Exhibit D

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CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

PLN050722

COMMISSION NOTIFICATION OF APPEAL

DATE: March 30, 2007

TO: Carl Holm
County of Monterey, Planning Department
168 West Alisal St., 2nd Flr.
Salinas, CA 93901

FROM: Steve Monowitz, District Manager

RE: **Commission Appeal No. A-3-MCO-07-013**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #:	PLN050722
Applicant(s):	John Edward & Jane Devine Doud, Trs.
Description:	Lot line adjustment among four contiguous legal lots of record of 555 acres (Parcel A), 530 acres (Lot 10), 144 acres (Lot 2) and 146 acres (Lot 3) to result in four reconfigured parcels with 116 acres (Parcel JD1), 72 acres (Parcel JD2), 931 acres (Parcel JD3) and 256 acres (Parcel JD4).
Location:	Highway 1 (between Soberanes Point and Kasler Point, approximately two miles north of Palo Colorado Road), Big Sur (Monterey County) (APN(s) 243-211-022, 243-211-023, 417-011-016, 417-021-002)
Local Decision:	Approved w/ Conditions
Appellant(s):	Commissioner Mary Shallenberger; Commissioner Mike Reilly
Date Appeal Filed:	3/29/2007

The Commission appeal number assigned to this appeal is A-3-MCO-07-013. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Monterey's consideration of this coastal development permit must be delivered to the Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Katie Morange at the Central Coast District office.

cc: John Edward & Jane Devine Doud, Trs.
Michael D. Cling

Stella

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

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

Commissioner Shallenberger
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
(415) 904-5200

Commissioner Reilly
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
(415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:
Monterey County

2. Brief description of development being appealed:
PLN050722 – Lot line adjustment among four contiguous legal lots of record of 555 acres (Parcel A), 530 acres (Lot 10), 144 acres (Lot 2), and 146 acres (Lot 3) to result in four reconfigured parcels with 116 acres (Parcel JD1), 72 acres (Parcel JD2), 931 acres (Parcel JD3), and 256 acres (Parcel JD4).

3. Development's location (street address, assessor's parcel number, cross street, etc.:
APNs 243-211-023, 243-211-022, 417-011-016, and 417-021-002, located at Highway 1 between Soberanes Point and Kasler Point approximately two miles north of Palo Colorado Road, in the Big Sur Area of Monterey County.

4. Description of decision being appealed:

   a. Approval; no special conditions: _____
   b. Approval with special conditions: xx
   c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-07-013
DATE FILED: 3/29/07
DISTRICT: Central Coast District

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COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

   a. ___ Planning Director/Zoning Administrator

   c. ___ Planning Commission

   b. ___ City Council/Board of Supervisors

   d. X Other: Minor Subdivision Cmte.

6. Date of local government's decision: February 22, 2007

7. Local government's file number: PLN050722 (Resolution No. 07002)

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

John Edward and Jane Devine Doud TR
134 Pine Canyon Road
Salinas, CA 93908

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Carl Holm
Monterey County Planning & Building Inspection
168 West Alisal Street, 2nd Floor, Salinas, CA 93902

(2) Michael D. Cling (Representative)
313 Main Street, Suite D
Salinas, CA 93901

(3)

SECTION IV. Reasons Supporting This Appeal

See attached "Reasons for Appeal"

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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

Signed: Mary K Shallenberger
Appellant or Agent

Date: March 29, 2007

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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

Signed: _____
Appellant or Agent

Date: March 29, 2007

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

Reasons for Appeal of Monterey County Coastal Development Permit PLN050722 (Doud Lot Line Adjustment)

Monterey County Coastal Development Permit PLN050722 authorizes a lot line adjustment among four parcels at Highway 1 between Soberanes Point and Kasler Point approximately two miles north of Palo Colorado Road, in the Big Sur Area of Monterey County. The approval allows a lot line adjustment (LLA) among four contiguous parcels of 555 acres (Parcel A), 530 acres (Lot 10), 144 acres (Lot 2), and 146 acres (Lot 3) to result in four reconfigured parcels with 116 acres (Parcel JD1), 72 acres (Parcel JD2), 931 acres (Parcel JD3), and 256 acres (Parcel JD4). The County's approval of the project is inconsistent with the Monterey County certified Local Coastal Program (LCP) for the following reasons:

1. **The adjustment will increase the density of residential development beyond that which is allowed by the LCP.**

CIP Section 20.145.140.A.6 establishes residential development density for lands designated Watershed and Scenic Conservation (WSC) east of Highway 1. This section requires an assessment using a parcel's zoning and a slope density analysis (and any other applicable LCP development standards) in order to determine the allowable residential development density. Whichever of the two resulting densities is lowest is then established as the maximum allowable density for the parcel. Using the slope density analysis outlined under LUP Policy 5.4.2.8 and CIP Section 20.145.140.A.7, it appears as though the LLA would result in an increase in the maximum allowable residential development density over the existing configuration. Three of the reconfigured lots would remain at a density of one unit, but the LLA would increase the density of Parcel JD3 from one unit to two. This parcel is proposed to be 931 acres, and a preliminary slope density analysis produced an average slope of approximately 34%, resulting in an allowable density of 1 unit per 320 acres, or two units for this particular parcel. The County did not perform this analysis required by the LCP, and instead found that the LLA would not result in an increase in density or potential development.

This increase in density facilitated by the County's approval of the LLA would cumulatively increase the level of residential development in Big Sur beyond that which is anticipated and allowed by the LCP. This will result in increased traffic on Highway One, which currently operates at the worst level of service (LOS F) at peak times, and would thereby interfere with the public's ability to access and recreate on the Big Sur Coast. Such an increase in residential development will also place greater demands on limited water supplies, which would, in turn, adversely impact riparian habitats. Furthermore, increases in residential development potential (over and above that already contemplated in the LCP) throughout the planning area could alter the unique character of Big Sur that makes it such a popular destination for coastal access and recreation. Because of these cumulative impacts, the lot line adjustment is inconsistent with Big Sur LUP Policy 5.4.3.G.3, as well as with Coastal Act Sections 30211 and 30213.

In addition, LLAs with the potential to result in the creation of additional lots (which could occur with the increase in density facilitated by the LLA) are to be considered major and subject to CEQA analysis under the Monterey County Subdivision Ordinance (Section 19.09.005.B). The County incorrectly processed the project as a minor LLA, inconsistent with the LCP, and subsequently determined that it was exempt from CEQA.

2. The project is inconsistent with LCP policies protecting the critical viewshed in Big Sur.

The County-approved LLA adjusts the existing lots such that 3 new lots would be located in the critical viewshed as opposed to one lot, creating the potential for increased critical viewshed impacts over the current configuration. The LCP prohibits all future public and private development visible from Highway 1 and major public viewing areas (the critical viewshed). This restriction applies to all structures, the construction of public and private roads, utilities, lighting, and grading. LUP Policy 3.2.3.A.1 and CIP Section 20.145.030.A.2.a. require all new parcels to contain building sites outside the critical viewshed, and when a proposed development cannot be made to conform to the basic critical viewshed policy, the site shall be considered environmentally inappropriate for development (LUP Policy 3.2.3.A.5).

In this case, the visual impacts of the proposed project have not been adequately evaluated to ensure that future development (including residences, driveways, access roads, ancillary facilities and structures, grading, and lighting from such development) on the reconfigured lots will not extend into the critical viewshed. As approved by the County, it appears as though up to five building sites on the four reconfigured lots could be located in the critical viewshed. The objective of policy 3.2.A.1 is to "avoid creating further commitment to development with the critical viewshed." While the County staff report indicates that there are building sites on each of these parcels outside of the critical viewshed, evidence is not included that conclusively demonstrates that residential development, including road access that meets fire department criteria, can occur completely outside of the critical viewshed. Although a condition has been imposed by the County for the critical viewshed to be mapped and protected by a scenic easement, it is not explicitly written to prohibit all future development in the critical viewshed and it does not establish building sites and building height envelopes as required by IP Section 20.145.030.A.2.

Without demonstration that future development of these lots will not be visible, the County-approved project is inconsistent with the Big Sur key policy that prohibits new development within the critical viewshed, as well as with Policy 3.2.3.A.1 that requires new parcels to contain building sites outside the critical viewshed.

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