

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: November 12, 2009 Time: 1:45 P.M.	Agenda Item No.: 4
Project Description: Lot Line Adjustment between two legal lots of record of approximately 2.03 acres (Parcel A) and 2.87 acres (Parcel B), resulting in two lots of record of 2.87 acres (Lot 1) and 2.03 acres (Lot 2), respectively.	
Project Location: 510 Laurels Grade Road, Carmel Valley	APN: 187-091-014-000
Planning File Number: PLN080331	Owner: Grover and Jill Wickersham Agent: Todd Bessire
Planning Area: Carmel Valley Master Plan	Flagged and staked: No
Zoning Designation: Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning District overlays.	
CEQA Action: Categorically Exempt per Section 15305 (a)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Categorically exempts PLN080331 per Section 15305 (a) and;
- 2) Approve PLN080331, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**):

PROJECT OVERVIEW:

The Wickersham properties are located at 510 Laurels Grade Road in Carmel. The properties consist of a 2.03 acre parcel and a 2.87 acre parcel. The properties are zoned Low Density Residential, 2.5 acre minimum with Design Control, Site Plan Review and Residential Allocation Zoning District overlays or “LDR/2.5-D-S-RAZ”. The project consists of a Lot Line Adjustment between two legal lots of record of approximately 2.03 acres (Parcel A) and 2.87 acres (Parcel B), resulting in two lots of record of 2.87 acres (Lot 1) and 2.03 acres (Lot 2) respectively.

Both parcels were created in 1927 by the Ranchitos Del Carmelo subdivision. The properties were not zoned until October 1, 1947. At that time they received the zoning classification of Agricultural – Residential with a Building Site 4 zoning overlay or “K-B-4” which required a minimum lot size of 1 acre. The properties were re-zoned on October 27, 1952 to “K-B-5” with a minimum building site of 3 acres designated on the zoning map rendering the properties legal non-conforming in regards to lot size and density. In December of 1960 a Record of Survey was filed (Volume 6, Page 90) for a Lot Line Adjustment between Parcel A (Lot 46 and 47 of the Ranchitos Del Carmelo subdivision). The Monterey County Zoning Ordinance (Title 21), Section 21.68.020.C, states, “The legal non-conforming use may be changed to a use of a similar or more restricted nature, subject to a Use Permit in each case.” In accordance with Section 21.68.020 the legal non-conforming use is not being intensified, expanded, enlarged, increased or extended to occupy an area greater than that occupied when the legal non-conformity was established. Both lots have been legal non-conforming in relation to lot size since 1952 and are maintaining their current size. The Lot Line Adjustment will not result in any conforming lots becoming non-conforming. A single family dwelling was built over the lot lines of both parcels. This Lot Line Adjustment will serve to bring the single family dwelling into conformance with the Monterey County Zoning Ordinance (Title 21) in relation to setbacks required for main structures.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Division
- √ Water Resources Agency
- √ Carmel Valley Fire Protection District

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit B**).

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 project is exempt from the California Environmental Quality Act and consists of a lot line adjustment without conflicts.

Note: The decision on this project is appealable to the Planning Commission.

/S/ Brittanyann C. Armer

Brittanyann C. Armer, Assistant Planner
(831) 755-5854, nicholsonb@co.monterey.ca.us
(September 21, 2009)

cc: Front Counter Copy; Zoning Administrator; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Jacqueline Onciano, Planning Services Manager; Brittanyann C. Nicholson, Project Planner; Carol Allen, Senior Secretary; Grover and Jill Wickersham, Owner; Todd Bessire, Agent; Planning File PLN080331

Attachments: Exhibit A Project Data Sheet
 Exhibit B Draft Resolution, including:
 1. Conditions of Approval
 2. Site Plan, Floor Plan and Elevations
 Exhibit C Vicinity Map

This report was reviewed by Jacqueline Onciano, Planning Services Manager

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

**GROVER AND JILL WICKERSHAM (PLN080331)
RESOLUTION NO.**

Resolution by the Monterey County Zoning
Administrator:

- 1) Categorically exempt PLN080331 per Section 15305 (a) and;
- 2) Approving a Lot Line Adjustment between two lots of record of approximately 2.03 acres (Parcel A) and 2.87 acres (Parcel B), resulting in two legal lots of record of 2.87 acres (Lot 1) and 2.03 acres (Lot 2) respectively.

(PLN080331, Grover and Jill Wickersham, 510 Laurels Grade, Camel Valley, Carmel Valley Master Plan [APN: 187-097-014-000])

The Wickersham application (PLN080331) came on for public hearing before the Monterey County Zoning Administrator on November 12, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator 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 Monterey County General Plan,
 - Carmel Valley Master Plan,
 - Monterey County Zoning Ordinance (Title 21)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 property is located at 510 Laurels Grade Road in Carmel Valley (Assessor’s Parcel Number 187-091-014-000, Carmel Valley Master Plan. The parcels are zoned Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning District overlays or “LDR/2.5-D-S-RAZ”. The Lot Line Adjustment is between two legal lots of record of approximately 2.03 acres (Parcel A) and 2.87 acres (Parcel B). Both parcels were created in 1927 by the Ranchitos Del Carmelo subdivision. The properties were not zoned until October 1, 1947 at which time it received the zoning

classification of Agricultural – Residential with a Building Site 4 zoning overlay or “K-B-4” which required a minimum lot size of 1 acre. The properties were re-zoned on October 27, 1952 to “K-B-5” with a minimum building site of 3 acres designated on the zoning map rendering the properties legal non-conforming in regards to lot size/density. In December of 1960 a Record of Survey was filed (Volume 6, Page 90) for a Lot Line Adjustment between Parcel A (Lot 46 and Lot 47 of the Ranchitos Del Carmelo subdivision). The Monterey County Zoning Ordinance (Title 21), Section 21.68.020.C, states, “The legal non-conforming use may be changed to a use of a similar or more restricted nature, subject to a Use Permit in each case.” In accordance with Section 21.68.020 the legal non-conforming use is not being intensified, expanded, enlarged, increased or extended to occupy an area greater than that occupied when the legal non-conforming status was established. Both lots have been legal non-conforming in relation to lot size since 1952 and are maintaining their current size. The Lot Line Adjustment will not result in any conforming lots becoming non-conforming. The existing single family dwelling was built over the lot lines of both parcels. This Lot Line Adjustment will serve to bring the single family dwelling into conformance with the Monterey County Zoning Ordinance (Title 21) in relation to setbacks required for main structures.

- c) The project planner conducted a site inspection on January 16, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- d) 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 project is exempt from the California Environmental Quality Act and consists of a lot line adjustment without conflicts.
- e) 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 PLN080331.

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, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff conducted a site inspection on January 16, 2009 to verify that the site is suitable for this use.
 - 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 File PLN080331.

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 Carmel Valley Fire Protection District, Public Works Department, Environmental Health Department and the Water Resources Agency. The respective departments/agencies 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 and will be provided on site. Proposed Lot 1 receives water through a well and disposes of waste water through a septic system. Proposed Lot 2 will also be served by the well and dispose of waste water through a septic system. The Environmental Health Division has reviewed this project and determined that adequate facilities are available and will be available on site.
 - c) Preceding findings and supporting evidence for PLN080331.
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 conducted a site inspection on January 16, 2009 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) Zoning violation abatement costs, if any, have been paid. A condition is included to assure that all zoning abatement costs, if any, have been paid.
 - e) 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 PLN080331.
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.
 - b) The project consists of a Lot Line Adjustment between two lots of record of approximately 2.03 acres (Parcel A) and 2.87 acres (Parcel B), resulting in two lots of record of 2.87 acres (Lot 1) and 2.03 acres (Lot 2), respectively.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on January 16, 2009
 - d) This project does not fall under any of the exceptions to categorical

exemptions listed in CEQA Section 15300.2 because:

- 1) This project is not being proposed in a sensitive or hazardous environment and;
 - 2) The project will not result in a adverse significant cumulative impact and;
 - 3) The project does not have the potential to cause an adverse impact to a scenic highway or a scenic resource and;
 - 4) The project is not being proposed on a hazardous waste site and the site does not contain a known historic resource.
- e) See preceding and following findings and supporting evidence.

6. **FINDING:** **LOT LINE ADJUSTMENT** –The parcels resulting from the lot line adjustment conform to County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.
- EVIDENCE:** a) The parcel is zoned Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning District overlays or “LDR/2.5-D-S-RAZ”.
- b) The property is located at 510 Laurels Grade Road in Carmel Valley (Assessor’s Parcel Number 187-091-014-000, Carmel Valley Master Plan. The parcels are zoned Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review and Residential Allocation Zoning District overlays or “LDR/2.5-D-S-RAZ”. The Lot Line Adjustment is between two legal lots of record of approximately 2.03 acres (Parcel A) and 2.87 acres (Parcel B). Both parcels were created in 1927 by the Ranchitos Del Carmelo subdivision. The properties were not zoned until October 1, 1947 at that time they received the zoning classification of Agricultural – Residential with a Building Site 4 zoning overlay or “K-B-4” which required a minimum lot size of 1 acre. The properties were re-zoned on October 27, 1952 to “K-B-5” with a minimum building site of 3 acres designated on the zoning map rendering the properties legal non-conforming in regards to lot size/density. In December of 1960 a Record of Survey was filed (Volume 6, Page 90) for a Lot Line Adjustment between Parcel A (Lot 46 and Lot 47 of the Ranchitos Del Carmelo subdivision). The Monterey County Zoning Ordinance (Title 21), Section 21.68.020.C, states, “The legal non-conforming use may be changed to a use of a similar or more restricted nature, subject to a Use Permit in each case.” In accordance with Section 21.68.020 the legal non-conforming use is not being intensified, expanded, enlarged, increased or extended to occupy an area greater than that occupied when the legal non-conforming status was established. Both lots have been legal non-conforming in relation to lot size since 1952 and are maintaining their current size. The Lot Line Adjustment will not result in any conforming lots becoming non-conforming. The existing single family dwelling was built over the lot lines of both parcels. This Lot Line Adjustment will serve to bring the single family dwelling into conformance with the Monterey County Zoning Ordinance (Title 21) in relation to setbacks required for main structures.
- c) Pursuant to Government Code Section 66412 (Subdivision Map Act) and Monterey County Subdivision Ordinance (Section 19.09.025.B.1) the lot line adjustment is between two or more existing adjacent parcels

(see **Finding No. 7**)

- d) Pursuant to Government Code Section 66412 (Subdivision Map Act) and Monterey County Subdivision Ordinance (Section 19.09.025.B.2) a greater number of parcels than originally existed will not be created as a result of the lot line adjustment. (see **Finding No. 8**)
- e) Necessary public facilities are available and will be provided on site. Proposed Lot 1 receives water through a well and disposes of waste water through a septic system. Proposed Lot 2 will also be served by the well and dispose of waste water through a septic system. The Environmental Health Division has reviewed this project and determined that adequate facilities are available and will be available on site.
- f) 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 (**Condition 3**).
- g) The project planner conducted a site inspection on January 16, 2009 to verify that the project would not conflict with zoning or building ordinances.
- 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 PLN080331.

7. **FINDING:** **LOT LINE ADJUSTMENT** – The lot line adjustment is between two or more existing adjacent parcels

- EVIDENCE:**
- a) The lot line adjustment is between more than one and less than four existing adjacent parcels.
 - b) 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 PLN080331.

8. **FINDING:** **LOT LINE ADJUSTMENT** – A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

- EVIDENCE:**
- a) The lot line adjustment is between more than one and less than four existing adjacent parcels.
 - b) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
 - c) 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 PLN080331.

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.

- EVIDENCE:**
- a) Section 21.80.040.B of the Monterey County Zoning Ordinance states, “The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to this Title. The decision of the Planning Commission shall be final and may not be appealed, except as provided for in Section

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically exempts PLN080331 per Section 15305 (a) and;
- B. Approves a Lot Line Adjustment between two lots of record of approximately 2.03 acres (Parcel A) and 2.87 acres (Parcel B), resulting in two lots of record of 2.87 acres (Lot 1) and 2.03 acres (Lot 2) respectively in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION 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 Department and Building Services Department office in Salinas.

- 2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

EXHIBIT B-1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Wickersham

File No: PLN080331

APNs: 187-091-014-000

Approved by: Zoning Administrator

Date: November 12, 2009

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
RMA – Planning Department						
1.		<p>PD001 - SPECIFIC USES ONLY This Lot Line Adjustment (PLN080331) allows an adjustment between two lots of record of approximately 2.03 acres (Parcel A) and 2.87 acres (Parcel B), resulting in two legal lots of record of 2.87 acres (Lot 1) and 2.03 acres (Lot 2), respectively. The property is located at 510 Laurels Grade Road, Carmel Valley (Assessor’s Parcel Number 187-091-014-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)</p>	<p>Adhere to conditions and uses specified in the permit.</p>	Owner/ Applicant	Ongoing unless otherwise stated	
			<p>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 the RMA - Planning Department.</p>	RMA - Planning		
			<p>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.</p>	WRA RMA - Planning		

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Lot Line Adjustment (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 187-091-014-000 on November 12, 2009. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD045 – CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENTS) The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA – Planning Department)	The Surveyor shall prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled "Exhibit A". The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i> , for the appropriate fees to record the certificates.	Owner/ Applicant/ Surveyor	Concurrent with recording the Record of Survey	
RMA – Public Works Department						
4.		PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented. (Public Works)	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	Prior to Recordation of Survey	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
5.		PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and it's monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Surveyor	Prior to Recordation of Record of	

END OF CONDITIONS

Rev. 07/29//2009