

In the matter of the application of
Howard and Candice Buck (PLN050023)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of a Lot Line Adjustment between two (2) legal lots of record of 2.637 acres (Parcel 1) APN 189-321-006-000 and .80 acres (Parcel 2) 189-311-030-000, which will be reconfigured to the following sizes: 2.5 acres (Parcel 1) and .90 acres (Parcel 2), in order to accommodate a garage pad on Parcel 2 and a Variance that is required in order to allow for the reconfiguration of substandard Lot 2 (APN 189-311-030-000), which will not meet the minimum lot size requirement of 1 acre per the Low Density Residential Zoning District, located at De Los Helechos and 23 Lazy Oaks in Carmel Valley, came on regularly for meeting before the Zoning Administrator on September 29, 2005.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. **FINDING: CONSISTENCY** – The Buck/Wagner Combined Development Permit (PLN050023) consisting of a Lot Line Adjustment and Variance, as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, the Carmel Valley Master Plan, the Monterey County Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance. (Title 21).
EVIDENCE: (a) Plan Conformance. Staff has reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Valley Master Plan, the Monterey County Subdivision Ordinance (Title 19), the Monterey County Zoning Ordinance (Title 21) and the Monterey County General Plan.
(b) Land Use. The parcels are zoned Low Density Residential, 2.5 acres/unit, Design Control, Site Plan Review (LDR/2.5-D-S). The Lot Line Adjustment is for residential related purposes.
(c) Development Standards. The project is in compliance with Site Development Standards, subject to obtaining a Variance for allowing the reconfiguration of a substandard Lot 2 (APN 189-311-030-000) which will result in .90 acres, in order to allow for deviation from a 1 acre minimum lot size requirement per Section 21.14.060A.
2. **FINDING: SITE SUITABILITY** – The site is suitable for the use proposed.
EVIDENCE: The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, Monterey County Health Department and Carmel Valley Fire. There has been no indication from these agencies that the site is not suitable.
3. **FINDING: CEQA (Exempt)** – The proposed project will not have a significant environmental impact.
EVIDENCE: (a) The proposed project is for a minor alterations in land use limitations and therefore qualifies for an exemption as per Section 15305 (a) of the CEQA guidelines regarding the construction of small structures.

(b) No adverse environmental impacts were identified during staff review of the project application.

(c) There are no unusual circumstances related to the project or property.

4. **FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicate that no violations exist on subject property.

5. **FINDING: LOT LINE:** The lot line adjustment is between two existing adjacent parcels. A greater number of parcels than originally exists will not be created as a result of the lot line adjustment. The parcels resulting from the lot line adjustment conforms to County zoning and building ordinances.

EVIDENCE: (a) This lot line adjustment is between APN 189-321-006-000 and APN 189-311-030-000, which are two existing adjacent parcels. Both lots are legal lots of record.

(b) This lot line adjustment will not create a greater number of parcels than originally exists. Two original lots are being adjusted and two lots of record will be the result.

(c) This lot line adjustment contains a substandard lot size parcel (Lot2). APN 189-311-030-000 is currently .80 acres and will be increased to .90 acres, but it will not meet the Low Density Residential minimum lot size requirement of 1 acre, per Section 21.14.060 A, Site Development Standards, therefore a Variance will be required.

6. **FINDING: VARIANCE (Special Circumstances):** Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 21.72.040 A, B and C of the Monterey County Zoning Ordinance (Title 21) is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity in identical zoning classification.

EVIDENCE: The intent of this application is to allow the placement of a future garage on Lot 2 (APN 189-311-030-000) immediately adjacent to the existing single family dwelling established on the property. The overall best location for this site is at the easterly side of Lot 2, since the parcel is constrained by leach lines on the west side and constrained by slopes over 30 percent to the rear of the property. This permit would allow for additional land to be added to Lot 2 in order to facilitate a parking area.

7. **FINDING: VARIANCE (Special Privileges):** The variance for adjusting substandard Lot 2 (APN 189-311-030-000) shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.


EVIDENCE: There is one parcel found in the vicinity which had a variance granted for reduction of front yard setback filed under ZA06746 (APN 189-311-027-000). The alternative to this lot line adjustment, which purpose is to facilitate a future garage, was to apply for a variance for setback reduction since the proposed garage would not meet the required setback requirements. Granting this lot line adjustment would allow for the placement of a future garage meeting the zoning development standards.

8. **FINDING: VARIANCE (Authorized Use):** The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.
EVIDENCE: (a) The project is for a lot line adjustment between two legal lots of record where Lot 1 (APN 189-321-008-000) will grant Lot 2 (APN 189-311-030-000) 0.10 acres of land in order to accommodate for the placement of a residential car garage. The parcel is zoned Low Density Residential which allows for residential activities.
(b) Materials and documents in Project File No. PLN050023.
9. **FINDING: HEALTH AND SAFETY –** The establishment, maintenance, and operation of the proposed development 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: Preceding findings and supporting evidence.
10. **FINDING: APPEALABILITY –** The decision on this project is appealable to the Board of Supervisors.
EVIDENCE: Sections 19.16.020 A of the Title 19 Subdivision Ordinance.

DECISION

It is the decision of the Zoning Administrator 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 29th day of September, 2005.



MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **NOV 18 2005**

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 **NOV 28 2005**

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 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 & Mitigation Monitoring and/or
Reporting Plan**

Project Name: Buck and Wagner

File No: PLN050023 APN(s): 189-321-006-000 and 189-311-030-000

Approval by: Zoning Administrator

Date: September 29, 2005

**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>Impact Addressed, 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 Clearing Condition</i>	<i>Timing</i>	<i>Verif- ication of comp- liance</i>
1		<p>PBD029 - SPECIFIC USES ONLY</p> <p>The Buck/Wagner Combined Development Permit (PLN050023) consists of a Lot Line Adjustment and Variance. The Lot Line Adjustment is between two (2) legal lots of record of 2.637 acres (Parcel 1) APN 189-321-006-000 and .80 acres (Parcel 2) 189-311-030-000, which will be reconfigured to the following sizes: 2.5 acres (Parcel 1) and .90 acres (Parcel 2), in order to accommodate a garage pad on Parcel 2. The Variance is required in order to allow for the reconfiguration of substandard Lot 2 (APN 189-311-030-000), which will not meet the minimum lot size requirement of 1 acre per the Low Density Residential Zoning District. The parcels are located at De Los Helechos and 23 Lazy Oaks in Carmel Valley (Assessor Parcel Numbers 189-321-006-000 and 189-311-030-000). 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		approved by the appropriate authorities. (Planning and Building Inspection)				
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 050023 was approved by the Zoning Administrator for Assessor's Parcel Numbers 189-321-006-000 and 189-311-030-000 on September 29, 2005." The permit was granted subject to 7 conditions of approval which 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. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Ongoing unless otherwise stated	
3		NON-STANDARD Applicant must request and Board must approve amendment to scenic easement deed and building envelope. (Planning & Bldg. Inspection)	Submit information to P&BI for review and approval.	Owner/ Applicant		
4		FLOODPLAIN RECORDATION (NON-STANDARD WORDING) The owner shall provide the Water Resources Agency a recorded Floodplain Notice for the newly created "Parcel 1" stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." (Water Resources Agency)	Submit the recorded floodplain notices to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to filing the parcel map	WRA

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, 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 Clearing Condition</i>	<i>Timing</i>	<i>Verification of compliance</i>
5		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	
6		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 Survey	
7		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <i>Carmel Valley Fire District.</i>				
			<i>Applicant shall schedule fire dept. clearance inspection</i>	<i>Applicant or owner</i>	Prior to final building inspection	

STATEMENT

THIS PROPERTY LOCATED WITHIN CARMEL VALLEY VILLAGE INVOLVES THE LOT LINE ADJUSTMENT OF TWO PARCELS OF 0.88 ACRES AND 2.60 ACRES INTO TWO PARCELS OF 0.30 ACRES AND 2.60 ACRES IN SIZE.

THE EXISTING ZONING ON THE PROPERTIES IS "LDR/2.5 D-S".

THE PROPERTY IS CURRENTLY USED FOR RESIDENTIAL PURPOSES. THE PROPOSED USE OF THE PROPERTY IS THE SAME.

THERE ARE CURRENTLY STRUCTURES ON THE PROPERTY AS SHOWN ON THE MAP. THE EXISTING FENCES ARE ALSO SHOWN ON THE MAP.

NO TREES ARE TO BE PLANTED OR REMOVED. THERE ARE NO PROPOSED COMMON AREAS OR AREAS TO BE DEDICATED TO PUBLIC USE.

THIS PROPERTY DOES NOT LIE WITHIN THE FLOOD PLAIN.

NO DEVELOPMENT STRUCTURES OR GRADING ARE BEING PROPOSED WITH THIS APPLICATION. SO NO EROSION CONTROL MEASURES ARE PROPOSED.

OWNERS

A.P.N. 189-311-030
 HOWARD & CANDACE BUCK
 P. O. BOX 708
 CARMEL VALLEY, CA 93924
 PHONE: 831-751-9999

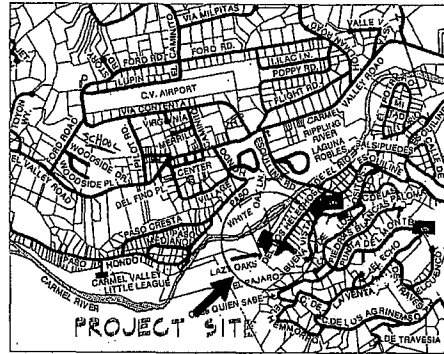
A.P.N. 189-321-003
 DENIS WAGNER
 23 LAZY DAKES
 CARMEL VALLEY, CA 93924
 PHONE: 831-659-0942

TENTATIVE LOT LINE ADJUSTMENT MAP

SHOWING THE PROPOSED ADJUSTMENT OF LOT 217, ROBLE'S DEL RIO CARMELO, SUB. NO.2 VOL. 3 OF CITIES & TOWNS AT PAGE 48, AND PARCEL C-1 VOL. OF SURVEYS AT PAGE WITHIN RANCHO LOS LAURELES, CARMEL VALLEY, MONTEREY COUNTY, CALIFORNIA

PREPARED FOR: HOWARD BUCK
 SURVEYED BY: POCARIS CONSULTING
 P. O. BOX 1378
 CARMEL VALLEY, CA 93924

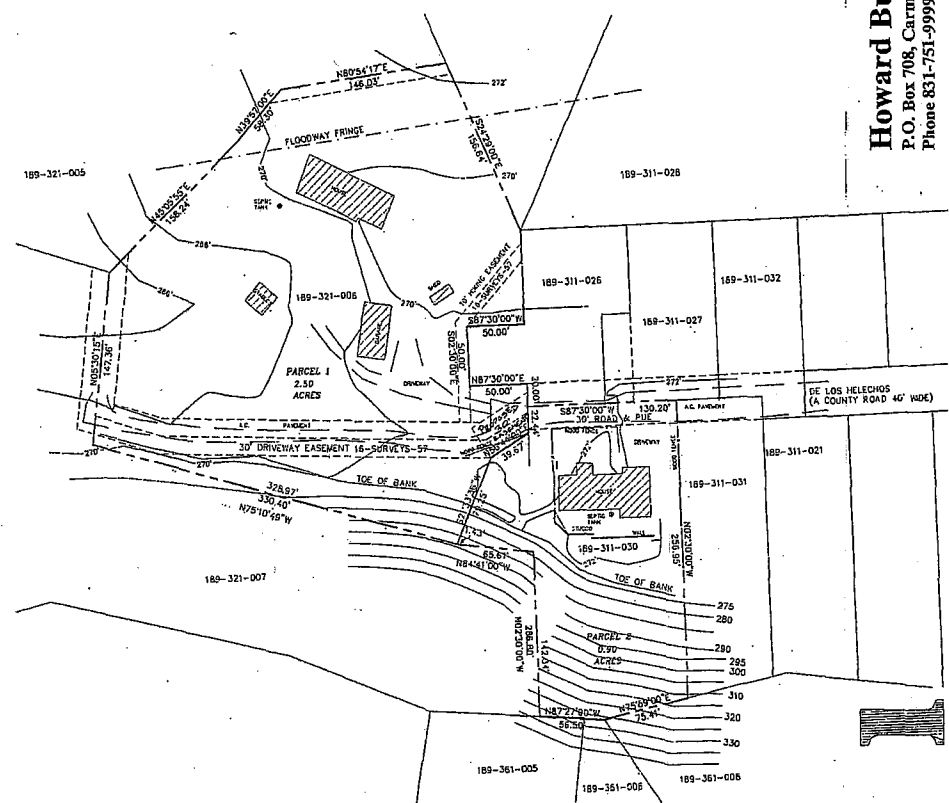
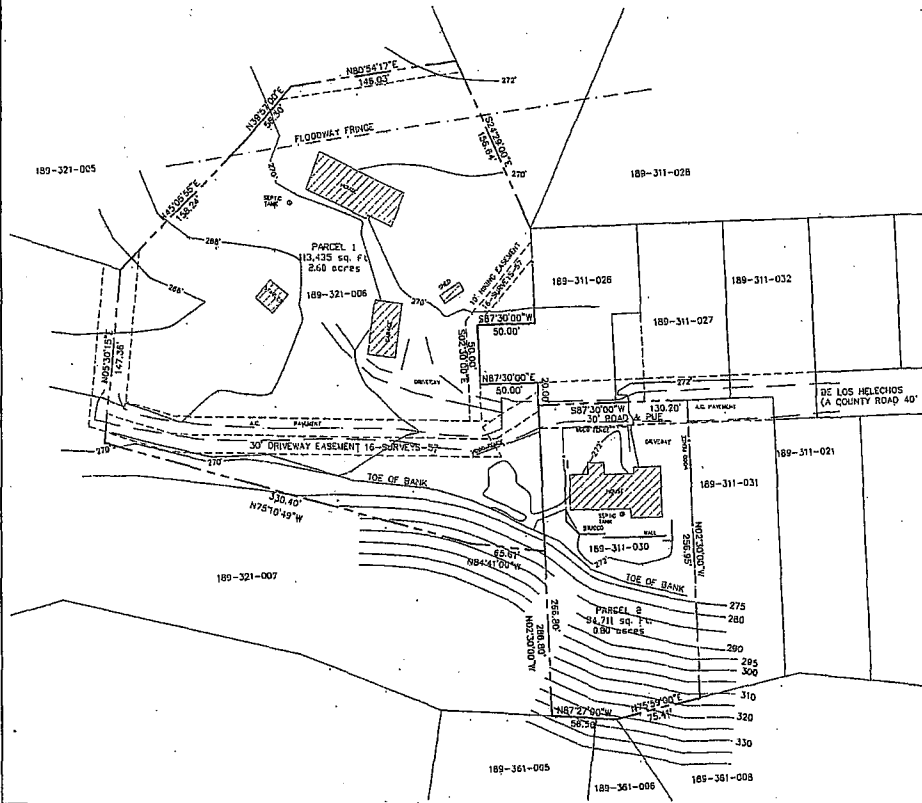
SCALE: 1" = 50' VIEW: LLA DATE: APRIL 26, 2004
 FILENAME: BUCK LLA.DWG 2/13/04 REVISED: 04/04/05



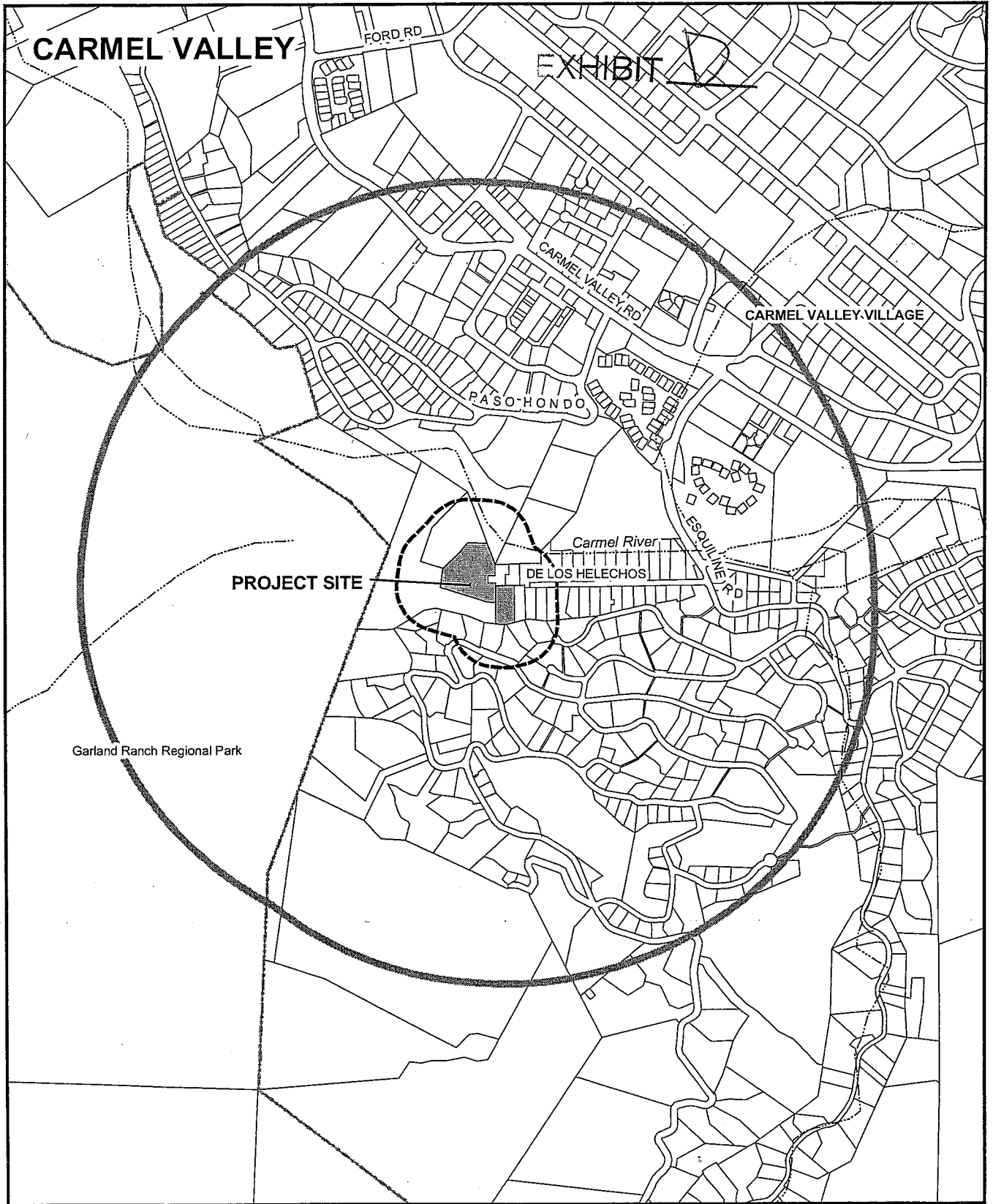
VICINITY MAP
 N.T.S.

EXISTING LOT LINE CONFIGURATION

PROPOSED LOT LINE CONFIGURATION



Howard Buck
 P.O. Box 708, Carmel Valley, Ca 93924
 Phone 831-751-9999 - AP 189-311-030



CARMEL VALLEY

EXHIBIT



FORD RD

CARMEL VALLEY RD

CARMEL VALLEY VILLAGE

PASO HONDO

Carmel River

PROJECT SITE

DE LOS HELECHOS

ESQUINA RD

Garland Ranch Regional Park

APPLICANT: BUCK & WAGNER

APN: 189-311-030-000 & 189-321-008-000

FILE # PLN050023



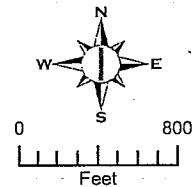
300' Limit



2500' Limit



City Limits



PLANNER: AMADOR