

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> July 11, 2012 Time: 9:00 a.m.	<b>Agenda Item No.:</b> 1
<b>Project Description:</b> Coastal Development Permit for a lot line adjustment to correct the placement of a single family dwelling across a property line between two legal lots of record of approximately 0.56 acres (Parcel A) and 3.39 acres (Parcel B), resulting in two lots of 0.56 acres (Adjusted Parcel A) and 3.39 acres (Adjusted Parcel B); and Fee Waiver Request to waive all application fees. The property is located at 150 Garin Road, Royal Oaks (Assessor's Parcel Numbers 119-022-006-000 and 119-022-008-000), North County Land Use Plan, Coastal Zone	
<b>Project Location:</b> 150 Garin Road, Royal Oaks	<b>APN:</b> 119-022-008-000 and 119-022-006-000
<b>Planning File Number:</b> PLN120150	<b>Owner:</b> The Nature Conservancy and Teresa and Juan Alcantar <b>Agent:</b> Laura Smith, The Nature Conservancy
<b>Planning Area:</b> North County Land Use Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> AC (CZ) or "Agricultural Conservation (Coastal Zone)" and RC/10 or "Resource Conservation, 10 acres minimum (Coastal Zone)"	
<b>CEQA Action:</b> Categorically Exempt per Section 15378(a) and 15305(a);	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Find the project Categorical Exempt per Section 15378(a) and 15305(a); and
- 2) Approve a lot Line Adjustment, based on the findings and evidence and subject to the conditions of approval (**Exhibit D**) and;
- 3) Deny the Fee Waiver request for PLN120150, based on the findings and evidence contained in **Exhibit C**.

### PROJECT OVERVIEW:

The subject application is for a lot line adjustment between two parcels located at 150 Garin Road in Salinas. The lot line adjustment would be an even exchange of 5,179 square feet between Assessor's Parcel Number 119-022-006-000 (Alcantar) and Assessor's Parcel Number 119-022-008-000 (Nature Conservancy). The adjustment would facilitate the movement of the common property line to be in conformance with approved permits, PLN020488 & BP032543. See Discussion (**Exhibit B**) for further detail.

The applicant submitted a Fee Waiver Request (**Exhibit F**) to the Director of RMA-Planning because they believe that they qualify for a Fee Waiver as a non-profit organization. The Fee Waiver policy is applicable to discretionary permit applications. The applicant has paid \$ 6,388.32 for a lot line adjustment in accordance with the Monterey County Land Use Fee Schedule for 2012.

On August 29, 2000, the Board of Supervisors adopted criteria (**Exhibit H**) giving the Director of Planning the authority to waive application and appeal fees for discretionary permit applications for:

1. Small Day Care Centers (less than 12 children);
2. Inclusionary portions of proposed residential developments;
3. Special Handling affordable housing projects;
4. Persons age 62 or over on a fixed, very low income;
5. Reclassification applications to bring property into conformance with the General Plan;

6. County or other government agencies;
7. Permit fees for the repair or reconstruction when Board of Supervisors declares a disaster;
8. Community facilities by a non-profit organization meeting certain criteria;
  - a. The proposed project is available for use by the general public; and
  - b. Provides a scope of benefit beyond the residents of the immediate vicinity; and,
  - c. Is of obvious public benefit. Evidence of public benefit includes, but not limited to, projects that:
    - i Meet a public need previously identified or recognized by the Board of Supervisors;
    - ii. Provide a public facility not presently available in the community;
    - iii. Have generated obvious, substantial community support; or,
    - iv. Would either reduce County costs or increase County revenue
9. General Plan Amendments where land is inaccurately or inappropriately designated.

Although the Nature Conservancy is a non-profit organization, the subject application for a lot line adjustment is necessary in order to correct an error made by the contractor, Coastal Home Solutions. Therefore, the Director of Planning has denied the fee waiver.

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

- RMA - Public Works Department
- Environmental Health Bureau
- √ Water Resources Agency
- North County Fire Protection District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Water Resources Agency have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit D**).

The project was not referred to an Advisory Committee based on the Board of Supervisors guidelines Resolution 08-338 because the lot line adjustment had no conflicts and the fee waiver is not a project.

Note: The decision on this project is appealable to the Board of Supervisors and Coastal Commission.

/S/ Valerie Negrete




Valerie Negrete, Assistant Planner for Ramon Montano, Assistant Planner  
 (831) 755-5227, negretev@co.monterey.ca.us  
 (June 13, 2012)

cc: Front Counter Copy; Planning Commission; North County Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Valerie Negrete, Project Planner; Ramon Montano, Project Planner; The Nature Conservancy, Owner; Teresa and Juan Alcantar, Owner; The Open Monterey Project; LandWatch; Planning File PLN120150

Planning File PLN120150

- Attachments:
- Exhibit A Project Data Sheet
  - Exhibit B Project Discussion
  - Exhibit C Draft Resolution for the Fee Waiver
  - Exhibit D Draft Resolution, including:
    - Conditions of Approval
    - Parcel Map
  - Exhibit E Vicinity Map
  - Exhibit F Nature Conservancy's Fee Waiver Request received February 21, 2012
  - Exhibit G Alcantar approval Resolution #020488
  - Exhibit H Board of Supervisors Resolution 2000-342 for Director of Planning fee waiver criteria

This report was reviewed by Laura Lawrence, Planning Services Manager



## EXHIBIT A

### Project Information for PLN120150

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#### Project Information:

<b>Project Name:</b>	NATURE CONSERVANCY THE & ALCANTAR JUAN & TERESA	
<b>Location:</b>	150 GARIN RD ROYAL OAKS	
<b>Permit Type:</b>	Coastal Development Permit	
<b>Environmental Status:</b>	Exempt	<b>Final Action Deadline (884):</b> 7/21/2012
<b>Existing Structures (sf):</b>	1740	<b>Coverage Allowed:</b> 3%
<b>Proposed Structures (sf):</b>	0	<b>Coverage Proposed:</b> N/A
<b>Total Sq. Ft.:</b>	1740	<b>Height Allowed:</b> 35
<b>Tree Removal:</b>	N	<b>Height Proposed:</b> N/A
<b>Water Source:</b>	WELL	<b>FAR Allowed:</b> 3%
<b>Water Purveyor:</b>	PRIVATE	<b>FAR Proposed:</b> N/A
<b>Sewage Disposal (method):</b>	SEPTIC	<b>Lot Size:</b> .56
<b>Sewer District:</b>	PRIVATE	<b>Grading (cubic yds.):</b> 0

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#### Parcel Information:

<b>Primary APN:</b>	119-022-006-000	<b>Seismic Hazard Zone:</b>	IV
<b>Applicable Plan:</b>	North County LCP	<b>Erosion Hazard Zone:</b>	High
<b>Advisory Committee:</b>	North County-Coastal Advisory Committee	<b>Fire Hazard Zone:</b>	Moderate
<b>Zoning:</b>	AC (CZ), RC (CZ)	<b>Flood Hazard Zone:</b>	AE
<b>Land Use Designation:</b>	Agricultural Conservation	<b>Archaeological Sensitivity:</b>	Low
<b>Coastal Zone:</b>	Yes	<b>Viewshed:</b>	No
<b>Fire District:</b>	North County FPD	<b>Special Setbacks on Parcel:</b>	N

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#### Reports on Project Parcel:

<b>Soils Report #:</b>	N/A
<b>Biological Report #:</b>	N/A
<b>Geologic Report #:</b>	N/A
<b>Forest Management Rpt. #:</b>	N/A
<b>Archaeological Report #:</b>	N/A
<b>Traffic Report #:</b>	N/A

## **EXHIBIT B DISCUSSION**

### Project Description

The subject application is for a lot line adjustment located at 150 Garin Road, Royal Oaks in the North County Land Use Plan and fee waiver request. The property is zoned AC (CZ) or "Agricultural Conservation (Coastal Zone)" (APN: 119-022-006-000) and RC/10 or "Resource Conservation, 10 acres minimum (Coastal Zone)" (APN: 119-022-008-000). The Alcantar property is zoned AC (CZ) and the Nature Conservancy lot is zoned mostly AC (CZ) with the north approximate 8,000 square feet zoned RC/10 (CZ). The lot line adjustment is requested to rectify an error which resulted in the Alcantar residence being constructed approximately 1.8 feet over the Nature Conservancy property line.

### Project Issues

On September 25, 2003 the Zoning Administrator approved a Coastal Administrative Permit and Variance (PLN020488) for the construction of a single family dwelling on the Alcantar property (APN: 119-022-006-000) pursuant to Resolution No. 020488 (**Exhibit G**). The Alcantar residence was subsequently built and finalized (BP032543). The variance allowed a reduction to the front yard setback from 30 feet to 26 feet and the side yard setback from 20 feet to 11.6 feet. The contractor, Coastal Home Solutions, and homeowner relied on an incorrect surveyor marker, unrelated to the actual property line, in the field in order to determine the placement of the dwelling.

In 2011, the Nature Conservancy began preparations to transfer their property (APN: 119-022-006-000) to the Elkhorn Slough Foundation when the surveyor (Mid Coast Engineers) discovered the Alcantar dwelling was built 1.8 feet over their property line.

### *Setbacks*

A lot line adjustment between the Nature Conservancy and the Alcantar property would bring both properties more into compliance with setback requirements and enable the completion of the transfer of land to the Elkhorn Slough Foundation. The subject lot line adjustment produce a new side yard setback of 26 feet whereas the zoning regulations require a 20 feet. The property already was approved for a variance for a deviation for their front yard setbacks. The subject lot line adjustment would bring the property more into conformance with their zoning regulations for their side yard setback.

### *Minimum Lot Size*

The minimum lot size for AC (CZ) is one acre and the minimum lot size for RC/10 (CZ) is ten acres. Although the existing lots are non-conforming in density, a lot line adjustment is allowed because there is no feasible way to make the lots conforming. If there was a way to reconfigure the lots in order to conform to minimum lot size then that configuration would be required.

### *Fee Waiver*

In accordance with the Fee Waiver Policy, all fees were paid at the time of filing the application for the lot line adjustment. On February 21, 2012, the applicant submitted a Fee Waiver Request from the Director of Planning in the amount of \$ 6,388.32. The applicant believes they qualify for a Fee Waiver (See **Exhibit F**) because they are a non-profit agency. However, the lot line adjustment is necessary to rectify an error made by the contractor which resulted in the single family dwelling being built over the property line.

On August 29, 2000, the Board of Supervisors adopted criteria (**Exhibit H**) giving the Director of Planning the authority to waive application and appeal fees for discretionary permit applications for community facilities by a non-profit organization meeting certain criteria;

- a. The proposed project is available for use by the general public; and
- b. Provides a scope of benefit beyond the residents of the immediate vicinity; and,
- c. Is of obvious public benefit. Evidence of public benefit includes, but not limited to, projects that:
  - i. Meet a public need previously identified or recognized by the Board of Supervisors;
  - ii. Provide a public facility not presently available in the community;
  - iii. Have generated obvious, substantial community support; or,
  - iv. Would either reduce County costs or increase County revenue

The Director of Planning denied the Fee Waiver Request as the request does not meet the criteria established by the Board of Supervisors in order for the Director to approve the waiver. The subject application is being requested in order to correct an error by the contractor on Assessor's Parcel Number 119-022-006-000 neither the homeowner nor the contractor are non profit organizations and are responsible to rectify the error.

#### Recommendation

The project is categorically exempt from CEQA pursuant to Section 15378(a) as the Fee Waiver Request is not a project which will result in a physical change in the environment and 15305(a) for a minor lot line adjustment. No issues were found to exist during staff review of the lot line adjustment. Staff recommends that the Planning Commission approve the lot line adjustment and deny the Fee Waiver request.

**EXHIBIT C**

**MONTEREY COUNTY PLANNING COMMISSION**

**COUNTY OF MONTEREY, STATE OF CALIFORNIA**

**Resolution No.**

Planning Commission Resolution No. )  
 Consider a Request for Waiver of application )  
 fees for PLN120150, Coastal Development )  
 Permit for a lot line adjustment to correct the )  
 placement of a single family dwelling across a )  
 property line between two legal lots of record )  
 of approximately 0.56 acres (Parcel A) and )  
 3.39 acres (Parcel B), resulting in two lots of )  
 0.56 acres (Adjusted Parcel A) and 3.39 acres )  
 (Adjusted Parcel B). The property is located at )  
 150 Garin Road, Royal Oaks (Assessor's )  
 Parcel Numbers 119-022-006-000 and 119- )  
 022-008-000), North County Land Use Plan, )  
 Coastal Zone. )  
 )

WHEREAS, the Alcantar property received a Coastal Administrative Permit (Planning File No. PLN020150) pursuant to Resolution 020488, from the Zoning Administrator on September 25, 2003 to replace an existing mobile home to construct a new 1,300 square foot single family dwelling with a 440 square foot detached garage and Variance to exceed lot coverage and front and side yard setbacks;

WHEREAS, BP032543 was finalized on August 5, 2004 for the replacement and construction of a 1,335 square foot dwelling and 400 square foot detached garage on Assessor's Parcel Number 119-022-006-000 (Alcantar property), however a portion of the dwelling was built on the common property line between the Alcantar and Nature Conservancy properties;

WHEREAS, the contractor and the property owner (Alcantar) relied on a professional surveyor marker The contractor, Coastal Home Solutions, and homeowner relied on an incorrect surveyor marker, unrelated to the actual property line, in the field in order to determine the placement of the dwelling;

WHEREAS, the Nature Conservancy, applied for a lot line adjustment on April 23, 2012 to rectify the encroachment on the northern property line for the Alcantar parcel;

WHEREAS, the Nature Conservancy applied for a Fee Waiver from the RMA-Director of Planning on February 21, 2012 in the amount of \$ 6,388.32 for the lot line adjustment;

WHEREAS, the Nature Conservancy is submitting a Fee Waiver Request because they believe that they qualify for a Fee Waiver as a non-profit organization;

WHEREAS; the RMA-Director of Planning can authorize a waiver of fees for non-profit organizations meeting the following criteria:

- a. The proposed project is available for use by the general public; and
- b. Provides a scope of benefit beyond the residents of the immediate vicinity; and,
- c. Is of obvious public benefit. Evidence of public benefit includes, but not limited to, projects that:
  - i. Meet a public need previously identified or recognized by the Board of Supervisors;
  - ii. Provide a public facility not presently available in the community;
  - iii. Have generated obvious, substantial community support; or,
  - iv. Would either reduce County costs or increase County revenue.

WHEREAS, The Director of Planning denied the Fee Waiver Request as the request does not meet the criteria established by the Board of Supervisors for a Director's approval because the application is being processed in order to correct an error by the contractor on Assessors Parcel Number 119-022-006-000; and

WHEREAS, the RMA-Planning Department referred the Fee Waiver Request to the Planning Commission as the Planning Commission shall consider waivers that do not meet the criteria of the Fee Waiver Policy for waiver by the RMA-Planning Director; and

WHEREAS, California Environmental Quality Act (CEQA) Guidelines Section 15378 (a) categorically exempts Fee Waivers because they are not projects; and

WHEREAS, on July 11, 2012, the Monterey County Planning Commission conducted a public hearing for the Nature Conservancy and Alcantar Waiver Request (PLN120150) for the lot line adjustment fee for PLN120150.

### DECISION

THEREFORE, it is the decision of the Monterey County Planning Commission that the Fee Waiver Request (PLN120150) for the lot line adjustment fee for the Nature Conservancy be denied.

**PASSED AND ADOPTED** this 11th day of July, 2012 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHE TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE



# Monterey County Planning Department

## DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN120150

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Coastal Development Permit for a lot line adjustment to correct the placement of a single family dwelling across a property line between two legal lots of record of approximately 0.56 acres (Parcel A) and 3.39 acres (Parcel B), resulting in two lots of 0.56 acres (Adjusted Parcel A) and 3.39 acres (Adjusted Parcel B); and denial of Fee Waiver Request to waive all application fees was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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. 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. 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.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Coastal Development Permit (Resolution Number \*\*\*) was approved by the Planning Commission for Assessor's Parcel Numbers 119-022-006-000 and 119-022-008-000 on July 11, 2012. 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."  
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

### 3. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 2 years, to expire on July 11, 2014 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

### 4. PD045 - COC (LOT LINE ADJUSTMENTS)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall request unconditional certificates of compliance for the newly configured parcels.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant/Surveyor shall submit legal descriptions for each newly configured parcel as prepared by the Surveyor. 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 Monterey County Recorder, for the appropriate fees to record the certificates.

### 5. WRSP1 - FLOODPLAIN NOTICE - LL (NON-STANDARD CONDITION)

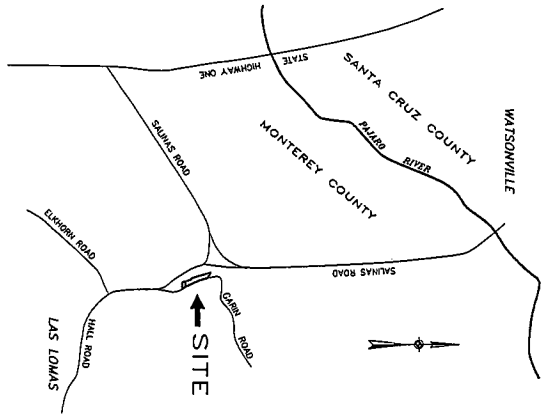
**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall record a floodplain notice, for each of the newly aligned parcels, stating: "The property is located within or partially within a Special Flood Hazard Area and may be subject to building and/or land use restrictions." (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the notices, submit signed and notarized originals to the Water Resources Agency for review and approval.

A copy of the standard notice can be obtained at the Water Resources Agency or online at: [www.mcwra.co.monterey.ca.us](http://www.mcwra.co.monterey.ca.us).

The Water Resources Agency will deliver the approved originals to the Planning Department, and they shall be recorded concurrently with the certificates of compliance.



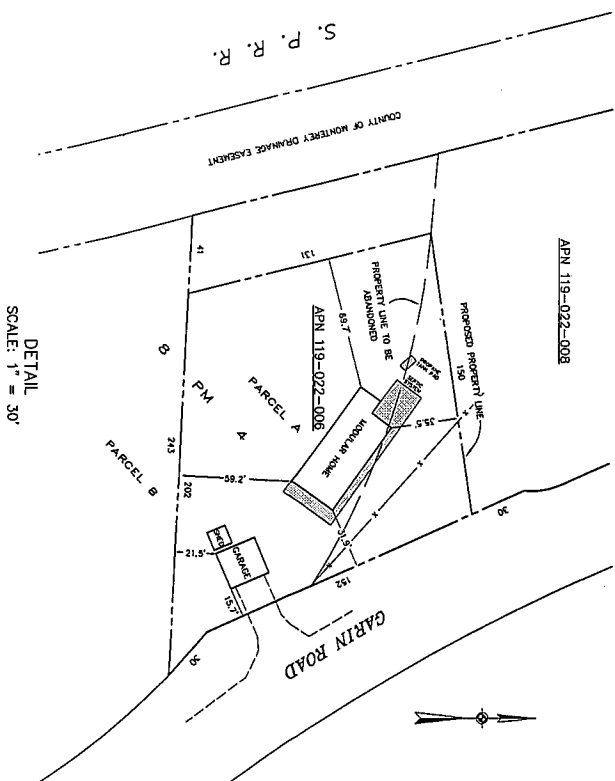
VICINITY MAP  
SCALE: 1" = 2000'

**PROJECT DATA**

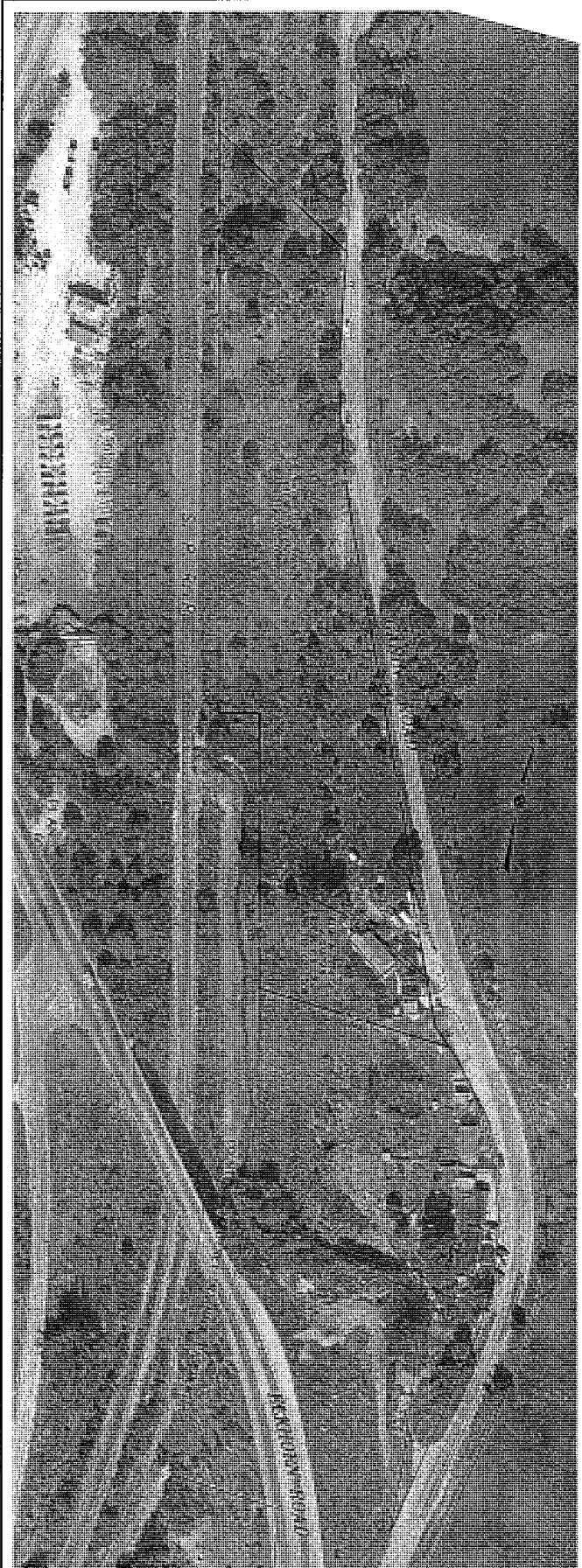
1. OWNER: APN 119-022-008-000 MID COAST ENGINEERS 150 GARDEN ROAD WATSONVILLE, CA 95076	1. OWNER: APN 119-022-008-000 MID COAST ENGINEERS 150 GARDEN ROAD WATSONVILLE, CA 95076
2. WATER SOURCE: PRIVATE WELL	2. WATER SOURCE: NONE
3. SEWER DISPOSAL: SEPTIC	3. SEWER DISPOSAL: NONE
4. PRESENT ZONING: AC (C2)	4. PRESENT ZONING: RC 10
5. PROPOSED ZONING: AC (C2)	5. PROPOSED ZONING: RC 10
6. PRESENT LAND USE: RESIDENTIAL	6. PRESENT LAND USE: VACANT PRESERVE (VACANT)
7. PROPOSED LAND USE: RESIDENTIAL	7. PROPOSED LAND USE: VACANT PRESERVE (VACANT)
8. AREAS SUBJECT TO LANDMARK PRESERVATION: 0525300036	8. AREAS SUBJECT TO LANDMARK PRESERVATION: 0525300036
9. NO PROPOSED NEW UTILITIES	9. NO PROPOSED NEW UTILITIES
10. NO PROPOSED GRADING	10. NO PROPOSED GRADING
11. NO PROPOSED NEW BUILDINGS	11. NO PROPOSED NEW BUILDINGS
12. REGULATORY BUILDING SETBACKS AS PER PERMITS: 05/25/2003	
13. FRONT SETBACK: 10 FT	
14. REAR SETBACK: 10 FT	
15. DETACHED GARAGE: NONE	
16. FRONT PORCH: 18.5	

**AREA CALCULATIONS**

PARCEL NO.	EXISTING SUBTRACTED	TO BE ADDED	TOTAL ADJUSTED
APN 119-022-006	24,329 SQ. FT. 0.56 AC	-5179 SQ. FT.	24,329 SQ. FT. 0.56 AC
APN 119-022-008	117,242 SQ. FT. 2.69 AC	+5179 SQ. FT.	117,242 SQ. FT. 2.69 AC



DETAIL  
SCALE: 1" = 30'



<p>1</p>	<p>TENTATIVE MAP FOR LOT LINE ADJUSTMENT  <b>ALCANTAR &amp; THE NATURE CONSERVANCY</b>          APN 119-022-006 &amp; 119-022-008</p> <p style="text-align: center;">GARIN ROAD          MONTEREY COUNTY, CALIFORNIA</p>	<p><b>MCE</b></p> <p><b>MID COAST ENGINEERS</b>          CIVIL ENGINEERS AND LAND SURVEYORS</p> <p>70 PENNY LANE, SUITE A WATSONVILLE, CA 95076 - (831) 724-2580</p>	
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Exhibit C

**EXHIBIT D  
DRAFT RESOLUTION**

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:  
The Nature Conservancy and Teresa and Juan Alcantar  
**(PLN120150)**

**RESOLUTION NO. [REDACTED]**

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorically Exempt per Sections 15305(a); and
- 2) Approving a Coastal Development Permit for a lot line adjustment to correct the placement of a single family dwelling across a property line between two legal lots of record of approximately 0.56 acres (Parcel A) and 3.39 acres (Parcel B), resulting in two lots of 0.56 acres (Adjusted Parcel A) and 3.39 acres (Adjusted Parcel B)

[PLN120150, The Nature Conservancy and Teresa and Juan Alcantar, 150 Garin Road, Royal Oaks North County Land Use Plan (APN: 119-022-008-000 and 119-022-006-000) Coastal Zone]

**The Nature Conservancy and Teresa and Juan Alcantar application (PLN120150) came on for public hearing before the Monterey County Planning Commission on July 11, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission 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 1982 Monterey County General Plan;
  - North County Land Use Plan;
  - Monterey County Coastal Implementation Plan Part 4;
  - Monterey County Zoning Ordinance Title 20;
  - Monterey County Subdivision Ordinance Title 19;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 150 Garin Road, Royal Oaks (Assessor’s Parcel Number 119-022-008-000 and 119-022-006-000), North County Land Use Plan. The parcels are zoned AC (CZ) or “Agricultural

Conservation (Coastal Zone)” and RC/10 or “Resource Conservation, 10 acres minimum (Coastal Zone)”, which allows minor lot line adjustments. Therefore, the project is an allowed land use for this site.

- c) The Alcantar property (Assessor’s Parcel Number 119-022-006-000) was approved for a variance to side yard setback from 20 feet to 11.6 feet and to the front yard setback from 30 feet to 26 feet for the main structure. The subject lot line adjustment will bring the Alcantar property into conformance with a 26 foot side yard setback. The adjustment would facilitate the movement of the common property line between the parcels to be in conformance with approved permits, PLN020488 & BP032543. The Alcantar dwelling was built 1.8 feet over the common property line.
- d) The subject lot line adjustment would be an even exchange of 5,179 square feet between Assessor’s Parcel Number 119-022-006-000 (Alcantar) and Assessor’s Parcel Number 119-022-008-000 (Nature Conservancy). The adjustment would facilitate the movement of the common property line to be in conformance with approved permits, PLN020488 & BP032543.
- e) The project planner conducted a site inspection in April 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The project was not referred to the North County Coastal 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 lot line adjustment did not involve any conflicts and the Fee Waiver request is not a project.
- g) 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 PLN120150.

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, North County Fire Protection District, Public Works, Environmental Health Bureau, 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 did not identify any potential impacts to Biological Resources, Archaeological Resources, or Soil/Slope Stability.
  - c) Staff conducted a site inspection in April 2012 to verify that the site is suitable for this use.
  - d) 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 PLN120150.

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 RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective 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. Assessor's Parcel Number 119-022-006 (Alcantar property) is a developed lot served by a private well for domestic water and a septic system for waste disposal. Assessor's Parcel Number 119-022-008-000 (Nature Conservancy) is a vacant undeveloped lot.
  - c) Staff conducted a site inspection in April 2012 to verify that the site is suitable for this use.
  - d) 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 PLN120150.

4. **FINDING:** **VIOLATIONS** - The subject properties are not compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. A violation exists on both properties. The approval of this permit will correct the violations and bring both properties into compliance.

- EVIDENCE:**
- a) Staff conducted a site inspection in April 2012 and researched County records to assess if any violation exists on the subject property. The applicant approached the county in order to voluntarily correct the violation on the property.
  - b) The proposed project will correct the existing encroachment of the Alcantar's home on the Nature Conservancy's property line. In order to be in compliance with land use regulations, the applicant must either move the single family dwelling or process a lot line adjustment.
  - c) Once the subject lot line adjustment is approved, both properties will be in compliance with all rules and regulations pertaining to the property.
  - d) 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 PLN120150.

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 lot line adjustments where the land has slopes of less than twenty percent and no change in land use or density is proposed.
  - b) The project consists of a lot line adjustment which would exchange 5,179 square feet from both parcels (Assessors Parcel Numbers 119-022-008-000 and 119-022-006-000) resulting in no net change in overall area and no net change to the size of either parcel. The average slope is

less than 20% and the parcels are relatively flat.

- c) No adverse environmental effects were identified during staff review of the development application during a site visit in April 2012.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.
- 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 PLN120150.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6 in the North County Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) 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 PLN120150.
  - e) The project planner conducted a site inspection in April 2012.

7. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:
- 1. The lot line adjustment is between four (or fewer) existing adjoining parcels;
  - 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
  - 3. The parcels resulting from the lot line adjustment conforms to the County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.
- EVIDENCE:**
- a) The subject lot line adjustment is between four or fewer parcels. The project consists of a lot line adjustment between two lots, resulting in an equal exchange of 5,179 square feet from both parcels (Assessor’s Parcel Numbers 119-022-008-000 and 119-022-006-000) with no net change in overall area.
  - 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 proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance Title 20. Staff verified that the subject

property is in compliance with all rules and regulations pertaining to the use of the property and that no violations exist on the property. The parcels are zoned AC (CZ) or ["Agricultural Conservation (Coastal Zone)"] and RC/10 or ["Resource Conservation, 10 acres minimum (Coastal Zone)"]. The minimum lot size for AC (CZ) is one acre and the minimum lot size for RC/10 (CZ) is ten acres. Although the lots are non-conforming in density to begin with, there is no feasible way to make the lots conforming, therefore the lot line adjustment is allowed. The existing two lots are 0.56 acres (Assessor's Parcel Number 119-022-006-000) and 3.39 acres (Assessor's Parcel Number 119-022-008-000) respectively and there will be no net increase.

- d) Evidence that has been received and considered includes: the application and staff report that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN120150) and are hereby incorporated herein by reference.
- 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 PLN120150.

**8 FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission/Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Section 19.01.050.A Monterey County Subdivision Ordinance (Board of Supervisors).
  - b) Section 20.86.080.A Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the subject properties are located between the sea and the first public road and the lot line adjustment is a conditional use within the applicable zoning districts.

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

1. Find the project Categorically Exempt per Section 15305(a); and
2. Approve the Coastal Development Permit for a lot line adjustment to correct the placement of a single family dwelling across a property line between two legal lots of record of approximately 0.56 acres (Parcel A) and 3.39 acres (Parcel B), resulting in two lots of 0.56 acres (Adjusted Parcel A) and 3.39 acres (Adjusted Parcel B) in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 11th day of July, 2012 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:  
NOES:  
ABSENT:



ABSTAIN:

---

Mike Novo, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DATE

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

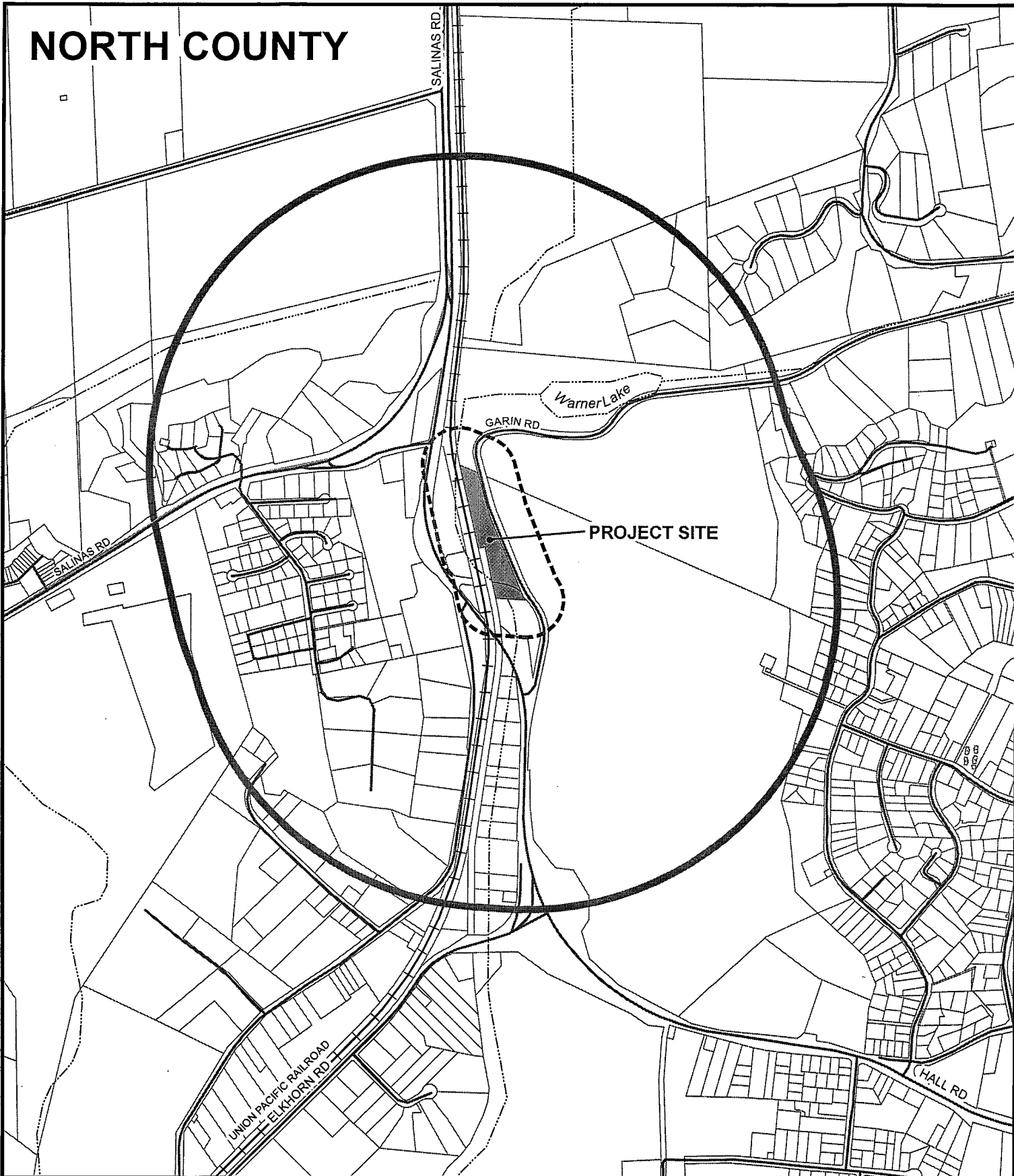
1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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

# NORTH COUNTY



APPLICANT: THE NATURE CONSERVANCY & ALCANTAR

APN: 119-022-006-000 & 119-022-008-000

FILE # PLN120150

Water 2500' Limit 300' Limit City Limits

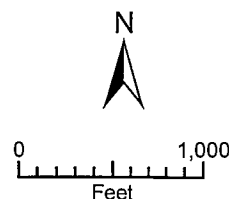


Exhibit E

PLANNER: MONTANO

**MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY**



**PLANNING DEPARTMENT**

168. Alisal St., Second Floor, Salinas CA. 93901  
 (831) 755-5025; (831) 757-9516  
<http://www.co.monterey.ca.us/planning>

**FEE WAIVER REQUEST**

**Property Owner:** The Nature Conservancy (APN 119-022-008)  
**Address:** 201 Mission Street, 4<sup>th</sup> Floor  
**City/State/Zip:** San Francisco, CA 94105  
**Phone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

**Agent:** Laura Smith, The Nature Conservancy  
**Address:** 99 Pacific St. #200C  
**City/State/Zip:** Monterey, CA 93940  
**Phone:** (831) 747-4616  
**Email:** lsmith@tnc.org

**Assessors Parcel Number:** 119-022-008

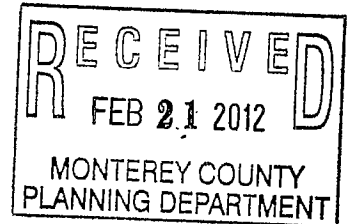
**Description of Project:** Lot-line Adjustment to solve problem: error in location of home on APN 119-022-006 is: (a) inconsistent with county-approved building permit setbacks, Fee Waiver Justification: \* and (b) caused encroachment onto APN 119-022-008 with a corner of the home 1.8' over the property line.

\* See attached letter request for fee waiver  
 (attach additional information if needed)

Department use only	
Given out:	By: <u>[Signature]</u>
Received:	By: <u>[Signature]</u>
Referred to other agencies: <u>DN-CC-WR-BH</u>	<u>[Signature] - 10/2</u>
<u>See attached fee summary</u>	
Fee waived by Director?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: _____
Basis for Waiver	
Amount of Fees Waived: Planning & Building	<u>2,845.37</u>
Health	<u>811.45</u>
WRA	<u>716.61</u>
PWD	<u>637.58</u>
<u>CC</u>	<u>537.46</u>

Exhibit F

February 15, 2012



Mr. Mike Novo  
Director, Planning Department- Monterey County Resource Management Agency  
168 W. Alisal St, Second Floor  
Salinas, CA 93901

RE: Proposed Minor Lot-line Adjustment and Fee Waiver Request for **PLN 020488**  
APNs 119-022-008 & 119-022-006, Monterey County, CA

Dear Mr. Novo:

The Nature Conservancy is requesting a fee waiver for a minor lot-line adjustment (LLA) proposed to resolve an encroachment error involving one of our lands near Elkhorn Slough. This parcel is part of the 27-acre Werner Lake nature reserve which we own and managed for conservation purposes. The Conservancy is a non-profit conservation organization that, for over 50 years, has owned and managed conservation lands and easements in Monterey County for public benefits including habitat protection, ecosystem services, research, education, and enjoyment of nature.

<b>Owners and APNs:</b> The Nature Conservancy (119-002-008) 3.0 acres Juan & Teresa Alcantar (119-002-006) 0.56 acres
<b>Problem:</b> An error in the location of the Alcantar's home, built in 2002: a) is inconsistent with setbacks in the County-approved building permit, and b) caused encroachment onto land owned by The Nature Conservancy with a corner of home 1.8 feet over the property line.

<p><b>Background:</b> The Conservancy is working to transfer ownership our Elkhorn Slough property to the Elkhorn Slough Foundation (ESF) for long-term conservation management. In preparation, we hired Mid Coast Engineering to locate properties boundaries. On APN 119-002-008, the survey revealed encroachment of the Alcantar's home onto our property. (see <b>Exhibit A</b>).</p> <p>Before our survey, the Alcantars were unaware of a problem. Their contractor, Ray Schmitt of Coastal Home Solutions, was the permit applicant and the Alcantar's believed their home complied with the approved building permit (Resolution No. 020488 - Application PLN020488) including variances for setbacks from 30' to 26' (front) and 20' to 11'6" (side).</p> <p>After our finding, Mr. Alcantar and Mr. Schmitt mentioned previously seeing a survey marker that indicated a location of the property line different than the true property line. Lee Vaage of Mid Coast Engineering investigated and found a survey marker near the home, but located 9.1' off the property line inside the Conservancy's ownership (see <b>Exhibit A</b>).</p> <p>There is no explanation why the marker would be so far off the line; Mr. Vaage says it appears to be a professional marker that has not be tampered with. Homeowner and contractor confusion about the property line may have resulted, in part, from the location of this misplaced marker. It appears that placement of the home in violation of the permit resulted from an error that was neither intentional nor malicious.</p>
--

Exhibit F

<p><b>Fee Waiver Request:</b> We believe these circumstances are unusual and that our assistance with costs and planning will have multiple benefits to the County to justify a fee waiver:</p>
<p>1. <b>Reduce County costs.</b> With Conservancy assistance, the County can avoid a likely more costly, time consuming, and contentious resolution than if the County had sole responsibility for pursuing a code enforcement and permit violation against the Alcantars.</p>
<p>2. <b>Cooperatively and quickly resolve the problem</b> by bringing the Alcantar's home into compliance with the County-approved permit requirements, setbacks and zoning.</p>
<p>3. <b>Enhance and modify the 27-acre Werner Lake nature reserve</b>, arguably a "needed community facility." This freshwater wetland supports diverse natural habitats and species of concern including the CA red-legged frog. It serves the general public by providing a scope of benefits beyond the residents of the immediate vicinity and has public benefits of helping the County meet goals for conservation and the North County Coastal Land Use Plan.</p>
<p>4. <b>Strengthens protection for Watsonville Creek.</b> Through the LLA, the Conservancy will receive land adjacent to Watsonville Creek for added protection and cooperation with County managers of the drainage easement. See <b>Exhibit B</b> for two LLA options.</p>
<p><b>Additional Benefits of Proposed LLA with Conservancy Assistance:</b></p>
<p>5. <b>Demonstrates cooperation</b> of the County and the landowners to voluntarily correct the error, achieve compliance, and solve an error that was neither malicious nor deceitful.</p>
<p>6. <b>The LLA will not facilitate any change in land use</b>, development or size of either APN. It will involve the equal exchange of small amounts of land.</p>
<p>7. <b>LLA is best solution; moving the home is not feasible</b> due to limitations of the Alcantar parcel acknowledged in the building permit, required setbacks, and excessive cost of moving the home's foundation and infrastructure.</p>
<p>8. <b>Reduce burden on non-profit partners:</b> The Conservancy prefers to resolve this issue prior to transferring the property and is eager to cooperate. If it is not resolved by our target date (June 2012), we have the option of transferring the land to ESF as-is and ESF will inherit the problem. ESF provides important services and programs in Monterey County such as managing conservation lands for wildlife, water quality and recreation, outdoor educational with local schools, and enhancing tourism. ESF should not be expected to spend their limited time and resources to resolve a problem they had no hand in creating.</p>

The Nature Conservancy has already spent considerable time and money trying to straighten out this problem, a problem we did not create. We wish to help resolve this problem fairly and quickly. The Alcantars maintain that they have limited financial resources and are not able to contribute to any costs. Therefore, we are willing to contribute legal expertise and cover the cost of a new survey and recording fees for LLA (~\$4,500). However, since we did not create this problem and a speedy resolution with our assistance will have public benefits, we request a fee waiver. A waiver of the County's LLA fees will reduce the financial burden we are already bearing to resolve this unfortunate situation.

We appreciate your consideration of our request for a fee waiver. Please don't hesitate to contact me if you have questions or wish to discuss this situation or request in further detail.

Sincerely,

*Laura Smith*

Laura Smith  
Project Director      Email: [lsmith@tnc.org](mailto:lsmith@tnc.org) (831) 747-4616

cc: Laura Lawrence, Planning Services Manager






Enclosures: **Exhibit A** Survey Map and **Exhibit B** Map of possible LLA options

*Exhibit F*

Lot Line Adjustment Proposal for  
TNC Porter 1 (Werner Lake) and Alcantara Parcels

TNC APN 119-022-008

Alcantara APN 119-022-006

-  Parcel boundaries (high quality estimate)
-  Survey monuments
-  12 foot buffer around house
-  Lot line adjustment proposal
-  0.12 ac swap

Aerial photo is May 1 2011 Google Earth Image



Garin Rd



**MONTEREY COUNTY**  
**RESOURCE MANAGEMENT AGENCY**

168 West Alisal St, Salinas, CA 93901

Receipt No: **1010685**

Receipt Date: **04/23/2012**

Building Services Department  
 (831) 755-5027  
[www.co.monterey.ca.us/building](http://www.co.monterey.ca.us/building)

Planning Department  
 (831) 755-5025  
[www.co.monterey.ca.us/planning](http://www.co.monterey.ca.us/planning)

**RECEIPT**

**RECORD & PAYER INFORMATION**

File No: PLN120150  
 File Type: Planning  
 Property Address: 150 GARIN RD, ROYAL OAKS, CA 95076  
 Owner: NATURE CONSERVANCY THE  
 Payer: THE NATURE CONSERVANCY 4245 NORTH FAIRFAX DRIVE STE 100 ARLINGTON VA 2203-1606  
 Description of Work: Coastal Development Permit for a lot line adjustment correcting a building violation which constructed a permitted single family dwelling across a property line between two legal lots of record of approximately 0.56 acres (Parcel A) and 3.39 acres (Parcel B), resulting in two lots of 0.56 acres (Adjusted Parcel A) and 3.39 acres (Adjusted Parcel B); and request to waive all application fees. The property is located at 150 Garin Road, Royal Oaks (Assessor's Parcel Numbers 119-022-006-000 and 119-022-008-000), North County Land Use Plan, Coastal Zone.

**PAYMENT DETAIL**

Date	Payment Method	Cashier	Amount	Comments
04/23/2012	CHECK	STORELLIC	\$5,914.09	THE NATURE CONSERVANCY 4245 NORTH FAIRFAX DRIVE STE 100 ARLINGTON VA 2203-1606 CHECK 1695522

**FEE DETAIL**

Fee Description	Account #	Invoice #	Fee Amount	Current Paid
Technology Fee-Planning	001-3000-8172-4260-4171	74962	\$170.72	\$170.72
Document Storage/Scanning	001-3000-8172-5505-5333	74962	\$28.45	\$28.45
General Plan Implementation	001-3000-8172-4260-4171	74962	\$166.45	\$166.45
Lot Line Adjust-PLN	001-3000-8172-5505-5311	74962	\$2,845.37	\$2,845.37
Lot Line Adjust-PW	001-3000-8196-5505-5313	74962	\$637.58	\$637.58
Lot Line Adjust-WRA	113-9300-8267-5505-5331	74962	\$716.61	\$716.61
Lot Line Adjust-EH	001-4000-8115-5505-ENHR	74962	\$811.45	\$811.45
Lot Line Adjust-CC	001-1210-8057-5475	74962	\$537.46	\$537.46
			<b>\$5,914.09</b>	<b>\$5,914.09</b>

*Exhibit F*

MIKE NOVO  
ZONING ADMINISTRATOR

COUNTY OF MONTEREY  
STATE OF CALIFORNIA

RESOLUTION NO. 020488

A. P. # 119-022-006-000

In the matter of the application of  
**Juan & Teresa Alcantar (PLN020488)**

**FINDINGS & DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit to replace an existing mobile home with a new 1,300 sq. ft. single story manufactured home, detached 440 sq. ft. garage and a septic system; a Variance to allow for a reduction in front and side setbacks and a Variance to exceed lot coverage requirements, located at 150 Garin Road, Watsonville, north of the intersection of Elkhorn Road, Los Lomas area, North County, Coastal Zone, came on regularly for meeting before the Zoning Administrator on September 25, 2003. ||

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

1. **FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS** – The Alcantar Combined Development Permit (PLN020488), as described in Condition #1, and as conditioned, are consistent with the plans, policies, requirements and standards of the Monterey County Local Coastal Program (LCP). The LCP for this site consists of the North County Coastal Land Use Plan, Part 1 of the Coastal Implementation Plan (Title 20/Zoning); Part 2, "Regulations for Development in the North County Land Use plan Area," and Part 6. The property is located at 150 Garin Road, Los Lomas area in the Coastal Zone. The parcel is zoned "AC (CZ)" (Agricultural Conservation - Coastal Zone). The site is physically suitable for the use proposed.

The project is in conformance with the public access and public recreation policies of the Coastal Act and the Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impacts on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE:**
- (a) The application and plans submitted for the Combined Development Permit in project file PLN020488 at the Monterey County Planning and Building Inspection Department.
  - (b) The "Geotechnical Investigation" prepared by Amso Consulting Engineers, Inc. (December 20, 2002) concludes that the site is suitable for the project provided recommendations in the report are incorporated in the project design.
  - (c) The project planner conducted a site visit on January 16, 2003, to verify that the proposed project complies with policies and regulations of the Monterey County Local Coastal Program or LCP. The project will not have a significant adverse effect on the public viewshed. Based on the site visit and analysis of building records, the existing

Exhibit G



single family dwelling to be demolished is legally permitted and is not considered a historic structure.

(d) The North County Coastal Use Advisory Committee (LUAC) reviewed the project on February 18, 2003 and made a motion to recommend approval (vote 2 to 4) which did not pass. The LUAC had several comments all of which relate to the soil stability and recommendations in the "Geotechnical Investigation." Recommendations in the geotechnical report as well as current building code requirements relative to seismic standards will be incorporated in the project design.

(e) The project and site have been reviewed by the Monterey County Planning and Building Inspection Department, North County Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable.

(f) The proposed manufactured home would be located within essentially the same, but slightly larger, footprint as the existing mobile-home. As a result the development site has been disturbed so there are no trees, environmentally sensitive habitats or similar areas, which would indicate the site is not suitable for the use proposed.

(g) The subject property is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access as shown in Figure 4, the Public Access Map and in Figure 6, the Shoreline Access Map, of the North County Land Use Plan - Local Coastal Plan. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

2. **FINDING:** CEQA - The proposed project will not have a significant environmental impact.  
**EVIDENCE:** (a) Sections 15301(l) and 15303(a) of the CEQA Guidelines categorically exempt the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
3. **FINDING:** NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.  
**EVIDENCE:** (a) Sections 20.32 and 20.44.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
4. **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 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.  
**EVIDENCE:** (a) Setbacks for the Main Structure. The applicant has requested a Variance for a reduction in front and side setbacks for the single family residence from 30' to 26' for the front and 20' to 11'6" for the side. The applicant has also requested a Variance for a reduction in the front setback for the detached garage from 50' to 18'6". Special

Exhibit G

circumstances apply to this property in this case particularly due to the size, shape and topography of the lot and the location of the existing residence. The mobile home (circa late 1970s) is currently located on the front of the lot with a 26 foot setback. The proposed manufactured home would be located within essentially the same, but slightly larger, footprint and, as a result, would hold setbacks similar to the existing mobile home. Eighty percent of the lot has slopes 25 percent or greater. The only relatively flat portion is within 30 to 40 feet of the east side of the lot, fronting on Garin Rd. Hence, the original mobile home was less placed less than 30 feet from the front property line in the late 1970s.

(b) Setbacks for the Detached Garage. Covered parking is currently required pursuant to Title 20 and necessitates a garage or carport (covered parking currently does not exist). However, observing the 50 foot front setback for the detached garage is not feasible since the structure would have to be located on a very steep slope exceeding 25 percent.

(c) Lot Coverage. Special circumstances exist since the coverage requirement for this parcel, which is zoned "AC" or Agricultural Conservation, is a maximum of 3%. The intent of this zoning designation is to limit development on parcels which should be preserved for agricultural purposes. However, the Alcantar lot, a legal non-conforming parcel, is only 24,394 square feet and is limited to a maximum of 732 square feet of structural development. Due to the steep slopes on the parcel, an agricultural use on this parcel is not feasible in the future and it does not appear that the parcel was farmed in the past. Therefore the applicant requests an increase in lot coverage to 7% to allow replacement of the mobile home, which is approximately 30 years old.

(d) Materials and documents in project file no. PLN020488.

5. **FINDING: VARIANCE (Special Privileges)** - The Variances to reduce the required front and side setbacks as well as increase lot coverage do 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:** (a) Setbacks for the Main Structure and Detached Garage. There are 3 other homes where similar conditions, particularly site topography, necessitated reduced front setbacks for the residential structures which are located within ½ mile of the subject parcel. In addition, approval of this Variance would not be a special privilege since other parcels in this area are developed with single family homes and are not subject to such significant and numerous site constraints.

(b) Lot Coverage. Approval of this Variance would not be a special privilege since most of the residentially developed parcels in this area are zoned for a residential use and would be allowed a maximum of 15 percent structural coverage in the coastal zone. The existing single family residence, shed and porch have a legal non-conforming combined coverage of 4.7 percent. The maximum allowed on this lot is 3 percent; the applicant proposes to increase coverage to 7 percent. Other property owners in the vicinity and under identical zoning classification have been afforded the same privileges sought by the property owner of this application.

(c) Materials and documents in Project File No. PLN020488.

6. **FINDING: VARIANCE (Authorized Use)** – Both Variances are granted for a use or activity which is authorized by the zoning regulations governing the parcel of property.  
**EVIDENCE:** (a) The applicant proposes to construct a single family dwelling and detached garage which are allowed uses under the property's Agricultural Conservation designation.
7. **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:** (a) Preceding findings and supporting evidence.
8. **FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.  
**EVIDENCE:** (a) Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance (Title 20).

**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 following conditions:

1. The Alcantar Combined Development Permit (PLN020488) consisting of: 1) a Coastal Administrative Permit to replace an existing 624 square foot mobile home with a new 1,300 square foot, single story manufactured home, a detached 440 square foot garage and a septic system; 2) a Variance to allow for a reduction in front (30' to 26') and side (20' to 11'6") setbacks for the single family residence and a reduction in front setbacks (50' to 18'6") for the detached garage; and 3) a Variance to exceed lot coverage requirements (3% to 7%). Current structural coverage is 4.7 percent. The property is located at 150 Garin Road, Las Lomas Area, North County, Coastal Zone (Assessor's Parcel Number 119-022-006-000). 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**

**Prior to the Issuance of Grading and Building Permits:**

2. The applicant shall record a notice which states: "A permit (Resolution No. 020488) was approved by the Zoning Administrator for Assessor's Parcel Number 119-022-006-000 on September 25, 2003. The permit was granted subject to 17 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 prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**

Exhibit G

- 3 All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
4. The building plans shall incorporate the recommendations of the "Geotechnical Investigation" prepared for the site by Amsco Consulting Engineers, Inc., dated December 20, 2002.
- 5 Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
6. Proposed development shall be setback at least 50 feet from top of bank, as defined in County Floodplain Ordinance #3272. The top of bank shall be defined by a professional engineer and shown on the site plan prior to issuance of any grading and/or building permits. **(Water Resources Agency)**
7. Owner shall record a notice stating that "the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**
8. Lowest floor and attendant utilities shall be constructed at least 24 feet above mean sea level (NGVD 1929). To provide for the flood proofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. **(Water Resources Agency)**

**Prior to Final Building Inspection/Occupancy:**

9. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**
10. A letter from a qualified soil or civil engineer shall be submitted to the Director of Planning and Building Inspection stating that the construction conforms to recommendations in the recommendations

of the "Geotechnical Investigation" prepared for the site by Amsco Consulting Engineers, Inc., dated December 20, 2002. **(Planning and Building Inspection)**

- 1 Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. **(North County Fire District)**
12. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. **(North County Fire District)**
13. All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface, shall require a minimum of Class B roof construction. **(North County Fire District)**
14. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
15. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
  - b) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**

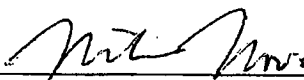
**Continuous Permit Conditions:**

16. If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**

Exhibit G

- 17. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)

PASSED AND ADOPTED this 25th day of September, 2003.

  
 MIKE NOVO  
 ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **SEP 26 2003**

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 **OCT 06 2003**

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 90<sup>th</sup> day following the date on which this decision becomes final.

NOTES

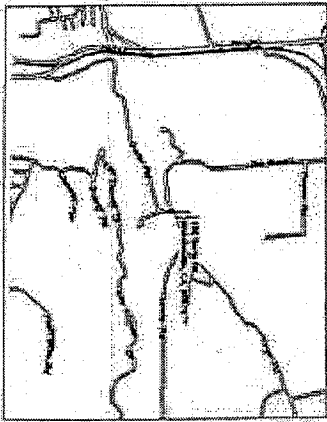
- 1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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 Marina.

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

Exhibit G



Neighborhood Map

**SHEET INDEX**

1	1. SITE PLAN
2	2. FLOOR/STRUCTURE PLAN
3	3. ELEVATIONS
4	4. EXTERIOR
5	5. FURNISHINGS
6	6. CONSTRUCTION
7	7. MECHANICAL
8	8. ELECTRICAL
9	9. SANITARY
10	10. EXISTING MOBILE HOME

NO.	DESCRIPTION	DATE	BY
1	SITE PLAN		
2	FLOOR/STRUCTURE PLAN		
3	ELEVATIONS		
4	EXTERIOR		
5	FURNISHINGS		
6	CONSTRUCTION		
7	MECHANICAL		
8	ELECTRICAL		
9	SANITARY		
10	EXISTING MOBILE HOME		

**FINAL PROTECTION NOTES**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE COUNTY OF MONTEREY AND THE CALIFORNIA DEPARTMENT OF PUBLIC SAFETY (CALFOPS) FOR THE CONSTRUCTION OF THE MOBILE HOME.

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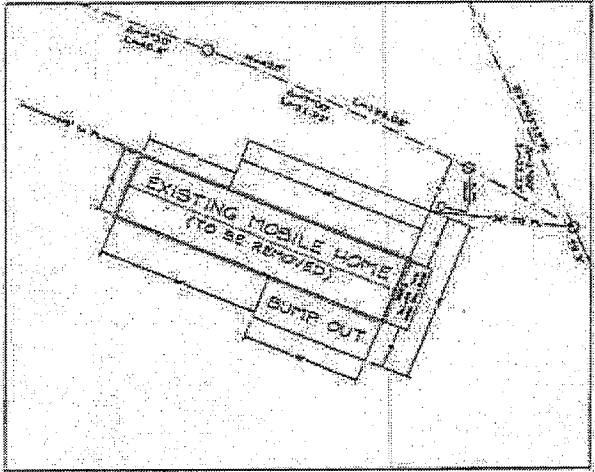
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**EXISTING MOBILE HOME  
(TO BE REMOVED)**

SCALE: 1" = 10'-0"



**LEGEND**

1/4" DIAMETER	PROPOSED UTILITY LINE
4" DIAMETER	EXISTING UTILITY LINE
6" DIAMETER	PROPOSED UTILITY LINE
8" DIAMETER	EXISTING UTILITY LINE
12" DIAMETER	PROPOSED UTILITY LINE
18" DIAMETER	EXISTING UTILITY LINE

**EXISTING & PROPOSED CONTROLS NOTES**

1. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.

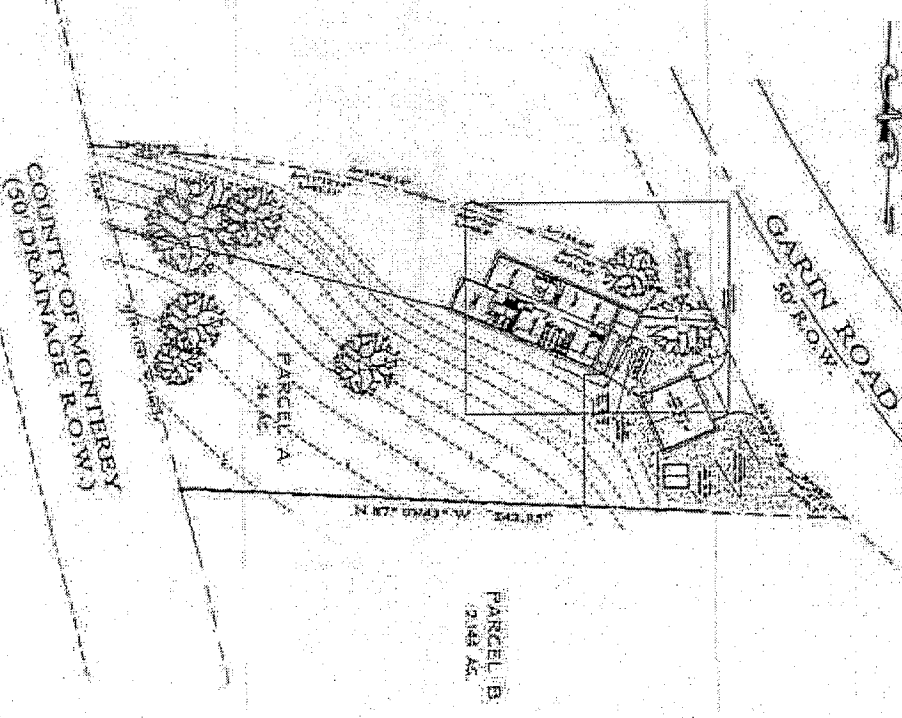
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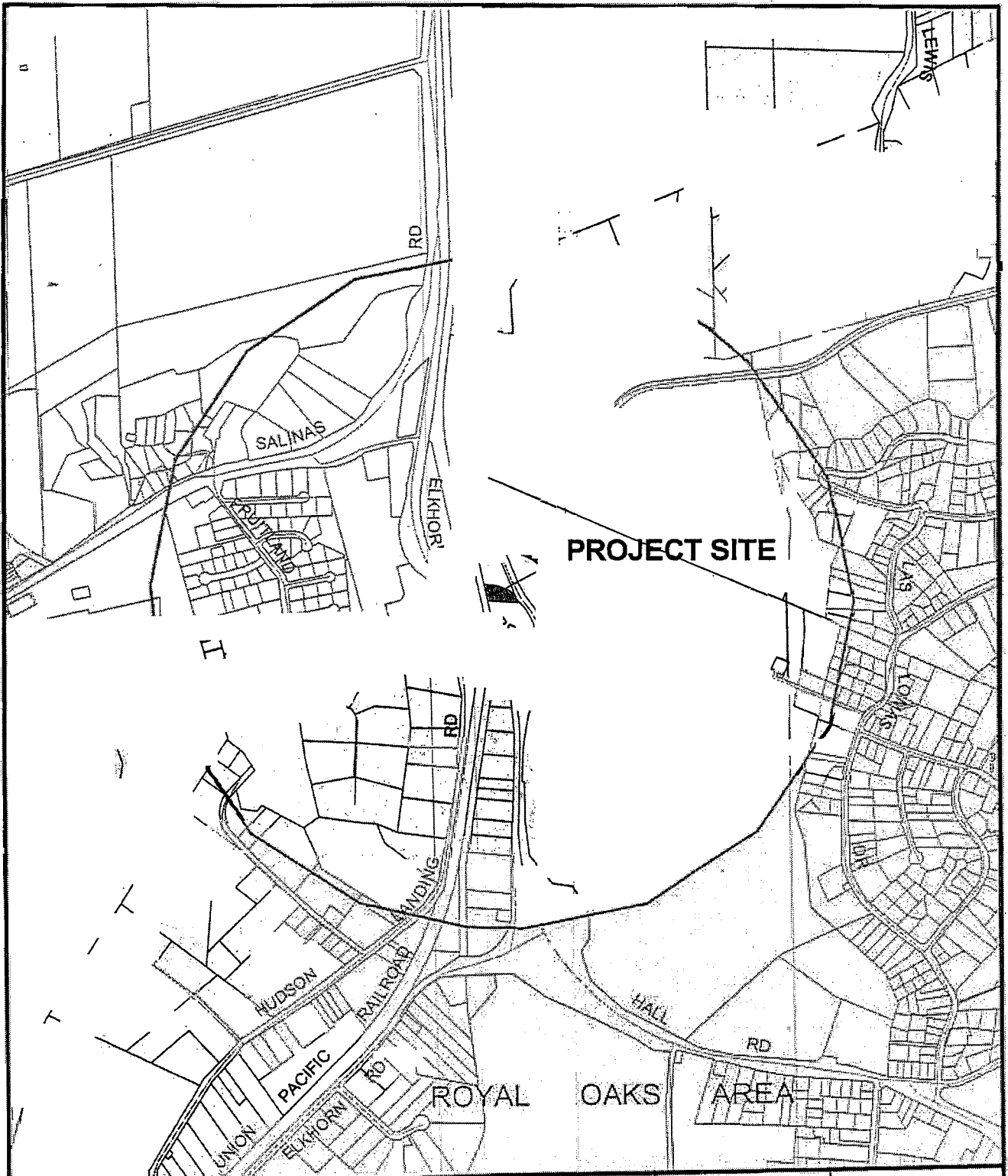
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**SITE PLAN  
1" = 20'-0"**



<p><b>SITE PLAN</b></p> <p>APPLICANT: RAY SCHMIDT          CONTRACTOR: # 851473          COASTAL HOME SOLUTIONS          7319 MESSUR ROAD          PRUNEDALE, CA 93397          (931) 643-1114 FAX (931) 643-1118</p>	<p>APR-19-2006-006          ADDRESS: 126 GARIN ROAD          WATSONVILLE, CA 95076          JULIAN &amp; TERRELLA ALCANTARA (MOCKEL/4415)</p>	<p>REVISIONS</p> <table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION			
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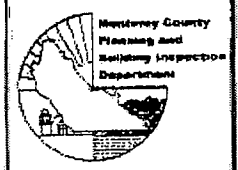
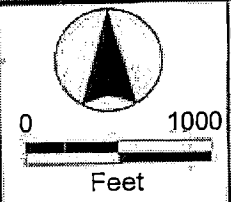
APPLICANT: ALCANTAR

APN: 119-022-006-000

FILE#: PLN-020485

 300' Limit

 2500' Limit



PLANNER: LYONS

Exhibit G



*Before the Board of Supervisors in and for the  
County of Monterey, State of California*

*Resolution 2000- 342*

Resolution Amending the Monterey )  
County Master Fee Resolution to )  
Clarify the Fee for Appeals on )  
Land Use Issues and Establish )  
Criteria for the Waiver of Fees in )  
Specific Circumstances. )

Whereas: Chapter 1.40 of the Monterey County Code establishes the Monterey County Master Fee Resolution (the Resolution) as the vehicle for setting and amending fees; and,

Whereas: The Board wishes to clarify the appeal fee for land use issues and to establish criteria and authority for the Director of Planning and Building Inspection to waive fees in specific cases; and,

Whereas: The Board has received a report and recommendations from the County Administrative Office and Planning and Building Inspection; and,

Whereas: The Board has held a public hearing as required by law and heard from all interested parties;

NOW, therefore, be it resolved that the Board clarifies that the appeal fee for appeals to the Planning Commission or Board of Supervisors on land use issues is \$671.00.

Be it further resolved that the Director of Planning and Building Inspection may waive application and appeal fees for discretionary permit and building permit applications for:

1. Small day care centers (less than twelve children).
2. Inclusionary portions of proposed residential developments.
  - a. Special Handling affordable housing projects, as detailed in the adopted Special Handling criteria (25% affordable housing). Amount of fees waived is based on the percentage of affordable housing provided, and may include additional fees beyond the original application fees.
  - b. Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development.

Exhibit H

- c. Reclassification applications to bring property into consistency with existing General Plan land use designations.
  - d. County or other government agencies.
  - e. Permit fees for the repair or reconstruction of property and structures damaged or destroyed by an act or event that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.
8. Development, enhancement, expansion or modification of needed community facilities by non-profit organizations and community groups meeting the following criteria:
    - a. The proposed project is available for use by the general public; and
    - b. Provides a scope of benefit beyond the residents of the immediate vicinity; and,
    - c. Is of obvious public benefit. Evidence of public benefit includes, but is not limited to, projects that:
      - i. Meet a public need previously identified or recognized by the Board of Supervisors;
      - ii. Provide a public facility not presently available in the community;
      - iii. Have generated obvious, substantial community support; or,
      - iv. Would either reduce County costs or increase County revenue.
  9. General Plan amendments for parcels with inappropriate or inaccurate land use designations provided the property has been field checked and verified that it is inaccurately or inappropriately designated.

Requests Not Conforming to Policy:

The Planning Commission shall consider all requests for fee waivers not meeting the above criteria.

Appeal of Director's Decision:

The Planning Commission shall consider all appeals of decisions of the Director on fee waiver requests.

Payment of Fees:

All fees shall be paid at the time of the filing an application or an appeal. Should the fees subsequently be waived, the fees shall be refunded.

On motion of Supervisor PENNYCOOK, seconded by Supervisor SALINAS, and carried by those members present, the Board hereby adopts this resolution amending the Monterey County Master Fee Resolution to clarify the fee for appeals on land use issues and establish criteria for the waiver of fees in specific circumstances.

Exhibit H

**PASSED AND ADOPTED** this 29<sup>th</sup> day of August, 2000, by the following vote, to-wit:

**AYES:** Supervisors Salinas, Pennycook and Calcagno.

**NOES:** None.

**ABSENT:** Supervisors Johnsen and Potter.

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 70, on August 29, 2000.

DATED: August 29, 2000

SALLY R. REED, Clerk of the Board  
of Supervisors, County of Monterey, State of  
California

By: Nancy Luckenbell  
Deputy

Exhibit H