

MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE

Meeting: August 25, 2005 at 9:20 a.m.		Agenda Item: 3
Project Description: (PLN040742-Rainey) Lot Line Adjustment between undeveloped Lot 128 and Remainder Lot 44 of the Monterra Ranch Subdivision, reconfiguration of building envelope and scenic easement on Lot 128. The existing lot sizes are 3.27 acres (Lot 128) and 104.27 acres (Remainder Lot 44) and the proposed sizes will remain the same. The proposed building envelope reconfiguration on Lot 128 will decrease the size of the building envelope from an existing 1.02 acres to .85 acres, in order to enable a better building location and reduction of the amount of grading and tree removal.		
Project Location: 8255 Manjares (Lot 128) and adjacent Remainder Parcel (Lot 44), (Assessor's Parcel Numbers 259-191-006-000 and 259-092-075-000), Monterra Ranch Subdivision.		
Plan Area: Greater Monterey Peninsula Area	Flagged and staked: YES	
Zoning Designation: RDR/10-UR-VS	CEQA Action: Exempt per Section 15061 (b) (3) and 15305 of the CEQA Guidelines.	
Department: Planning and Building Inspection		

RECOMMENDATION:

Staff recommends that the Minor Subdivision Committee approve the project based on Findings and Evidence (**Exhibit "A"**) and subject to proposed conditions (**Exhibit "B"**).

DISCUSSION:

The applicant is seeking a lot line adjustment between undeveloped Lot 128 (APN 259-191-006-000) and Remainder Lot 44 (259-092-075-000) of the Monterra Ranch Subdivision. The existing lot sizes are 3.27 acres (Lot 128) and 104.27 acres (Remainder Lot 44) and the resultant lot sizes will remain the same. In addition, the applicant requests building envelope reconfiguration on Lot 128 and scenic easement reconfiguration on the same parcel. The building envelope reconfiguration will decrease the size of the existing building envelope from 1.02 acres to .85 acres. Currently, with the existing building envelope configuration, approximately 67 oak trees in sizes ranging from 6 inches to 24 inches in diameter exist within the building envelope. The proposed building envelope reconfiguration shows approximately 57 oak trees, ranging in size from 6 inches to 44 inches in diameter. The 44 inch oak located within the proposed building envelope will not be removed. The following is an approximate tree count of the trees and tree sizes within the existing and proposed building envelope for Lot 128. It also illustrates the summary of the proposal:

SUMMARY	EXISTING	PROPOSED
LOT 128 (259-191-006-000)	3.27 ACRES	3.27 ACRES
REMAINDER LOT 44 (259-092-075-000)	104.27 ACRES	104.27 ACRES
LOT 128 BUILDING ENVELOPE SIZE	1.02 ACRES	0.85 ACRES
6"-18" OAK TREES WITHIN BUILDING ENVELOPE	64	53
24" OAK TREE(S) WITHIN BUILDING ENVELOPE	3	3
44" OAK TREE(S) WITHIN BUILDING ENVELOPE	0	1 (NO REMOVAL PROPOSED)

No development over 30 percent slopes is proposed. The applicant's made modifications to their proposal in order to meet the Salinas Rural Fire Protection District's State Responsibility Area 30- foot setback requirement between property lines and the building envelope.

This application meets the intent of the Subdivision Ordinance (Title 19), specifically Chapter 19.09 *Lot Line Adjustment*. Per Section 19.09.025 B, a lot line adjustment application may be granted based upon the following findings:

1. **That the lot line adjustment is between two (or more) existing adjacent parcels.**
This lot line adjustment is between Lot 128 (APN 259-191-006-000) and Remainder Lot 44 (APN 259-092-075-000).
2. **A greater number of parcels that originally existed will not be created as a result of the of the lot line adjustment.**
This lot line adjustment will not create a greater number of parcels that originally exists. Two original lots of record are being adjusted and two lots of record will be the result.
3. **The parcels resulting from the lot line adjustment conforms to County zoning and building ordinances.**
This lot line adjustment conforms to the Subdivision Map Act (Title 19) and to all applicable County ordinances.

This application is also for the reconfiguration of a building envelope on Lot 128 (APN 259-191-006-000) and scenic easement amendment/reconfiguration. Per Board Resolution Number 05-007 for PLN040068, the Board of Supervisors resolved that certain applications be processed as a lot line adjustment, even if such applications involved other changes, such as building envelope and scenic easement changes. In the matter of this application, PLN040742, it may be processed as a lot line adjustment subject to the following criteria based on Board Resolution Number 05-007, 3.C.:

Applicant must request and Board must approve amendment to the scenic easement deed, and applicant must record the amended scenic easement deed. If a record of survey is done for the Lot Line Adjustment, it must depict the new proposed building envelopes and scenic easements, and the amended scenic easement will refer to this depiction on the record of survey.

This application meets said criteria and therefore a lot line adjustment process is the appropriate process.

OTHER AGENCY INVOLVEMENT:

- ✓ Water Resources Agency
- ✓ Environmental Health Division
- ✓ Public Works Department
- ✓ Salinas Rural Fire

All of the above have either reviewed or provided consultation regarding this project.

Nadia Amador, Assistant Planner
(831) 755-5114

Staff report reviewed by: _____

cc: Water Resources Agency; Environmental Health Division; Public Works Department; Salinas Rural Fire; Lynne Mounday; Nadia Amador; Property Owner; Applicant; and File PLN040742.

Attachments: Exhibit "A" Recommended Findings and Evidence
Exhibit "B" Conditions of Approval
Exhibit "C" Vicinity Map
Exhibit "D" Board Resolution Number 05-007
Exhibit "E" Lot Line Adjustment Map

EXHIBIT “A”

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** - The Rainey Lot Line Adjustment application (PLN040742), as conditioned, is consistent with the policies, requirements, and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, the Monterey County Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 21). The property is located at 8255 Manjares in Monterey (Assessor Parcel Numbers 259-191-006-000 and 259-092-075-000), towards the end and fronting on Manjares, Monterra Ranch Subdivision. The subject properties are zoned “RDR/10-UR-VS” or Rural Density Residential, 10 acres per unit, Urban Reserve and in a Visual Sensitive Area. The subject parcels are in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of Title 21 and 19. The site is suitable for the lot line adjustment.

- EVIDENCE:**
- (a) The application, plans, and support materials submitted by the applicant to the Monterey County Planning & Building Inspection Department for the proposed development, found in the project file PLN040742.
 - (b) Project planner conducted an on-site to verify that the project on the subject parcel conforms to the plans listed above.
 - (c) PBI staff has reviewed the project application and accompanying materials for consistency with the Greater Monterey Peninsula Area Plan, Title 21 of the Monterey County Zoning Ordinance, Monterey County Subdivision Ordinance (Title 19) and the Monterey County General Plan.
 - (d) The two (2) lots of record are recorded with the Monterey County Recorder’s Office under the following: APN 259-092-075-000 Monterra Ranch Phase 6 under Volume 22 C&T page 56 and APN 259-191-006-000 Monterra Ranch Phase 5 under Volume 22 C&T page 39.
 - (e) This application meets the criteria for a lot line adjustment process as specified by Board Resolution Number 05-007, specifically section 3c.

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

- EVIDENCE:**
- (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Environmental Health, Water Resources and Salinas Rural Fire. Conditions recommended have been incorporated.
 - (b) Staff conducted an on-site visit to verify that the site is suitable for this use.
 - (c) Currently, with the existing building envelope configuration on Lot 128 (APN 259-191-006-000), approximately 67 oak trees in sizes ranging from 6 inches to 24 inches in diameter exist within the building envelope. The proposed building envelope reconfiguration shows approximately 57 oak trees, ranging in size from 6 inches to 44 inches in diameter. Therefore, approximately 10 less Oaks will be removed with the new building envelope reconfiguration proposal.
 - (d) Necessary public facilities are available and will be provided.

3. **FINDING: CEQA** - The project is exempt from environmental review.
EVIDENCE: CEQA Guidelines Section 15061 b (3) and 15305 categorically exempts this project from CEQA review. The project as conditioned would not have the potential for causing a significant adverse effect on the environment for the following reasons
(a) No adverse environmental effects were identified during staff review of the development application or during a site visit.
(b) There are no unusual circumstances related to the project or property.
4. **FINDING: SUBDIVISION ORDINANCE (TITLE 19)- LOT LINE ADJUSTMENTS (CHAPTER 19.09)**- The lot line adjustment is between two or more existing adjacent parcels and greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
EVIDENCE: Lot 44 (APN 259-092-075-000) and Lot 128 (APN 259-191-006-000) of the Monterra Ranch Subdivision Phases 5 and 6 are existing adjacent lots. Two adjacent lots of record will be adjusted and two lots will result from the adjustment.
5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will, under the circumstances of this particular case, will not 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: Preceding findings and supporting evidence.
6. **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: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.
7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.
EVIDENCE: (a) Monterey County Subdivision Ordinance Title 19, Chapter 19.16 (Appeals).