

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

RESOLUTION NO. 03021

MINOR SUBDIVISION # 030211

A.P. # 008-293-021-000

In the matter of the application of
Robert & Renee Kelly (PLN030211)

FINDINGS & DECISION

for a Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinance) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow a Lot Line adjustment between two parcels that have the same Assessor's Parcel Number. The proposal will merge the two lots into a single lot thereby eliminating a non-conforming un-buildable lot, located at 3381 Laureles Lane, Pebble Beach, Del Monte Forest area, Coastal Zone, came on regularly for hearing before the Minor Subdivision Committee on September 25, 2003.

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

FINDINGS OF FACT

1. **FINDING: CONSISTENCY, SITE SUITABILITY & PUBLIC ACCESS** – The County of Monterey Coastal Development Permit (PLN030211) as described in Condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the Local Coastal Program (LCP) and Title 18 (Buildings and Construction) of the Monterey County Code. The LCP for this site consists of the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, the Monterey County Subdivision Ordinance (Title 19), and the Monterey County Zoning Ordinance (Title 20). The property is located at 3381 Laureles Lane, Pebble Beach, Del Monte Forest area in the Coastal Zone. The parcel is zoned “LDR/1.5-D (CZ),” or Low Density Residential, 1.5 acres per unit, in the Coastal Zone. 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 the 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 impacts 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:** (a) The application and plans submitted for the Coastal Development Permit in project file PLN030211 at the Monterey County Planning and Building Inspection Department.
- (b) The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.
- (c) The project planner conducted a site visit to verify that the proposed project complies with the LCP policies. The project will not have a significant adverse visual impact when viewed from a public viewshed.
- (d) The proposed elimination of an existing un-buildable parcel by means of merging two

lots will result in one developable lot. Potential environmental impacts due to development, including site and road improvements, within the reconfigured parcel are comparable to potential impacts due to the proposed development of a single family residence (PLN030297) on the existing parcel.

(e) The project parcels are zoned “LDR/1.5-D (CZ),” or Low Density Residential, 1.5 acres per unit, in the Coastal Zone. The adjusted lot size is consistent with this zoning designation and density requirements. This lot line adjustment does not change or increase the density for this area.

(f) The Del Monte Forest Land Use Advisory Committee reviewed and recommended approval (6 - 0 vote) of the Coastal Development Permit on August 14, 2003.

(g) The project and site have been reviewed by the Monterey County Planning and Building Inspection Department, Pebble Beach Community Services District, Monterey County Water Resources Agency, Monterey County Public Works Department, and Monterey County Health Department. There has been no indication from these 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.

(h) The subject property is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property

2. **FINDING: LEGAL LOT:** The lot line adjustment is between 2 existing adjacent legal lots of record with the same Assessor’s Parcel Number: 008-293-021-000.
EVIDENCE: (a) Application, plans, and information contained in the project file.
3. **FINDING: NO NEW LOTS CREATED:** A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
EVIDENCE: (a) The existing 2 contiguous lots of record will be adjusted and no new lots will be created. One lot will be merged with the other thereby eliminating one lot.
(b) Application, plans, and information contained in the project file.
4. **FINDING: CEQA (Exempt) -** The project is exempt from environmental review.
EVIDENCE: (a) CEQA Guidelines Section 15305(a) categorically exempts minor lot line adjustments from environmental review.
(b) Based on a site visit and review of the project plans, staff has determined that the proposed parcel configuration contains a buildable area where potential environmental impacts due to development, including site and road improvements, within the reconfigured parcel are comparable to potential impacts due to the proposed development of a single family residence (PLN030297) on the existing parcel.
(c) Preceding findings and supporting evidence.
5. **FINDING: NO VIOLATIONS -** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning

ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations on subject property.

6. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Section 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance (Title 20).

DECISION

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

1. The Kelly Coastal Development Permit (PLN030211) allows for a Lot Line Adjustment between two legal lots of record with the same Assessor's Parcel Number: 008-293-021-000. The current lot sizes for both parcels are .71 and .24 acres each. This Lot Line Adjustment, if approved, would merge both lots resulting in a single parcel which is .95 acre in size thereby eliminating a non-conforming un-buildable lot. The property is located at 3381 Laureles Lane, Pebble Beach (Assessor's Parcel Number 008-293-021-000), Del Monte Forest area, Coastal Zone. 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 Record of Survey:

2. The applicant shall record a notice which states: "A Lot Line Adjustment (Resolution No. 03021) was approved by the Minor Subdivision Committee for Assessor's Parcel Number 008-293-021-000 on September 25, 2003. The permit was granted subject to 4 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)**

PASSED AND ADOPTED this 25th day of September, 2003.

Original Signed By:

ANN TOWNER, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON

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 Planning Commission 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.