent with the requirements of fire safety and emergency use. Drainage and erosion control measures must be adequate to prevent erosion. During road construction, side-casting of earth materials shall not be permitted; all materials not used for on-site fill shall be removed from the area.

8. Television antennas shall be unobtrusive.

B. Procedures For Applying the General Scenic Resources Policies That Apply Outside the Critical Viewshed.

All development applications shall require individual on-site investigations. The proposed dimensions of buildings shall be accurately indicated as to dimensions, height, and rooflines by poles and access roads marked by stakes with flags which shall remain in place for the duration of the project review and approval process. The County shall determine whether the proposed development conforms to the policies set forth in Subsection A of this section.

3.2.5 Exceptions to the Key Policy

A. Rural Service Centers

Development within the following Rural Community Centers--Big Sur Valley, Lucia, Gorda, and Pacific Valley, as well as at Rocky Point Restaurant, Big Sur Inn, and Coast Gallery - provide essential services to the community and visiting public, and shall be permitted under careful design and siting controls as provided for in the County Zoning Ordinance (Title 20 of the County Code) and by Policy 5.4.3 of this Plan.

B. Essential Ranching Structures

Essential agricultural structures required by commercial ranching and agriculture operations that cannot be feasibly located outside the viewshed shall be permitted under careful design and siting controls. Examples include barns, fences, windmills, water pumps, water tanks, stockponds and corrals. However, all aquaculture facilities will be subject to the same resource protection criteria and environmental standards as other development. Such uses shall conform to all non-critical viewshed standards.

C. Highway 1 Facilities

1. Public Highway Facilities.

Road capacity, safety and aesthetic improvements shall be allowed, as set forth below, provided they are consistent with Section 4.1.1, 4.1.2, and 4.1.3 of this plan. Signs, guardrails, and restrooms shall be of a design complementa-

ry to the rural setting and character of Big Sur, with preference for natural materials. Protective barriers constructed by Caltrans should utilize boulders or walls of rock construction. Public agency permanent highway signs should be framed with unpainted redwood. All highway signs should be reviewed once every three years by Caltrans to determine the need for their continued use. All unnecessary signs should be removed.

2. Private Highway Improvements.

Private driveway entrances, gates, roadside fences, mailboxes, and signs shall be of a design complementary to the rural setting and character of Big Sur, with preference for natural materials.

D. Utilities

It is the County's intent that utilities be installed underground. Overhead power or telephone lines will be considered only where overriding natural or physical constraints exist. Poles will be placed in the least conspicuous locations out of public, and where possible, private view. Exterior lighting will require shielding to reduce its long-range visibility, and to cause the light source to not be visible. Further, exterior lighting shall be downlite and minimal to reduce as much as possible light pollution. Transmitter towers and power facilities must not appear in the critical viewshed. Water lines or underground conduits should be buried or otherwise obscured by vegetation.

E. State Park Parking

In order to provide for parking and other low intensity support facilities for the State of California system of parks on the Big Sur coast, flexibility in the basic viewshed policy may be permitted to allow use of excavating, berming, and indigenous plant screening at Soberanes Point, Garrapata Beach, Little Sur River Mouth, and Point Sur Lighthouse if no environmentally suitable site is available that meets the critical viewshed criteria. Other new parking facilities shall be provided at off-highway locations rather than on the Highway One shoulder. The creation of new parking lots between Highway One and the ocean shall be avoided wherever possible to avoid detracting from scenic coastal views. This policy shall also apply to new units within the system that may be opened to the public. Parking and support facilities existing at current facilities shall be removed from Highway One whenever the necessary off-highway parking is provided. New off-highway facilities shall be designed, to conform to viewshed policy 3.2.4.3 if located in the critical viewshed (except for necessary entrance ways, which cannot be hidden from Highway One), and to policy 3.2.4 if located outside the critical viewshed. Existing facilities shall be brought into conformance to the greatest extent possible. Land acquired for viewshed protection shall not be

developed for parking or visitor serving facilities. Parking facilities for Soberanes Point, Garrapata Beach, and Little Sur River Mouth shall be located on the east side of Highway One and be completely out of the view of the Highway through the use of excavation, indigenous forestation and berming techniques which shall obscure all vehicles and facilities. Restroom facilities shall be located with the parking facilities. For public safety at Soberanes Point, Garrapata Beach, Little Sur River Mouth, and any new units on the east side of Highway One connecting the parking and beach areas are highly desirable. Parking shall be provided for a maximum of 75 vehicles at these facilities.

F. Rocky Point Area Vacant Parcels

Existing vacant residential parcels in the critical viewshed between Highway 1 and the sea, from (and including) the southernmost existing residential parcel on Rocky Point, to the northernmost developed residential parcel on Kasler Point and from the southernmost developed parcel north of Abalone Cove to the northernmost developed parcel south of Garrapata Creek shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 of this plan and the following standards.

Additional standards shall include keeping driveways as narrow as possible, avoiding paving where practical and consolidation of driveways; the use of roof and surface treatments, colors and materials which will visibly blend with the surrounding environment; the use of berming and other measures designed to minimize views of structures without blocking ocean vistas seen from Highway 1; prohibiting the dumping of excavated materials over the coastal bluff, and additions, antennae, night flood lighting, or other improvements in view of Highway 1 without separate permit consideration; and dedication of scenic easement over undeveloped portion of lot. Guest houses shall be attached to the main dwelling except where they can be sited to better implement these policies.

G. Otter Cove

Existing vacant residential parcels in the critical viewshed in the Otter Cove Subdivision seaward of Highway 1, south of Malpaso Creek, shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 of this plan.

Additional standards shall include keeping driveways as narrow as possible, avoiding paving where practical and consolidation of driveways; the use of roof and surface treatments, colors and materials which will visibly blend with the surrounding environment; the use of berming and other measures designed to minimize views of structures without blocking ocean vistas seen from Highway 1; prohibiting the dumping of excavated materials over the coastal bluff, and additions, antennae, night floodlighting, or other improvements in view of Highway 1 without separate permit consideration; and dedication of scenic easement over

undeveloped portion of lot. All guest houses shall be attached to the main dwelling.

H. Coastal-dependent Uses Exception

Coastal-dependent uses, natural resource management needs, and certain necessary public facilities as specified below are permitted provided that in each case there be a finding that no reasonable alternative exists, that no significant adverse visual impacts will result, and that all such uses are in conformance with Scenic Resources Policy 3.2.4 and all other policies. The exceptions are limited to:

a. Removal of non-native trees;

b. County road improvements in keeping with Policy 3.2.5.C-1;

c. Minimal public access improvements on the beach along shoreline lateral accessways, such as litter collection facilities and rustic stairways;

d. On-shore navigational aids (lights, radio beacons, weather stations) needed by the commercial fishing industry; and

e. Improvements to Pacific Valley School.

f. The joint U.S. Forest Service-State Parks-Caltrans administrative site in Pfeiffer-Big Sur State Park.

3.2.6 Recommended Actions

1. The County shall explore all sources of funds - County, State and Federal - to compensate property owners denied development permits due to viewshed restrictions. The County will discourage any increase in Federal land ownership, management or control if such increased Federal role would expose more of the Big Sur Coast area to deleterious activities. Examples of deleterious activities are clear-cut commercial logging, open pit mining, oil and gas development, overuse of environmentally sensitive habitat areas, or the taking of private property for public use. The County will also support improved stewardship and management of existing public lands, and where appropriate, consultation with the Federal agencies to insure compatibility of land uses on both Federal and non-Federal lands. The Federal government will be asked to adhere to the same resource conservation policies of the certified Land Use Plan (LUP) as are applicable to other landowners.

The California Coastal Conservancy is requested to investigate and propose specific sources of funds to compensate property owners denied development permits due to viewshed

restrictions. The Conservancy should devise and recommend to the County practical mechanisms and procedures to make such funds available to affected property owners in a timely manner.

Monterey County's representatives in the California Legislature and the United States Congress are requested to investigate and propose specific sources of funds for the County to use to compensate property owners denied development permits due to viewshed restrictions. These representatives are further requested to devise and recommend to the County practical mechanisms and procedures to make such funds available to affected property owners in a timely manner.

2. The California Coastal Conservancy should undertake a study to identify areas of the Big Sur coast suitable for visual restoration and should propose specific measures to encourage restoration. This study may be a cooperative effort between interested residents, groups, and other agencies, the Conservancy, and the County. At a minimum, the study should:

   - identify specific parcels unsuitable for development due to viewshed restrictions and recommend means of avoiding development on the properties.

   - prepare a map and list of specific developments, including roads that impact visual quality and propose means of gradually reducing such impacts. This should include an incentive program, including cost-sharing, for private landowners and residents to voluntarily undertake such work.

3. Where no other feasible mitigation measures for eliminating the adverse visual impacts of new development in the critical viewshed are available, the County may institute and utilize a Transfer of Development Credits (TDC) system that will permit development credits for a parcel determined to be developable except for the critical viewshed restrictions. Such credits may be transferred at the owner's option to a receiving parcel not in the viewshed and otherwise found to be suitable for an increased density of development. The use of transferred credits will be allowed as a conditional use under this Plan. However, the increase in residential density on the receiving parcel shall not exceed twice that which is specified by Section 5.4 of this Plan, except where: a) an environmental impact analysis reveals site suitability for more units; b) traffic impacts will be mitigated through reduction in the number of driveway encroachments onto Highway 1; and c) consistent with all other standards listed in this Plan.

   Critical viewshed parcels protected under a TDC system shall be secured through enforceable restrictions (e.g.

scenic easement dedication), subject to County Counsel review and approval of the applicable documents.

4. An effective and continuing program for litter control and abatement, including public education, should be undertaken by Caltrans, the State Department of Parks and Recreation, and the U.S. Forest Service. This program should include a regular schedule of litter removal along Highway 1 and on or near public beaches and selected viewing points.

Exhibit 7
The Victorine Ranch Subdivision

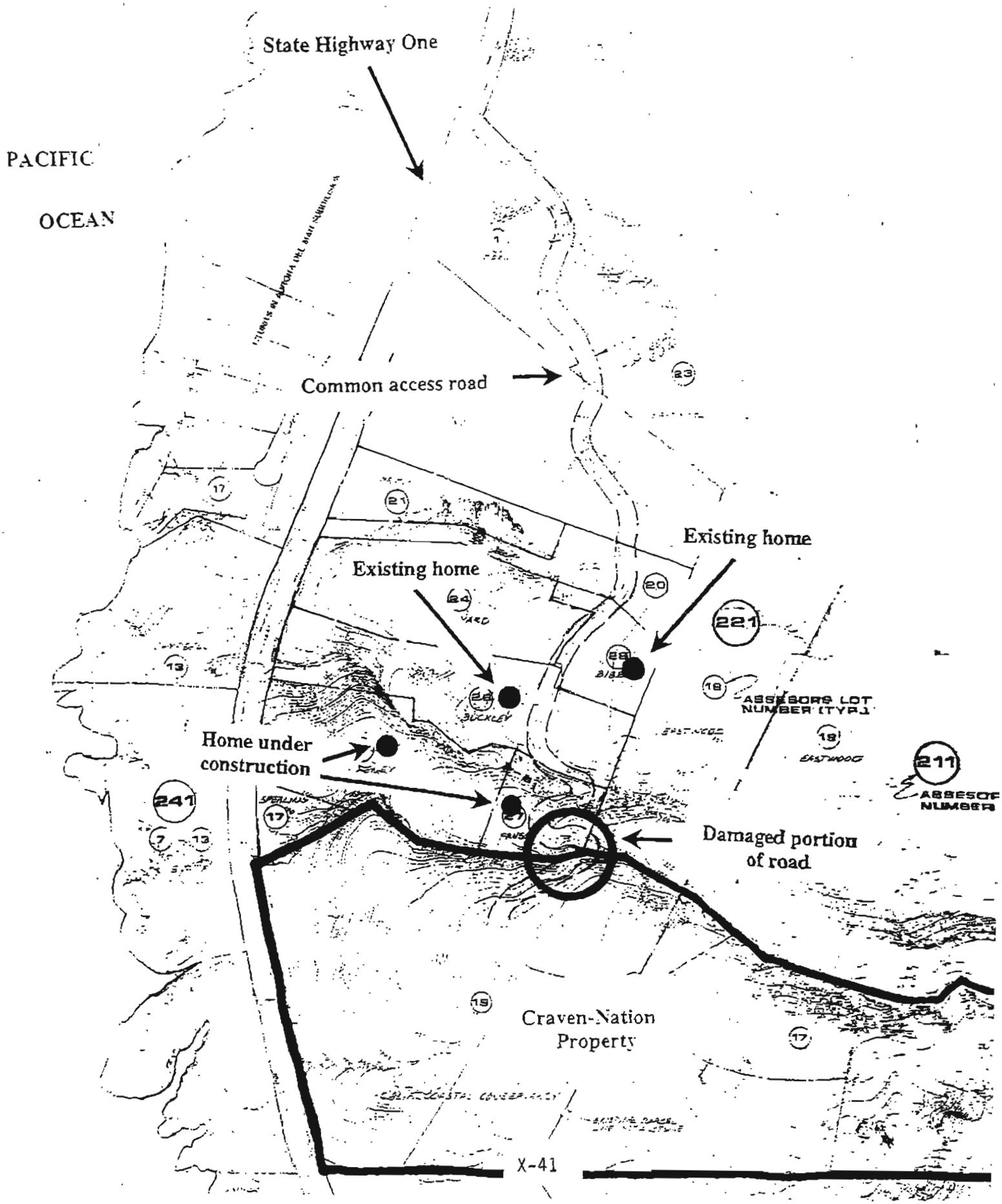

Exhibit 4: March 23, 2000 Staff Recommendation

Exhibit 8
Past Correspondence

Exhibit 4: March 23, 2000 Staff Recommendation

State of California, George Deukmejian, Governor

California Coastal Commission
CENTRAL COAST DISTRICT
701 Ocean Street, Room 310
Santa Cruz, CA 95060
(408) 426-7390

RECEIVED
STATE COAST... OAKLAND, CA...

May 2, 1984

Mr. Joseph Petrillo, Executive Officer
The California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, California 94612

Re: Victorine Ranch option, File No. 81-43-01

Dear Joe:

We would like to confirm our support of the proposed Coastal Conservancy option on a portion of the former Victorine Ranch (Assessor's Parcel Number 243-211-17 and 243-211-19). In analyzing past permit applications in this area and in assisting in the development of the Big Sur Coast Local Coastal Program (LCP), we have become familiar with the Victorine Ranch area. We found that this area:

- comprises that portion of the Big Sur Coast planning area closest to Carmel;
- contains a substantial number of potential residential building sites;
- has an existing access road, soils suitable for septic systems, and can be served by the Carmel Riviera Mutual Water Company;
- offers the potential, with careful siting and design, for sweeping residential views of the coast without impairment to public views from Highway 1;
- is divided into a number of existing but vacant parcels, a number of which would benefit from resubdivision program to provide each parcel with a potential building site out of view of the State Scenic Highway;
- represents both a potential site for recreational development to support the adjacent Garrapata State Park or a potential receiver site for a "transfer of development" (TDC) program as part of a Big Sur Coast LCP.

Mr. Joseph Petrillo, Executive Officer
The California State Coastal Conservancy
May 2, 1984
Page 2

The current Big Sur Coast LCP Land Use Plan, adopted in April 1983 and as amended on April 10, 1984 by the Monterey County Board of Supervisors, is expected to be submitted for Coastal Commission review and certification during May, 1984. This Plan specifies, as a primary tool for implementation of the viewshed protection policy for the Big Sur Coast, a TDC program. For this program to function properly, suitable "receiving sites" are needed. The Victorine Ranch area has been identified as one of the most likely and suitable potential "receiving sites" within the Big Sur Coast planning area.

Accordingly, the Commission has in its permit actions in this area recognized this important LCP planning option. For example, in adopting findings for coastal development permit no. P-80-365 Dan Clarke, the Central Coast Regional Coastal Commission found that "...the Big Sur Coast LUP...would...allow residential development in the ex-Victorine Ranch area", and that the "ex-Victorine Ranch appears to be (a) possible receiving area for TDC's."

If the opportunity to secure the Victorine Ranch is not realized, the feasible alternatives for implementing a strong view protection policy will be reduced. If exposed viewshed lots cannot be "retired" through resubdivision or trade, pressures for a large-scale direct-acquisition program will mount. Therefore, because of its potential role in implementing the Big Sur Coast LCP Land Use Plan, we strongly urge your approval of the Victorine Ranch project.

Sincerely yours,

EDWARD Y. BROWN
District Director

EYB/cm

cc: Supervisor William Peters
Supervisor Michael Moore
Honorable Leon Panetta
Assemblyman Sam Farr
Assemblyman Eric Seastrand
Senator Ken Maddy

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

June 5, 1995

Ms. Prentiss Williams
California Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Re: Victorine Ranch Subdivision, SCH #95053031

Dear Ms. Williams:

Coastal Commission staff has reviewed the draft Negative Declaration for the Victorine Ranch subdivision. This subdivision is intended as a step in the "model transfer project" to demonstrate the feasibility of the TDC program contained in the Big Sur Coast Land Use Plan/Monterey County LCP. We would like to affirm our support for the TDC program as an implementation measure for the LUP's Critical Viewshed Policy, particularly after the Prop. 70 fund is exhausted or where public access considerations or other circumstances preclude use of these funds to compensate owners. We also understand the wisdom of having a TDC demonstration program. However, we believe that this proposed project requires more in-depth review before a Negative Declaration is finalized.

The site is located in the former Victorine Ranch, an area of varying-sized, mostly undeveloped parcels at the gateway to the Big Sur Coast. The 100-acre project site comprises open grasslands, and is essentially indistinguishable from the adjoining landscape of the undeveloped upper portion of Garrapata State Park. The one home already approved by the County in the Victorine Ranch area turned out to be visible from Highway 1, counter to the Big Sur Coast Land Use Plan, and despite representations to the contrary.

This experience demonstrates the need for caution in committing to development in this area, and underlines the desirability of coordinating with future development plans for adjacent properties (including State Park lands). Commitment to further development of this highly scenic area should best be undertaken pursuant to an overall master plan, to ensure coastal resources can be protected.

Views from the State Park should be protected, hiking trail routes identified, water system provided, road access accommodated, and utilities undergrounded, hopefully in a manner which will not be growth-inducing. Various alternatives should be considered, both prior to and within the CEQA analysis process. If there are environmentally superior alternatives which are determined to be infeasible, the reasons for non-selection should be identified. For example, one alternative is to leave the area in open space uses. Development potential can be calculated and development rights transferred elsewhere or sold. Another alternative is to transform the area into a true "hard-working"

receiver location. In other words, because the property has room for a substantial number of building sites apparently outside the critical viewshed, why not maximize its potential to retire critical viewshed lots along the entire Big Sur coastline?

As submitted, there is not enough information or analysis for our staff to determine to what extent these alternatives were considered, or whether the project conforms with certified LCP policies. Because this site represents such a valuable resource, both on its own merits and on its value as a receiver site, we would hope to arrive at a consensus as to what would be the most environmentally beneficial feasible alternative. Absent the necessary information, the alternative resulting from the proposed project appears to be the least environmentally sensitive. It commits this area to large-lot, sprawling development not in keeping with Big Sur Coast Land Use Plan Policies 5.4.3G1, 5.4.3H1, 5.4.3H2, 5.4.3H5 and 5.4.3O.1. Within the parameters of the project's purpose -- to demonstrate the workability of the Transfer of Development Credit program -- we have identified several configurations involving one or both of the subject parcels that would also better achieve Land Use Plan objectives, assuming there is consensus to develop the site. We would welcome the opportunity to map these out for you.

In conclusion, we appreciate the time that you took on the phone to hear some of our concerns. However, we remain convinced that the environmental consequences of this proposal need to be more rigorously reviewed. We need to discuss which open space, access and utility easements and other features should be incorporated in project design vs. which would best be implemented through County permit conditions. And, if the purpose of the project is to model the process that private developers would follow, shouldn't the Coastal Conservancy defer to the County as the CEQA lead agency? More time and information is needed to address these questions. Accordingly, we request that the CEQA review deadline be extended.

Looking beyond this immediate deadline, we would be pleased to meet with your staff and County staff to explore the best options for this area, particularly because this is a public project on publicly owned land. We look forward to hearing from you; please contact Rick Hyman at this office, or in his absence, Lee Otter, if you have any questions or suggestions on how we can help move this project forward.

Sincerely,

David Loomis

David Loomis
Assistant District Director

RECEIVED
JUN - 8 1995
CALIFORNIA COASTAL CONSERVANCY
OAKLAND, CALIF.

DL/RH/LO//cm
cc: Bud Carney, Monterey County Planning Dept.
OPR Clearinghouse #95053031
AMBAG Clearinghouse
122R

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
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TELEPHONE 510/286-1015
FAX 510/286-0470

June 20, 1995 VIA FAX AND U.S. MAIL

David Loomis
Assistant District Director
California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Responses to Coastal Commission's Comments on the Victorine Ranch Subdivision Initial Study and Negative Declaration.

Dear Mr. Loomis:

I am in receipt of your comments on the Coastal Conservancy's Initial Study and Negative Declaration for the Victorine Ranch Subdivision. Your comments touched on a number of complicated issues, and I will attempt to respond to each comment in the order it was raised in your letter.

I would, however, like to preface my responses with a clarification of the Conservancy's "project" for purposes of CEQA review. The Conservancy's overall programmatic goal for its Victorine Ranch property is the implementation of the TDC Donor-Receiver Model Project. The decision to use the Victorine Ranch property as a TDC receiver site was made pursuant to that goal several years ago, and any related CEQA analysis was completed at that time.

In this instance, the Conservancy's project for purposes of CEQA review is the creation of an additional two parcels on the Victorine Ranch. The Victorine Ranch already contains a total of fourteen parcels, and the Conservancy's property is currently divided into two legal parcels, both of which are developable. In preparing the Initial Study and Negative Declaration, the Conservancy has analyzed the impact of adding two more building sites to the existing two building sites on its own property and the existing fourteen on the Victorine Ranch overall. Our conclusion was that two additional homesites will not cause significant environmental impacts.

The Conservancy's project involves only the subdivision of its property, and does not contain any specific development proposals. It is the Conservancy's intention to obtain County approvals for a tentative minor subdivision map and then sell the property to a private party who will install improvements and obtain the final map. Therefore, our analysis examined the possible environmental impacts of the addition of two homesites to the Victorine Ranch, and did not (indeed could not) examine the possible impacts of any specific structures.

My responses to your individual comments are as follows:

Letter to David Loomis, CCC
June 20, 1995

1) **Summary of Comment:**

The proposed development site is located at the gateway to the Big Sur Coast and is adjacent to an undeveloped portion of Garapata State Park. Development of this site could have impacts on the adjacent public property. Development of the Victorine Ranch should be undertaken pursuant to an overall master plan to ensure that coastal resources will be protected.

Response:

The existing parcels on the Victorine Ranch area are under nine separate, individual ownerships, and therefore it will not be possible to develop pursuant to an overall master plan *per se*. The Conservancy has examined the impacts of its subdivision – the addition of two lots – including impacts on adjacent property. The Conservancy has also considered cumulative impacts to the extent feasible, given the unknown plans of other owners of undeveloped property.

The Victorine Ranch is located in the Big Sur Critical Viewshed, and as such, all new development must be undertaken pursuant to the critical viewshed policies contained in §3.2 of the Big Sur Coast Land Use Plan. In compliance with these policies, the four building sites proposed in the Coastal Conservancy's subdivision application are located outside the viewshed of Highway One and major public viewing areas as defined in §3.2.2.

The Coastal Conservancy's project involves subdivision of its property into four parcels. No specific development plans for these parcels exist at this time, and so it is impossible to comment on the possible impacts of any structures eventually built on the site other than very generally. However, any development that does eventually take place on the property must be permitted by Monterey County and must conform to the policies of §3.2.4 of the LUP, which governs development of "Land not in the Critical Viewshed." These polices require that all new development, even that located outside the Highway One Critical Viewshed, be designed in such a way as not to "detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline."

2) **Summary of Comment:**

Views from the State Park should be protected, hiking trail routes identified, a water system provided, road access provided and utilities undergrounded, all in a way that is not growth inducing.

Response:

The proposed subdivision has been designed in accordance with the Critical Viewshed Policy of the Big Sur Land Use Plan, and our preliminary visual analysis indicates that the building sites will not be visible from either Highway One or any of the major

public viewing areas as defined in §3.2.2 of the Big Sur Coast Land Use Plan. As part of the County's review of the tentative map application, County staff will conduct field inspections of the staked and flagged building sites to assure compliance with the Critical Viewshed policy.

While it is possible that the houses developed on the Victorine Ranch will be visible from the ridgelines located above the area, the views will be distant and it is the Conservancy's conclusion that the impact of the potential for two additional houses at such a distance will be slight.

The Coastal Conservancy is not aware of any public hiking trails that cross its property. There are no public ways of record and no evidence of public use of the property, but if you know of any such public rights-of-way, please let us know as soon as possible.

The water supply for the proposed development is being provided by a private mutual water company that has been established to serve the Victorine Ranch properties only. The water will be provided from a single existing well. The water system for the Victorine Ranch Mutual Water Company has been specifically designed to serve only the Victorine Ranch, and thus will not be growth-inducing.

All existing utilities on the Victorine Ranch have been undergrounded, and the extensions of these utilities to serve the proposed subdivision will be undergrounded as well.

Road access to the Victorine Ranch is via a private drive that serves only the Victorine Ranch and ends in a cul-de-sac at the Coastal Conservancy's proposed project site. Thus, any road improvements associated with the Conservancy's proposed project will not be growth inducing.

3) Summary of Comment:

Various project alternatives, including the no-project alternative, should be examined as part of the Conservancy's CEQA analysis.

Response:

In conducting its Initial Study, the Coastal Conservancy determined that the proposed project would have no significant effects on the environment within the meaning of 14 California Code of Regulations §15382, and therefore has issued a Negative Declaration for the proposed project. CEQA does not require the consideration and analysis of project alternatives as part of a Negative Declaration.

4) Summary of Comment:

The Conservancy should consider leaving the property in open space and transferring

the development potential elsewhere.

Response:

As mentioned above, the decision to use the Victorine Ranch as a TDC receiver site was made by the Conservancy several years ago, accompanied by the required CEQA analysis. The Victorine Ranch property was in fact purchased by the Conservancy for the express purpose of this use. Moreover, it is not possible to generate Transferable Development Credits (TDCs) from the Conservancy's project site, because the property in question contains building sites that are outside the Critical Viewshed and therefore does not qualify as a TDC Receiver Site.

According to §20.156.040 of the Monterey County Coastal Implementation Plan, in order to qualify as a TDC Donor Site, the property in question must contain no buildable area outside the Critical Viewshed. This is not the case with the Conservancy's project site. The site in fact contains substantial buildable area outside the Critical Viewshed. That is the reason the property was selected by the Conservancy as a TDC Receiver Site.

5) **Summary of Comment:**

The Conservancy's property should be developed more intensively in order to serve as a Receiver Site for more than just the two TDCs the Conservancy's Donor Site at Kasler Point.

Response:

The Conservancy's project site does indeed contain perhaps as many as ten building sites outside the Critical Viewshed (see Response to Comment 4 above), and the Conservancy's original project concept for the site was to obtain tentative approval for a larger subdivision map of eight to ten units. The existing two parcels, plus the two created with the Conservancy's Kasler Point TDCs, would be immediately developable. The other units would require the application of TDCs from other Donor Sites in order to develop, and thus would serve as "open" Receiver Sites. During preliminary discussions however, County planning staff rejected this concept and indicated that the Conservancy would have to actually obtain the additional TDCs in advance in order to submit an application for a subdivision larger than four units. Since the Conservancy has no other property in the Critical Viewshed from which to generate TDCs, and is not in a position to acquire such property, we are submitting an application for a four-unit minor subdivision.

6) **Summary of Comment:**

The proposed project commits the area to "large-lot, sprawling development" when clustered development would be more environmentally beneficial.

Response:

The zoning for the Conservancy's project site is Rural Residential with a minimum lot size of 40 acres. Three of the lots that would be created by the proposed minor subdivision are substantially smaller than the 40-acre lots that would ordinarily be permitted under the existing zoning. The actual buildable area of the four proposed lots comprises a very small percentage of the site's total acreage and is clustered on the western portion of the site. The actual building sites represent a very small percentage of each lot's total acreage.

Although the Conservancy's design accomplishes some clustering, there were a number of other constraints to the design of the proposed subdivision. The building sites had to be located outside of the Critical Viewshed. The building sites also had to meet all of the County's development standards pertaining to slope, geology, and percolation. The proposed lot configuration is the result of an analysis of all of these factors. It may well be that there are other lot configurations that would result in more tightly clustered development, but given the number of other constraints to the location of building sites, it is unlikely that any other configuration would in fact meet Monterey County's regulations for development. Further, the Conservancy's design creates no significant adverse impacts.

7) **Summary of Comment:**

The County should act as the CEQA Lead Agency for this project, rather than the Conservancy.

Response:

The project is being carried out by the Conservancy under the auspices of the Conservancy's Big Sur Restoration Plan. The Coastal Conservancy as a public agency is itself subject to CEQA, and prior to undertaking a discretionary project or action, the Conservancy must comply with CEQA. The Conservancy has undertaken a number of actions to implement its Restoration Plan, and at various junctures it has processed CEQA documentation prior to undertaking the action.

In this case, the Conservancy must comply with CEQA prior to submitting its application for a minor subdivision to the Country. Hence, this Negative Declaration. Furthermore, the Conservancy's role as Lead Agency is clearly indicated in the § 15051 of the CEQA Guidelines, which state:

> "Where two or more public agencies will be involved with a project [i]f the project will be *carried out* by a public agency, that agency *shall* be the Lead Agency even if the project would be located within the jurisdiction of another public agency."

Letter to David Loomis, CCC
June 20, 1995

I hope that the above addresses the concerns raised in your letter. I would be happy to meet with you or any of your staff to tour the site and discuss the project further. Please call me at (510) 286-3773 if you have any further questions.

Very truly yours,

Prentiss F. Williams
Project Manager

cc: Lee Otter, CCC
Barry Epstein, Esq.

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

December 6, 1995

Tami Grove
District Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

SUBJECT: Victorine Ranch Transfer-of-Development Site (Big Sur LCP)

Dear Ms. Grove:

I am writing to summarize my conversations with Commission staff regarding development alternatives for the Victorine Ranch property owned by the Conservancy. Communication between our staffs in the design of these alternatives was raised as an issue by Commission staff last summer, and I would like to assure you that we are continuing to make every effort to work cooperatively.

Two "environmentally superior alternatives" were suggested by the Commission staff in Dave Loomis' letter of June 5, 1995 (copy attached): (1) using the site more intensively than we propose, to "maximize its potential to retire critical viewshed lots"; and (2) keeping the property in open space, with no residential development. Following that letter, our staffs met on July 20 to discuss the project. We agreed then that the Commission staff would take the lead in seeking County approval for additional density transfer to be considered.

We have now reached the conclusion of that process, and it is clear that the County will not consider approval of additional TDC receiver sites on the Victorine Ranch property absent the prior approval of TDCs from donor sites. Since the Conservancy has no prospect of obtaining any additional TDCs, it will not be possible to seek County approval for other than the four residential homesites (two existing lots plus two existing TDCs) for which we have been planning. We find this conclusion unfortunate, since we believe that the 100 acre Victorine Ranch property does contain more than four homesites that could be developed consistent with the Big Sur LCP policies, but it is not unexpected.

As we have discussed with your staff, the Conservancy intends now to proceed with the County process of reviewing the proposed parcel map for the transfer-of-development project. Formal application is expected to be made to the County in January.

It is my understanding from your staff that there still may be some sentiment for no development on the Conservancy property. While this would obviously diverge from the intent of the Conservancy and Commission staff in seeking to perfect a "model" TDC project on this site, Conservancy staff will not oppose this approach from a policy basis. If it is now the determination of the responsible regulatory agencies (County and Commission) that the public interest and the Big Sur LCP are best served by retention of the Victorine Ranch principally in open space, the Conservancy will accept that judgment. A necessary concomitant, however, would be the protection of our financial investment: if the County wishes to purchase the Conservancy property for fair market value, we will be a willing seller.

I appreciate the effort made by Lee Otter and the other concerned members of your staff to reach closure on this matter, and I look forward to further dialogue regarding appropriate use of the Victorine Ranch. Please contact me at your convenience if you would like to discuss this.

Very truly yours,

Steve Horn
Deputy Executive Officer

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

DRAFT

December 14, 1995

Michael Fischer, Executive Officer
California Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612-2530

Re: Victorine Ranch Project, Big Sur Coast Area

Dear Michael:

Earlier this year the Coastal Conservancy board authorized an application to Monterey County for division of two of your Victorine Ranch parcels adjacent to Garrapata State Park, into 4 parcels. We would like to take this opportunity to express our appreciation for providing the time necessary for us to explore alternative use patterns for this site. Specifically, we had asked that your proposed land division be trailed, until we could adequately explore with your staff and the County planning staff certain planning options. These included: a. no density (open space); or, b. greater density (making more aggressive use of the TDC program envisioned by the LCP, in order to protect critical viewshed lands elsewhere in Big Sur).

Our staff had separate meetings with both your staff and the County coastal planning team, followed by a field visit. Our conclusions are as follows:

- The site's suitability as a TDC receiver location is compromised because a great proportion (possibly all) of the buildable property is visible from the public viewpoint atop Soberanes Point and/or Highway 1 (both defined vantage points for the Big Sur Coast LUP's Critical Viewshed Policy);

- Even if very low profile houses were built out of public view, the internal connector road (between the second and third terrace levels) as well as any necessary widening or rebuilding of the main Victorine Ranch access road would still likely impact the critical viewshed;

- Because it lacked the necessary "reciprocal view" mapping which would have defined the envelope where future development would be concealed, the Bestor Engineers viewshed study is of no help in determining how much of the site is suitable for residential development and access roads;

- The County's ongoing Proposition 70-funded acquisition efforts, together with the opening of the adjacent Garrapata State Park, have tended to isolate the remaining parcels in the southerly part of the Victorine Ranch area — so that if developed, the remaining parcels would become more of an intrusive island of residential use within a beautiful expanse of public open space, rather than a logical southward expansion of the Carmel Highlands/Carmel Riviera community as perhaps originally envisioned in the LCP;

DRAFT

- No water or other utilities are currently available to the site; a mutual water system application has been submitted to the County, but the fate of the application is uncertain, particularly in light of the County's recent acquisition of the 5 Eastwood parcels as open space (on which some of the water facilities had been proposed);

- When compared to the Eastwood acquisition, the Coastal Conservancy parcels appear equally or more qualified for compensation under the Proposition 70 program (however, application to participate in the Proposition 70 program must be made directly to the County); and,

- The original intent of the TDC demonstration project can be equally or better carried out in partnership with the owner of another non-critical viewshed (receiver) property (i.e., the Coastal Conservancy need not own the receiver site).

In view of the above conclusions, it would appear appropriate for you to approach the County or the Big Sur Land Trust regarding possible participation in the Proposition 70 program. Also, we would like to explore with you the potential for keeping alive the TDC demonstration project in some other fashion, perhaps by re-orienting it as a public-private partnership initiative. Please let us know how we can support you in these efforts; I have assigned Lee Otter (or in his absence, Rick Hyman) as your primary contacts in our Santa Cruz office.

Sincerely,

Peter M. Douglas
Executive Director

PMD/LO/cm
cc: Sam Karas, Supv. 5th Dist.
Bud Carney, Mo. Co. Plan. Dept.
Mary Wright, Calif. Dept. Parks & Rec.
Brian Steen, Big Sur Land Trust
00860

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

January 23, 1996

Bud Carney
Supervising Planner
Monterey County Planning Dept.
P.O. Box 1208
Salinas, CA 93902

Jacqueline Onciano
Associate Planner
Monterey County Planning Dept.
P.O. Box 1208
Salinas, CA 93902

Dear Bud and Jacqueline:

Thank you for sending us a copy of the Victorine Ranch Mutual Water Company Negative Declaration and the County's draft coastal permit staff report. Not all the conclusions of that report jibe with the environmental information presented and the Big Sur Coast Land Use Plan's policy directions.

The proposal in question includes infrastructure for 18 water connections. While infrastructure planning is desirable, its utility and practicality in rural Big Sur are not evident. Given the very slow rate of development in Big Sur generally, and at Victorine Ranch especially, permitting installation of a water system to serve what may be more than full buildout is growth-inducing. As the staff report notes, several parcels that are in the proposed service area are to be placed in open space and, thus, no longer need service. Such may be the fate of other remaining parcels in the proposed service area. The staff report notes that caretakers' units could use the extra hookups. However, only about 40 more caretakers units are allowed in the entire Big Sur; we would advocate that, wherever possible, these should be earmarked for the larger ranch properties as originally intended. Caretaker units can also be on the same connection as the main units. The staff report does not note whether necessary application of the slope-density formula would permit any further land divisions in the resource area.

Since there are some visual impacts associated with this project as well, premature and possibly excessive facility sizing should be avoided. Note that the Land Use Plan does not allow roads, tanks or any other development in the critical viewshed. The County staff report acknowledges that portions of the project would be visible from Highway 1. Therefore, project modifications would appear necessary to bring the project into conformity with Land Use Plan policies.

Alternatives which should be considered include incremental development of a smaller system; individual wells with their own pressurized storage tanks; reconsideration of a possible connection to the Carmel Riviera Mutual System; and selection of better-concealed road and tank locations. In evaluating such alternatives, please note that the Land Use Plan does not allow the use of after-the-fact earthwork such as berming or mounding to hide visible structures nor does it allow new access roads to intrude in the critical viewshed. Roads should not exceed 12 feet in width.

RECEIVED
MAR 25 1996
CALIFORNIA
COASTAL COMMISSION

Bud Carney and Jacqueline Onciano
Monterey County Planning Dept.
January 23, 1996
Page 2

Since the existing well has capacity to serve additional development, alternative approaches which build on this existing asset should be emphasized. For example, if any future development that needs water is proposed, a pipeline extension from this well could be approved at the same time, if determined to be the least environmentally damaging alternative way to supply water to the parcel in question.

We hope that these comments prove helpful when considering the subject coastal permit.

Sincerely,

Les Strnad
Supervisor of Planning and Regulation

Rick Hyman
Coastal Planner

LS/RH/cm
0177R

STATE OF CALIFORNIA—THE RESOURCES AGENCY
CALIFORNIA STATE COASTAL CONSERVANCY
330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
TSS 541-1015
TELEPHONE (510) 286-1015
FAX (510) 286-0470

PETE WILSON, Governor

February 28, 1996

Peter Douglas
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

RE: Victorine Ranch TDC Demonstration Project

Dear Peter:

I would like to follow up on our February 16 visit to the Conservancy's Victorine Ranch property in Big Sur. I'm glad we had the chance to look at the property together and reach some agreement on the Conservancy's plans for subdividing the property. It is apparent to all of us now that the property can easily support four building sites without impinging on the Critical Viewshed.

The issue that remains is whether the Conservancy should attempt to create more than four building sites on the property in order to better utilize its potential as a TDC receiver site. You indicated on the 16th that you would like to further explore this possibility with the County before the Conservancy proceeds with its subdivision application. As we discussed on the 27th, the issue is not whether the County agrees with our assessment that the six to eight houses could be built on the property without being visible. Instead, the issue is whether the County LCP enables them to accept a subdivision proposal for more lots than the amount of TDCs which the developer -- that's us -- has in hand. We believe it would be good public policy for "receiver lots" to be created in advance of immediately available TDCs (thus creating a bank and priming the market). The County disagrees. This is the challenge that your negotiations must resolve.

Although our staff, and more recently Coastal Commission staff, have already put this question to the County without success, we are more than willing to have you revisit the issue before we submit our map application. Please understand however, that the Conservancy is eager to conclude this project which has already run into very substantial delays. Hence my request to you on the 16th that you conclude your inquiries within a month.

With that one month period in mind, we will submit our subdivision application to the County by the end of March. If you are unsuccessful in your approach to the County, we will move forward with a four-lot subdivision. If you are successful, as we earnestly hope, we will enlarge the proposal. We will then request a meeting with County planning staff and our engineer to review the County's methodology for determining compliance with the Critical Viewshed ordinance. We would be pleased if Mr. Otter could participate in that meeting so we can all be satisfied that every care is being taken to assure that the Conservancy's project will not impact the Critical Viewshed. We are interested in any suggestions from your staff on ways to minimize the environmental impacts of our subdivision on the Victorine Ranch, but please bear in mind that the Conservancy also has an interest in creating building sites that are readily marketable. I am sure that by working closely with County staff we will develop a subdivision plan that accomplishes both of these ends.

Please let me know as soon as you have concluded your inquiries with the County concerning the additional building sites. If you have any questions, please do not hesitate to contact me.

Thanks!

Sincerely,

Michael L. Fischer
Chief Executive Officer

cc: Lee Otter

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE (510) 286-1015
FAX (510) 286-0470

March 25, 1996

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

RE: Victorine Ranch TDC Demonstration Project

Dear Peter:

On Tuesday we were informed by Tami Grove that the Coastal Commission has filed an appeal of Monterey County's approval of the Coastal Development Permit for the Victorine Ranch Mutual Water Company. I was surprised, to say the least, since the issue of the water system had never been raised by you or your staff in the numerous meetings and conversations held with us on the subject of the Victorine Ranch.

My understanding from you after our meeting of February 16 was that the Conservancy and the Commission were in agreement on the suitability of the Conservancy's property for residential development. As you recall, Peter, we had even agreed to delay submitting our map application until the end of this month so that you could further explore the possibility of creating more than four building sites on the property. In light of the conclusion of our last meeting, this current turn of events is puzzling indeed. How can the Commission simultaneously support our subdivision but oppose the water system that serves it?

The development of a water system on the Victorine Ranch is a vital component of the Conservancy's project. In fact, the Conservancy was prevented from submitting its subdivision map to the County for several years until a water source could be identified and secured. The application for a Coastal Development Permit from the Victorine Ranch Mutual Water Company has been on file with the County for about six months, and your staff has had ample opportunity to raise any concerns they might have had regarding the water system with us and with the County.

We are dismayed that your staff said nothing of their concerns to us, either before or after the application's approval by the County on January 31st. We do agree that the water tank, just like the houses, must be located outside the Critical Viewshed. If, in fact, the tank is unnecessarily visible, that creates a quandary which must be resolved. As Tami said to me, "I must believe that we're on the same side on this," and she's right. I only wish we were working to assure the proper siting of the tank <u>before</u> an appeal became necessary in your view.

But here's the core of our concern: we thought we were engaged in a partnership project. Yet you and your staff considered the problem (and came to a decision) without including us, your partners, in the process. If we can't apply the basic principles of partnership to even the easy ones -, when we're on the same wavelength - how can you expect to avoid damaging friction in the tougher situations?

I hope this experience gives us all the resolve we need to do a much better job of teamwork, sigh.

Cordially

Michael L. Fischer
Executive Officer

cc: Tami Grove
Lee Otter

MONTEREY COUNTY

PLANNING AND BUILDING INSPECTION DEPARTMENT
P.O. BOX 1208 SALINAS, CALIFORNIA 93902 (408) 755-5025

ROBERT SLIMMON, JR.
DIRECTOR OF PLANNING AND BUILDING INSPECTION

May 8, 1996

VIA FACSIMILE

Mr. Lee Otter
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Victorine Ranch Mutual Water Company PC941184

Dear Lee:

Please accept this letter as notification by the County that the clarifying documents requested by your May 1, 1996 letter to Anthony Lombardo have been placed in the official record.

The applicant has submitted an amendment to the Bylaws of the Victorine Ranch Mutual Water Company which addresses the concerns expressed in your letter to the applicant. The County will require the applicant to provide proof of recording the amendment to the By-laws as the First Amendment to the Bylaws.

The County agrees with the clarification of conditions provided by Paragraphs 1 through 8 under the heading of Proposed Resolution in your May 1, 1996 letter to Anthony Lombardo and will interpret the conditions consistent with this clarification.

Sincerely,

Anthony J. "Tony" Carvey, AICP
Supervising Planner, Coastal Program

CC: Nick Chiulos
Jacqueline Onciano

73445 RECORDED AT REQUEST OF

Recording Requested by and
When Recorded, Mail To:

Anthony Lombardo & Associates
P. O. Box 2119
450 Lincoln Avenue, Ste. 450
Salinas, CA 93902

DEC 9 12 34 PM '96

OFFICE OF RECORDER
COUNTY OF MONTEREY
SALINAS, CALIFORNIA

AMENDMENT TO BYLAWS OF VICTORINE RANCH
MUTUAL WATER COMPANY

Section 3.4 Water Service Connections. The Mutual has a maximum of sixteen (16) service connections which shall be distributed within the Mutual's service area boundaries as follows:

3.4.1. Ten (10) connections: one for each primary residence on each legal lot of record;

3.4.2. Two (2) connections: one for each of up to two (2) additional primary residences to be created on the Conservancy property by use of the County's Transfer Development Credit program;

3.4.3. The balance of the connections are reserved for accessory structures constructed on any of the existing legal lots of record;

3.4.4. In the event that any of the property owners within the Mutual's service area fail to execute a subscription agreement and record a memorandum of subscription agreement or if the number of developable legal lots of record served by the Mutual may decrease through voluntary consolidation, purchase by a public agency for open space, purchase or gift of easement which precludes development, or similar event, the service connection(s) for said property(s) shall be used in accordance with section 3.4.3. above.

00129\1d-amend.001\1

SECRETARY'S CERTIFICATE

OF

VICTORINE RANCH MUTUAL WATER COMPANY

I hereby certify that I am the duly elected and acting Secretary of said Mutual and that the foregoing Amendment to Bylaws, comprising 1 page, constitute the Amendment to Bylaws of said Mutual as duly adopted by action of the Board of Directors thereof on May 12th, 1996.

Dated: May 12th, 1996

Helen Bibbero, Secy.

HELEN BIBBERO, Secretary

Wendy L. Ross
WITNESS

STATE OF CALIFORNIA

COUNTY OF MONTEREY

On MAY 13, 1996, before me, NANCY STAFFORD, Notary Public, personally appeared WENDY L. ROSS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument as a witness thereto, who being by me duly deposed and said: That she resides in Monterey County, that she was present and saw HELEN BIBBERO, personally known to her to be the same person described in and who executed the within instrument, as a party thereto, sign, seal and deliver the same and that said party duly acknowledged in the presence of said affiant, that she executed the same, and that said affiant, thereupon at the party's request, subscribed her name as a witness thereto.

WITNESS my hand and official seal.

Nancy Stafford

VRS2 NANCY STAFFORD
COMM. #1087701
Notary Public-California
Monterey County
My Comm. Exp. March 15, 2000 VRS2

00129\1d-seccert\1

Exhibit 4: March 23, 2000 Staff Recommendation

RECEIVED
MAY 15 1996
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

WITHDRAWAL OF
APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Commissioner Carl L. Williams
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219 (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government: County of Monterey

2. Brief description of development being appealed: Coastal Development Permit No. PC 94185 for Victorine Ranch Mutual Water Company (16-connection water system; 3,000 ft. of pipeline; access road; grading; two 25,000 gal. water tanks)

3. Development's location (street address, assessor's parcel no., cross street, etc.): On the east side of Highway 1, 0.5 mile south of Malpaso Creek, Big Sur Coast, Monterey County.

4. Description of decision being appealed: Approval with special conditions

5. APPEAL NO.: A-3-MCO-96-022

6. DATE FILED: March 19, 1996

7. DISTRICT: Central Coast

8. Decision being appealed was made by: Planning Commission

WITHDRAWAL OF APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION III. Reasons Supporting the Withdrawal of This Appeal

State briefly your reasons for withdrawing this appeal.

The permittee and County agreed in writing to certain actions which will address the concerns raised in the appeal. Specifically, by letter of May 6, 1996 in response to Commission staff letter of May 1, 1996, permittee has agreed to the following:
1. Forego grading of a hillside access road to serve the proposed watertanks (an existing ranch road will serve the purpose);
2. Protect existing native vegetation which will serve to screen the water-tanks from Highway 1 views, and,
3. Record durable legal instruments (specifically, by amendment of the water company subscription agreement by-laws) which clarify that the 16 "connections" approved by the County represent only a maximum limit — that only one connection per principal residence on each of the ten existing legal lots of record be allowed, with the excess connections limited to permitted caretaker units on the existing legal lots of record and received development credits on the Coastal Conservancy property.

NOTE: Continued on Page 3.

SECTION V. Certification

The information and facts stated above, and on Page 3, are correct to the best of my/our knowledge.

Signature of Appellant(s) or
Authorized Agent

Date May 10, 1996

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

01231 SC
01540

SECTION III. Reasons Supporting the Withdrawal of This Appeal (Continued)

State briefly your reasons for withdrawing this appeal.

The County has agreed, by letter of May 8, 1996 (attached), to incorporate these agreements in the official record as permit clarifications, and to require applitant to record the by-law amendment. Therefore, the issues raised by this appeal -- conformance with the Critical Viewshed Policy for Big Sur Coast, and the growth-inducing potential of allowing more connections than the number of existing parcels -- are addressed. Accordingly, the project as clarified will conform with the requirements of the certified Monterey County Local Coastal Program.

01540

Exhibit 4: March 23, 2000 Staff Recommendation

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

June 3, 1996

Anthony J. "Bud" Carney, Supervising Planner
Coastal Team Supervisor
Monterey County Dept. of Planning and Building
P.O. Box 1208
Salinas, CA 93902

RE: Coastal Conservancy Property at Victorine Ranch

Dear Bud:

The purpose of this letter is to summarize the results of our meeting with you and Jacqueline on May 28th. As you are aware, over the last several months our staff and the Coastal Conservancy have been discussing land division on the subject property, located in the Big Sur Coast portion of the County's coastal zone. The overall goal of last week's meeting was to identify applicable LCP requirements and permit processing issues so that we might assist the Coastal Conservancy in making necessary decisions about how to proceed with proposals for this property.

Because this property was conceived as a model Transferred Development Credit (TDC) receiver site, we discussed that it is important for the County to identify what is needed in order to process an application which would implement such a model TDC project, including a County-issued Coastal Development Permit (CDP). Toward this end we are investigating the feasibility of maximizing the number of TDC receiver lots in a manner which would be fully consistent with the LCP. (Given the limited information available to date, this initially appears to be in the range of 6 to 8 lots.) In our discussions, we endeavored to discover if there are potentially any conflicts with the County's Subdivision Ordinance, or with other County requirements.

We also contrasted the permit processing requirements and time scale for a minimum-level (4-lot) subdivision vs. the 6-8 lot TDC receiver site scenario. For the minimum-level case, we assumed the Coastal Conservancy will utilize two TDC credits transferred from their Abalone Cove viewshed parcel at Kasler Cove in combination with their two existing Victorine Ranch parcels (total about 100 acres). This would yield four new parcels and a remainder open space parcel.

Our discussion yielded the following highlights:

a. On the question of whether or not your department can take in an application for more than four lots, it is clear that such an application would be accepted.

b. You advised us that the advice of County Counsel is needed before it can be said with certainty that there are no Subdivision Map Act or County Subdivision Ordinance obstacles to processing such a request; however, you were not able to immediately identify any such problems.

c. If an application for more than four parcels were to be approved, there appear to be several possible ways to insure that the "over-four" parcels are reserved exclusively for the receipt of TDC's. For example, the County's CDP could be conditioned to require that those parcels beyond the first four would not be recorded until additional TDC credits are generated and formally applied to this property.

d. There would be a difference, although not substantial, in processing time between a Minor Subdivision (max. 4 lots plus remainder) and a Standard Subdivision (more than 4 lots). This is because additional layers of review are required for a Standard Subdivision. A minor subdivision can be approved by the County's Minor Subdivision Committee alone. This would require typically 3-4 months, beyond the time needed for the CEQA compliance process.

In contrast, a Standard Subdivision currently must be approved by the Subdivision Committee, the Planning Commission, <u>and</u> the Board of Supervisors. The new Title 20 revisions will shorten this process by one level of review, but something on the order of 6 months can be anticipated (in addition to the CEQA compliance process).

e. With respect to the CEQA process, the County would ask to be the lead agency. It appears unlikely that the existing Coastal Conservancy Negative Declaration would be considered adequate to address the range of issues applicable to the Victorine Ranch site. A pre-application conference would be strongly suggested, to identify what is needed to address CEQA requirements. This would be especially true with respect to the viewshed analysis, which would need to be conducted in accordance with the County's written guidelines and would have to consider all vantage points listed in the Big Sur Coast LUP. You pointed out that not only the proposed residential sites, but also the proposed road(s) would have to be staked for proper analysis.

f. Standard Subdivisions nearly always need a full EIR for the County to process them. In some more sensitive cases, Minor Subdivisions may also need an EIR. If all the issues are adequately addressed, a Negative Declaration <u>might</u> satisfy CEQA requirements -- but, the same <u>kind</u> of information would be required whether or not an EIR is prepared.

g. Normally, subdivisions are subject to a requirement that roads and utilities all be in place before lots can be sold. We discussed the question that if more than four lots are approved, can the road and

utility extensions be done incrementally for the "over-four" lots? It appeared this might very well be possible if conditioned as in "b" above, but here again the advice of County Counsel is needed.

h. Regarding availability of donor credits, there have already been some private sector TDC transfers. County staff is currently aware of two available donor credits, other than the Conservancy's two Kasler Point/Abalone Cove donor credits; they are held by Bixby Creek Partners and by Linda Mazet (one each). This may be something the Coastal Conservancy will want to look into further.

In view of the above information, as well as the need to coordinate each of our respective agency's roles and to insure that the project is fully consistent with the Monterey County LCP, the following steps are suggested:

1. The County's subdivision and CDP permit processing requirements are clarified with County Counsel, as mentioned above. A pre-application conference would be appropriate at this point, as well.

2. For Critical Viewshed purposes, a supplemental viewshed analysis would be conducted by the Coastal Conservancy to determine the extent of the zone of concealment. Conservancy staff should consult with County and Coastal Commission staff regarding technique, to insure that the results will be credible and accepted.

3. The supplemental viewshed analysis may show that the site is capable of supporting more than four residential parcels. If so, Coastal Conservancy staff will determine the feasibility of applying for more, hopefully in consultation with County and Commission staff. Whatever the number of parcels selected, the Coastal Conservancy will adjust the design of the subdivision to insure that all elements, including road construction, are wholly consistent with the Big Sur Coast Land Use Plan's Critical Viewshed Policy and other County requirements.

5. The Coastal Conservancy will, in coordination with the County, Coastal Commission, and State Parks, identify the location of scenic/open space easements and hiking trail easements to be shown on the Tentative Subdivision Map. Any building height limitations or restrictions on site coverage needed to preclude "monster houses" out of character with Big Sur should be identified as well.

6. A CDP application would be submitted to, and processed by the County. The County would prepare, circulate, and certify the necessary CEQA documents.

Please advise if we've omitted any steps. We've not mentioned the water supply issue because with the withdrawal of the appeal, the Victorine Ranch Mutual Water Company CDP will provide at least 4 connections (and potentially several more, up to the 16-connection limit). And, as the existing Bibbero well demonstrates, groundwater is available for additional wells. We look forward to discussing these issues with you and the Coastal Conservancy at our meeting of June 6, 1996. Please contact Lee Otter of our staff if you have any questions.

Sincerely,

Tami Grove

Tami Grove
District Director

TG/LO/cm
cc: M. Fischer, C. Conservancy
P. Douglas, C. Commission
01560

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

June 18, 1996

RECEIVED
JUN 20 1996
STATE COASTAL CONSERVANCY
OAKLAND, CALIF

Michael Fischer, Executive Officer
State Coastal Conservancy
1330 Broadway St., Suite 1100
Oakland, CA 94612-2530

Dear Michael:

I write in support of the Conservancy staff recommendation that the Board approve $30,000 for additional planning and permitting work associated with seeking county approval for a tentative subdivision map of up to eight units for the Victorine Ranch in order to support the county's transfer of development credit program. We have worked with you and your staff for many months to move forward with a multi-unit subdivision at Victorine in order to create a receiver site for potential future transfers of densities from sensitive viewshed locations consistent with the county's local coastal program. While not prejudging all of the aspects of such a subdivision (i.e., the precise siting and design of building sites and structures), we strongly support pursuing this effort in furtherance of an innovative and important element of the county's local coastal program. We appreciate that a subdivision of more than four lots will entail additional work on the part of your staff and we are prepared to do what we can to be of assistance.

We look forward to continuing to work with you and your staff on this project.

Sincerely,

Peter Douglas
Executive Director

cc: Tami Grove

Coastal Conservancy

August 6, 1996

Tami Grove
District Director, Central Coast
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

SUBJECT: Victorine Ranch TDC Project

Dear Ms. Grove:

I am writing to follow up on the meeting that we held in Monterey on June 6, concerning the scope of the proposed "Model TDC" project at the Victorine Ranch in Big Sur. This meeting was convened by your office in order to reach a conclusion regarding the number of lots for which the Conservancy would make application to the County under the LCP. A desire had been expressed that we seek to create additional "receiver" sites for TDCs, and the principal question to be answered was whether the County would be able to accept such a subdivision application and process it to approval (assuming all other environmental standards could be met).

Your assistance is needed to reach a conclusion on this issue. To date, we have not received any answer from the County, despite the assurances given at the meeting that a definitive response would be forthcoming within two weeks. As you know, the Conservancy has been ready to submit a subdivision application for a four-unit TDC project since May, 1995, and we have held up that effort solely to accommodate the expressed desire of the Commission staff for an opportunity to consider the potential for creating additional TDC receiver sites. Given your interest in the alternate course of action, we would appreciate anything that you or your staff could do to facilitate a response from the County.

Please contact me or Prentiss Williams if you have any question about this matter.

Very truly yours,

Steve Horn
Deputy Executive Officer

1330 Broadway, 11th Floor
Oakland, California 94612-2530
510-286-1015 Fax 510-286-0470

March 10, 1997

Peter Douglas
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

RE: Victorine Ranch TDC Receiver Site Project

Dear Peter:

I am writing to update you on the recent developments with our Victorine Ranch TDC project. As you recall, the Coastal Conservancy has agreed to pursue an eight-unit subdivision on the Victorine Ranch, largely in response to your concerns regarding the lack of available TDC Receiver Sites in Big Sur. By undertaking an eight-unit subdivision, rather than the four-unit project which we had previously been planning, the Conservancy is investing considerable staff time and money, and is incurring a substantial delay in the sale of the property, thus postponing the receipt of urgently-needed capital.

We were nevertheless happy to take on the expanded project because we agreed with the Commission's conclusion that ready receiver sites are a critical component of a viable TDC program, and that the Victorine Ranch is a suitable location for these receiver sites. It has been our understanding that in pursuing this project, the Coastal Conservancy would be working with the full support and cooperation of the Coastal Commission. Some recent actions on the part of your staff, however, have shaken that understanding.

The first was the Coastal Commission's appeal of Monterey County's approval of a Coastal Development Permit for the Victorine Ranch Mutual Water Company. This appeal was filed by your staff with no prior notice to the Coastal Conservancy and no discussion of the issues involved. As you recall, it was only at

1330 Broadway, 11th Floor
Oakland, California 94612-2530
510-286-1015 Fax 510-286-0470

our insistence that we were included in any of the discussions regarding the matter between the Commission staff and the County of Monterey. We had thought that this matter was behind us and that both our agencies were now moving forward with a renewed spirit of cooperation, when we were caught by surprise by another action by your staff that, once again, threatens the viability of the Conservancy's receiver site subdivision.

It appears that the Coastal Commission withdrew its appeal of the Victorine Ranch Mutual Water Company CDP without first reviewing the language of the amendment to the bylaws that was one of the conditions that your staff required for the withdrawal of the appeal. Had this language been reviewed, your staff surely would have realized that the proposed amendment limits the Conservancy to only four water connections for use on its property, thus rendering impossible an eight-unit subdivision. So a new problem has arisen, and we need your help to solve it.

With assistance from the AG, we are in the process of pursuing an arbitration with the Water Company in order to assert our right to the eight water connections necessary for our project. This arbitration will involve considerable expense by the Conservancy (about $10,000) and will cause still more delays in the submittal of our map application. And, of course, there is the possibility that the Conservancy may lose the arbitration, leaving us with only four water connections. When Joe Rusconi, the Deputy Attorney General handling the case for the Conservancy, made inquiries with your staff regarding the possibility of the Coastal Commission taking some action with regard to the Water Company's permit, he was told that there was absolutely nothing the Commission could do. Peter, I would like very much to get a second opinion on this matter from your legal staff. Given the importance of obtaining these water connections, I would expect that Commission staff would be eager to explore every avenue that might be available to them.

Finally, I was quite concerned at the report I received from Carol Arnold and Prentiss Williams regarding their presentation to the Big Sur Multi-Agency Task Force on February 28. Although I heard that both Carol and Prentiss did an excellent job of explaining both the TDC Program and the Victorine Ranch project clearly and completely (see attached letter), I was dismayed to hear that Lee Otter's only comment was a brief reference to the existence of small lots in the Critical Viewshed, and that he made no attempt to confirm the importance of the TDC Program, and the Conservancy's efforts at the Victorine Ranch, to the continued viability of the Big Sur Viewshed Protection Ordinance.

Letter to Peter Douglas, March 10, 1997

Frankly, Peter, the success of this project absolutely depends upon energetic and proactive support from the Commission. I was extremely disappointed to learn that such a contribution from your staff was not made during a difficult Big Sur community presentation regarding a project that is a Coastal Commission priority.

Quite the contrary, in fact: Lee has been heard expressing sentiments (in public) that would lead others to believe that he does not support the Victorine Ranch TDC project, and that he suspects the Conservancy of seeking to maximize its monetary gain by pursuing the project. On this last point, our financial analysis indicates that an 8-lot project will, at best, be a financial wash for us, compared to a four-lot project. At worst, it could result in substantial delay and loss of a quarter to a half-million dollars, given the added staff, legal and consultant effort that will be required.

Let me be very clear: our staff has the tenacity and the ability to pursue the Victorine Ranch project in the face of the strong community opposition that we both know is inevitable with this project, but we cannot proceed without the ongoing support and cooperation of the Coastal Commission. If the Commission is unable to speak with one voice to lend this support, I fear we are looking at certain failure of an 8-lot project.

Sincerely,

Michael L. Fischer
Executive Officer

Exhibit 4: March 23, 2000 Staff Recommendation

Exhibit 9
October 16, 1986 Staff Recommendation

Exhibit 4: March 23, 2000 Staff Recommendation

STATE COASTAL CONSERVANCY

STAFF RECOMMENDATION

October 16, 1986

VICTORINE RANCH

File No. 81-043
Project Manager: Don Coppock

REQUESTED ACTION: Authorization to disburse up to $ 402,500 to exercise the existing option to purchase two parcels of land at the Victorine Ranch, in Big Sur.

SUMMARY DESCRIPTION: Assembly of parcels for development as a receiver site for the Big Sur Transfer of Development Credit Program and scenic area protection.

PROJECT LOCATION: East of State Highway 1 approximately 9 miles south of the City of Carmel, Monterey County. (see Exhibit 1)

PROGRAM CATEGORY: Coastal Restoration (Big Sur)

FINANCIAL SUMMARY:

Previous Conservancy option payments	$ 100,000
Remainder Acquisition Cost (This Recommendation)	**402,500**
TOTAL ACQUISITION COST	$ 502,500
Estimated Future Project Design Costs (Subject to Future Conservancy Authorization)	$ 70,000

Potential Reimbursement: Up to 100% of acquisition and project design costs through sale of approved receiver site.

STAFF RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31200-31215 of the Public Resources Code:

> "The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed four hundred two thousand five hundred dollars ($ 402,500) for the acquisition of Monterey County Assessor's Parcel Nos. 243-211-17 and 243-221-19, as a "TDC receiver site" for viewshed protection purposes consistent with the approved Big Sur Restoration Plan. The Conservancy further approves the Negative Declaration attached as Exhibit 2. Disbursement of funds pursuant to this authorization shall be subject to the follow condition:

1. The acquisition price shall not exceed Fair Market Value as determined by an updated appraisal approved by the Department of General Services."

Staff further recommends that the Conservancy adopt the following findings in support of the recommended resolution based on the accompanying staff report:

"The State Coastal Conservancy hereby finds that:

1. The proposed acquisition is consistent with the purposes and criteria of Chapter 5 of the Conservancy's enabling legislation (Public Resources Code Sections 31200-31215) which enables the Conservancy to fund the assembly of parcels of land within designated coastal restoration areas, the redesign of such areas, and the installation of public improvements required to serve such areas;

2. Acquisition of these parcels would help to implement the policies of the Big Sur Restoration Plan and the approved LCP Land Use Plan, by providing development sites outside the view of Highway 1 to which development may be transferred from lands within the critical viewshed; and

3. The Conservancy has reviewed the Initial Study prepared for the Victorine Ranch property acquisition project as well as public comments received, and has determined that the project could not have a significant effect on the environment, pursuant to the California Environmental Quality Act and the State CEQA Guidelines."

STAFF SUMMARY: To preserve public views from scenic Highway 1 along the Big Sur coast, the County of Monterey has established a stringent viewshed protection policy in the Big Sur LCP Land Use Plan. This policy would entirely prohibit future development on a number of "critical viewshed" sites. Because the cost of outright public acquisition of these viewshed parcels would far exceed available resources, the principal means of implementing the viewshed protection policy is the Transfer of Development Credits (TDC) Program described in the LCP. Through the TDC Program, viewshed landowners may sell TDCs to be used for increasing density on lands deemed appropriate as "receiver sites."

The Conservancy has had a principal role in assisting the County to formulate the TDC policy, and has indicated its commitment to help implement it. This intended assistance takes two forms: (1) a grant of funds to the County to enable

it to act as a "banker" for TDC sales and purchases; and (2) a direct effort to establish a TDC receiver site and to work through a model donor-receiver project to demonstrate that the policy is feasible. The present Staff Recommendation will enable the Conservancy to carry out such a model project, in conjunction with the Kasler Point Preservation "donor site" for which a Staff Recommendation is also before the Conservancy.

The "Victorine Ranch" area consists of approximately 460 total acres subdivided into eighteen parcels. (It is a ranch in name only.) The area is east of Highway 1, with substantial areas outside of the viewshed.

The Conservancy has long identified the Victorine Ranch area as a likely receiver site for the TDC program. In March, 1982, the Conservancy approved the concept of creating of a receiver site on the Ranch, in anticipation of a Transfer of Development policy being adopted for Big Sur. In September, 1982, the Conservancy authorized expenditure of $ 50,000 for options-to-purchase the "Craven" and "Nation" parcels, a total of approximately 100 acres. Because of delays in approval of the County LCP, action on this acquisition was likewise delayed, and the Conservancy approved additional option/extension payments for these properties in May, 1984, and November, 1985. The Conservancy investment to date is $ 100,000.

It is now recommended that the Conservancy authorize acquisition of the "Craven" and "Nation" parcels pursuant to the options. The total acquisition price would be $ 500,000, and the $ 100,000 already paid would be credited against this total. It is appropriate that the Conservancy act now to acquire the property and begin site planning for development of a receiver site because: (1) after four years and two extensions, the option cannot be further renewed; (2) now that critical viewshed policies have been incorporated in the certified Land Use Plan and TDC ordinance, for the private market in development credits to operate as intended owners of viewshed lots must be able to find receiver sites; and (3) by being the first applicants for a TDC transaction, in transferring development from Kasler Point to the Victorine Ranch, the Conservancy can help the County perfect its TDC procedures and demonstrate to private landowners the viability of the program.

STAFF DISCUSSION:

Site Description- The project site is located just south of Malpaso Creek, which forms the boundary between the Big Sur LCP planning area and the Carmel Highlands (Exhibit 1). The two parcels, totalling 100 acres, are located east of Highway 1 and are currently vacant. The central portion of the site is relatively level and is screened from public view. Domestic water could be provided to the site by the Carmel Riviera

Mutual Water Company. The soils of the site are suitable for septic tanks, and access is provided by unimproved road easements. The Big Sur LCP would permit development based on a slope/density formula. The density allocation to this property, without TDC's, would be two (2) units.

Site History- The project is located on the Old Victorine Ranch site. In the past, the property was used for grazing. During the late 1950's and in subsequent years, the property was subdivided and individual parcels were sold. No permit applications have been filed for development of the parcels under consideration.

Need for Conservancy Action- Although there are a large number of potential receiver sites in Big Sur to which development credits can be transferred, there is no assurance that there will always be a receiver site available at the point in time when the owner of a viewshed lot wishes to transfer TDC's or sell them. Therefore staff is recommending exercising the existing option agreement with the owners of two parcels at the Victorine Ranch, to help provide a pool of receiver parcels that would make the TDC Program more readily available to landowners.

Victorine Ranch is an especially important potential receiver site because it contains relatively level ground with good access to the east of, but invisible from, Highway 1. It is located at the very northern end of the Big Sur Coast, immediately adjacent to the subdivided areas of Carmel Riviera. This means that by transferring development to this site from more remote lots in the critical viewshed, the project will not aggravate traffic conditions on Highway I and will provide building sites that are highly accessible. In addition, the Victorine Ranch site can be provided with some suburban public services from the adjacent developed areas. Finally, as a major property at the southern end of Carmel and the northern end of Big Sur, the site offers an opportunity to sensitively design for transitional uses and a buffer area, to create stable and defensible urban/rural boundaries.

Project History- The Conservancy initially adopted the Victorine Ranch project on March 11, 1982, when it authorized a grant to obtain an option on a 3-acre lot as an initial step in the assembly of a larger receiver site or lot consolidation effort. The project was originally conceived to involve the redesign and improvements of up to 10 parcels in the area to eliminate inappropriately located building sites in the viewshed and provide a TDC receiver site. The Conservancy authorized acquisition of first parcel for $200,000 on May 13, and on September 2, 1982 authorized an option to purchase the two additional parcels that are the subject of this current recommendation. The initial option payment was $25,000; because of the delays in the approval of the Big Sur Land Use

Plan and the uncertainty over whether it would include a TDC program that required receiver sites, the option was twice extended. The owners have held the property off the market for four years and the Conservancy now has $100,000 invested in the site.

While the Conservancy was providing assistance to the County and the Coastal Commission is establishing the TDC program, staff were also working with adjacent land owners at Victorine Ranch to remedy situations that would impede orderly development of the site. A road right-of-way was surveyed and dedicated, and the owners of four lots resubdivided their properties to provide each with a building site outside the critical viewshed. The property recommended for acquisition was appraised, and an updated appraisal is currently being reviewed by the State Department of General Services.

Project Description- This project consists of exercising the existing option agreement to purchase two parcels of land totalling 100 acres on the Victorine Ranch site for a purchase price of $500,000, plus $2,500 of closing costs. The $100,000 in option payments that the Conservancy has made to date can be applied to the purchase price, reducing the current recommended authorization to $402,500. If the Conservancy chooses not to exercise the option, it will expire on January 25, 1987. The current owners will then be free to sell the property on the private market, and will retain the $100,000 already paid to them.

If the Conservancy does acquire the properties, all escrow, title, and appraisal documents will need to be approved by the Department of General Services and the State Public Works Board.

Immediately after the acquisition of the Victorine Ranch properties, the staff will instruct the architectural consultants already on retainer contract to begin developing alternative site plans for the two properties. The plans will show possible lot layouts, road alignments and scenic easements for a four lot development and a seven lot development. The four lot development will represent a minimal project designed to accommodate just the two homesites the property has as a result of the slope/density formula, plus two TDC's that can be transferred from the Kasler Point property. The larger project could in addition accommodate three additional TDC's from other lots in the critical viewshed.

The Conservancy will also work with the County, adjacent landowners, and the Carmel Riviera Mutual Water Company to estimate the nature and cost of necessary site improvements. Additional authorizations for engineering and design consultants will be required to combine this information into an application for a tentative map for the development of the

site. The tentative map and environmental review will be returned to the Conservancy for approval. The Conservancy staff or consultant will then process the application through the County.

At the same time, the Conservancy staff will be processing the necessary documents to transfer development from the critical viewshed lots to the Victorine Ranch site. In this role the Conservancy can help the County work through any problems with the process.

Once the tentative map and TDC transactions are approved, staff will recommend selling the site to a private owner who can install improvements, file the final map, and sell individual lots. The timeline for approval of the acquisition, through site planning and the application process and through eventual resale to private developers, is estimated at two to two and a half years.

LOCAL SUPPORT: County Supervisors, the Coastal Commission staff, and the Big Sur Land Trust all provided letters of support for the Conservancy's previous Victorine Ranch authorization. These letters are attached as Exhibits 3, 4, 5, and 6. Additional letters of support will be hand-carried to the board meeting.

CONSISTENCY WITH CONSERVANCY LEGISLATION: The Big Sur Restoration Plan was approved by the Conservancy in March, 1985, as consistent with Chapter 5 of the Conservancy's enabling legislation (Public Resources Code Section 31200 et seq.). Pursuant to Public Resources Code Sections 31200 and 31210, the acquisition of lands for open space protection and eventual private development may be funded by the Conservancy to carry out an approved coastal restoration plan.

The principal goal of the Big Sur restoration program, to preserve scenic resources along the Highway 1 corridor, will be accomplished through implementation of the Transfer of Development Credit Program contained in the approved LCP Land Use Plan. This program will avoid the adverse impacts of poor lot layout and inadequate provision of open space in prior subdivisions, while promoting orderly development of parcels outside of the viewshed. Conservancy acquisition of an appropriate development site to which the development potential of critical viewshed lots can be transferred is consistent with both the purposes of "coastal restoration" as described in Public Resources Code Sections 31007 and 31200, and with the intent expressed in Public Resources Code Section 31200 that lands in coastal restoration areas be returned to the private market for development following the redesign of subdivisions and the installation of public improvements.

CONSISTENCY WITH CONSERVANCY GUIDELINES:

Significance - The scenic quality of the Big Sur coast is a resource of national importance, as evidenced by the various national proposals for its preservation that have been introduced in the past decade. The Victorine Ranch is a significant element of the TDC program to transfer development from the most scenic viewshed properties, because it is the most promising receiver site that staff have identified on the Big Sur coast.

Urgency - The Conservancy must acquire the property by January 25, 1987, or the existing option expires and the owners of the property retain the $100,000 of option payments already committed to the project.

Need - Development of the Victorine Ranch will meet the need for identified receiver sites for the TDC program. Without such sites coastal landowners could effectively argue that the TDC program does not adequately compensate them for harsh restrictions on the use of their property.

Management and Maintenance - In the short term the State Department of General Services will manage the Victorine Ranch site. In the long term the entire site will be returned to private ownership, subject to open space easements that the Conservancy will retain.

Cooperation with Local Government - The proposed project helps implement the County of Monterey's land Use Plan and has the full support of local elected officials, as shown in Exhibits 3 and 4.

Value as a Model - This is one of the most important elements of the Victorine Ranch project. By acquiring both viewshed lots (either the Kasler Point acquisition, or other lots through the acquisition grant to the County) and a receiver site, the Conservancy will be in a unique position to control and monitor how the first TDC transaction in Monterey County takes place. In a program as complex as this, there are bound to be procedural difficulties. The Conservancy can further aid the County in working out unanticipated problems with the program as it processes the application for development of the Victorine Ranch as a receiver site. Once this demonstration project is completed, the private market in TDC's should be able to function effectively without the Conservancy needing to acquire additional receiver sites.

CONSISTENCY WITH THE COASTAL ACT:

Several Coastal Act policies are applicable to Big Sur resources. The key policies relative to the Conservancy's assembling receiver sites are 30251, 30250(a), and 30010. Section 30251 requires the protection of significant coastal visual resources. As noted above, views from Highway 1 and

other points along the Big Sur coast are considered such significant visual resources and the LCP has proposed to protect them. Section 30250(a) requires that development be located in close proximity to existing developed areas able to accommodate it. By providing a receiver site adjacent to the developed northern end of the Big Sur coast, the Victorine Ranch project allows development to be transferred from lots in the critical viewshed where it cannot be accommodated. Section 30010 requires that an LCP allow for reasonable economic use of the land to avoid giving rise to inverse condemnation. The TDC project is intended to provide such equity to the owners of these and other parcels wholly in the viewshed and assign them a value in the form of a density allowance which can be recouped at a receiver site. The assemblage of one or more receiver sites by the Conservancy is a necessary ingredient to making this system work.

CONSISTENCY WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT: The Negative Declaration attached as Exhibit 2 was prepared as required by California Administrative Code, Section 15070 and was circulated for review. The initial study included in the Negative Declaration supports a conclusion that the proposed acquisition will not have a significant effect on the environment. The review and comment period ends October 15, 1986. Any comments on the Negative Declaration will be hand-carried to the Conservancy meeting. If the Conservancy makes the recommended finding, staff will file a Notice of Determination. Subsequent projects that involve the design and approval of housing on the receiver site will require additional environmental review once the details of the development proposal are known.

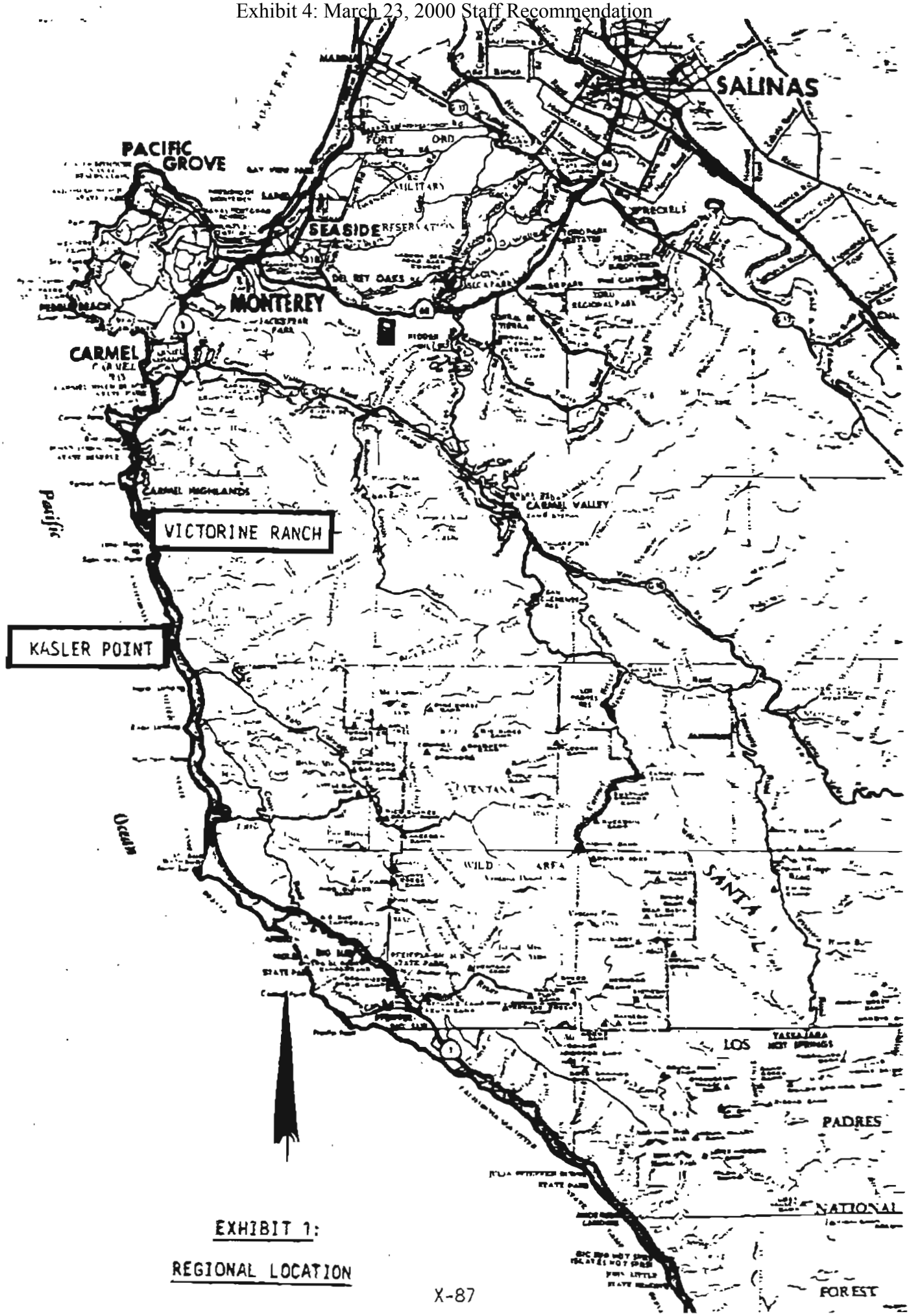

EXHIBIT 1:

REGIONAL LOCATION

Exhibit 4: March 23, 2000 Staff Recommendation

NOTICE OF PROPOSED NEGATIVE DECLARATION

TO: Secretary for Resources
1416 Ninth Street, Room 1311
Sacramento, CA 95814

FROM: State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Project Title: Victorine Ranch Acquisition

PROJECT LOCATION: The project is located in an unincorporated area of Monterey County east of State Highway One and just south of Malpaso Creek, which forms the boundary between the Big Sur LCP planning area and the Carmel Highlands (Exhibit 1).

PROJECT DESCRIPTION: The proposed project consists of exercising an option to acquire two parcels totalling 100 acres (County of Monterey Assessor Parcel No. 243-221-19A & B, 243-211-17A & B) on the Victorine Ranch site by the State Coastal Conservancy. The property is currently vacant. The central portion of the site is relatively level and access is provided by dirt road.

The Conservancy proposed to undertake this project in response to a request from the County of Monterey to provide assistance to implementating the policies contained in the Big Sur Land Use Plan (LUP). A key component of the LUP is the preparation of a Transfer of Development Credit Program to transfer potential development from lands visible from Highway One to appropriate sites outside of the viewshed. This property is proposed to be assembled into a receiver site to which development could be transferred from viewshed lands. At this time there are no specific plans for development on this site, although between four and seven homes may eventually be developed on the 100 acre site. In the event that such plans are developed, separate environmental documentation will be prepared as appropriate.

Pursuant to State Guidelines (California Administrative Code, Title 14, Chapter 3) for implementing the California Environmental Quality act (Public Resources Code Sections 21000 et seq.), the State Coastal Conservancy has prepared an initial study concerning the proposed acquisition project. The initial study, herein attached, indicates that the proposed project will not result in any significant adverse environmental changes in the project area.

Initial Study Prepared? X Yes (see attachment) No

Proposed Finding
The project would not have a significant effect on the environment.

Mitigation Measure
None

Lead Agency and Address Where Copy of Initial Study is Available
State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Review Period
Comments must be received by the State Coastal Conservancy, 1330 Broadway, Suite 1100, Oakland, CA 94612, by October 15, 1986

Contact Person	Title	Area Code	Telephone
Don Coppock	Project Analyst	(415)	464-4173

9/15/86 — Date

Donald J Coppock — Signature

Project Manager

Exhibit 2, Page 2

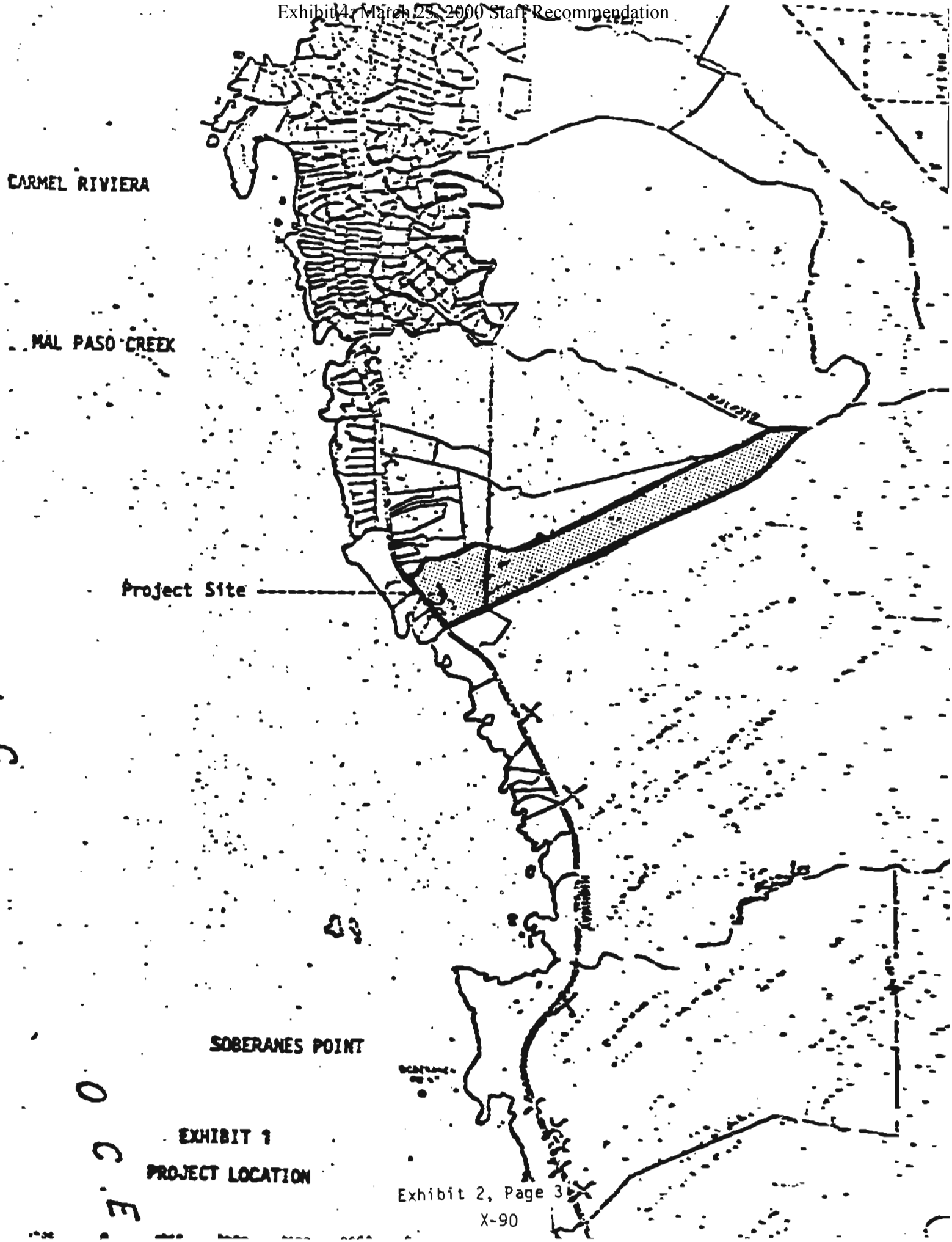

EXHIBIT 1

PROJECT LOCATION

Exhibit 4: March 23, 2000 Staff Recommendation

ENVIRONMENTAL CHECKLIST FORM

I. BACKGROUND

1. Name of Proponent State Coastal Conservancy
2. Address and Phone Number of Proponent:
   1330 Broadway, Room 1100
   Oakland, CA 94612
3. Date of Checklist Submitted September 15, 1986
4. Agency Requiring Checklist
5. Name of Proposal, if applicable Victorine Ranch

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

	YES	MAYBE	NO
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?			X
b. Disruptions, displacements, compaction or overcovering of the soil?		X	
c. Change in topography or ground surface relief features?		X	
d. The destruction, covering or modification of any unique geologic or physical features?			X
e. Any increase in wind or water erosion of soils, either on or off the site?			X
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?			X
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?			
2. Air. Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?			X
b. The creation of objectionable odors?			X
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?			X
3. Water. Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?			X
b. Changes in absorption rates, drainage patterns or the rate and amount of surface water runoff?		X	
c. Alterations to the course or flow of flood waters?			X
d. Change in the amount of surface water in any water body?			X

	YES	MAYBE	NO
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?			X
f. Alteration of the direction or rate of flow of ground waters?			X
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?			X
h. Substantial reduction in the amount of water otherwise available for public water supplies?			X
i. Exposure of people or property to water related hazards such as flooding or tidal waves?			X
4. Plant Life. Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?			X
b. Reduction of the numbers of any unique, rare or endangered species of plants?			X
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?			X
d. Reduction in acreage of any agricultural crop?			X
5. Animal Life. Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?			X
b. Reduction of the numbers of any unique, rare or endangered species of animals?			X
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?			X
d. Deterioration to existing fish or wildlife habitat?			X
6. Noise. Will the proposal result in:			
a. Increases in existing noise levels?			X
b. Exposure of people to severe noise levels?			X
7. Light and Glare. Will the proposal produce new light or glare?			X
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area?			X
9. Natural Resources. Will the proposal result in:			
a. Increase in the rate of use of any natural resources?			X
b. Substantial depletion of any nonrenewable natural resource?			X
10. Risk of Upset. Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?			X
b. Possible interference with an emergency response plan or an emergency evacuation plan?			X

	YES	MAYBE	NO
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?		X	
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?			X
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?			X
b. Effects on existing parking facilities, or demand for new parking?			X
c. Substantial impact upon existing transportation systems?			X
d. Alterations to present patterns of circulation or movement of people and/or goods?			X
e. Alterations to waterborne, rail or air traffic?			X
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?			X
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?		X	
b. Police protection?			X
c. Schools?			X
d. Parks or other recreational facilities?			X
e. Maintenance of public facilities, including roads?		X	
f. Other governmental services?			X
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?			X
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?			X
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Power or natural gas?			X
b. Communications systems?			X
c. Water?		X	
d. Sewer or septic tanks?		X	
e. Storm water drainage?			X
f. Solid waste and disposal?			X
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?			X
b. Exposure of people to potential health hazards?			X
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?			X

	YES	MAYBE	NO
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?			X
20. Cultural Resources.			
a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?			X
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?			X
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?			X
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?			X
21. Mandatory Findings of Significance.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)			X
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)			X
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X

III. DISCUSSION OF ENVIRONMENTAL EVALUATION

IV. DETERMINATION

On the basis of this initial evaluation:

- [x] I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- [ ] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.
- [ ] I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is recommended.

Date 9/15/86

(PG)

(Signature)

For Ron Kukulka, Deputy Exec. Officer
State Coastal Conservancy

Exhibit 2, Page 7

EXPLANATION OF INITIAL STUDY

1.b.
1.c. The proposed acquisition project will not result in disruption or overcovering of the soil, nor in changes in topography. Future projects may involve applications for subdivision of the 100 acre site to accommodate four to seven homesites. (Two homesites are allowed under existing zoning; between two and five additional homesites may be permissable by transferring development from other lots in the "critical viewshed" under the provisions of Monterey County's Transfer of Development Credit ordinance). These future projects may involve grading and improving road access to the site, and grading for the individual home sites. This will be described in a later environmental review, when and if such plans are developed.

2.b. The proposed acquisition project will not result in changes in the absorption rates or amount of surface runoff. Future projects may involve improving road access to the site and enlarging culverts on some gullies. Construction of four to seven homes will increase impervious surfaces, but probably not significantly on the 100 acre site.

11. The proposed acquisition project will not alter the location, distribution, or density of the human population of the area. Future projects involving the transfer of development from more remote and visible lots to the Victorine Ranch site will have a nominal positive benefit of locating population closer to existing developments as required by the Coastal Act. This will affect at most five units of housing.

14.a.
14.e. The proposed acquisition will not affect public services. Future projects involving the development of four to seven homes will require some extension of fire protection services and improvement and maintenance of a private access road.

16.c.
16.d. The proposed acquisition will not result in a need for new utility systems. Future residential projects will need to extend the water distribution system of the Carmel Riviera Mutual Water Company and will rely on septic tanks for sewerage disposal.

Exhibit 4: March 23, 2000 Staff Recommendation

Exhibit 10
1996 Initial Study and Negative Declaration

Exhibit 4: March 23, 2000 Staff Recommendation

ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Victorine Ranch Subdivision

2. Lead Agency Name and Address: State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

3. Contact Person and Phone Number: Lisa Ames (510)286-4166

4. Project Location: Monterey County, approximately 10 miles south of the City of east of State Highway One within the northern boundary of the Big Sur (Exhibit 1)

5. Project Sponsor's Name and Address: State Coastal Conservancy

6. General Plan Designation: Watershed/Scenic Conservation 7. Zoning: Minimum 40 acres/lot

8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, on or off-site features necessary for its implementation. Attach additional sheets if necessary)

See Attachment A

9. Surrounding Land Uses and Setting: Briefly describe the project's surroundings)

See Attachment A

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) County of Monterey

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MAY 11 1995
STATE COASTAL CONSERVANCY

Exhibit 4: March 23, 2000 Staff Recommendation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- ☐ Land Use and Planning
- ☐ Population and Housing
- ☐ Geological Problems
- ☐ Water
- ☐ Air Quality
- ☐ Transportation/Circulation
- ☐ Biological Resources
- ☐ Energy and Mineral Resources
- ☐ Hazards
- ☐ Noise
- ☐ Mandatory Findings of Significance
- ☐ Public Services
- ☐ Utilities and Service Systems
- ☐ Aesthetics
- ☐ Cultural Resources
- ☐ Recreation

DETERMINATION.

(To be completed by the Lead Agency.)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature [signature] Date May 4, 1995

Printed Name Lisa Ames For State Coastal Conservan

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead ag cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer sh be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to p ants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, fo as well as direct, and construction as well as operational impacts.

3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant if there are one or more "Poten Significant Impact" entries when the determination is made, an EIR is required.

4) "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from tentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly e how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-refere

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analy an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checkli

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, cadinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages the statement is substantiated. See the sample question below. A source list should be attached, and other sources used or individuals co should be cited in the discussion.

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7) This is only a suggested form, and lead agencies are free to use different ones.

Exhibit 4: March 23, 2000 Staff Recommendation

Issues (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
	☐	☐	☐	☐
I. LAND USE AND PLANNING. Would the proposal:				
a) Conflict with general plan designation or zoning? (source #(s): 1)	☐	☐	☑	☐
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? ( )	☐	☐	☐	☑
c) Be incompatible with existing land use in the vicinity? ( )	☐	☐	☐	☑
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? ( )	☐	☐	☐	☑
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? ( )	☐	☐	☐	☑
II. POPULATION AND HOUSING. Would the proposal:				
a) Cumulatively exceed official regional or local population projections? (1)	☐	☐	☐	☑
b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? ( )	☐	☐	☐	☑
c) Displace existing housing, especially affordable housing? ( )	☐	☐	☐	☑

Issues (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
III. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:				
a) Fault rupture? (2)	☐	☐	☐	☑
b) Seismic ground shaking (1,2)	☐	☐	☑	☐
c) Seismic ground failure, including liquefaction? (2)	☐	☐	☐	☑
d) Seiche, tsunami, or volcanic hazard? (2)	☐	☐	☐	☑
e) Landslides or mudflows? (2)	☐	☐	☐	☑
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? (2)	☐	☐	☑	☐
g) Subsidence of the land? (2)	☐	☐	☐	☑
h) Expansive soils? (2)				✓
i) Unique geologic or physical features? (2)	☐	☐	☐	☑
IV. WATER. Would the proposal result in:				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (2)	☐	☐	☑	☐
b) Exposure of people or property to water related hazards such as flooding? (2)	☐	☐	☐	☑
c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)? (2)	☐	☐	☐	☑
d) Changes in the amount of surface water in any water body? (2)	☐	☐	☐	☑
e) Changes in currents, or the course or direction of water movements? (2)	☐	☐	☐	☑
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? (3)	☐	☐	☑	☐
g) Altered direction or rate of flow of groundwater? (3)	☐	☐	☑	☐
h) Impacts to groundwater quality? (3)	☐	☐	☐	☑
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? (3)	☐	☐	☐	☑

Issues (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
V. AIR QUALITY. Would the proposal: NA				
a) Violate any air quality standard or contribute to an existing or projected air quality violation? ( )	☐	☐	☐	☑
b) Expose sensitive receptors to pollutants? ( )	☐	☐	☐	☑
c) Alter air movement, moisture, or temperature, or cause any change in climate? ( )	☐	☐	☐	☑
d) Create objectionable odors? ( )	☐	☐	☐	☑
VI. TRANSPORTATION/CIRCULATION ☐ Would the proposal result in:				
a) Increased vehicle trips or traffic congestion? (4)	☐	☐	☑	☐
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (4)	☐	☐	☑	☐
c) Inadequate emergency access or access to nearby uses? ( )	☐	☐	☐	☑
d) Insufficient parking capacity on-site or off-site? ( )	☐	☐	☐	☑
e) Hazards or barriers for pedestrians or bicyclists? ( )	☐	☐	☐	☑
f) Conflicts with adopted policies supporting transportation (e.g. bus turnouts, bicycle racks)? ( )	☐	☐	☐	☑
g) Rail, waterborne or air traffic impacts? ( )	☐	☐	☐	☑
VII. BIOLOGICAL RESOURCES. Would the proposal result in impacts to:				
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? (5)	☐	☐	☐	☑
b) Locally designated species (e.g. heritage trees)? (5)	☐	☐	☐	☑
c) Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)? (5)	☐	☐	☐	☑
d) Wetland habitat (e.g. marsh, riparian and vernal pool)? (5)	☐	☐	☐	☑
e) Wildlife dispersal or migration corridors? (5)	☐	☐	☐	☑

Issues (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. ENERGY AND MINERAL RESOURCES. Would the proposal: NA				
a) Conflict with adopted energy conservation plan? ( )	☐	☐	☐	☑
b) Use non-renewable resources in a wasteful and inefficient manner? ( )	☐	☐	☐	☑
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? ( )	☐	☐	☐	☑
IX. HAZARDS. Would the proposal involve: NA				
a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)? ( )	☐	☐	☐	☑
b) Possible interference with an emergency response plan or emergency evacuation plan? ( )	☐	☐	☐	☑
c) The creation of any health hazard or potential health hazard? ( )	☐	☐	☐	☑
d) Exposure of people to existing sources of potential health hazards? ( )	☐	☐	☐	☑
e) Increased fire hazard in areas with flammable brush, grass, or trees? ( )	☐	☐	☐	☑
X. NOISE. Would the proposal result in: NA				
a) Increases in existing noise levels? ( )	☐	☐	☐	☑
b) Exposure of people to severe noise levels? ( )	☐	☐	☐	☑
XI. PUBLIC SERVICES. Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:				
a) Fire protection? ( )	☐	☐	☑	☐
b) Police protection? ( )	☐	☐	☑	☐
c) Schools? ( )	☐	☐	☑	☐
d) Maintenance of public facilities, including roads? ( )	☐	☐	☐	☑
e) Other governmental services? ( )	☐	☐	☐	☑

Issues (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:				
a) Power or natural gas? (3)	☐	☐	☐	☑
b) Communications systems? (3)	☐	☐	☐	☑
c) Local or regional water treatment or distribution facilities? (3)	☐	☐	☐	☑
d) Sewer or septic tanks? (3)	☐	☐	☑	☐
e) Storm water drainage? (3)	☐	☐	☑	☐
f) Solid waste disposal? (3)	☐	☐	☑	☐
g) Local or regional water supplies? (3)	☐	☐	☐	☑
XIII. AESTHETICS. Would the proposal:				
a) Affect a scenic vista or scenic highway? (4)	☐	☐	☐	☑
b) Have a demonstrable negative aesthetic effect? (4)	☐	☐	☐	☑
c) Create light or glare? (4)	☐	☐	☐	☑
XIV. CULTURAL RESOURCES. Would the proposal:				
a) Disturb paleontological resources? (7)	☐	☐	☐	☑
b) Disturb archaeological resources? (7)	☐	☐	☐	☑
c) Affect historical resources? (7)	☐	☐	☐	☑
d) Have the potential to cause a physical change which would affect unique ethnic cultural values? ( )	☐	☐	☐	☑
e) Restrict existing religious or sacred uses within the potential impact area? ( )	☐	☐	☐	☑
XV. RECREATION. Would the proposal:				
a) Increase the demand for neighborhood or regional parks or other recreational facilities? (1)	☐	☐	☐	☑
b) Affect existing recreational opportunities? (1)	☐	☐	☐	☑

Issues (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☑
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	☐	☐	☐	☑
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☐	☐	☑
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☑

XVII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094 and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal.App.3d 1337 (1990).

History

1. Repealer and new Appendix I filed 8-19-94; operative 9-19-94 (Register No. 33). For prior history, see Register 90, No. 19.

ATTACHMENT A
(VICTORINE RANCH SUBDIVISION)

Description of Project: The proposed project is the subdivision of two existing parcels into a total of four lots for eventual development with single family homes. The total project area is 100 acres; the areas designated as building sites will be approximately 10 acres each and the remaining 60 acres will be restricted to open space. (Exhibit 2: Vicinity Map)

This proposed subdivision is the second phase of a "model transfer project" being conducted through the State Coastal Conservancy under Monterey County's "Big Sur Transferable Development Credit Program" (Policy 7.2.5, Big Sur Coast Land Use Plan and Chapter 20.156, Monterey County Coastal Implementation Plan). A discussion of this program and the Coastal Conservancy's involvement is provided below:

The Big Sur TDC Program

The Big Sur Land Use Plan was approved by Monterey County and the Coastal Commission in 1985, and in February 1988, the Implementation Plan for the Land Use Plan was completed and approved. An important component of the LUP was the designation of the "Critical Viewshed" and the formulation of policies and ordinances to regulate development within the critical viewshed. To assist in implementation of the critical viewshed ordinances, the LUP established the "Transferable Development Credit Program". Through this program, an owner of a property in the critical viewshed (a donor site) may take the development potential of that lot and transfer it to another site outside the critical viewshed (the receiver site). The development potential which is removed from the site is translated into units, each equivalent to one residential unit, called "transferable development credits" or TDCs. Every viewshed lot that is approved as a donor site by the County generates two TDCs. For every TDC that is moved to a receiver site, the owner of the receiver site may, upon County approval, construct one more residential unit than would otherwise be permitted under the existing zoning. Thus, the development potential is extinguished on a viewshed lot in exchange for increased density on another site that lies outside the critical viewshed.

The Coastal Conservancy Model TDC Project

In March of 1985, the State Coastal Conservancy adopted the Big Sur Coast LUP's critical viewshed protection plan as a Conservancy Restoration Plan. The Plan provides for Conservancy assistance to the County in implementing the TDC policy through the development of a "model" donor-receiver project. The purpose of the model project is for the Conservancy to act as the first applicant under the new ordinances to clarify the procedures, identify any potential problem areas, and to demonstrate the feasibility of the TDC program.

As phase one of the model project, the Coastal Conservancy purchased property on the Victorine Ranch to serve as a TDC receiver site and acquired property at Kasler Point, further south in Big Sur, to serve as a TDC donor site. On May 11, 1988, the Coastal Conservancy received approval from the Monterey County Planning Commission for the designation of the Kasler Point property as a donor site. This site generated two TDCs which will be applied towards two residential units on the Victorine Ranch.

This project, the subdivision of the Victorine Ranch property, represents the second phase of the model project: creation of TDC receiver sites on the Victorine Ranch for the TDCs from Kasler Point. The Conservancy will be submitting a subdivision map to the Planning Commission for the approval of four building sites on the Victorine Ranch, one for each of the existing lots and one for each of the Kasler Point TDCs.

Surrounding Land Uses and Setting: The project site is located in the "Victorine Ranch", an area of approximately 460 acres of coastal upland lying east of State Highway One across from the Otter Cove subdivision at the northern boundary of the Big Sur. The area lies approximately 10 miles south of the City of Carmel, and just south of Malpaso Creek in the Big Sur LCP Planning Area. Directly to the north of the Victorine Ranch lies the more developed Carmel Highlands LCP Planning Area. Originally used for cattle grazing, the Victorine Ranch was subdivided in the late 1950's and individual parcels sold. Victorine Ranch is currently divided into fifteen parcels and is a ranch in name only.

The project site consists of two parcels (APNs 243-211-17 and 243-221-19) owned by the State Coastal Conservancy located at the southern boundary of the Victorine Ranch. The two parcels comprise a total of 100 acres and are currently undeveloped. The central portion of the site is gently sloped (10-20%) and affords at least four building sites out of the Highway One Critical Viewshed. The developable areas contain common chaparral, brush and grassland species. The site is currently zoned Watershed/Scenic Conservation with a minimum lot size of 40-acres.

ATTACHMENT B
ENVIRONMENTAL CHECKLIST
INFORMATION SOURCES AND EXPLANATIONS
(VICTORINE RANCH SUBDIVISION)

I. Land Use and Planning

(1) Monterey County Coastal Implementation Plan adopted by the Monterey County Board of Supervisors, January, 5, 1988

a. The planned land use of the site is "Watershed and Scenic Conservation" with a minimum lot size of 40 acres. The potential density (four residences) that could result from the project will exceed the designated zoning. However, because the site will be a "receiver site" for Transfer of Development Credits (TDC's), denser development can be permitted. In accordance with the Monterey County Coastal Implementation Plan, "In Big Sur, a parcel's density may exceed that established by the zoning district pursuant to the provisions of Chapter 20.156 relating to the Transfer of Development Credits". Any potential development will comply with the regulations set forth in Chapter 20.156.

II. Population and Housing

(1) Monterey County Coastal Implementation Plan adopted by the Monterey County Board of Supervisors, January, 5, 1988

The project lies in an area that is zoned low-density residential. The increase from two to four residences in compliance with the County's land use plan concerning transfer of development credits will not exceed regional population projections. The project will not induce substantial growth or displace existing housing.

III. Geological Problems

(2) "Geological Feasibility Investigation: Victorine Ranch, Monterey, CA" by Terratech, Inc. November, 1988

a. Because no faults are known to cross the property, surface faulting does not pose a threat to potential development resulting from the subdivision.

b. The active San Andreas fault is approximately 35 miles northeast of Victorine Ranch. The active Palo Colorado fault, a southern extension of the San Gregorio fault, at its closest approach to the property is approximately 4.5 miles southeast. The San Andreas is likely to produce the strongest ground shaking on the parcel within the life of the project. Like the rest of the Carmel Valley-Northern Santa Lucia Range area, the property is expected to be subjected to "severe" ground shaking from a "maximum credible" earthquake on the nearby segment of the San Andreas fault. The estimated average recurrence interval for the maximum credible earthquake on this part of the San Andreas fault is 303 years. Future development will be sited and designed to conform to the development standards set forth in Monterey County's Regulations for Development in the Big Sur Coast Land Use Plan to minimize the potential hazards to humans from any severe seismic activity.

f. Potential development of four single-family residences proposed by the subdivision will result in temporary disruption of the soil and a small change in topography, however the environmental impacts will not be significant. Because of slope and visual constraints, development will be confined to the western quarter of the 100-acre

property. This area consists of west-facing, gentle to moderate slopes with gradients ranging from about 10 to 20 percent. The development of four homesites in this area represents a small portion of the total 100 acres. Consequently, the associated grading impacts will not be significant. In addition, the topography will be altered around the building sites to promote drainage and minimize erosion, however the cumulative impacts of this land alteration on the 100 acre site will be insignificant. The site plans will be consistent with Monterey County's Regulations for Development in the Big Sur Coast Land Use Plan and all other county ordinances in that "all development shall be sited and designed to conform to site topography, to minimize grading and disturbances resulting from site preparation, and to minimize the hazards of geological instability".

While under construction, development sites cleared of vegetation will be at increased risk of soil erosion . The following or equivalent measures will be taken to minimize erosion: (1) roadways and building pads will be graded to promote drainage, (2) the ground surface area above each cut slope and each fill slope will be graded to drain water away from the top of the slope, (3) an earth berm will be constructed if necessary along the top of each slope to prevent surface water from flowing onto the slope, and (4) each slope will be planted with erosion-resistant vegetation.

The western quarter of the property where the development would occur is underlain by Quaternary marine terrace deposits. These deposits are composed of predominantly silty sand and clayey sand layers interbedded with sandy clay layers. The sand layers are moderately well-cemented and the sandy clay layers are firm to stiff. Because the Quaternary marine deposits are well-cemented and situated on relatively shallow slope gradients, erosion should not significantly affect the development.

IV. Water

(2) "Geological Feasibility Investigation: Victorine Ranch, Monterey, CA", Terratech, Inc., November, 1988.

(3) "Victorine Ranch Status Report", Bestor Engineers, February 1989.

a. Development of the proposed sites may result in minor changes in absorption rates, drainage patterns and the rate of surface runoff with the increase in impervious surfaces. Because only a small portion of the total 100-acre site will be developed, the increase in impervious surfaces will be insignificant. Implementing the following erosion-control measures (also outlined in 1f) will prevent potential negative impacts of the increased impervious surfaces associated with the project: (1) roadways and building pads will be graded to promote drainage, (2) the ground surface area above each cut slope and each fill slope will be graded to drain water away from the top of the slope, (3) an earth berm will be constructed if necessary along the top of each slope to prevent surface water from flowing onto the slope, and (4) each slope will be planted with erosion-resistant vegetation to increase water permeation.

f. If developed, the four residences will obtain water from a groundwater well located on the adjacent Bibbero property. The Bibbero well was tested for productivity, recharge and potability in April 1994 and was issued a small water system permit by the Monterey County Health Department. The well produced a sustained flow of 56 gallons per minute. (The County had determined that to service the 15 potential homesites on the entire Victorine Ranch, the well would have to produce 20 gallons per minute.)

V. Air Quality
Not applicable. See Project Description.

VI. Transportation/Circulation
(4) Consultation with California Dept. of Transportation, March, 1995

Analysis of the driveway to the Victorine Ranch and subsequent consultation with Caltrans indicates that the existing conditions of the driveway are sub optimal for traffic safety. The driveway is partially hidden and located near a curve on northbound Highway 1.

The potential development of the two additional homesites that would be created by the subdivision would not generate substantial additional traffic and therefore would not have a significant individual or cumulative impact on the existing conditions of traffic safety.

VII. Biological Resources
(5) "Botanical/Biological Report", Bruce Cowen, August 17, 1988.
"Addendum to Botanical/Biological Report", Bruce Cowen, April 4, 1990.

All the vegetation potentially affected by the proposed project are common species found in chaparral, brush or grassland. The cumulative impacts of a small reduction in the number of plant species from development of four homesites on the 100-acre property will not be significant. Species diversity will not be reduced.

VIII, IX, & X (Energy and Mineral Resources, Hazards, Noise)
Not applicable. See Project Description

XI. Public Services

a. The four potential residences resulting from the subdivision will have adequate water supply to provide fire protection. The homesites will be connected to a mutual water company water delivery system which will include an offsite water storage tank. This water system will comply with the Residential Subdivision Water Supply Standards which include fireflow requirements and approval of the system plan from the local fire agency (Carmel Fire Department).

b. & c. Potential development of four residences will not represent a significant increase in the need for police protection or for additional school services.

XII. Utilities and Service Systems
(3) "Victorine Ranch Status Report", Bestor Engineers, February 1989.

All utility improvements will comply with the standards set forth in the Monterey County Subdivision Ordinance, and therefore will not have a significant environmental impact.

a. For gas, the potential homesites will require propane service. Extension of existing electric service will be required to be underground. Connection point will be to the underground system in Otter Cove. Route of distribution system would then follow access road, about 3400 feet to first onsite service. (Don Lewis, Pacific Gas and Electric, Pers. Communication with Carl Hooper, Bestor Engineers)

b. Pacific Bell serves the area and has an overhead major trunk line along Highway 1.

Extension to the potential development will be underground in a common trench with the electric. (Pacific Bell, Manny Balestri, Pers. Communication with Carl Hooper)

c. The potential homesites will receive water from a well on the adjacent Bibbero property. A delivery and storage system will be developed to connect the future homesites with this water supply.

d. Each home site will have an on-site septic tank and associated leachfield. Percolation tests were conducted in 1988 and indicated sufficient septic capacity for the proposed developments. Groundwater was not found in the areas of the proposed septic systems.

e. The storm drainage system will be designed by a registered civil engineer for roads and each building site to comply with the County's Residential Subdivision Drainage Standards.

f. Solid waste disposal - The area is located within the Monterey Regional Waste Management District and would be serviced by the Carmel Valley Disposal Company which transports solid waste to the Marina landfill. The additional four residences would represent an insignificant increase to the system. (Personal communication, John Jenkins Mont. Co. Environmental Services Division 1/13/95)

XIII. Aesthetics

(6) Bestor Engineers, "Victorine Ranch View Lines", April 1995

All potential development will comply with the Visual Resources Development Standards set forth in Section 20.145.030 of the Monterey County Coastal Implementation Plan, and therefore will not have a significant environmental impact. Prior to approval of the tentative subdivision map by the Planning Commission, the building sites will be staked to accurately indicate dimensions, height and rooflines.

Bestor Engineers has generated a map of critical viewshed sight lines from Highway One (based on photography and topographical maps) to determine appropriate building sites out of the critical viewshed within the project area.

XIV. Cultural Resources

(7) "Preliminary Cultural Resources Reconnaissance of a Portion of the Victorine Ranch, Carmel Highlands, Monterey County, California", by Anna Runnings, M.A., and Trudy Haversat, SOPA, October 15, 1988

The project area does not contain record information or surface evidence of potentially significant cultural resources

XV. Recreation

The project will not affect or increase the need for recreational facilities. The site is zoned for residential use and therefore the recreational needs of this area have been factored into the County's Land Use Plan.

DEPARTMENT OF WATER RESOURCES

EXHIBIT I
PROJECT LOCATION

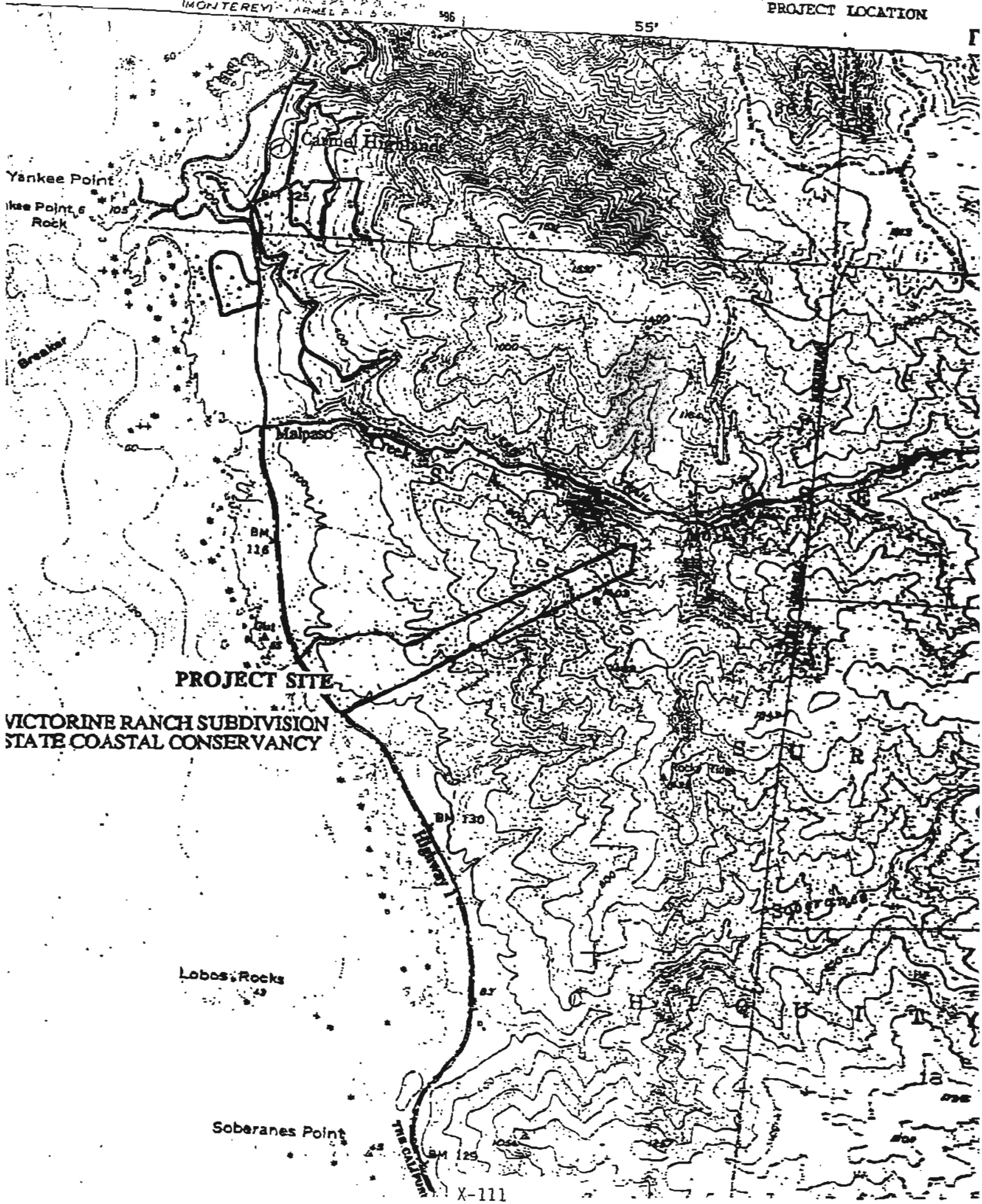
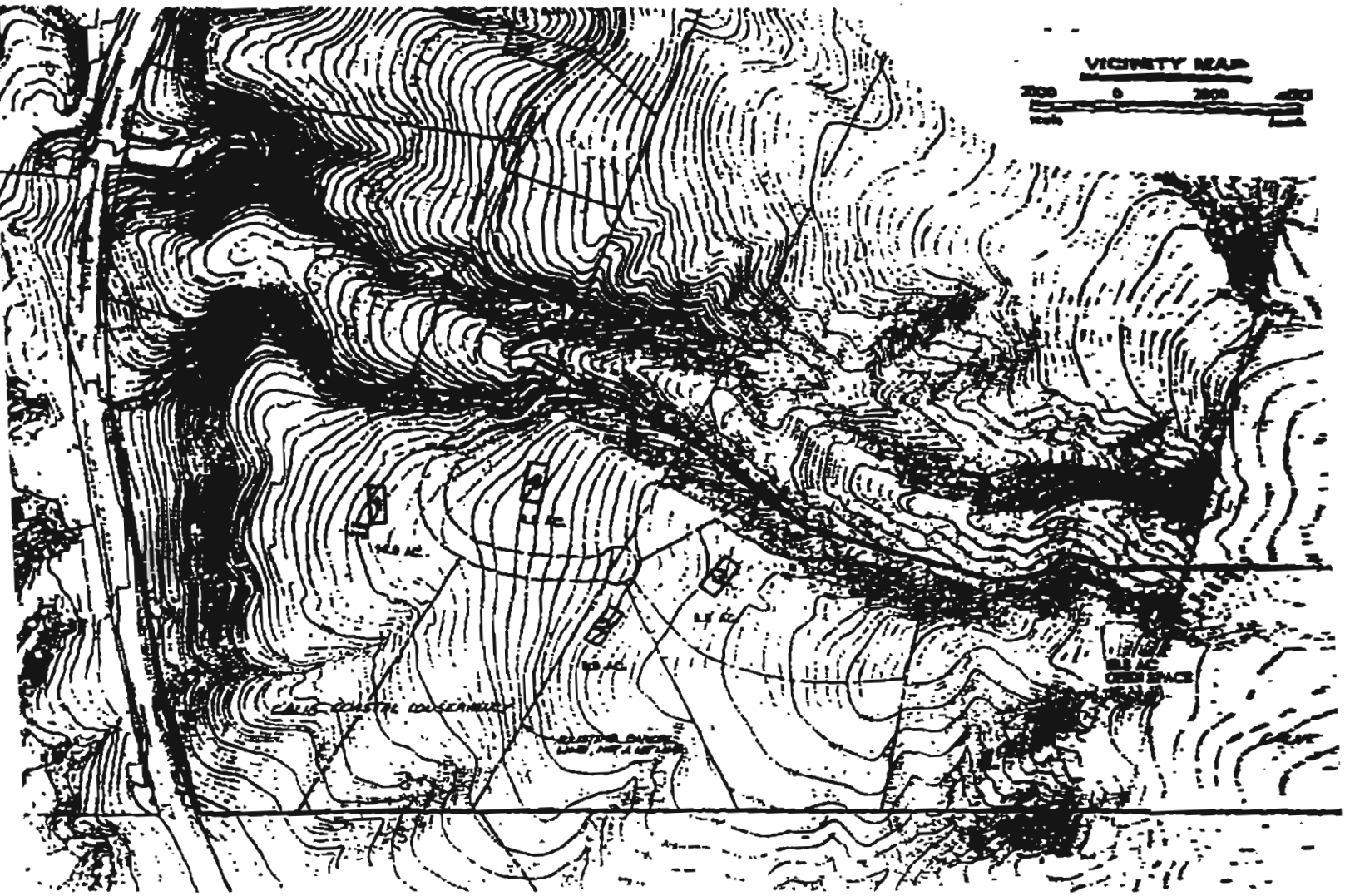


Exhibit 4: March 23, 2000 Staff Recommendation

EXHIBIT 2



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