

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> January 28, 2015	<b>Agenda Item No.:</b> 2
<b>Project Description:</b> Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record; 0.79 acres (Parcel 1) and 0.45 acres (Parcel 2) in area. The adjustment results in an equal exchange of land between two parcels.	
<b>Project Location:</b> 3292 and 3306 Martin Road, Carmel	<b>APN:</b> 009-321-004-000 and 009-321-007-000
<b>Planning File Number:</b> PLN140804	<b>Owner:</b> Tortia Investments LLC <b>Agent:</b> H.D. Peters
<b>Planning Area:</b> Carmel Area Land Use Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> “MDR/2-D (CZ)” [Medium Density Residential, 2 units per acre with a Design Control Overlay (Coastal Zone)]	
<b>CEQA Action:</b> Categorically Exempt per Section 15305 (a) of the CEQA Guidelines	
<b>Department:</b> RMA-Planning	

**RECOMMENDATION:**

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

- 1) Find the project Categorically Exempt per Section 15305 (a) of the CEQA Guidelines; and
- 2) Approve the Lot Line Adjustment (PLN140804), based on the findings and evidence and subject to the conditions of approval (**Exhibit B**)

**PROJECT DISCUSSION:**

The project is a lot line adjustment between two adjacent legal lots of record, both owned by Tortia Investment LLC. The properties, located at 3292 and 3306 Martin Road, are in the Medium Density Residential Zoning District in the Coastal Zone (“MDR/2-D (CZ)”). The adjustment is required to correct a non-conforming setback created by the single-family dwelling located at 3292 Martin Road (Assessor’s Parcel Number: 009-321-004-000). The patio of the existing dwelling extends into the adjacent parcel, 3306 Martin Road (Assessor’s Parcel Number: 009-321-007-000), which is currently vacant. The lot line adjustment will result in an exchange of 2,901 square feet between each parcel and have no net change in acreage. Pursuant to Section 20.12.050.Y of the Monterey County Zoning Ordinance (Title 20), lot line adjustments require a Coastal Development Permit.

The proposed lot line adjustment is consistent with the Monterey County Subdivision Ordinance and Monterey County General Plan, and the adjustment corrects a non-conforming situation and brings the properties into compliance with the development standards of the Zoning District. Therefore, staff recommends that the Planning Commission approve the proposed lot line adjustment.

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

- RMA-Public Works Department
- RMA-Environmental Services
- Environmental Health Bureau
- Water Resources Agency
- Cypress Fire Protection District

No conditions were recommended by the above agencies.

The lot line adjustment was not referred to the Carmel/Carmel Highland Land Use Advisory Committee, consistent with the Land Use Advisory Guidelines adopted by the Board of Supervisors, because the adjustment is considered minor and does not create a controversial issue.

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



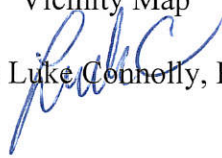
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Dan Lister, Assistant Planner  
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December 23, 2014

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Luke Connolly, RMA Services Manager; Dan Lister, Project Planner; Tortia Investments LLC, Owner; H. D. Peters, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Planning File PLN140804.

Attachments: Exhibit A Project Data Sheet  
Exhibit B Draft Resolution, including:  
• Conditions of Approval  
• Site Plan, Floor Plan and Elevations, Parcel Map, Tentative Map  
Exhibit C Vicinity Map

This report was reviewed by Luke Connolly, RMA Services Manager.



**EXHIBIT A**  
**PROJECT INFORMATION FOR PLN140804**

**Project Title:** Tortia Investments  
**Location:** 3292 and 3306 Martin Road,  
Carmel  
**Primary APN:** 009-321-004  
**Coastal Zone:** Yes  
**Applicable Plan:** Carmel Area LUP  
**Permit Type:** Coastal Dev. Permit  
**Zoning:** MDR/2-D(CZ)  
**Plan Designation:** Residential  
**Environmental Status:** Categorically Exempt  
**Advisory Committee:** Carmel/Carmel Highlands  
**Final Action Deadline:** 2/8/2015

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**Project Site Data:**

	<b>Existing</b>	<b>Exchange</b>	<b>Result</b>
<b>Parcel 1</b> (3292 Martin Road, Carmel)	0.79 ac	2,901 sq. ft.	0.79 ac
<b>Parcel 2</b> (3306 Martin Road, Carmel)	0.45 ac	2,901 sq. ft.	0.45 ac

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**Resource Zones and Reports:**

**Environmentally Sensitive Habitat:** None  
**Geologic Hazard Zone:** II/Undetermined  
**Archaeological Sensitivity Zone:** Moderate  
**Fire Hazard Zone:** None

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**Other Information:**

**Water Source:** Public Water  
**Water District/Company:** Cal-AM  
**Fire District:** Cypress FPD  
**Tree Removal (Count/Type):** None  
**Sewage Disposal:** Public Sewage  
**Sewer District Name:** CAWD  
**Grading:** None

**EXHIBIT B  
DRAFT RESOLUTION**

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

In the matter of the application of:

**TORTIA INVESTMENTS LLC (PLN140804)**

**RESOLUTION NO. \_\_\_\_\_**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding the project Categorical Exempt per Section 15305 (a) of the CEQA Guidelines; and
- 2) Approving a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record; 0.79 acres (Parcel 1) and 0.45 acres (Parcel 2) in area. The adjustment results in an equal exchange of land between two parcels.

[PLN140804, Tortia Investments LLC, 3292 and 3306 Martin Road, Carmel, Carmel Area LUP (APN: 009-321-004-000 and 009-321-007-000)]

**The Tortia Investments LLC application (PLN140804) came on for public hearing before the Monterey County Planning Commission on January 28, 2015. 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:**       **PROJECT DESCRIPTION** – The proposed project is a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record; 0.79 acres (Parcel 1) and 0.45 acres (Parcel 2) in area. The adjustment results in an equal exchange of land between two parcels.  
**EVIDENCE:**       The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140804.
  
2.       **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;
  - Carmel Area Land Use Plan/Monterey County Coastal Implementation Plan;
  - Monterey County Zoning Ordinance (Title 20);

- Monterey County Subdivision Ordinance (Title 19);

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 properties are located at 3292 Martin Road (Assessor's Parcel Number: 009-321-004-000) and 3306 Martin Road, Carmel (Assessor's Parcel Number: 009-321-007-000), Carmel Area Land Use Plan. The parcel is zoned "MDR/2-D (CZ)" [Medium Density Residential, 2 units per acre with a (Coastal Zone)]. Pursuant to Section 20.12.050 of the Monterey County Zoning Ordinance (Title 20), lot line adjustments require a Coastal Development Permit. The proposed adjustment is between two legal lots and will result in no net change in acreage. The adjustment is requested to correct non-conforming setbacks between the properties created by an existing dwelling located at 3292 Martin Road. The adjustment will bring the properties into conformance with the overlaying Zoning District. Therefore, the project is an allowed land use for this site.
- c) The project planner conducted a site inspection on November 7, 2014 to verify that the project on the subject parcel conforms to the plans listed above.
- d) The project was not reviewed by the Carmel/Carmel Highlands Land Use Advisory Committee (LUAC) based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338. This application did not warrant review by the LUAC because the proposed lot line adjustment is considered minor and does not raise neighborhood controversy.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140804.

3. **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, Cypress Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is unsuitable for the proposed development.
  - b) As noted in preceding Findings and Evidence, staff visited the project site on November 7, 2014, and determined that it is suitable for the proposed use and development. All project-related material is found in Project File PLN140804.

4. **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, Cypress Fire

Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- b) As noted in preceding Findings and Evidence, staff visited the project site on November 7, 2014, and determined that it is suitable for the proposed use and development. All project-related material is found in Project File PLN140804.

5. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records to assess if any violation exists on the subject property. There are no known violations on the subject parcel.
  - b) As noted in preceding Findings and Evidence, staff visited the project site on November 7, 2014, and determined that it is suitable for the proposed use and development. All project-related material is found in Project File PLN140804.

6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305(a) categorically exempts minor lot line adjustments.
  - b) The proposed lot line adjustment results in an equal exchange of land. The adjustment will not create a new parcel, nor make the existing lots non-conforming to the regulations of the zoning district.
  - c) No adverse environmental effects were identified during staff review of the development application.
  - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.
  - e) As noted in preceding Findings and Evidence, staff visited the project site on November 7, 2014, and determined that it is suitable for the proposed use and development. All project-related material is found in Project File PLN140804.

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 adjustment consists of an equal exchange of 2,901 square feet between two adjoining parcels. The adjustment will result in no net

change in acreage. The adjustment is requested to correct non-conforming setbacks between the properties created by an existing dwelling located at 3292 Martin Road. The adjustment will bring the properties into conformance with the overlaying Zoning District.

- b) The lot line adjustment is between two adjoining parcels that were created in the current configuration in 2005 (Certificate of Compliance Document No(s). 2005136021 and 2005136022).
- c) The lot line adjustment will not create a greater number of parcels than originally existed. The adjustment is between two legal lots and will result in the same number of legal lots.
- d) The result of the lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). See preceding Findings and Evidence as evidence.
- e) Pursuant to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, an Unconditional Certificate of Compliance for each new lot is required per a standard condition of approval.
- f) As noted in preceding Findings and Evidence, staff visited the project site on November 7, 2014, and determined that it is suitable for the proposed use and development. All project-related material is found in Project File PLN140804.

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 20.86.030.A of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
  - b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed lot line adjustment is subject to appeal by/to the Coastal Commission because the adjustment is a conditional use.

### 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) of the CEQA Guidelines; and
2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record; 0.79 acres (Parcel 1) and 0.45 acres (Parcel 2) in area. The adjustment results in an equal exchange of land between two parcels. The project is in general conformance with the attached survey map and subject to the attached conditions all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 28th day of January, 2015 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

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 \_\_\_\_\_.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT 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

This permit expires 2 years after the above date of granting thereof unless all conditions of approval are met.



# Monterey County RMA Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140804

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Coastal Development Permit (PLN140804) allows a Lot Line Adjustment between two legal lots of record; 0.79 acres (Parcel 1) and 0.45 acres (Parcel 2) in area. The adjustment results in an equal exchange of land between two parcels. This permit 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 RMA - Planning. 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)

**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:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Coastal Development Permit for a Lot Line Adjustment (Resolution Number \*\*\*) was approved by the Planning Commission for Assessor's Parcel Numbers 009-321-004-000 and 009-321-007-000 on January 28, 2015. The permit was granted subject to four (4) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

**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.

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

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 2 years, to expire on January 28, 2017 unless all conditions of approval are met. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall meet all conditions of approval. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

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

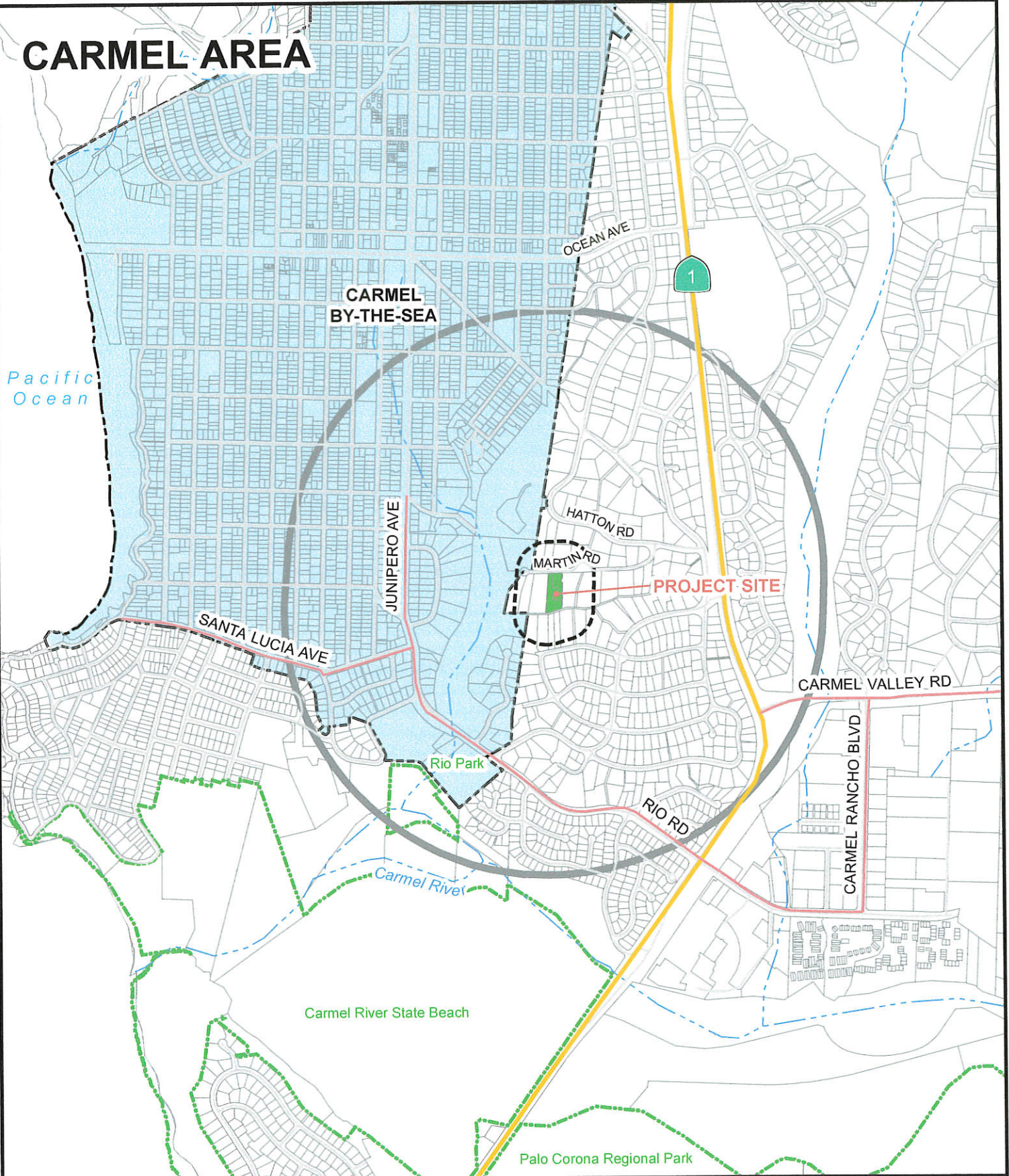
**Responsible Department:** RMA-Planning

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

**Compliance or Monitoring Action to be Performed:** Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. 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.



# CARMEL AREA

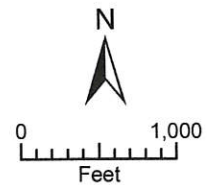


**APPLICANT:** TORTIA INVESTMENT LLC

**APN:** 009-321-004-000 & 009-321-007-000

**FILE #** PLN140804

2500' Limit
  300' Limit
  City Limits
 ~ Water



# EXHIBIT C

PLANNER: LISTER