

PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 01072

A. P. # 412-141-005-000

FINDINGS AND DECISION

In the matter of the application of
Francisco & Carolina Sanchez (PLN010454)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a three year extension of a Combined Development Permit (PLN980542) for a Standard Subdivision Tentative Map, located at 85 Sill Road, Las Lomas in the North County Planning Area, Coastal Zone, came on regularly for hearing before the Planning Commission on November 14, 2001.

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

FINDINGS OF FACT

1. FINDING: This 3-year extension request would extend the Combined Development Permit consisting of a Coastal Development Permit for a Standard Subdivision Tentative Map for Francisco and Carolina Sanchez to November 2, 2004.

The previous Combined Development Permit (PLN980542) consisted of a Coastal Development Permit for a Standard Subdivision Tentative Map to allow the division of a 4 acre parcel into fourteen parcels (6,888 to 37,624 square feet in size), and a Coastal Development Permit for grading of roads and utilities for Loma Vista Subdivision No.2., located at 85 Sill Road, fronting on and northerly of Sill Road in the Las Lomas area of North County Coastal Zone.

The extension request is consistent with the policies of the North County Land Use Plan, the Development Standards of the Local Coastal Program and Title 19 of the Subdivision Ordinance.

EVIDENCE: Staff review has determined that the extension request is consistent with:

- (1) The certified North County Land Use Plan.
- (2) Chapter 20.12 of the Monterey County Coastal Implementation Plan, "Regulations for Medium Density Residential Zoning Districts or MDR (CZ) Districts" in the Coastal Zone.
- (3) Chapter 20.144 of the Monterey County Coastal Implementation Plan, "Regulations for Development in the North County Land Use Plan area."
- (4) Title 19, Monterey County Subdivision Ordinance for the Coastal Zone.

EVIDENCE: Board of Supervisors' Resolution 99-399 contained in File PLN980542.

2. FINDING: No new information or substantial change in circumstance exists that would have affected the original approval.

EVIDENCE: The issues of greatest concern in the North County Coastal Zone today are the same as those identified in the environmental document originally prepared for this project. These include: water and traffic, and consistency with County policies. The adopted Negative Declaration addressed these substantial issues at the time the original application was considered and the application was approved with these issues fully disclosed and mitigable. No change in circumstances has occurred since the time of original approval for the project. The Land Use Plan and Implementation Plan have not substantially changed since project approval.

3. FINDING: The extension request is consistent with Section 19.03.035 (Extensions of the Tentative Parcel Map) of Title 19, the Subdivision Ordinance, applicable within the Coastal Zone.
- 1) The applicant applied for the extension request prior to the expiration date as required by Section 19.03.035 of the Subdivision Ordinance.
 - 2) The extension request, as conditioned, will not cumulatively exceed three (3) years.
 - 3) Staff review of the approved Combined Development Permit determined that the project is consistent with the policies of the North County Land Use Plan and regulations of the Local Coastal Program. The site is designated as Medium Density Residential, 4 units per acre by the North County Land Use Plan and is zoned Medium Density Residential, 4 units per acre, MDR/4 (CZ).

EVIDENCE: Administrative record, oral testimony, tapes and minutes of the November 2, 1999 Board of Supervisor's as found in PLN980542 and at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Letter from Chuck Fischer, applicant's representative.

EVIDENCE: Title 19, specifically Section 19.03.035, Extensions of the Tentative Parcel Map, applicable within the coastal Zone.

4. FINDING: The Board of Supervisors previously adopted a Negative Declaration on November 2, 1999 for the Combined Development Permit.

EVIDENCE: Materials found in file PLN980542, including Resolution Number 99-399.

EVIDENCE: Administrative record, oral testimony, tapes and minutes of the November 2, 1999 Board of Supervisor's as found in PLN980542 and at the Monterey County Planning and Building Inspection Department.

5. FINDING: The establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources District. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.

6. FINDING: The Coastal Development Permit is appealable to the California Coastal Commission.

EVIDENCE: Section 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, the Planning Commission recommends approval of the three year extension of the Combined Development Permit to the Board of Supervisors as shown on the attached sketch, subject to the following conditions:

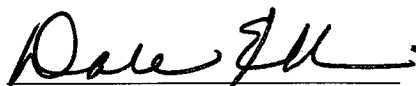
1. The approval of the extension request would extend the Combined Development Permit (PLN980542) for Francisco and Carolina Sanchez to November 2, 2004. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)
2. The Combined Development Permit expiration date shall be extended to November 2, 2004. (Planning and Building Inspection)
3. All conditions of Combined Development Permit PLN980542 are still applicable with the approval of the extension and the applicant shall implement these conditions consistent with the requirements of said permit. (Planning and Building Inspection)
4. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (Planning and Building Inspection)
5. The applicant shall record a notice, which states: "A permit (Resolution PLN010454) was approved by the Board of Supervisors for Assessor's Parcel Number 117-141-020-000 on _____ . The permit was granted subject to 5 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of permits or recordation of the map. (Planning and Building Inspection)

PASSED AND ADOPTED this 14th day of November, 2001 by the following vote:

AYES: Parsons, Brennan, Pitt-Derdivanis, Lacy, Wilmot

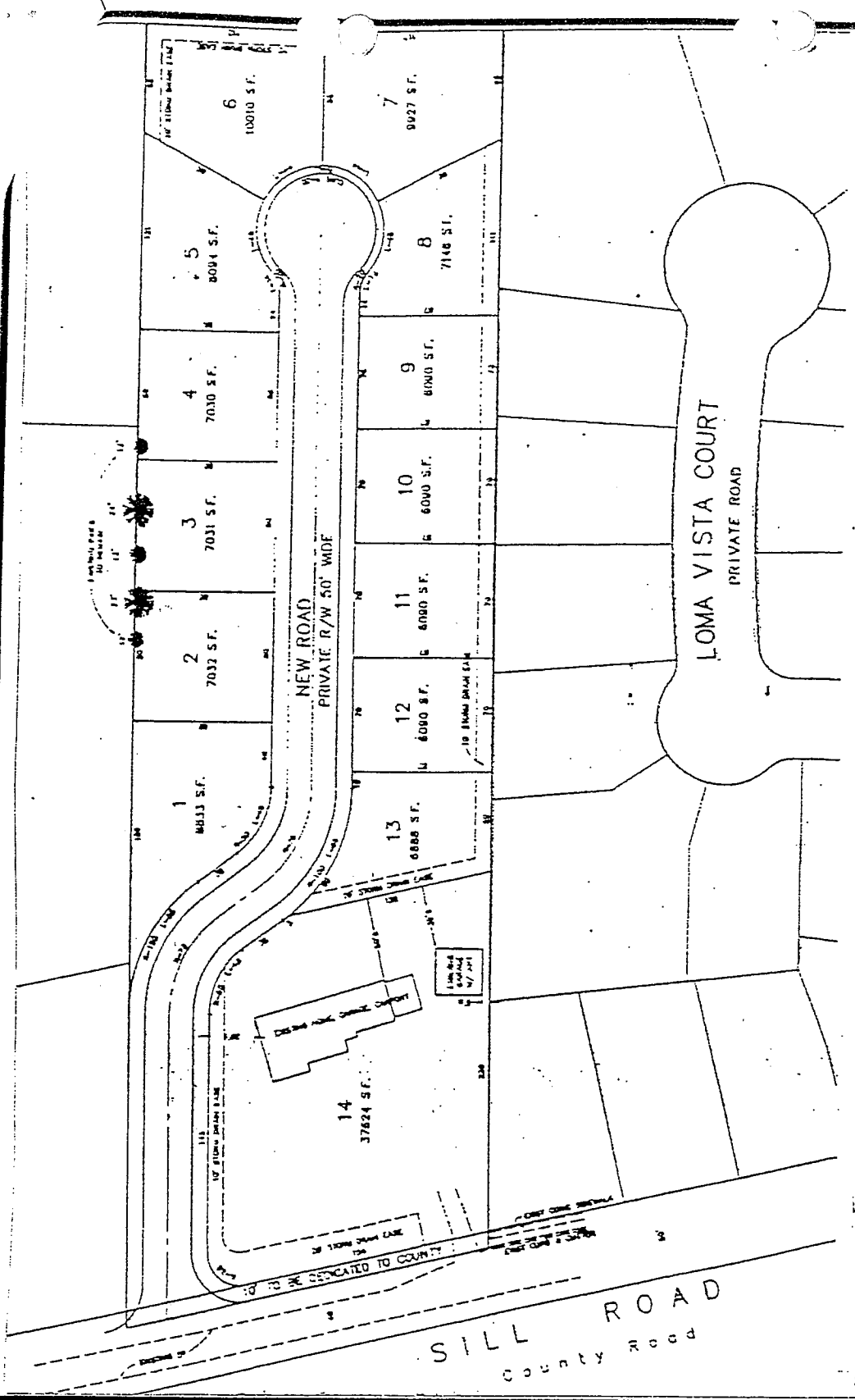
NOES: None

ABSENT: Errea, Sanchez, Hawkins, Hernandez




DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on **DEC 14 2001**



SOURCE: MIDCOAST ENGINEERS

LOMA VISTA SUBDIVISION #2
 (PLN980542)
 TENTATIVE MAP


 NO SCALE

