

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

RESOLUTION NO. 04010

MINOR SUBDIVISION #030373

A.P. # 131-043-020-000
131-043-021-000

FINDINGS AND DECISION

In the matter of the application of
Kenneth & Amy Peebles (PLN030373)

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 an equal lot line adjustment of approximately 0.204 acres between Parcel A (2.0 acres) and Parcel B (2.129 acres), resulting in no change in acreage for either parcel. The parcels are located at 15000 Del Monte Farms Road & 14993 Meridian Road, Castroville, North County area, Coastal Zone, came on regularly for hearing before the Minor Subdivision Committee on May 27, 2004.

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

FINDINGS OF FACT

1. **FINDING: CONSISTENCY, SITE SUITABILITY, & PUBLIC ACCESS** – Coastal Development Permit (PLN030373/Peebles) to allow an equal lot line adjustment of approximately 0.204 acres between parcel A (2.0 acres) and parcel B (2.129 acres), resulting in no change in acreage for either parcel. The properties are located at 15000 Del Monte Farms Road & 14993 Meridian Road, Castroville (Assessor's Parcel Numbers 131-043-020-000 & 131-043-021-000), North County Area, Coastal Zone. The parcels are zoned LDR/5 (CZ); i.e., Low Density Residential zoning district, 5 acres per unit, in the Coastal Zone. The project described in the application and accompanying materials conforms to the plans, policies, requirements, and standards of the *North County Coastal Land Use Plan*, the *Regulations for Development in the North County Coastal Land Use Plan* (Coastal Implementation Plan, Part 2), Part 6 of the Coastal Implementation Plan (Appendices), and the Monterey County Zoning Ordinance (Title 20). 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. PLN030373.

(b) The project planner conducted onsite inspections on May 7, 2004, to verify that the project on the subject parcel conforms to the certified Monterey County Local Coastal Program.

(c) The requested Coastal Development Permit seeks to allow a lot line adjustment. Lot line adjustments are conditionally allowable for the subject lots pursuant to Chapters 20.14 (LDR [CZ] District) and 20.70 (Coastal Development Permits) of the Zoning Ordinance (Title 20).

(d) The parcel is zoned Low Density Residential, 5 acres per unit, in the Coastal Zone.

(e) On April 5, 2004, the North County Coastal Land Use Advisory Committee voted 6 to 0 (with 1 member absent) to recommend approval of the project.

(f) 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. PLN030373.

(g) 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.

(h) 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 two existing adjacent parcels.
EVIDENCE: Application and plans for a lot line adjustment found in the Project File PLN030373.
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: Two contiguous separate legal parcels of record will be adjusted and two adjacent contiguous separate legal parcels of record will result from the adjustment.
4. **FINDING: LOT LINE (LEGAL NON-CONFORMITY)** - The existing parcels are legal non-conforming pursuant to the applicable maximum-allowable density requirement of the Zoning Ordinance (Title 20) and the parcels resulting from the lot line adjustment will remain legal non-conforming pursuant to this requirement. However, the adjustment involves an equal exchange of area so that there will be no net change in parcel size for either lot.

EVIDENCE: The proposed lot line adjustment consists of an equal lot line adjustment of approximately 0.204 acres between parcel A (2.0 acres) and parcel B (2.129 acres), resulting in no change in acreage for either parcel. The application and plans for a lot line adjustment found in Project File PLN030373.

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 two adjacent lots of record that will not result in a change of buildable area or of intensity of use. No unusual circumstances were identified that would indicate a reasonable possibility for the changed uses 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 Coastal Development Permit be approved as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 27th day of May 2004, by the following vote:

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

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.