



STAFF REPORT
Monterey County Administrative Lot Line Adjustment
Resource Management Agency - Planning Department
168 W. Alisal St. 2nd Floor, Salinas, CA 93901
(831) 755-5025; FAX (831) 757-9516

Date: June 28, 2012

To: Trudeau Joel P. and Carolyn S. TRS, Property Owners
Cohen David A. and Cara L., Property Owners
Casey Trudeau, Agent

From: Nadia Amador, Project Planner (831) 755-5114 *MA*
amadorn@co.monterey.ca.us

cc: Front Counter Copy; Public Works; Nadia Amador, Planner; Jacqueline R. Onciano, Planning Services Manager; Joel P. and Carolyn S. Trudeau TRS, Property Owner; David A. and Cara L. Cohen, Property Owner; Casey Trudeau, Agent; The Open Monterey Project; LandWatch; Project File PLN120427.

Re: Trudeau and Cohen Lot Line Adjustment (PLN120427)- Lot Line Adjustment between two legal lots of record of 1 acre (Assessor's Parcel Number: 169-411-003-000) and 1 acre (Assessor's Parcel Number 169-411-004-000), of equal exchange of 0.090 of an acre, resulting in two lots of 1 acre each. The properties are located at 7503 and 7513 Fawn Court, Carmel Valley (Assessor's Parcel Numbers: 169-411-003-000 and 169-411-004-000), Carmel Valley Master Plan Area.

Location: Assessor's Parcel Numbers: 169-411-003-000 and 169-411-004-000
7503 and 7513 Fawn Court, Carmel Valley
Carmel Valley Master Plan Area

Staff is recommending approval of the Lot Line Adjustment subject to the findings, evidence and conditions in **Exhibit B**. Please read these carefully and contact the planner if you have any questions. Unless otherwise noted in the conditions, the applicant will be required to satisfy all permit conditions prior to the recording of the certificate of compliance for both parcels.

On August 15, 2012, an administrative decision will be made. A public notice has been distributed for this project. The deadline for submittal of written comments in opposition to the project, its findings, or conditions, based on a substantive issue, is 5:00 p.m. on Tuesday, August 14, 2012. The Lot Line Adjustment will be administratively approved the following day, if we do not receive any written comments by the deadline. You will receive a copy of your approved permit in the mail. We will notify you as soon as possible in the event that we receive correspondence in opposition to your project or if the application is referred to a public hearing.

Note: This project will be referred to the Monterey County Minor Subdivision Committee, if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors.

Attachments: Exhibit A Project Data Sheet
Exhibit B Resolution
• Recommended Conditions of Approval
• Lot Line Adjustment Map
Exhibit C Vicinity Map

This report was reviewed by Jacqueline  Onciano, Planning Services Manager.

EXHIBIT A

Project Information for PLN120427

Project Information:

Project Name: TRUDEAU JOEL P & CAROLYN S TRS AND COHEN DAVID A & CARA L
Location: 1503 FAWN CT CARMEL
Permit Type: Lot Line Adjustment

Environmental Status: Exempt
Final Action Deadline (884): 9/15/2012

Existing Structures (sf): 0
Coverage Allowed: 0
Proposed Structures (sf): 0
Coverage Proposed: none
Total Sq. Ft.: 0
Height Allowed: none
Tree Removal: none
Height Proposed: none
Water Source: Mutual System
FAR Allowed: none
Water Purveyor: Cal-Am
FAR Proposed: none
Sewage Disposal (method): Septic
Lot Size: 1
Sewer District: n/a
Grading (cubic yds.): 0

Parcel Information:

Primary APN: 169-411-003-000
Seismic Hazard Zone: II
Applicable Plan: Carmel Valley
Erosion Hazard Zone: Low
Advisory Committee: Carmel Valley LUAC
Fire Hazard Zone: Low
Zoning: LDR/B-6-D-S
Flood Hazard Zone:
Land Use Designation: Low Density Residential
Archaeological Sensitivity: High
Coastal Zone: No
Viewshed: N/A
Fire District: Carmel Valley Fire
Special Setbacks on Parcel: No

Reports on Project Parcel:

Soils Report #: N/A
Biological Report #: N/A
Geologic Report #: N/A
Forest Management Rpt. #: N/A
Archaeological Report #: N/A
Traffic Report #: N/A

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Director of the RMA-Planning Department
in and for the County of Monterey, State of California**

In the matter of the application of:

**Trudeau Joel P. and Carolyn S. TRS and
Cohen David A. and Cara L. (PLN120427)**

RESOLUTION NO. ----

Resolution by the Monterey County Director of the
RMA-Planning Department:

- 1) Finding the project exempt from CEQA per
CEQA Guidelines Section 15305 (a); and
- 2) Approving Lot Line Adjustment between two
legal lots of record of 1 acre (Assessor's Parcel
Number: 169-411-003-000) and 1 acre
(Assessor's Parcel Number 169-411-004-000), of
equal exchange of 0.090 of an acre, resulting in
two lots of 1 acre each. The properties are
located at 7503 and 7513 Fawn Court, Carmel
Valley (Assessor's Parcel Numbers: 169-411-
003-000 and 169-411-004-000), Carmel Valley
Master Plan Area.

(PLN120427), Trudeau Joel P. and Carolyn S. TRS
and Cohen David A. and Cara L., 7503 and 7513
Fawn Court, Carmel Valley, Carmel Valley Master
Plan Area (APNs: 169-411-003-000 and 169-411-
004-000)

The Trudeau Joel P. and Carolyn S. TRS and Cohen David A. and Cara L. application (PLN120427) came on for an administrative hearing before the Monterey County Director of the RMA-Planning Department on August 15, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Director of the RMA-Planning Department finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Carmel Valley Master Plan;
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Non-Coastal Subdivision Ordinance (Title 19);No conflicts were found to exist. No communications were received during the course of review of the project indicating any

inconsistencies with the text, policies, and regulations in these documents.

- b) The properties are located at 7503 and 7513 Fawn Court, Carmel Valley (Assessor's Parcel Numbers 169-411-003-000 and 169-411-004-000), Carmel Valley Master Plan. The parcels are zoned Low Density Residential with a Building Site Zoning District, Design Control Zoning and Site Plan Review Zoning District Overlays or "LDR/B-6-D-S", which allows for residential lot line adjustments.
- c) The purpose of the lot line adjustment is to legally establish a lot line based on the existing fence placement.
- d) The subject parcels are legal lots of record per Volume 10, Cities and Towns, Page 16 recorded as Tract No. 597, Valle Carmel subdivision in April 1969.
- e) The project planner conducted a site inspection in 2006 to verify that the project on the subject parcel conforms to the plans listed above. In 2006 a former application was filed for an identical lot line adjustment at the subject parcels (file no. PLN060049). PLN060049 was approved (AP Resolution No. 060049), but permit subsequently expired due to applicant's failure to clear conditions of approval of lot line adjustment.
- f) The parcels resulting from the lot line adjustment conforms to the County's general plan, the Carmel Valley Master Plan and all applicable zoning and building ordinances. See Finding 6.
- g) The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because the subject lot line adjustment does not have conflicts such as modifications to Scenic Easements, Building Envelopes or Williamson Act contracts. Furthermore, the subject parties to the lot line adjustment (Trudeaus and Cohens) are in agreement of the processing of the subject lot line adjustment. The subject lot line adjustment request was submitted by both parties.
- h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120427.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department and Public Works Department. There has been no indication from these departments that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) The project planner conducted a site inspection in 2006 to verify that the project on the subject site is suitable for the proposed lot line adjustment (see Finding 1, Evidence e).
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project

3. **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) The project was reviewed by the RMA - Planning Department and the Public Works Department. 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.
 - b) Necessary public facilities are available. Both parcels are served by individual septic systems and public water is served by Cal-American Water Company. The subject lot line adjustment shall not impact any of the public facilities listed herein.
 - c) The project planner conducted a site inspection in 2006, when a former application was filed for an identical lot line adjustment at the subject parcels (File no. PLN060049). At that site visit, project planner verified that the lot line adjustment is suitable.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120427.
4. **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.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120427.
5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305 (a), categorically exempts minor lot line adjustments, side yard and set back variances not resulting in the creation of any new parcel.
 - b) The proposed lot line adjustment is between two existing adjacent lots of record and the Describe project and how it meets the exemption(s).
 - c) No adverse environmental effects were identified during staff review

- d) of the development application.
- e) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.
- f) See Finding 6.
- g) The project planner conducted a site inspection in 2006 to verify that the project on the subject site is suitable for the proposed lot line adjustment. See Finding 1, Evidence e.
- h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120427.

6. FINDING:

LOT LINE ADJUSTMENT – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:

1. The lot line adjustment is between two (or more) existing adjacent parcels;
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
3. The parcels resulting from the lot line adjustment conforms to the County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

EVIDENCE:

- a) The parcels are zoned Low Density Residential with a Building Site Zoning District, Design Control Zoning and Site Plan Review Zoning District Overlay or “LDR/B-6-D-S”.
- b) The project area has a total of 2 acres. The lot line adjustment is between two legal lots of record of 1 acre (Assessor's Parcel Number: 169-411-003-000) and 1 acre (Assessor's Parcel Number 169-411-004-000), resulting in two lots of 1 acre each.
- c) The lot line adjustment is between more than one and less than four existing adjacent parcels.
- d) The lot line adjustment will not create a greater number of parcels than originally existed. Two (2) contiguous separate legal parcels of record will be adjusted and (2) contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
- e) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 21). 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. The resulting parcels meet the minimum lot size requirement of 1 acre. The resulting parcels meet the required setbacks from the adjusted lot lines to the existing structures.
- f) The subject lot line adjustment complies with septic regulations for the existing house and will not have impacts on easement, roads or water lines.
- g) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval.
- h) The application, plans and supporting materials submitted by the

project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120427.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 19.16.020.A. of the Monterey County Subdivision Ordinance Title 19.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Director of the RMA-Planning Department does hereby:

- A. Find the project exempt from CEQA per CEQA Guidelines Section 15305 (a); and
- B. Approve, in general conformance with the attached sketch and subject to the conditions, both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 15th day of August 2012.

Mike Novo,
Director of the RMA-Planning Department

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 TO THE BOARD 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. This permit expires two (2) years after the above date of granting thereof unless conditions of approval have been met.

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN120427

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This lot line adjustment was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. The lot line adjustment cannot be recorded unless and until all of the conditions of this lot line adjustment are met to the satisfaction of the Director of the RMA - Planning Department. No other entitlement other than that specified by this entitlement is allowed unless additional permits/entitlements are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the entitlement (lot line adjustment) on an ongoing basis unless otherwise stated.

2. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 2 years, to expire on August 15, 2014 unless all conditions of approval have been met and all documents have been recorded within this period.
(RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall have met all of the conditions of approval and all documents shall have been recorded. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

3. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A lot line adjustment (Resolution Number ***) was approved by the Director of Planning for Assessor's Parcel Numbers 169-411-003-000 and 169-411-004-000 on August 15, 2012. The lot line adjustment was granted subject to four (4) conditions of approval which run with the land. A copy of the lot line adjustment entitlement is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to the recording of certificates of compliance for the subject parcels. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the recording of certificates of compliance for the subject lot line adjustment, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

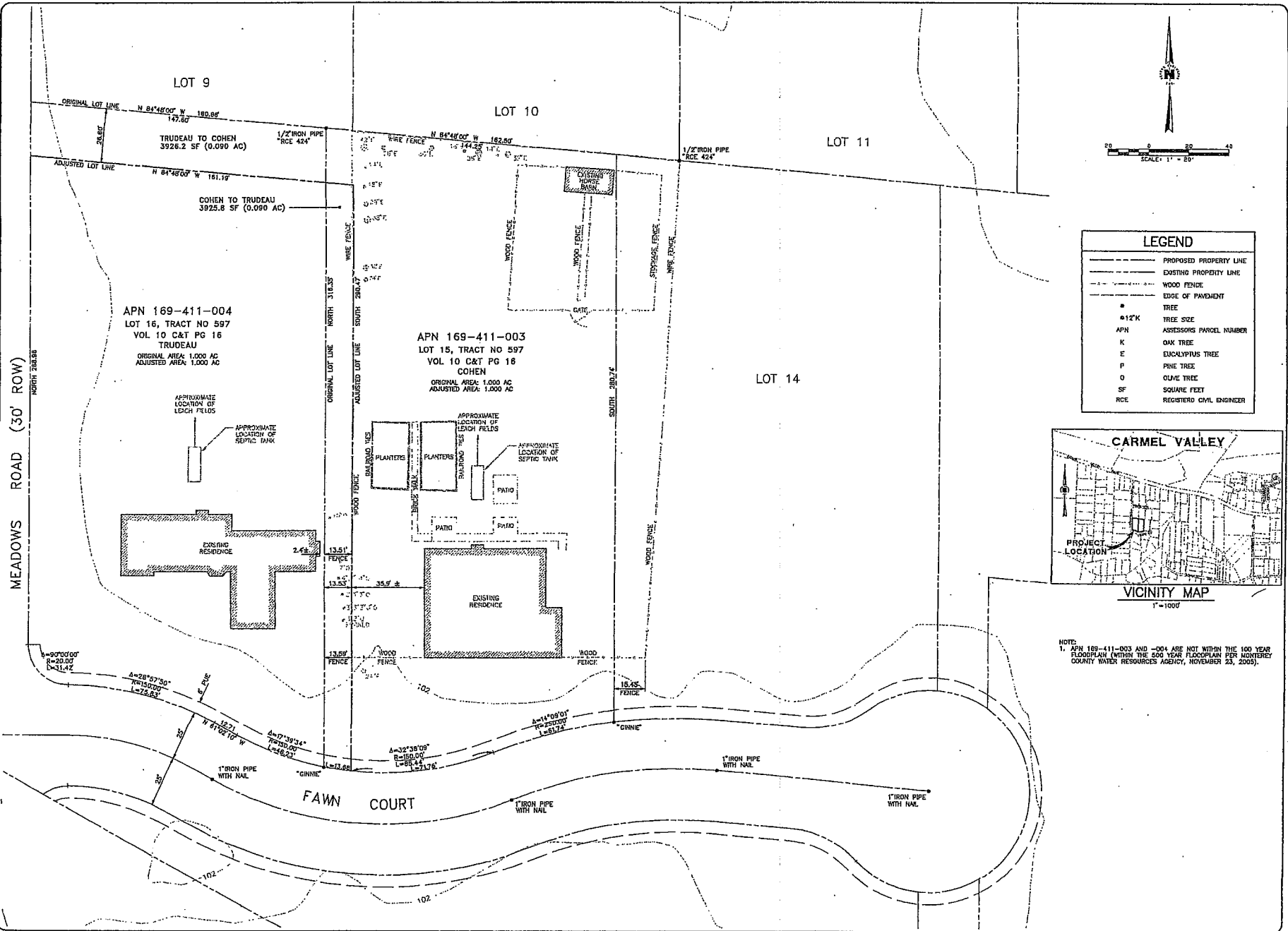
4. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional certificates of compliance for the newly configured parcels.
(RMA - Planning Department)

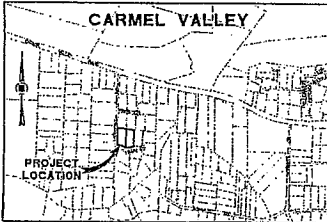
Compliance or Monitoring Action to be Performed: Prior to the expiration of the lot line adjustment, the Owner/Applicant/Surveyor shall submit a map and legal descriptions for each newly configured parcel as prepared by the Surveyor. The legal descriptions shall be entitled "Exhibit A" and the map shall be entitled "Exhibit B." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the map and legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

[A] 03061 (Imp) (Public) (EXHIBIT) DWG - Preliminary - NOV 30, 2005 - 16:27:16
 ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF BESTOR ENGINEERS, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF BESTOR ENGINEERS, INC.



LEGEND

---	PROPOSED PROPERTY LINE
- - - -	EXISTING PROPERTY LINE
----	WOOD FENCE
----	EDGE OF PAVEMENT
●	TREE
○	TREE SIZE
APN	ASSESSORS PARCEL NUMBER
K	OAK TREE
E	EUCALYPTUS TREE
P	PINE TREE
O	OLIVE TREE
SF	SQUARE FEET
RCE	REGISTERED CIVIL ENGINEER



NOTE:
 1. APN 169-411-003 AND -004 ARE NOT WITHIN THE 100 YEAR FLOODPLAIN (WITHIN THE 500 YEAR FLOODPLAIN PER MONTEREY COUNTY WATER RESOURCES AGENCY, NOVEMBER 23, 2005).

DESIGNED BY: _____
 DRAWN BY: _____
 DATE: PRELIMINARY
 CHECKED BY: _____
 RCE: _____
 DATE: _____

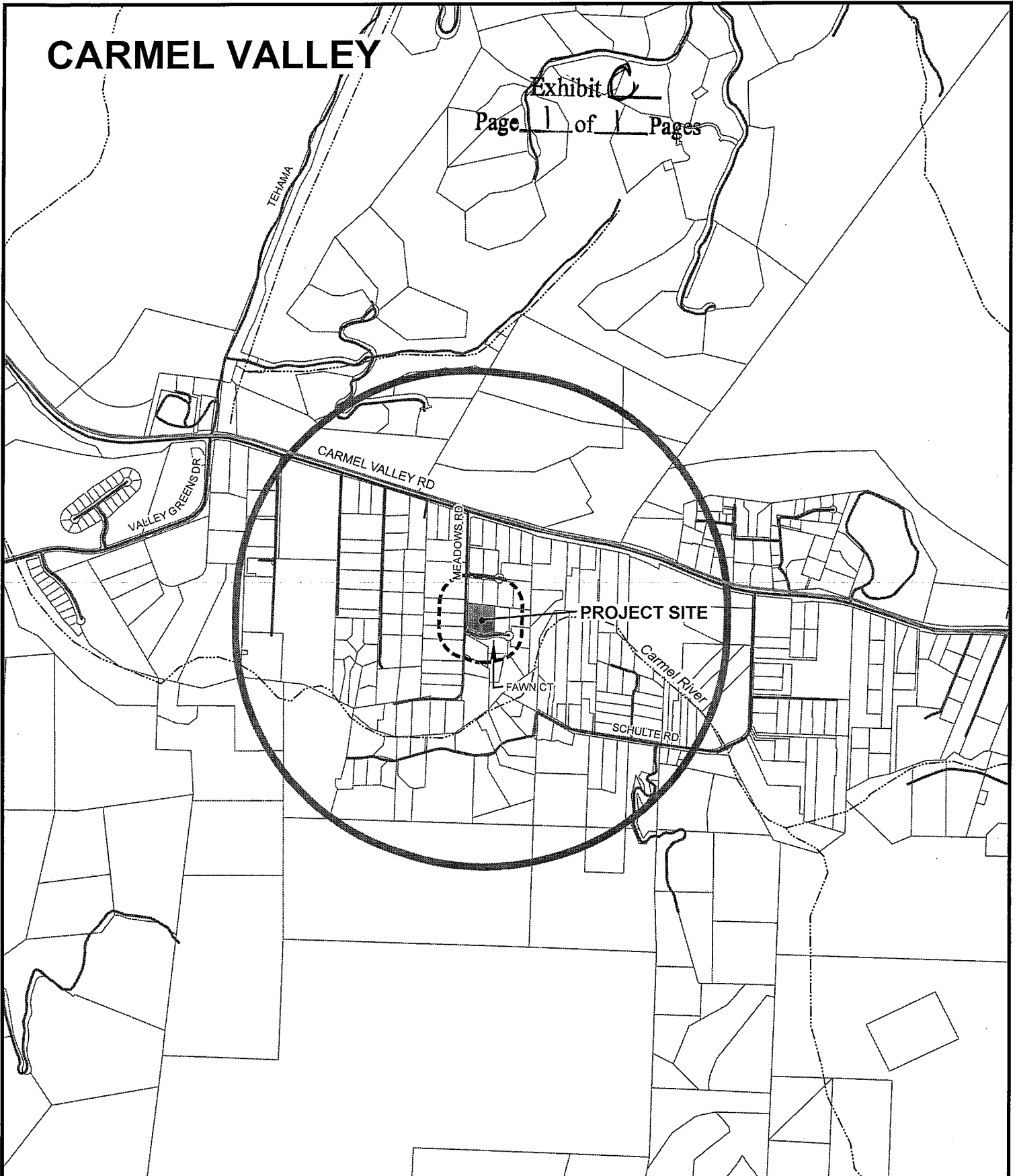
BESTOR ENGINEERS, INC.
 PRELIMINARY
 NOT FOR CONSTRUCTION
 1000 SERRANO AVENUE - SUITE 100 - CARMEL VALLEY, CA 95008
 (831) 924-4444

PREPARED FOR: JOEL TRUDEAU
PRELIMINARY LOT LINE ADJUSTMENT
 BETWEEN TRUDEAU AND COHEN
 7503 AND 7515 FAWN COURT, CARMEL ALLEY
 COUNTY OF MONTEREY, CALIFORNIA

SCALE: 1" = 20'
 DATE: NOV 30, 2005
 SHEET: 1 OF 1
 NO: 635E

CARMEL VALLEY

Exhibit C
Page 1 of 1 Pages

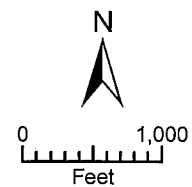


APPLICANT: TRUDEAU & COHEN

APN: 169-411-003-000 & 169-411-004-000

FILE # PLN120427

Water 2500' Limit 300' Limit City Limits



PLANNER: AMADOR