

Attachment E

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

In the matter of the application of:

Cordan/Friedman (PLN141011)

RESOLUTION NO. 16-005

Resolution by the Monterey County Planning
Commission:

- 1) Finding the project Statutory Exempt per Section 15270 of the CEQA Guidelines; and
- 2) Denying Lot Line Adjustment between two legal lots of record of approximately 0.63 acres (Lot 3, Assessor's Parcel Number 015-522-010-000) and 0.66 acres (Lot 4, Assessor's Parcel Number 015-0522-011-000) resulting in an equal exchange of 421 square feet.

[PLN141011, Cordan/Friedman, 24960 and 24950
Outlook Drive, Carmel, Carmel Valley Master Plan
(APN: 015-522-010-000 and 015-522-011-000)]

The Cordan/Friedman application (PLN141011) came on for public hearing before the Monterey County Planning Commission on January 13, 2016 and January 27, 2016. 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 Lot Line Adjustment between two legal lots of record of approximately .63 acres (Lot 3, Assessor's Parcel Number 015-522-010-000) and .66 acres (Lot 4, Assessor's Parcel Number 015-0522-011-000) resulting in an equal exchange of 421 square feet.

 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 PLN141011.

2. **FINDING:** **INCONSISTENCY** – The Project, as conditioned, is inconsistent with the 2010 Monterey County General Plan, Monterey County Zoning Ordinance (Title 21) and Monterey County Subdivision Ordinance (Title 19).

 EVIDENCE: a) The project was reviewed for consistency with the text, policies, and regulations in the:
 - 2010 Monterey County General Plan;
 - Carmel Valley Master Plan
 - Monterey County Zoning Ordinance (Title 21); and
 - Monterey County Subdivision Ordinance (Title 19);
 b) On November 17, 2015, RMA-Planning received a letter from Christine Kemp, representing neighbor Sandra Kahn, requesting a public hearing

pursuant to Section 19.09.005.H of the Monterey County Subdivision Ordinance (Title 19) which states that the Planning Commission is the appropriate authority to decide on Lot Line Adjustments for which a public hearing is requested due to evidence of public controversy or public opinion. The letter addresses concerns with future development potentially being located along Mrs. Kahn's property due to the proposed lot line adjustment. The survey map for the adjustment does not show the site topography of the Friedman property; and therefore, does not show site constraints that limits development on the property. The vacant property is forested and contains slopes over 25% on a relatively small parcel. The irregular property line may further limit future development to be located closer to Mrs. Kahn's property. On January 5, 2016, an additional letter was received from Christine Kemp regarding the code violations on the Cordan's property that have encroached onto the Friedman property and that the lot line adjustment should be denied and removed instead of being allowed to remain. The project was duly noticed and heard by the Planning Commission on January 13, 2016.

- c) On January 13, 2016, the Planning Commission, after considering information from staff, the applicant's representative and appellants, directed staff to return on January 27, 2016 with a resolution to deny the lot line adjustment due to the adjustment being inconsistent with the 2010 Monterey County General Plan and Monterey County Zoning Ordinance (Title 21).
- d) The lot line adjustment is inconsistent with the General Plan and Zoning Ordinance. *See Findings and Evidence No. 5 for the consistency and site suitability determination.*
- e) The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because a minor lot line adjustment does not required a public hearing. The Planning Commission did not require the lot line adjustment to be referred to the LUAC.
- f) 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 PLN141011.

3. **FINDING:**

VIOLATIONS - The subject property is not compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance.

EVIDENCE:

Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and identified that violations exist on subject properties (13CE00306). Assessor's Parcel Number: 015-522-011-000 (Cordan) has structures that encroach onto the neighboring property, Assessor's Parcel Number: 015-522-010-000 (Friedman), as well as other unpermitted development on the Cordan property. The owners of each property have agreed, through a settlement agreement, to allow a lot line adjustment of equal exchange to resolve this matter. Also recognized in the settlement agreement, the denial of the lot line adjustment will

require all violations that encroach onto the Friedman property to be removed.

4. **FINDING:** **CEQA (Exempt):** - The project is statutory exempt from environmental review.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15270 statutorily exempts the projects that are disapproved.
 - b) On January 27, 2016, the project was denied by the Planning Commission at a duly noticed public hearing.

5. **FINDING:** **LOT LINE ADJUSTMENT** – The proposed Lot Line Adjustment is not consistent with Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code because the following finding cannot be made:

- The parcels resulting from the lot line adjustment conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

- EVIDENCE:**
- a) The lot line adjustment is between two legal lots of record of approximately 0.63 acres (Lot 3, Assessor's Parcel Number 015-522-010-000) and 0.66 acres (Lot 4, Assessor's Parcel Number 015-0522-011-000) resulting in an equal exchange of 421 square feet. The adjustment is to partially clear a related violation (13CE00306). The adjustment allows development that currently encroaches onto the neighboring property to meet required side yard setbacks.
 - b) The lot line adjustment further constrains an already constrained lot. The vacant Friedman property, approximately half acre lot, is constrained by cross slopes ranging from 26 to 37% at the rear and western side of the property. The rear of the property contains slopes over 37% which connects to a natural drainage area. However, a small portion of the Friedman property, in the location of the proposed lot line adjustment, is the only location where slopes are less than 25% which is considered the prime building area on the property for future development because the location minimizes development on slopes. The result of the lot line adjustment would remove a significant portion of the prime building area and relocate the area onto the Cordan property; and therefore push future development onto slopes over 25%.
 - c) The lot line adjustment is inconsistent with the 2010 Monterey County General Plan. Policy OS-3.5 of the General Plan and Chapter 21.64.230, Monterey County Zoning Ordinance prohibits development on slopes over 25% unless there is no feasible alternative and/or the development better meets all General Plan policies. A small portion of the Friedman property, in the location of the proposed lot line adjustment, is the only location where slopes are less than 25% which is considered the prime building area on the property for future development. The result of the lot line adjustment would remove a significant portion of the prime building area and relocate the area onto the Cordan property. Therefore, the adjustment removes a feasible location where future development may be sited which would minimize slope impacts.
 - d) The lot line adjustment is inconsistent with the Monterey County

Zoning Ordinance (Title 21). Chapter 21.64.230, Monterey County Zoning Ordinance, in compliance with Policy OS-3.5 of the Monterey County General Plan, prohibits development on slopes over 25% unless there is no feasible alternative and/or the development better meets all General Plan policies. A small portion of the Friedman property, in the location of the proposed lot line adjustment, is the only location where slopes are less than 25% which is considered the prime building area on the property for future development. The result of the lot line adjustment would remove a significant portion of the prime building area and relocate the area onto the Cordan property. Therefore, the adjustment removes a feasible location where future development may be sited which would minimize slope impacts.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
EVIDENCE: Section 19.16.020.A of the Monterey County Zoning Ordinance.

DECISION

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

1. Find the project Statutorily Exempt per Section 15270 of the CEQA Guidelines; and
2. Deny a Lot Line Adjustment between two legal lots of record of approximately 0.63 acres (Lot 3, Assessor's Parcel Number 015-522-010-000) and 0.66 acres (Lot 4, Assessor's Parcel Number 015-0522-011-000) resulting in an equal exchange of 421 square feet.

PASSED AND ADOPTED this 27th day of January, 2016 upon motion of Commissioner Roberts, seconded by Commissioner Hert, by the following vote:

AYES: Ambriz, Diehl, Duflock, Getzelman, Hert, Mendez, Padilla, Roberts, Rochester, Vandevere
NOES: None
ABSENT: None
ABSTAIN: None



Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON FEB 02 2016

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 FEB 12 2016

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.