

# MONTEREY COUNTY BOARD OF SUPERVISORS

<b>MEETING:</b> July 21, 2009		<b>TIME:</b> 1:30 P.M	<b>AGENDA NO:</b> 8-9
<b>SUBJECT:</b> Public hearing to consider the following actions for application for a Lot Line Adjustment (PLN080424/San Ardo Properties, LLC): a. Deny the appeal by San Ardo Properties, LLC; and b. Find the project statutorily exempt from CEQA pursuant to Public Resources Code section 21080 (b) (5) and CEQA Guideline section 15270 (a) (Projects which are disapproved) and; c. Deny the application for a Lot Line Adjustment (San Ardo Properties, LLC/ PLN080424) (Lot Line Adjustment – PLN080424/ San Ardo Properties, LLC, 62050 Railroad Avenue, San Ardo, South County Area Plan)			
<b>Project Location:</b> 62050 Railroad Street, San Ardo		<b>APN:</b> 237-041-015-000; 237-041-016-000; 237-041-017-000; 237-041-018-000.	
<b>Planning Number:</b> PLN080424		<b>Name:</b> San Ardo Properties, LLC	
<b>Plan Area:</b> South County Area Plan		<b>Flagged and Staked:</b> No	
<b>Zoning Designation:</b> LC [Light Commercial]			
<b>CEQA Action:</b> Statutory Exemption per Section 15270(a) and (b)- Projects which are disapproved.			
<b>DEPARTMENT:</b> RMA – Planning Department			

## **RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Deny the appeal by San Ardo Properties, LLC; and
- b. Find the project statutorily exempt from CEQA pursuant to Public Resources Code section 21080 (b) (5) and CEQA Guideline section 15270 (a) (Projects which are disapproved) and;
- c. Deny the application for a Lot Line Adjustment (San Ardo Properties, LLC/ PLN080424)

## **SUMMARY:**

The project comes before the Board on appeal from the April 9, 2009 Minor Subdivision Committee's denial of a Lot Line Adjustment described above (PLN080424/San Ardo Properties, LLC). The appellant, San Ardo Properties, LLC, contends the findings or decision or conditions are not supported by the evidence and that the decision was contrary to law (see Exhibit C).

The proposal is for a Lot Line Adjustment among four (4) legal lots of record located in the Town of San Ardo, described as Lots 13, 14, 15 and 16 of Block 9 recorded at Volume 3, Page 76. The zoning for all four lots is Light Commercial (LC). The lots are currently developed with a commercial building and a single family residence. The current lot lines run through these structures. The Lot Line Adjustment application proposes to re-configure the lots, so that the residence would be within its own lot, but the commercial building would continue to lay over the reconfigured property lines.

Under the Subdivision Map Act (Government Code section 66412 (d)), the reconfigured parcels that would result from a lot line adjustment must conform to the local general plan and zoning ordinances. Proposed Parcel D, if created, would result in a residential use (single family residence) on a parcel that is designated as "Light Commercial" by the Monterey County Zoning Map designated as "Commercial" under the general plan.

The existing conditions of the subject lots conform to the General Plan and Zoning designation. The four lots of record have both a commercial building and a residential structure over the property lines, and according to their current uses conform to General Plan and the Zoning Ordinance. Section 21.18.060.L under the Light Commercial Zoning District of the Monterey County Zoning Ordinance Title 21, allows subject to a Use Permit, "All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use." The existing parcels have the combined commercial and residential use, and the commercial gross square footage is greater than the residential square footage. By approving the subject Lot Line Adjustment, one of the reconfigured parcels, Proposed Parcel D, would lose the commercial use on that property and be a stand-alone residential parcel, not in compliance with the regulations pertaining to zoning, subdivision and other applicable provisions of the County's zoning ordinance and resulting in the violation of these codes.

**Other Options:**

In the last paragraph of the appellant's statement (**Exhibit C**), the appellant requests that the Board incorporate a General Plan Amendment and Rezoning into the current General Plan Update for Proposed Parcel D at no cost to the applicant. If the Board desires to consider revision of the land use designation this property as part of the General Plan Update, the Board could direct staff to schedule this revision to the draft General Plan Update on a future agenda. Under this option, the Board could deny the appeal or, with consent by the applicant, continue the appeal to a date certain pending action on the General Plan Update.

**DISCUSSION:**

Discussion of Appellants' Statements with Staff's Responses are attached as **Exhibit A**.

**OTHER AGENCY INVOLVEMENT:**

The following agencies have reviewed the project and those that are checked ("✓") have comments and/or recommended conditions:

	Environmental Health Division
✓	RMA- Public Works Department
✓	RMA- Building Department
	Water Resources Agency
	CDF- South County Fire Protection District c/o Carmel Fire Protection District (Art Black)
	South County Land Use Advisory Committee

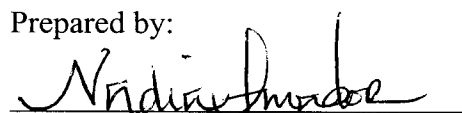
Conditions recommended by RMA-Public Works Department and RMA-Building Department have been referred to the RMA-Planning Department, but these have not been incorporated into this report because Staff is recommending denial of this project.

The proposed project was reviewed by South County Land Use Advisory Committee (LUAC) on January 21, 2009. The LUAC recommended approval of the project by a vote of 6-0 (**Exhibit E**).

**FINANCING:**

Funding for staff time associated with this project was paid by the appellant thru the appeal fee.

Prepared by:



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Approved by:



Mike Novo, Planning Director

This report was reviewed by Taven Kinison Brown, Planning Services Manager. *TKB*

cc: Front Counter Copy; Board of Supervisor's (30); County Counsel; Environmental Health Division; Public Works; Monterey County Water Resources Agency; South County Fire Protection District c/o Art Black; Alana Knaster; Mike Novo; Carl Holm; Taven Kinison Brown, Planning Services Manager; San Ardo Properties, LLC, Owner; Lombardo & Gilles, Agent; Project File No. PLN080424.

Attachments:	Exhibit A	Discussion of Appellant's Statements with Staff's Responses
	Exhibit B	Board of Supervisors Draft Resolution with attached Exhibit 1 (LLA Map)
	Exhibit C	Notice of Appeal
	Exhibit D	Minor Subdivision Committee Resolution No.09003
	Exhibit E	LUAC Meeting Minutes
	Exhibit F	Project Location Map