

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 04016

A.P. # 177-051-002-000-M

In the matter of the application of

Association of Spreckels Residents, et al. (PLN040121)

FINDINGS & DECISION

for Aan Appeal by the Association of Spreckels Residents, Elizabeth Panetta, Clyde Scandrett, and Mike Meuter (Appellants) of a Parcel Legality Status Determination that the subject parcel(s) are legal lots of record and qualify for certificates of compliance under Section 19.14.045 of Title 19, Monterey County Code; and a request for a fee waiver came on regularly for hearing before the Planning Commission on March 31, 2004.. The existing lots are located east of Llano Avenue between Fifth Street and Spreckels Boulevard in the town of Spreckels,. came on regularly for hearing before the Planning Commission on March 31, 2004.

Said Planning Commission, having considered the application and the evidence presented relating thereto, now makes the following findings and decision:

FINDINGS OF FACT

- 1. FINDING:** On October 23, 2003, the Applicant applied for a Parcel Legality Status Determination for Lots 1-8 and 13-20 of Blocks K and L; Lots 1-8 and 16-20 of Block M; Lots 1-5 and 13-20 of Block N; and Lots 1-8 and 13-20 of Block O as designated on the “Official Map of Spreckels.”

EVIDENCE: Administrative record in File # PLN040121.
- 2. FINDING:** On January 29, 2004, the Director of Planning and Building Inspection rendered a Legal Parcel Status Determination affirming that Lots 1-8 and 13-20 of Blocks K and L; Lots 1-8 and 16-20 of Block M; Lots 1-5 and 13-20 of Block N; and Lots 1-8 and 13-20 of Block O denoted on the “Official Map of Spreckels” are legal lots of record and qualify for certificates of compliance pursuant to Section 19.14.050 MCC.

EVIDENCE: Administrative record contained in file # PLN040121.

EVIDENCE: January 29, 2004 correspondence from the Director, PBI

EVIDENCE: Official Map of Spreckels

EVIDENCE: Act of 1893, Subdivision Map Act (1929), Present Subdivision Map Act Section 66499.30(d)

EVIDENCE: Minutes of the Board of Supervisors dated January 8, 1907

EVIDENCE: Sections 19.14.045 & 19.14.050 MCC
- 3. FINDING:** On February 9, 2004, the Association of Spreckels Residents, Elizabeth Panetta, Clyde Scandrett and Mike Meuter appealed the Parcel Legality Status Determination in accord with Chapter 19.17 of the Monterey County Subdivision Ordinance (Title 19) and requested a fee waiver for said appeal.

EVIDENCE: Administrative record contained in file # PLN040121.

- 4. FINDING:** On March 31, 2004, the Planning Commission denied Appellant's appeal requesting a reversal of the subject Parcel Legality Status Determination. The Commission finds that said Determination complies with the Subdivision Map Act and the County Subdivision ordinance (Title 19).

EVIDENCE: The Monterey County Planning Commission held a public hearing on the appeal and request for a fee waiver on March 29, 2004. The Commission heard presentations by staff, the Appellants and the public.

EVIDENCE: Administrative record contained in file # PLN040121.

EVIDENCE: Act of 1893; Subdivision Map Act (SMA) 1929; Current SMA Subdivision Map Act

EVIDENCE: Planning Commission Resolution # 04016.
- 5. FINDING:** The request for a fee waiver does not meet the criteria outlined in Board of Supervisor's Resolution No. 00-342. No information has been provided by the applicant to justify said fee waiver in accordance with Board Resolution 00-342.

EVIDENCE: Board of Supervisor's Resolution No 00-342

EVIDENCE: Materials in project file PLN040121.
- 6. FINDING:** The subject Official Map of Spreckels meets and exceeds the requirements of the statewide (California) division of land statute, Chapter LXXX, known as the Act of 1893, Section 1, 2, 3, & 4 then obtaining at the time the Map was approved by the Monterey County Board of Supervisors on January 8, 1907. Consequently, the lots depicted on the subject map were legally created lots of record.

EVIDENCE: Chapter LXXX, the Act of 1893, established the requirements necessary to create legal lots of record at the time the map was approved by the Board.

EVIDENCE: The Official Map of Spreckels recorded with the Monterey County Recorders office demonstrates that the map is drawn to scale by Chas L. Pioda, a State of California licensed Civil Engineer and Land Surveyor, with dimensions provided. The lots are laid out and identified by block and number with dimensions provided. Streets and alleys are laid out with courses, boundaries and dimensions provided. The streets are identified by name. The Map contains a certification signed by the Vice-President and the Secretary of the owner, Spreckels Sugar Company, with a dedication of streets, roads, alleys, and thoroughfares and reservations of easements for franchises and utilities. The signatures of the corporate officers were notarized. The minutes of the Board of Supervisors meeting of January 8, 1907, contain a "Resolution accepting Official Map of the Town of Spreckels," passed by unanimous vote of the Board. The Map also includes a certification signed by the Chairman of the Board of Supervisors, Monterey County and the County Clerk/ex-officio Clerk of the Board of Supervisors, certifying that the Monterey County Board of Supervisors accepted the streets, roads, alleys, and thoroughfares delineated and shown on the map as and for the use of public highways. The dedications were accepted by the Board of Supervisors as evidenced by the note on the map, and the County recorded the map on January 8, 1907.
- 7. FINDING:** Section 1 of the 1929 Subdivision Map Act exempts maps that were approved under provisions of any previous act, including the Act of 1893, from the provisions of the 1929

Subdivision Map. Additionally, Section 66499.30 of the 2004 Subdivision Map exempts from its requirements maps approved under statutes(s) at the time the subdivision was established.

EVIDENCE: Section 1, Subdivision Map Act of 1929.

EVIDENCE: Section 66499.30.d Subdivision Map Act

EVIDENCE: Monterey County Board of Supervisor's minutes from January 8, 1907, which approved a Resolution approving the Official Map of Spreckels.

- 8. FINDING:** The Official Map of Spreckels was approved by the Board of Supervisors on January 8, 1907, qualifies for certificates of compliance under Title 19 of the County Subdivision Ordinance, and has been relied on for conveying, financing and building for approximately 97 years. Additionally, no evidence exists in the record to establish that the subject existing lots of record have been merged or combined.

EVIDENCE: The Official Map of Spreckels and the minutes from the January 8, 1907 Board of Supervisors meeting.

EVIDENCE: Chapter Title 19.14.045, Monterey County Subdivision Ordinance. The Act of 1893; the 1920 Subdivision Map Act; and the 2004 Subdivision Map Act.

EVIDENCE: Deeds of trust included in the application materials for a Parcel Legality Status Determination (PLN040121).

EVIDENCE: Administrative record for PLN040121.

- 9. FINDING:** That Appellant has been afforded all procedural rights required by law. and that A public hearing was not required prior to the Director issuing the parcel legality status determination. The appellants were afforded the right of appeal under Monterey County Code Section 19.17, and a public hearing on the appeal from the Director's determination was held before the Planning Commission on March 31, 2004.

EVIDENCE: The appellants were afforded the right of appeal under Monterey County Code Section 19.17. Monterey County Code chapter 19; Minutes of March 31, 2004 Planning Commission meeting; administrative record.

EVIDENCE: A public hearing on the Director's determination was held before the Planning Commission on March 31, 2004.

DECISION

THEREFORE, it is the decision of said Planning Commission that said the Appeal by the Association of Spreckels Residents, Elizabeth Panetta, Clyde Scandrett, and Mike Meuter (Appellants) of a of the Parcel Legality Status Determination and Appellants' fee waiver request be denied and affirm the Parcel Legality Status Determination be affirmed.

PASSED AND ADOPTED this 31st day of March, 2004, by the following vote:

AYES: Errea, Sanchez, Padilla, Parsons, Rochester, Wilmot

NOES: Hawkins, Vandevere, Diehl, Salazar

ABSENT: None

ABSTAIN: None

Original Signed By:

JEFF MAIN, 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

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 Salinas.

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