



Monterey County Planning Commission

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Agenda Item No. 2

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PLN180433 - BARTLEBAUGH KRIS R & BONNIE L TRS

Public hearing to consider a Lot Line Adjustment (LLA) consisting of an equal exchange of land (1.522 acres) between two (2) legal lots of record (Assessor's Parcel Numbers 181-241-024-000 and 181-241-025-000).

Project Location: 3225 Hillman Lane (Lot 24) and vacant lot to the north (Lot 25), Royal Oaks, North County Land Use Plan, Coastal Zone

Proposed CEQA action: Categorically Exempt Per Section 15305 (a)

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

1. Find that the project involves a minor lot line adjustment not changing land use densities or building sites on slopes greater than 20%, which qualifies as a Class 5 Categorical Exemption pursuant to Section 15305 (a) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two (2) legal lots of record. The Lot Line Adjustment will allow an equal exchange of land (1.522 acres) between Assessor's Parcel Numbers 181-241-024-000 and 181-241-025-000.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to four (4) conditions of approval.

PROJECT INFORMATION:

Agent: Joel Panzer

Owner: Bartlebaugh Kris R & Bonnie L TRS

APN: 181-241-024-000 & 181-241-025-000

Zoning: Rural Density Residential with a Building Site 6 Overlay within Coastal Zone or "RDR/B-6(CZ)"

Parcel Size: 6.522 acres and 5.00 acres

Plan Area: North County Land Use Plan

Flagged and Staked: Not Applicable

SUMMARY:

The subject properties are located on Hillman Lane in Royal Oaks, south of the intersection of Bonney Road and Hillman Lane. Assessor Parcel 181-241-024-000 (3225 Hillman Lane) is 6.522 acres with an existing single family home (Lot 24). Assessor Parcel 181-241-025-000 (No address assigned) is 5.00 acres and is undeveloped (Lot 25). The applicant proposes a Lot Line Adjustment (LLA) of equal exchange between two (2) legal lots of record in order to bring an existing single-family residence on Lot 24 into conformance with the side yard setback requirements for the Rural Density Residential zoning district.

The lot line adjustment will result in a lot line configuration that partially transects a scenic easement. As proposed, the lot line adjustment between Lot 25 and Lot 24 of the Final Map for Sylvan Acres subdivision will result in a portion of the scenic easement previously contained entirely on Lot 25 extending into a portion of Lot 24. Despite a portion of a scenic easement crossing the proposed property line, all underlying easements (road, utility, hiking, and scenic easements included) will remain in their existing configuration, easement boundaries will remain unchanged, and no conflicts with easements will result from the Lot Line Adjustment. A condition of approval, requiring reflection of the portion of the easement transferred to Lot 24 (Parcel "A" in the deed recorded for the lot line adjustment, has been added to memorialize the easement restrictions in title for the property (Condition No. 6).

The new lot configurations will result in a superior lot configuration by bringing existing development into conformance with current setback requirements. The Lot Line Adjustment involves an equal exchange of land and will not change the building site coverage for either parcels. The overall parcel sizes will not change and the proposed configuration is consistent with applicable County regulations. Existing and future building site locations on both properties will not change as a result of the Lot Line Adjustment.

DISCUSSION:

The property is subject to the policies and regulations contained in the 1982 Monterey County General Plan (General Plan), the North County Land Use Plan (NC LUP), the Coastal Implementation Plan, Part 2 (CIP), and the Monterey County Zoning Ordinance (Title 20). The subject properties are located at 3225 Hillman Lane and a vacant lot with no assigned address immediately to the north of 3225 Hillman Lane, Royal Oaks in the North County Land Use Plan area, coastal zone and are zoned Rural Density Residential with a Building Site 6 zoning overlay [RDR/B-6 (CZ)]. The application includes a Lot Line Adjustment (LLA) between two legal lots involving an equal exchange of land. LLAs are allowed in the RDR zoning district subject to a Coastal Development Permit in each case (Section 20.16.050 of Title 20) and the criteria for granting a Coastal Development Permit for a LLA has been met in this case.

The LLA involves two legal lot of record, APN 181-241-025-000 (Lot 25), and APN 181-241-024-000 (Lot 24). The LLA proposes an equal exchange of 1.522 acres between the two lots. The proposed LLA would not create any new lots. No demolition, construction, or other type of development is proposed. There are no identified impacts to environmental resources, and the LLA would not intensify the level of development allowed on the parcels.

DEVELOPMENT STANDARDS - SETBACKS:

The parcels are zoned Rural Density Residential with a Building Site 6 Overlay within the Coastal Zone or “RDR/B-6(CZ)”. Setbacks in this zoning district are: 30 foot front setback and 20 foot side/rear. A single family dwelling on Lot 24 maintains a legal-nonconforming side yard setback along the common boundary line with Lot 25. Lot 25 is vacant, undeveloped land. This LLA would bring the dwelling on Lot 24 into conformance with County’s current side yard setbacks for the RDR zoning district as defined in Section 20.16.060 of Title 20. The front and rear setback would remain the same, which are in conformance with the setback of this zoning district. The LLA would result in a 20 foot side yard setback, bringing the subject property into compliance with the zoning district requirements.

LOT LINE ADJUSTMENT:

Lot Line Adjustments between four or fewer parcels are not subject to the Subdivision Map Act (SMA) pursuant to Government Code Section 66412(d). As such, the County is limited to a review of the LLA to a determination of whether or not the parcels resulting from the LLA will conform to the coastal plans, zoning ordinance, and building ordinances. Map Act requirements are reflected and implemented at the local level in the Coastal Subdivision Ordinance for Monterey County contained in Title 19. Title 19 establishes specific requirements, review criteria, and required findings for LLAs that are in keeping with the SMA. Findings include the number of properties included in the Lot Line Adjustment (4 or fewer) and consistency with the applicable Land Use Plan, Zoning, and Building Ordinances. As described above, the LLA is between two legal lots, brings the parcels into conformance with zoning requirements (side yard setbacks), and will not create a greater number of parcels than originally existed. Therefore, the LLA is consistent with the SMA and Title 19 of the Monterey County Code.

EASEMENTS:

The Subdivision Map Act allows the County to impose conditions to facilitate the relocation of existing utilities, infrastructure, or easements. In this case, the LLA will result in a lot line configuration that partially transects a scenic easement. Lot 25 of the final map for the Sylvan Acres subdivision (Adjusted Parcel “B” on the proposed Lot Line Adjustment Map) has a scenic easement that follows the existing lot line configuration. As proposed, the LLA between Lot 25 and Lot 24 will contain a portion of the scenic easement previously contained entirely on Lot 25.

Since Lot Line Adjustments are required to be reflected in a recorded deed for each site, and because none of the underlying easement boundaries are changing, the encroachment of the easement boundary across the lot lines can be disclosed and recognized in the deeds required for each lot. A condition of approval has been added that requires the portion of the easement resulting on Lot 24 (Parcel “A”) be reflected in the deed associated with the lot line adjustment (Condition No. 6).

CEQA:

The project is categorically exempt from environmental review pursuant to Section 15305 (a) of the CEQA Guidelines. Section 15305 (a) exempts minor alterations in land use limitations including Lot Line Adjustments with an average slope of less than 20%. As stated above, the project proposes a minor Lot Line Adjustment that will result in a configuration that partially transects a scenic easement for slopes greater than 20%. The scenic easement restricts development in these areas. All

developable areas will be on lands with an average slope of less than 20%. Therefore, the proposed Lot Line Adjustment would qualify for the exemption. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located on a hazardous waste site, near a scenic highway, will not impact a historical resource, and will not have a significant effect on the environment.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

RMA-Public Works
Environmental Health Bureau
RMA-Environmental Services
Cypress FPD

LUAC

Based on the LUAC procedure guidelines adopted by the Monterey County Board of Supervisors, the project was referred to the North County Land Use Advisory Committee (LUAC) for review on February 6, 2019. Recommendations of this meeting will be provided at the February 13, 2019 Planning Commission hearing.

Prepared by: Jacquelyn M. Nickerson, Assistant Planner, Ext. 5240 
Reviewed by: Brandon Swanson, Interim Chief of Planning
Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Development Services

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution, including:

- Conditions
- Site Plans

Exhibit B - Vicinity Map

cc: Front Counter Copy; Planning Commission; Brandon Swanson, Interim Chief of Planning, Craig Spencer, Interim RMA Services Manager; Joel Panzer, Maureen Wruck Planning Consultant, LLC, Agent; Bartlebaugh Kris R & Bonnie L TRS, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN180433