

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 050106

A. P. #127-131-002-000

In the matter of the application of

JOHN RICHARD/LISA THOMPSON (PLN050106)

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 and Variance between two legal lots of record of 2.07 acres (Parcel 1) and 2.34 acres (Parcel 2). The proposal is to adjust the lot lines to have the following result: parcel 1- 3.18 acres and parcel 2- 1.24 acres. The Variance is required in order to allow for the reconfiguration of substandard lots, since they do not meet minimum lot requirements of 10 acre minimum, per the "RC" zoning district. An existing single family dwelling currently exists on Parcel 1. The legal lots of record are currently under Assessor's Parcel Number 127-131-002-000 and are located at 704 Echo Valley Road, Salinas, North County Non-Coastal Zone came on regularly for meeting before the Zoning Administrator on November 10, 2005.

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

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** – The Thompson Lot Line Adjustment and Variance (PLN050106), as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, the North County Area Plan, the Monterey County Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance. (Title 21).
EVIDENCE: (a) Plan Consistency. Staff has reviewed the project as contained in the application and accompanying materials for consistency with the North County Area 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 Resource Conservation with a B-8 Zoning Overlay (RC/B-8). 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 Lots 1 and 2 filed under APN 127-131-002-000. Lots are currently 2.07 acres (Lot 1) and 2.34 acres (Lot 2) and will be configured to 3.18 acres (Lot 1) and 1.24 acres (Lot 2). The RC zoning designation requires a 10 acre minimum building site per Section 21.36.060 of the Title 21.
(d) Lot Design Standards. The proposal is consistent with the Lot Design standards of Section 19.10.30 B in that topographic features and resource considerations require greater minimum lot depths than described. By allowing for a future building site at the south end section of vacant Lot 2, minimal grading would be required since an

existing building pad is situated there. Grading for new driveway off of Brentwood Court (public right-of-way portion) would also be minimal as opposed to entrance from Echo Valley Rd.

- (e) Legal Lot Determination. The determination has been made that Parcel 1 and 2 filed under APN 127-131-002-000 are two separate legal lots of record. A letter of Legal Lot Determination has been filed with the Monterey County Planning and Building Inspection Department prepared by consultant, Wesley H. Arvig. Letter is dated January 20, 2005.

- 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 Health Department and North County Fire Department. 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 alteration in land use limitations and therefore qualifies for an exemption as per Section 15305 (a) of the CEQA guidelines regarding lot line adjustments.
(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 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 two legal lots of record described as Parcel 1 and Parcel 2 of APN 127-131-002-000 which are two existing adjacent parcels.
(b) This lot line adjustment will not create a greater number of parcels that originally exists. Two original lots are being adjusted and two lots of record will be the result.
(c) This lot line adjustment involves the reconfiguration of two existing substandard parcels, Parcel 1 and Parcel 2 filed under APN 127-131-002-000. The current sizes do not and will not meet the minimum lot size standards of RC zoning district of 10 acres minimum lots, per Section 21.36.060. Therefore, a variance will be required.

(d) Evidence 1(e), above.

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 is to construct a single family dwelling on Parcel 2 over an existing building pad that is situated at the south side of this parcel, fronting on Brentwood Court. Staff has researched the area where this proposal is situated and has found that several parcels with the same zoning designation (RC/B-8) are under the required 10 acre minimum lot size. Furthermore, many of these parcels are just over 1 acre which will not be counter to Parcel 2 adjusted lot size of 1.24 acres. These parcels include all of the adjacent "Sans Souci" (Volume 14 Cities and Towns page 66) subdivision, which consists of eight 1-acre lots.
7. **FINDING: VARIANCE (Special Privileges):** The variance for adjusting substandard Parcels 1 and 2 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:** Staff has researched the area where this proposal is situated and has found that several parcels with the same zoning designation (RC/B-8) are under the required 10 acre minimum lot size. Furthermore, many of these parcels are just over 1 acre which will not be counter to Parcel 2's adjusted lot size of 1.24 acres. These parcels include all of the "Sans Souci" (Volume 14 Cities and Towns page 66) subdivision which consists of eight 1-acre lots.
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. Parcel 1 has an existing single family dwelling and plans for the construction of a new home on Parcel 2 is proposed in the near future. The parcels are zoned RC/B-8, which allows for residential activities.
- (b) Materials and documents in Project File No. PLN050106.
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

THEREFORE, it is the decision of said Zoning Administrator that said application for Combined Development Permit be granted as shown on the attached sketch, and subject to the attached conditions:

PASSED AND ADOPTED this 10th day of November 2005.



MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **DEC 01 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 **DEC 11 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 two 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: Thompson

File No: **PLN050106** APN: **127-131-002-000**

Approval by: **Zoning Administrator** Date: **November 10, 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 The Thompson Lot Line Adjustment and Variance (PLN050106) is between two (2) legal lots of record of 2.07 acres (Parcel 1) and 2.34 acres (Parcel 2). The proposal is to adjust the lot lines to have the following result: Parcel 1- 3.18 acres and Parcel 2- 1.24 acres. The Variance is required in order to allow for the reconfiguration of substandard lots, since both lots of record do not meet the minimum lot size requirement of 10 acres. An existing single family dwelling currently exists on Parcel 1 while Parcel 2 is vacant. The lots are located at 704 Echo Valley Rd, Salinas and the lots of record are under APN 127-131-002-000. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<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>
		are 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. 050106 was approved by the Zoning Administrator for Assessor's Parcel Number 127-131-002-000 on November 10, 2005." The permit was granted subject to 4 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		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	
4		PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and its 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	

