

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

RESOLUTION NO. 02003

A.P. # 008-392-001-000

In the matter of the application of
Steven & Elvia Goldberg (PLN010100)

FINDINGS AND DECISION

for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow a Minor Subdivision to subdivide a 4.9 acre parcel into two parcels (1.5 and 3.4 acres), located at 1658 Crespi Lane, Pebble Beach, southwest of Crespi Lane, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Minor Subdivision Committee on March 14, 2002.

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

FINDING

1. **FINDING:** The subject Coastal Development Permit and Design Approval application (PLN010100) for a two-lot minor subdivision, as described in Condition #1 in Exhibit "C," and as conditioned, conforms with 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, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The site is located at 1658 Crespi Lane (Assessor's Parcel Number 008-392-001-000) Del Monte Forest, Coastal Zone. The parcel is zoned "LDR/1.5 (CZ)" or Low Density Residential, 1.5 acres per unit, Coastal Zone. The site is physically suitable for the proposed project. 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). Access is required as part of the project, but 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.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - a)The Del Monte Forest Land Use Plan;
 - b)The Monterey County Coastal Implementation Plan; and
 - c) Chapter 20.14 of the Monterey County Coastal Implementation Plan Part 1 (Title 20).**EVIDENCE:** Policy 68 states that development and land use, whether public or private, shall conform to the policies, and shall meet resource protection standards as set forth in the Del Monte Forest Land Use Plan. This includes development on legal lots of record as well as new subdivisions. The subject property contains existing residential development and is highly disturbed with landscaping, paths and paved areas. No improvements are proposed with the minor subdivision, which would be consistent with the resource protection standards.
EVIDENCE: The Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Department, Parks Department, and the Pebble Beach Community Services District reviewed the project. There has been no indication from these agencies that the site is not suitable for the proposed development. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property. Each agency has recommended conditions for

improvements where appropriate.

EVIDENCE: Design Approval request form, with recommendation for approval of the project by the Del Monte Forest Land Use Advisory Committee on August 2, 2001, by a vote of 6-0.

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 of the subject parcel by the project planner.

2. **FINDING:** The proposed minor subdivision would not create any new substandard parcels, nor render any existing parcels substandard.

EVIDENCE: The property is zoned Low Density Residential, 1.5 acres per unit "LDR/1.5". The project would result in two new lots (1.5 and 3.4 acres each). 1.5 acres is the required lot size when subdividing property in the LDR/1.5 zoning district.

EVIDENCE: Chapter 20.14 of the Monterey County Zoning Ordinance (Title 20); Chapter 19.04 of the Monterey County Coastal Subdivision Ordinance (Title 19); and the application and materials contained in File PLN010100.

3. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment and a Negative Declaration has been prepared and adopted. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented as evidence during the public review process. Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health, Parks Department, and the Water Resources Agency support the adoption of the Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department Coastal Office located at 2620 1st Avenue, Marina. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

EVIDENCE: County staff prepared the Initial Study for the project in compliance with the California Environmental Quality Act (CEQA). The Initial Study provides substantial evidence that the project would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on January 31, 2002. All comments on the Initial Study have been received and considered as well as evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

Kent L. Seavey: Historical Analysis, January 17, 2002

EVIDENCE: Initial Study, Negative Declaration and Conditions of Approval 2-13 attached hereto as Exhibits "D", and "C" respectively.

- EVIDENCE:** The Historical Analysis of the two existing residences concludes that the larger structure qualifies for a listing on the California Register of Historical Resources. The smaller structure does not meet the criteria to qualify. The subdivision will not impact either structure because no improvements to the property are proposed with the application.
- 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.
4. **FINDING:** The project is exempt from the provisions of the Monterey County Inclusionary Housing Ordinance.
- EVIDENCE:** The Redevelopment Agency exempts the project from Inclusionary Housing requirements because the two newly created lots will contain an existing single-family dwelling.
5. **FINDING:** That the proposed minor subdivision complies with all applicable requirements of Chapter 20.14 of Title 20.
- EVIDENCE:** The newly created lots are consistent with the development standards for the Low Density Residential zoning district.
6. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.
- EVIDENCE:** The Pebble Beach Community Services District and the California American Water Company currently provide the necessary services.
7. **FINDING:** That the proposed minor subdivision will not adversely impact traffic conditions in the area.
- EVIDENCE:** The proposed project has been reviewed by the Monterey County Department of Public Works and there is no indication from that Department that the site is not suitable.
- EVIDENCE:** No additional traffic trips will be generated because no additional homes are proposed.
8. **FINDING:** The project proposed in this application consists of a minor subdivision. The project site is approximately, 4.9 acres in size. The site is zoned "Low Density Residential, 1.5 acres per unit" Coastal Zone (LDR/1.5) (CZ).
- EVIDENCE:** Plans and materials in file PLN010100 support this proposal.
9. **FINDING:** The proposed project is consistent with the Del Monte Forest Land Use Plan which designates the property as "Low Density Residential".
- EVIDENCE:** Subdivisions are allowable uses consistent with the designation and the intent of the Del Monte Forest Land Use Plan.
- EVIDENCE:** The text and policies of the Del Monte Forest Land Use Plan and the Monterey County General Plan have been evaluated during the course of the review of this application. No conflict or inconsistencies with the text or the policies were found to exist. No testimony, either written or oral was received during the course of public hearing to indicate that there is any inconsistency with the Del Monte Forest Land Use Plan or the Monterey County General Plan.
10. **FINDING:** The site is suitable for the use proposed.

EVIDENCE: 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, Public Works Department and Environmental Health Department. 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.

11. **FINDING:** The subject lots are in compliance with all rules and regulations pertaining to the use of the property, no violations exist on the property, and all zoning abatement costs, if any, have been paid.

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

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

EVIDENCE: The project as described in the application and the accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the Pebble Beach Community Services District. The preceding agencies 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.

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

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

DECISION

THEREFORE, it is the decision of the Minor Subdivision Committee of the County of Monterey that the Negative Declaration be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This permit is for the Goldberg Minor Subdivision (PLN010100) of a 4.9-acre parcel into two parcels (1.5 and 3.4 acres). Two single family dwellings currently exist on the property and no other development or improvements are proposed. Each new parcel will contain one of the existing homes. The subdivision is 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 Filing of the Parcel Map:

2. The applicant shall record a notice that states: "Resolution No. 010100 was approved by the Minor Subdivision Committee for Assessor's Parcel Number 008-392-001-000 on March 14, 2002. The Minor Subdivision was granted subject to 12 conditions of approval that run with the land. A copy of the approval

notice 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 the Parcel Map. **(Planning and Building Inspection)**

- 3. The applicant shall file a Parcel Map delineating all existing and required easements or rights-of-way and monument new lines. **(Public Works)**
- 4. The applicant shall provide for evidence all existing and required easements or rights-of-way. **(Public Works)**
- 5. Thirty days prior to the expiration date of the Parcel Map, the applicant shall complete Step A (8 items) of the County Surveyor’s Check-Off List for Parcel Map processing shall be completed. **(Public Works)**
- 6. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. **(Pebble Beach Community Services District)**
- 7. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Pebble Beach Community Services District)**
- 8. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupant, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupant shall be separately identified by its own address. **(Pebble Beach Community Services District)**
- 9. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(Pebble Beach Community Services District)**
- 10. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(Pebble Beach Community Services District)**
- 11. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Pebble Beach Community Services District)**

Continuous Permit Conditions:

- 12. No demolition of existing residential structures or construction of new residential structures shall be permitted without first securing a coastal permit. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 14th day of March, 2002, by the following vote:

AYES: McPharlin, Hawkins, Main, Lawrence, Moss, Hori
 NOES: None
 ABSENT: None

Original Signed By:

 JEFF MAIN, SECRETARY

Copy of this decision mailed to applicant on

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

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

This decision, if this is the final administrative decision is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

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 Marina.

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