

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

RESOLUTION NO. 04017

A. P. # 127-411-009-000-M

In the matter of the application of
Gutierrez & Stapleton (PLN040288)

FINDINGS & DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit and Inland Title 19 approval for an Inland/Coastal Lot Line Adjustment to reduce one non-coastal parcel (Assessor's Parcel Number 127-291-060-000/Parcel "B") from 3.80 acres to 3.02 acres and increasing one coastal parcel (Assessor's Parcel Number 127-411-009-000/Lot 9) from 2.49 acres to 3.27 acres; and an Administrative Permit to reduce the size of a lot in the B-6 Zone. The properties are located at 1727 San Miguel Canyon Road (Parcel "B"), Prunedale and 5315 Hidden Oak Court (Lot 9), Watsonville, North County, Non-Coastal and Coastal Zone, came on regularly for meeting before the Minor Subdivision Committee October 14, 2004.

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

1. FINDING: CONSISTENCY: The proposed Coastal Development Permit PLN040288/Stapleton&Gutierrez conforms to the applicable plans, policies, requirements and standards of the Monterey County General Plan, North County Area Plan, North County Land Use Plan, Title 21 Monterey County Codes, Title 20 Monterey County Codes, and the Monterey County Coastal Implementation Plan - Part 2 (Chapter 20.144 MCC).

EVIDENCE: (a) The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- (1) 1982 Monterey County General Plan, as amended.
- (2) North County Area Plan
- (3) North County Land Use Plan
- (4) Coastal Implementation Plan – Part 2 (Chapter 20.144 MCC)
- (5) Chapters 20.14 & 21.14 MCC – Low Density Residential
- (6) Chapter 20.70 MCC - Coastal Development Permits.
- (7) Chapter 21.42 MCC – B District

There would be no conflict or inconsistencies with the regulations of these plans or policies.

(b) Parcel "B" (APN: 127-291-060-000/Gutierrez) is designated as Low Density Residential (2.5 acres per unit), North County Area Plan. The subject site is 3.8 acres located within the "LDR/B-6" or Low Density Residential –Building Site zoning district. Although a B-6 designation restricts a parcel from further subdivision, a lot line adjustment may be allowed. Lot line adjustments that reduce the size of the lot require an Administrative Permit pursuant to Section 21.42.030.F of the Title 21 although no special findings are required. Reducing Parcel "B" from 3.8 to 3.02 acres is consistent with the Area Plan designation of 2.5 acres per unit.

- (c) Lot 9 (APN: 127-411-009-000/Stapleton) is designated as Low Density Residential (2.5-10 acre per unit), North County Coastal Land Use Plan. The subject site is 2.49 acres located within the “LDR/2.5 (CZ)” or Low Density Residential (2.5 acre per unit) zoning district in the coastal zone. Since the existing legal lot of record is less than 2.5 acres, it is considered to be legal non-conforming.
- (d) Visual Resources. Both properties have scenic easements recorded on the parcel. The proposed Lot Line adjustment will not affect these easements and no new development is proposed at this time.
- (e) Environmentally Sensitive Habitat. A site inspection found the subject area to be generally open with invasive eucalyptus trees.
- (f) Water Resources. Both properties have existing single family residences. No new development is proposed as part of this lot line adjustment. Therefore, this project will not impact water resources.
- (g) Water, Sewer, Traffic. Public Works and Health Departments have reviewed the project and recommend approval subject to conditions.
- (h) LUAC. On July 19, 2004, the North County Coastal Land Use Advisory Committee voted 5-0 to recommend approval of the project. The Committee found that the applicant had met all requirements, and recommend that maps be amended for changes between coastal and non-coastal boundaries.
- (i) LUAC. On August 5, 2004, the North County Land Use Advisory Committee voted 5-0 to recommend approval of the project. The Committee expressed concern with a future second unit and limited water availability. They found that the applicant had met all requirements, and recommend approval with no conditions.
- (j) No testimony, either written or oral, was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.
- (k) Materials in project file PLN040288/Stapleton-Gutierrez.

2. FINDING: SITE SUITABILITY: The site is physically suitable for the proposed use.

- EVIDENCE:**
- (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Carmel Highlands Fire Protection District. Conditions recommended have been incorporated.
 - (b) Staff conducted an on-site visit to verify that the site is suitable for this use.
 - (c) Necessary public facilities are available and will be provided.
 - (d) Materials in project file PLN040288/Stapleton-Gutierrez.

3. 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, and all zoning violation abatement cost, if any, have been paid.

- EVIDENCE:**
- (a) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.
 - (b) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

4. **FINDING: LOT LINE (ADJACENT PARCELS):** The lot line adjustment is between two existing adjacent parcels.
- EVIDENCE:** (a) Although access to the two lots is from two different roads, Lot 9 (APN: 127-411-009-000/Stapleton) abuts the eastern portion of Parcel "B" (APN: 127-291-060-000/Gutierrez).
- (b) Application and plans for a lot line adjustment found in the Project File PLN040288.
5. **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:** (a) Two contiguous separate legal parcels of record will be adjusted and two adjacent contiguous separate legal parcels of record will result from the adjustment.
- (b) Lot Line Adjustment involves reducing one non-coastal parcel (assessor's parcel number 127-291-060-000/parcel "B") from 3.80 acres to 3.02 acres and increasing one coastal parcel (assessor's parcel number 127-411-009-000/Lot 9) from 2.49 acres to 3.27 acres.
- (c) The proposed lot line adjustment will bring Lot 9 into conformance with the minimum density allowed (2.5 acres).
- (d) Application and plans for a lot line adjustment found in the Project File PLN040288.
6. **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:** (a) 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.
7. **FINDING: CEQA:** The proposed project will not have a significant environmental impact.
- EVIDENCE:** (a) Section 15305(a) is a Categorical Exemption (Class 5) for minor alterations to land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density including minor lot line adjustments. The project involves a minor lot line adjustment between two parcels that meets the density established by the Area Plan and Land Use Plan. The subject area (0.78 acres) is relatively flat and is void of most vegetation due to invasive eucalyptus tree litter.
- (b) Based on available information, there is no reasonable possibility that the proposed activity will have a significant effect on the environment due to unusual circumstances that would require additional review.
- (c) Materials in project file PLN040288/Stapleton-Gutierrez
8. **FINDING: APPEALABILITY:** The project is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** (a) Section 20.86.030 of the Monterey County Zoning Ordinance (Board of Supervisors).

(b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission).

DECISION

It is the decision of the Minor Subdivision Committee of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 14th day of October 2004.

LYNNE MOUNDAY, 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 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.

**Monterey County Planning and Building Inspection
Condition Compliance Matrix**

Project Name: Stapleton-Gutierrez

File No: PLN040288 **APNs:** 127-411-009-000 &
127-291-060-000

Approval by: Minor Subdivision Committee **Date:** September 9, 2004

Permit Cond. No.	Impact Addressed, and Responsible Land Use Department	Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verificati on of Complian ce (name/dat e)
1	<p>PBD029 - SPECIFIC USES ONLY</p> <p>The subject permit approval grants a <i>Combined Development Permit (PLN040288/Stapleton & Gutierrez)</i> consisting of: a <i>Coastal Development Permit and inland Title 19 approval for an inland/coastal Lot Line Adjustment to reduce one non-coastal parcel (assessor's parcel number 127-291-060-000/parcel "B") from 3.80 acres to 3.02 acres and increasing one coastal parcel (assessor's parcel number 127-411-009-000/Lot 9) from 2.49 acres to 3.27 acres; and an Administrative Permit to reduce the size of a lot in the B-6 zone. The properties are located at 1727 San Miguel Canyon Road (Parcel "B"), Prunedale and 5315 Hidden Oak Court (Lot 9), Watsonville, North County, non-coastal and coastal zone.</i> This permit was approved in accordance with County ordinances and land use regulations 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant PBI	Ongoing unless other-wise stated	

Permit Cond. No.	Impact Addressed, and Responsible Land Use Department	Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2	PBD027 - PERMIT TIME/YEAR & DATE This permit shall expire two years to expire on <u>September 9, 2006</u> unless a map is recorded or the approval is extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.	None	Owner/ Applicant PBI	September 9, 2006	
3	PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice, which states: “A permit (Resolution 04017) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 127-291-060-000 and 127-411-009-000 on September 9, 2004. The permit was granted subject to 5 conditions of approval that 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 recordation of Record of Survey	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant PBI	Prior to Recordation of Record of Survey	
4	PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented.	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor PW	Prior to Recordation of Record of Survey	
5	PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and its monumentation.	Owner’s Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Applicant/ Surveyor PW	Prior to Recordation of Record of Survey	