

MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 01021

MINOR SUBDIVISION NO. PLN010328

A.P.# 008-455-009-000-M

In the matter of the request of

Carl and Martha Lindner III (PLN010328)

FINDINGS AND DECISION

for a **Combined Development Permit** pursuant to regulations established by local ordinance and state law, to allow a Coastal Development Permit for a Minor Lot Line Adjustment consisting of three parcels totaling 2.359 acres, combined into two parcels, resulting in one parcel of 1.38 acres and one parcel of .979 acre; located at 1494 Cypress Drive, Pebble Beach, Del Monte Forest area, Coastal Zone; came on regularly for hearing before the Minor Subdivision Committee on December 13, 2001.

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

1. **FINDING:** The subject Coastal Development Permit and Design Approval (PLN010086), as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Del Monte Forest Land Use Plan, Regulations for Development in the Del Monte Forest Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 1497 Cypress Drive in the Pebble Beach area of the Coastal Zone. The parcel is zoned "LDR 1.5 D (CZ)" or Low Density Residential 1.5 acres per unit Design Control District. 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 Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20:70.050.B.4). No access is required as part of the project as no substantial adverse impact on 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. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20, and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified Del Monte Forest Land Use Plan
- b) The certified Monterey County Coastal Implementation Plan regulations for Low Density Residential or the "LDR (CZ)" District in the Coastal Zone, and
- c) Chapter 20.147 Monterey County Coastal Implementation Plan regulations for development in the Del Monte Forest Land Use Plan.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property. The Initial Study

demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for improvements.

EVIDENCE: The proposed use is consistent with the development standards for 20.14 (Design Control District) pursuant to Title 20, Monterey County Coastal Implementation Plan (Part 1).

EVIDENCE: Design Approval request form, with recommendation for approval of the project by the Land Use Advisory Committee on date, by a vote of 5 to 2.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the Zoning Administrator.

EVIDENCE: Preliminary Archaeological Reconnaissance of Assessor's Parcel 008-455-009, Pebble Beach, Monterey County California, 2000; Lindner Final Report, Grice Engineering and Geology, Inc. January 10, 2001 August 17, 2001.

EVIDENCE: 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 the project file.

EVIDENCE: The on-site inspection by the project planner on October 16, 2001 to verify that the proposed project complies with the Del Monte Forest Area Coastal Implementation Plan (Part 5).

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

EVIDENCE: The subject property is not described as an area where the Local Coastal Program requires access. The property is not identified for the purposes of public access in the Public Access Component of the Del Monte Forest Land Use Plan. The project is in conformity with the public access and public recreational policies of Chapter 3 of the Coastal Act of 1976 (Section 30200 of the Public Resources Code) as there is no substantial adverse impact to historic access, public trust, or the recreational value of, accessibility to, use of, or safety of public beaches, trails, recreational areas, or recreation support areas; or the shoreline, by affecting either processes of sources of sand necessary to maintain public beaches or tidelands, or by siting in a manner that would necessitate a shoreline protective device or other public maintenance of the area; then access shall not be required.

2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: The Monterey County CEQA Guidelines Section 15305 (a) categorically exempts this project from environmental review. No adverse environmental impacts were identified during review of the proposed project.

3. **FINDING:** That the lot line adjustment is between three existing adjacent parcels.

EVIDENCE: The application and plans for a lot line adjustment found in the project file.

4. **FINDING:** A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE: Three contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment.

5. **FINDING:** The parcels resulting from the lot line adjustment remain non-conforming with Title 20, Zoning Ordinance (Coastal Zone)
EVIDENCE: The proposed lot line adjustment is consistent Title 20 (Zoning), as the parcels resulting from the lot line adjustments, while non-conforming to minimum parcel size, are not smaller than those that previously existed. The application and plans for a lot line adjustment found in the project file.
6. **FINDING:** The proposed project is consistent with the Monterey County Coastal Subdivision Ordinance.
EVIDENCE: Section 19.02.150 provides for 1) a relocation of a lot line between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, 2) a lot line adjustment which does not result in the relocation of the building area shall be considered minor, and 3) lots may be consolidated through the lot line adjustment application procedure.
EVIDENCE: 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 the project file.
7. **FINDING:** The establishment, maintenance, or operation of the subdivision and 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 of such proposed use, or be detrimental or injurious to property and improvement 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, Environmental Health Division, Public Works Department, CDF- of the Monterey Peninsula, and Water Resources Agency. 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.
8. **FINDING:** The project is appealable to the Board of Supervisors and California Coastal Commission.
EVIDENCE: Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1) and Section 19.01.040 of the Monterey County Coastal Zone Subdivision Ordinance (Title 19).

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said Combined Development Permit be approved as shown on the attached sketch, subject to the following conditions:

1. This permit allows for the merger of a 0.12 acre parcel (APN 008-411-016-000) with an existing 1.260 acre residentially developed parcel (008-455-009-000) resulting in a 1.38 acre parcel (008-455-009-000), and an equal area lot line adjustment between the merged 1.38 acre parcel (008-455-009-000) and a 0.979 acre parcel (APN 008-455-010-000). The project is 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)**

Prior to recordation of Grant Deeds or a Record of Survey:

- 2. The applicant shall record a notice which states: "A permit (Resolution 010328) was approved by the Monterey County Subdivision Committee for Assessor's Parcel Numbers 008-455-009-000, 008-455-010-000 and 008-411-016-000 on December 13, 2001. The permit was granted subject to four 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 building permits or commencement of the use. **(Planning and Building Inspection Department)**
- 3. Obtain a survey of the new line and have the line monumented. **(Public Works)**
- 4. File a Record of Survey showing new line and its monumentation. **(Public Works)**

PASSED AND ADOPTED this 13th day of December, 2001 by the following vote:

AYES: McPharlin, Main, Lawrence, Naslund, Mulholland
 NOES: None
 ABSENT: Hawkins



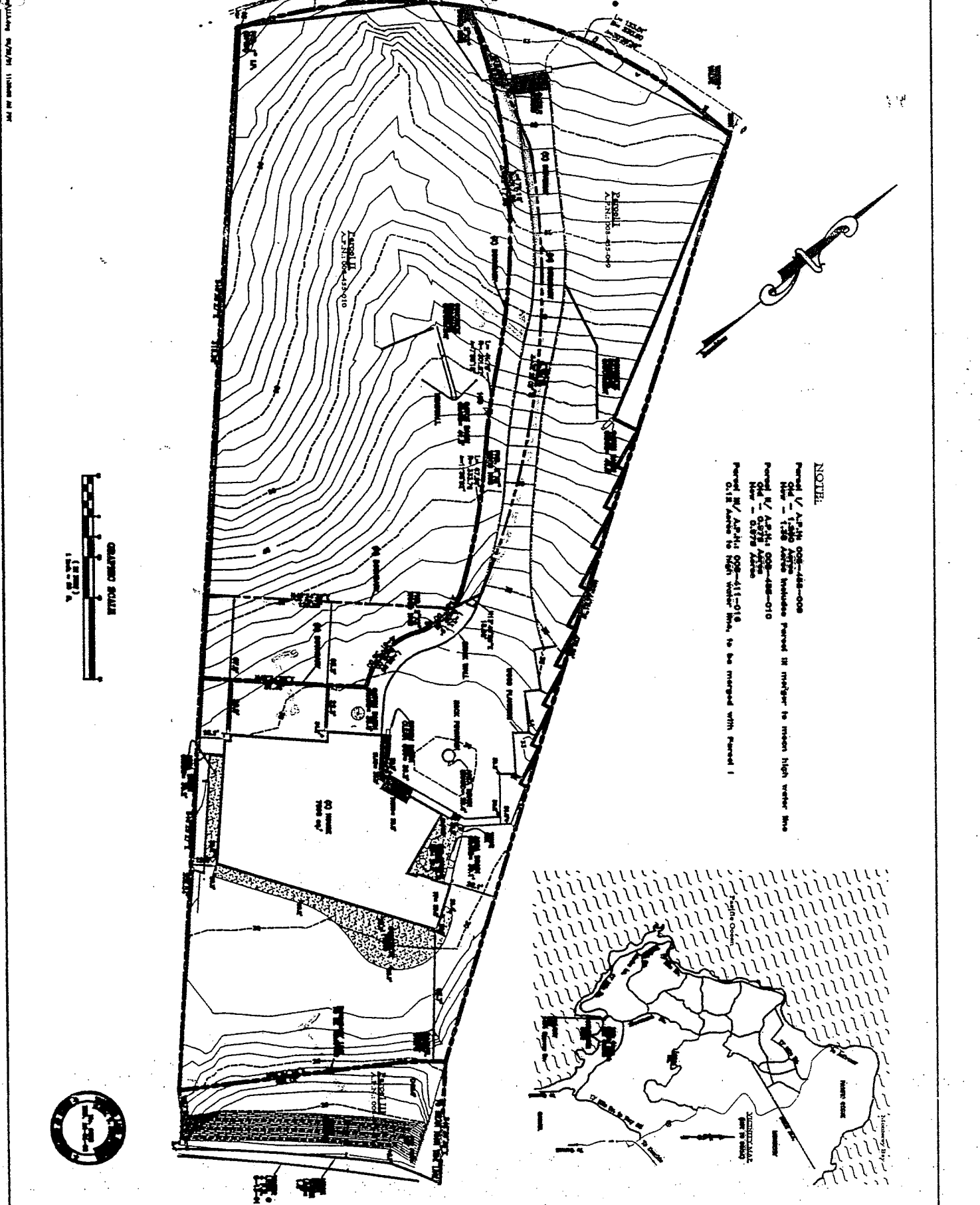
 JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **JAN 14 2002**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JAN 24 2002**

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

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.04.040, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON **DEC 13 2003**. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.



NORTH
 Parcel V / A.P.N. 008-448-008
 Area - 1.250 Acres
 New - 1.250 Acres includes Parcel III in order to mean high water line
 Parcel II / A.P.N. 008-448-010
 Old - 0.878 Acres
 New - 0.878 Acres
 Parcel III / A.P.N. 008-411-016
 0.18 Acres to high water line, to be merged with Parcel I

