

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

RESOLUTION NO. 03013

MINOR SUBDIVISION # 010273

A.P. # 243-281-001-000-M

FINDINGS AND DECISION

In the matter of the application of
William & Joan Probasco Co-T (PLN010273)

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow for an equal lot line adjustment between two parcels resulting in a 0.48 acre parcel (Parcel 1) increasing in size to 0.59 acres and a 1.19 acre parcel (Parcel 2) decreasing in size to 1.08 acres, located at 32683 Coast Ridge Road and 148 San Remo Road, Carmel Highlands, Carmel Area LUP (Coastal), came on regularly for hearing before the Minor Subdivision Committee on June 12, 2003.

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

FINDINGS OF FACT

1. **FINDING:** The subject Coastal Development Permit (PLN010273), as described in Condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the plans, policies, requirements and standards of the Carmel Area Land Use Plan and Local Coastal Program (LCP). The parcels are located near the intersection of Coast Ridge Drive and San Remo Road, (Assessors Parcel Numbers 243-281-001-000 & 243-281-002-000). The parcels are zoned "LDR/1 (CZ)" or Low Density Residential, with a gross density of one acre per unit, Coastal Zone. No change in use is proposed for these parcels through this application. As conditioned 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 additional access is required as part of the project because 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 Carmel Area Land Use and Implementation Plans;
- b) The Monterey County Coastal Implementation Plan regulations for the Low Density Residential zoning district (LDR/1 [CZ]); and
- c) The Monterey County Zoning Ordinance (Title 20).

EVIDENCE: With the exception of minimum one acre lot size, the proposed lot line adjustment is consistent with the site development standards for parcels within the LDR/1 (CZ) Zoning District, pursuant to Section 20.14.060 of the Monterey County Zoning Ordinance (Title

20). The two subject parcels are currently 1.19 and 0.48 acres in size. The recorded map of Tract 462, "Coast Ridge Subdivision", which created these two bts, utilized clustering so that while some individual parcels were less than the one acre minimum lot size the gross density of the subdivision overall was less than the maximum allowed density of one unit per acre. This gross density will not be altered through this lot line adjustment. There is no possibility to adjust lot lines between these two parcels which would result in both parcels conforming to the one acre minimum lot size. The result of the lot line adjustment is to bring the smaller parcel closer to conformance to the minimum lot size requirement, while maintaining the setback required by the approved subdivision map. On October 8, 2002, the Planning and Building Inspection Department issued an interpretation that lot line adjustments conforming to all plan policies except for density requirements are found to be effectively consistent with the applicable plan as long as the lot line adjustment does not obstruct the other objectives of and policies of the zoning and applicable plans. Additionally, there must be no evidence that there is a possibility to make the proposed project conform to the density requirement. The proposed lot line adjustment meets this criteria.

EVIDENCE: The Monterey County Planning and Building Inspection Department, the Water Resources Agency, the Public Works Department, the Environmental Health Department, the Parks and Recreation Department, and the Carmel Highlands Fire Protection District have reviewed the proposed development. There has been no indication from the preceding agencies that the site is not suitable for the proposed lot line adjustment. Each agency has recommended conditions for improvements where appropriate.

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: A site visit conducted by staff on Thursday May 8, 2003

2. **FINDING:** The subject property complies 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: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **FINDING:** The establishment, maintenance, or operation of the lot line adjustment applied for will not, under the circumstances of the particular case, be detrimental to 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 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 site is suitable for the use proposed.

EVIDENCE: Staff conducted on-site visit and determined that the site is suitable for this use.

EVIDENCE: The project has been reviewed for suitability by the Carmel Highlands FPD, County

Division of Environmental Health, Parks Department, Public Works Department, and Water Resources Agency. Conditions recommended have been incorporated.

- 5. **FINDING:** The proposed lot line adjustment is between two existing adjacent parcels.
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.

- 6. **FINDING:** A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
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 project is exempt from environmental review.
EVIDENCE: CEQA Guidelines Section 15305 categorically exempts minor lot line adjustments not resulting in the creation of new parcels, where the average slope is less than 20%.
EVIDENCE: No potential adverse environmental effects were identified during review of the development application or during the site visit on May 8, 2003.

- 8. **FINDING:** The project, as approved by the Minor Subdivision Committee, is appealable to the Board of Supervisors and the Coastal Commission.
EVIDENCE: Chapter 20.86 of the Monterey County Coastal Implementation Plan.

DECISION

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

- 1. This permit consists of Coastal Development Permit (PLN010273) for an equal lot line adjustment between two parcels resulting in a 0.48 acre parcel (243-281-001-000) increasing in size to 0.59 acres and a 1.19 acre parcel (243-281-002-000) decreasing in size to 1.08 acres. The lot line adjustment 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 constructions other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities **(Planning and Building Inspection Department)**

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

- 2. The property owners shall each record a notice which states: "A permit (Resolution 03013) was approved by the Monterey County Minor Subdivision Committee for Assessor's Parcel Numbers 243-281-001-000 and 243-281-001-000 on June 12, 2003. The permit was granted subject to six (6) 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 lot line and have the line monumented. **(Public Works)**
- 4. File a Record of Survey showing the new line and its monumentation. **(Public Works)**
- 5. The Record of Survey map shall include a building setback line on the reconfigured Parcel #2 which is 50 feet east of the newly drawn western property line. **(Planning and Building Inspection Department)**
- 6. The applicant shall record a deed restriction as a condition of project approval stating the existence of the 50 foot building setback line on the reconfigured Parcel #2, which extends fifty feet eastward of the property line with reconfigured Parcel #1. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 12th day of June, 2003, by the following vote:

AYES: McPharlin, Hawkins, Hori, Lawrence, Mulholland, Schmidt
 NOES: None
 ABSENT: Brandau
 ABSTAIN: None

Original Signed By: _____
 ANN TOWNER, 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 Monterey.

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