

**MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 05001

A.P. # 157-181-001-000
157-181-002-000
157-181-003-000

In the matter of the application of
Thomas & Alayna Gray (PLN040642)

FINDINGS & DECISION

for a Lot Line Adjustment in accordance with Title 19 (Subdivisions), Chapter 19.09 (Lot Line Adjustment), of the Monterey County Code, to allow a Coastal Development Permit (PLN040642/Gray) and Inland Title 19 approval for an Inland/Coastal Lot Line Adjustment between three lots of record with no net change in acreage for the parcels. Existing and proposed acreage for the lots is as follows: Parcel A = 20.69, Parcel B = 20.78, Parcel C = 61.76. The net exchange of acreage among the lots is as follows: Parcel A = 2.15, Parcel B = 5.32, Parcel C = 4.11. The parcels are located at 27080, 27070, & 20050 Rancho San Carlos Road, just south of the Carmel River and the Rancho Cañada Golf Course, within the Carmel Valley Master Plan area and Carmel Area Land Use Plan, Non-Coastal and Coastal Zone, came on regularly for meeting before the minor subdivision committee on January 13, 2005.

Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto,

- 1. FINDING: CONSISTENCY, SITE SUITABILITY, & PUBLIC ACCESS** – Coastal Development Permit (PLN040642/Gray) and Title-19 approval to allow a lot line adjustment between three lots of record with no net change in acreage for the parcels. Existing and proposed acreage for the lots is as follows: Parcel A = 20.69, Parcel B = 20.78, Parcel C = 61.76. For each of the parcels, the net amount of acreage exchanged with the other lots is as follows: Parcel A = 2.15, Parcel B = 5.32, Parcel C = 4.11. The properties are located at 27080, 27070, & 20050 Rancho San Carlos Road (Assessor's Parcel Numbers 157-181-001-000, 157-181-002-000, & 157-181-003-000), just south of the Carmel River and the Rancho Cañada Golf Course, Carmel Valley Master Plan Area and Carmel Area Land Use Plan, non-coastal and Coastal Zone. The parcels are zoned as follows: Parcel A = RC-D (CZ), WSC/40-D (CZ), & RC/10-D-S-RAZ, Parcels B & C = RC/10-D-S-RAZ. The project described in the application and accompanying materials conforms to the plans, policies, requirements, and standards of the *Carmel Area Land Use Plan*, the *Regulations for Development in the Carmel Area Land Use Plan* (Coastal Implementation Plan, Part 4), Part 6 of the Coastal Implementation Plan (Appendices), the *Carmel Valley Master Plan*, the Monterey County Subdivision Ordinance (Title 19) and the *Santa Lucia Preserve Comprehensive Development Plan*. The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and Monterey County Local Coastal

Program, and does not interfere with any form of historic public use or trust rights (see Section 20.70.050.B.4 of Title 20). No access is required as part of the project as no substantial adverse impact on public coastal access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE:** (a) Planning and Building Inspection Department (PBID) staff have reviewed the project as contained in the application and accompanying materials for conformity with the certified Monterey County Local Coastal Program and have determined that the project is consistent as conditioned. Permit application, plans, and materials contained in Project File No. PLN040642.
- (b) The project planner conducted onsite inspections on January 11, 2005, to verify that the project on the subject parcel conforms to the plans, regulations, and ordinance listed above.
- (c) The requested Coastal Development Permit seeks to allow a lot line adjustment. For Parcel A, lot line adjustments are conditionally allowable, pursuant to Chapters 20.17 (WSC [CZ] District), 20.36 (RC [CZ] District) and 20.70 (Coastal Development Permits) of the Zoning Ordinance (Title 20).
- (d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File No. PLN040642.
- (e) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
- (f) The subject property is not adjacent to the seashore and is not described as an area where the Local Coastal Program requires public coastal access, according to Sections 20.70.050.B.4.c.i and ii of the Zoning Ordinance (Title 20).

2. FINDING: LOT LINE (ADJACENT PARCELS) - The lot line adjustment is between three existing adjacent parcels.

EVIDENCE: Application and plans for a lot line adjustment found in the Project File PLN040642.

3. FINDING: LOT LINE (PARCEL CREATION) - A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE: The application and plans for a lot line adjustment found in Project File PLN040642. Three contiguous separate legal parcels of record will be adjusted and three adjacent contiguous separate legal parcels of record will result from the adjustment. (Exhibit "E")

4. FINDING: LOT LINE (LEGAL NON-CONFORMITY) - The existing Parcel A is legal non-conforming pursuant to the applicable maximum-allowable density requirement of the Zoning Ordinance (Title 20) since the portion of the lot lies in the WSC district, for which 40 acres per unit is the maximum-allowable density. However, the adjustment is such that there

will be no net change in parcel size for any of the lots. Parcels B and C conform to the maximum-allowable density requirement of the Resource Conservation (RC) zoning district in which they lie.

- EVIDENCE:** (a) The application and plans for a lot line adjustment found in Project File PLN040642.
(b) Coastal and Inland Zoning Ordinances (Titles 20 & 21).
(c) Land Use Map of Monterey County.

5. **FINDING: HEALTH AND WELFARE** – The establishment, maintenance, or operation of the use or building 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: CEQA** – The proposed project will not have a significant environmental impact.

EVIDENCE: Criteria contained in Article 19, Sections 15300.2 (Exceptions), and 15304 (Minor Alterations to Land Use Limitations) of the California Environmental Quality Act Guidelines allow this project to be categorically exempted from environmental review. The project involves a minor exchange of acreage between three adjacent lots of record that will not result in a change of intensity of use. No unusual circumstances were identified that would indicate a reasonable possibility for the lot line adjustment to have significant impacts on the environment.

7. **FINDING: NO VIOLATIONS** – That the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist and the property and that all zoning abatement costs, if any have been paid.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

8. **FINDING: APPEALABILITY** – The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.78.050.E, 20.86.070, and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said request for a Lot Line Adjustment be approved as shown on the attached sketch subject to Findings and Evidence and subject to the attached conditions.

PASSED AND ADOPTED this 13th day of January, 2005, by the following vote:

AYES: Mounday, McPharlin, Hori, Hawkins, Hodges
NOES: None
ABSENT: None
ABSTAIN: None

LYNNE MOUNDAY, Secretary

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

**Monterey County Planning and Building Inspection
Condition Compliance Matrix**

Project Name: GRAY

File No: PLN040642 *APNs:* 157-181-001-000, 157-181-002-000, & 157-181-003-000

Approval by: Minor Subdivision Committee *Date:* January 13, 2005

<i>Permit Cond. No.</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.	<p>The subject permit approval grants a Coastal Development Permit (PLN020642/Gray) and Inland Title-19 approval for an Inland/Coastal Lot Line Adjustment between three lots of record with no net change in acreage for the parcels. Existing and proposed acreage for the lots is as follows: Parcel A = 20.69, Parcel B = 20.78, Parcel C = 61.76. The net exchange of acreage among the lots is as follows: Parcel A = 2.15, Parcel B = 5.32, Parcel C = 4.11. The properties are located at 27080, 27070, & 20050 Rancho San Carlos Road (Assessor's Parcel Numbers 157-181-001-000, 157-181-002-000, & 157-181-003-000), just south of the Carmel River and the Rancho Cañada Golf Course, Carmel Valley Master Plan Area and Carmel Area Land Use Plan, non-coastal and Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

<i>Permit Cond. No.</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.	This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. (Planning and Building Inspection)	None		May 27, 2006	
3.	The applicant shall record a notice, which states: “A permit (Resolution 05001) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 157-181-001-000, 157-181-002-000, & 157-181-003-000 on January 13, 2005. The permit was granted subject to 8 conditions of approval that 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 recordation of Record of Survey. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Recorda- tion of Record of Survey	
4.	Prior to recordation of Record of Survey the applicant shall record a deed notice which states: “The parcels are located in a high fire hazard area and development on that portion of Assessor’s Parcel Number 157-181-001-000 that lies within the Coastal Zone may be subject to certain restrictions required as per Section 20.64.280 of the Monterey County Zoning Ordinance (Title 20).” (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Prior to Recorda- tion of Record of Survey	
5.	Obtain a survey of the new line and have the line monumented. (Public Works)	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recorda- tion of Record of Survey	
6.	File a Record of Survey showing the new line and it’s monumentation. (Public Works)	Owner’s Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recorda- tion of Record of Survey	

<i>Permit Cond. No.</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
7.	The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
8.	FLOODPLAIN RECORDATION (NON-STANDARD WORDING) The owner shall provide the Water Resources Agency recorded Floodplain Notice(s) for each newly created parcel stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." (Water Resources Agency)	Submit a recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to issuance of any grading or building permits	