



Legislation Details (With Board Report)

File #: PC 20-008 **Name:** PLN190321 MERKSAMER
Type: Planning Item **Status:** Agenda Ready
File created: 2/3/2020 **In control:** County of Monterey Planning Commission
On agenda: 2/12/2020 **Final action:**
Title: PLN190321 - MERKSAMER STEVEN A & LINDA S MERKSAMER TRS AND FREESE RICHARD CURTISS SR TR
Public hearing to consider a Lot Line Adjustment between three legal lots of record of approximately 1.063 acres (Parcel A), 1.468 (Parcel B) and 1.034 acres (Parcel C), resulting in two lots of 1.580 acres (Adjusted Parcel A) and 1.985 acres (Adjusted Parcel B).
Project Location: 30778, 142 and 30780 San Remo Road, Carmel, Carmel Area Land Use Plan, Coastal Zone
Proposed CEQA action: Categorically Exempt Per Section 15305 (a) of the CEQA Guidelines

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Draft Resolution, 3. Exhibit B - Vicinity Map, 4. Exhibit C - Carmel LUAC Minutes

Date	Ver.	Action By	Action	Result
2/12/2020	1	County of Monterey Planning Commission		

PLN190321 - MERKSAMER STEVEN A & LINDA S MERKSAMER TRS AND FREESE RICHARD CURTISS SR TR

Public hearing to consider a Lot Line Adjustment between three legal lots of record of approximately 1.063 acres (Parcel A), 1.468 (Parcel B) and 1.034 acres (Parcel C), resulting in two lots of 1.580 acres (Adjusted Parcel A) and 1.985 acres (Adjusted Parcel B).

Project Location: 30778, 142 and 30780 San Remo Road, Carmel, Carmel Area Land Use Plan, Coastal Zone

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

RECOMMENDATION:

It is recommended that the Monterey County Planning Commission adopt a resolution to:

1. Find that the project involves a minor lot line adjustment not changing land use densities or building sites, which qualify 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 three legal lots of record of approximately 1.063 acres (Assessor's Parcel Number 243-194-010-000, Parcel 1), 1.468 acres (Assessor's Parcel Number 243-194-014-000, Parcel 2), and 1.034 acres (Assessor's Parcel Number 243-194-015-000, Parcel 3) to merge into two legal lots of record resulting in approximately 1.580 acres (Adjusted Parcel 1) and 1.985 acres (Adjusted Parcel 2).

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to five (5) conditions of approval.

PROJECT INFORMATION:

Agent: Richard Freese & Karen Kreiger

APN/Owners: 243-194-010-000 (Steven & Linda Merksamer); 243-194-014-000 (Steven & Linda

Merksamer and Richard Freese & Karen Kreiger); 243-194-015-000 (Richard Freese)

Zoning: Low Density Residential with a maximum gross density of 1 acre per unit with a Design Control Overlay within Coastal Zone or “LDR/1-D (CZ)”

Parcel Size: 1.063 acres, 1.468 acres and 1.034 acres

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Not Applicable

SUMMARY:

The subject properties are located ¼ of a mile east of Highway 1, on San Remo Drive in Carmel Highlands, south of the intersection of Mentone and San Remo Drive. Parcel 1 (30778 San Remo Drive, Assessor's Parcel Number 243-194-010-000) is 1.063 acres, developed with an existing single family dwelling. Parcel 2 (142 San Remo Drive, Assessor Parcel 243-194-015-000) is 1.468 acres, developed with an existing single family dwelling. Parcel 3 (30780 San Remo Drive, Assessor's Parcel Number 243-194-014-000) is currently undeveloped. The applicant proposes a Lot Line Adjustment (LLA) between these three (3) existing legal lots of record by merging Parcel 3 equally between Parcel 1 and Parcel 2.

Staff evaluated the project for consistency with the 1982 Monterey County General Plan (General Plan), the Carmel Area Land Use Plan (CAR LUP), the Carmel Area Coastal Implementation Plan, Part 4 (CAR CIP), the Monterey County Coastal Zoning Ordinance (Title 20) and the Monterey County Subdivision Ordinance (Title 19). The LLA results in new lot configurations for Adjusted Parcel 1 and Adjusted Parcel 2. The LLA would merge Parcel 3 equally to Parcel 1 and Parcel 2, resulting in 1.58 acres for Adjusted Parcel 1 and 1.985 acres for Adjusted Parcel 2. The LLA results in new lot configurations that will result in a superior lot configuration by bringing existing development on Adjusted Parcel 2 into conformance with current setback requirements, and the proposed lot configurations are consistent with applicable County regulations. Existing building site locations on both properties will not change as a result of the Lot Line Adjustment.

DISCUSSION:

The LLA is between three legal lots of record of approximately 1.063 acres (Assessor's Parcel Number 243-194-010-000, Parcel 1), 1.468 acres (Assessor's Parcel Number 243-194-014-000, Parcel 2), and 1.034 acres (Assessor's Parcel Number 243-194-015-000, Parcel 3). The LLA proposes to merge Parcel 3 by transferring 0.517 acres of land each to Parcel 2 and Parcel 3, resulting in 1.58 acres for Adjusted Parcel 1 and 1.985 acres for Adjusted Parcel 2. Parcel 1 (30778 San Remo Road) has existing development on the property that includes a 3,497 square foot single family dwelling and a 600 square foot garage. Parcel 2 (142 San Remo Road) has existing development that includes a 3,266 square foot single family dwelling and a 622 square foot garage. Parcel 3 is currently undeveloped. The LLA is proposed to bring the dwelling on Parcel 2 into conformance with the side yard setback requirements for the zoning district, maintain the existing legal non-conforming setback for the dwelling on Parcel 1, and all other remaining structures will conform to the County's current site development standards listed in Title 20, Section 20.12.060. Uses and structures at both sites will remain unaffected. 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 or already existing on the parcels.

Development Standards - Setbacks:

The properties are subject to the CAR LUP and CAR CIP and are zoned Low Density Residential with a maximum gross density of 1 acre per unit with a Design Control Overlay within Coastal Zone or “LDR/1-D (CZ)”. Title 20, Section 20.14.060 identifies site development standards for this zoning district. Required setbacks are 30 feet (front), and 20 feet (rear and side) for main structures. The plans attached in **Exhibit A** illustrates the location of the existing structures with respect to the existing and proposed lot lines. Parcel 1 currently has an existing single family dwelling and garage that is set back from the front property line 10 feet,

legal non-conforming to the required front yard setback. The Adjusted Parcel 1 would not change this non-conforming situation but would result in a change to the side yard setback to the south of the parcel resulting in 50 feet, complying with the required side yard setback. The north side yard setback and the rear setback will still be maintained at approximately 40 feet and 300 feet.

Parcel 2 currently has an existing single family dwelling and garage that is setback from the front property line 92 feet. However, the structure is currently non-conforming to the side yard setback to north, with an existing 10 foot setback. Required setbacks for the LDR zoning district is a 20 foot side yard setback. The Adjusted Parcel 2 would result a change in this side yard setback to conform to the LDR zoning district, resulting in a 40 foot side yard setback to the north. The LLA would maintain the 92 foot front setback, 25 foot side yard setback to the south and 400 foot setback to the rear.

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 three existing legal lots merging into two lots, 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (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 not resulting in any creation of a new parcel. The project is a LLA merging three lots into two. Therefore, the proposed LLA would qualify for this 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:

- Resource Management Agency (RMA)-Public Works
- Environmental Health Bureau
- RMA-Environmental Services
- Carmel Highlands Fire Protection District

LAND USE ADVISORY COMMITTEE (LUAC)

Based on the LUAC procedure guidelines adopted by the Monterey County Board of Supervisors, the project was referred to the Carmel Unincorporated/Highlands LUAC for review. On December 2, 2019 the LUAC unanimously recommended approval of the project by a 5-0 vote (**Exhibit C**) as proposed.

Prepared by: Jacquelyn M. Nickerson, Assistant Planner, Ext. 5240

Reviewed by: Craig Spencer, RMA Planning Services Manager

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

Exhibit C - Carmel LUAC Minutes

cc: Front Counter Copy; Planning Commission; Brandon Swanson, Interim Chief of Planning, Craig Spencer, RMA Planning Services Manager; Karen Kreiger and Richard Freese, Agent; Steven and Linda Merksamer, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN190321