

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

RESOLUTION NO. 04011

A.P. # 009-262-016-000

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In the matter of the application of
Paul & Marian Pickert (PLN040084)

FINDINGS & DECISION

for a Lot Line Adjustment in accordance with Title 19 (Subdivisions), Chapter 19.09 (Lot Line Adjustments), of the Monterey County Code, to reconfiguring two existing legal lots of record. (Assessor's Parcel Numbers 009-262-016-000 [lot 3] and 009-262-017-000 [lot 4]). This adjustment will shift 121 square feet from lot 4 to lot 3 resulting in the following sized lots 21,169 square feet and 29,074 square feet. The properties, located at 26872 Hatton Road Carmel, west of Highway 1, Carmel area, Coastal Zone, came on regularly for meeting before the Minor Subdivision Committee on June 10, 2004.

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

- 1. FINDING: CONSISTENCY, SITE SUITABILITY, AND PUBLIC ACCESS** – Coastal Development Permit for a Lot Line Adjustment, reconfiguring two existing legal lots of record, 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 Carmel Area Land Use Plan, Coastal Implementation Plan Part 6 (Appendices) of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). Staff has reviewed the application and accompanying materials for conformity with the Monterey County Coastal Subdivision Ordinance (Title 19). The site is located at 26872, Hatton road Carmel (Assessor's Parcel Number 009-262-016-000) Carmel Highlands, Coastal Zone. The parcel is zoned "MDR/2-D (CZ)" (Medium Density Residential, 2 acres per unit, Design District in the 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). No access is required as part of the project, and 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 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, 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 PLN040084.
- (b) Staff has reviewed the project documents and concludes that because no change in circumstances or new development will occur which will affect the existing structures or proposed parcels the project shall be considered exempt from environmental review.
- (c) The project planner conducted a site visit in March 2004, to verify that the proposed project complies with the LCP and the original project as approved. Based on the site visit and analysis of building records, the existing single-family dwellings are not proposed for demolition.
- (d) The Carmel Highlands Land Use Advisory Committee (LUAC) reviewed the proposal and recommended approval (7 - 0) of the Coastal Development Permit with no conditions or changes.
- (e) The Monterey County Planning and Building Inspection Department, Coastal Commission, Carmel Highlands Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department and the Monterey County Health Department have reviewed the project. 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.
- (f) The subject properties 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. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (g) The application for an extension of the Coastal Development Permit and tentative Parcel map shall not amend or omit any of the previous conditions of approval under PLN010100.

2. **FINDING: CEQA (Exempt)** – The project is exempt from environmental review.
EVIDENCE: (a) CEQA Guidelines Sections 15305 (a) which allow minor lot line adjustments, respectively, to be categorically exempted from environmental review.
(b) No adverse environmental effects were identified during staff review of the development application during site visits in March of, 2004.
3. **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 PLN040084
4. **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.

5. **FINDING: LOT LINE (ZONING CONFORMITY)** - The parcels resulting from the lot line adjustment conform to the County Zoning and Building Ordinances.
EVIDENCE: The proposed lot line adjustment is consistent with the site development standards for parcels within the MDR/2(CZ) Zoning District, pursuant to Sections 20.12.060 of the Monterey County Zoning Ordinance (Title 20). The application and plans for a lot line adjustment found in Project File PLN040084.
6. **FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: Sections 20.12 and 20.44 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
7. **FINDING: HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development 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: Preceding findings and supporting evidence.
8. **FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.
EVIDENCE: Sections 20.86 of Part 1 of the Coastal Implementation Plan (Title 20).

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said request for a Lot Line Adjustment be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 10th day of June 2004, by the following vote:

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

 ANN TOWNER, Secretary

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.03.035, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON JUNE 10, 2006. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.

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.