



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: PC 19-057 **Name:** PLN180560 - GOMEZ
Type: Planning Item **Status:** Agenda Ready
File created: 7/22/2019 **In control:** Monterey County Planning Commission
On agenda: 7/31/2019 **Final action:**
Title: PLN180560 - GOMEZ
Public hearing to consider a minor subdivision of a single parcel with two existing single family dwellings into two parcels of equal size with one single family dwelling on each parcel.
Project Location: 22 Willow Road, Royal Oaks, North County Land Use Plan, Coastal Zone.
Proposed CEQA action: Categorically Exempt per §15301 of the CEQA Guidelines

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Draft Resolution, 4. Exhibit C - Vicinity Map

Date	Ver.	Action By	Action	Result
7/31/2019	1	Monterey County Planning Commission		

PLN180560 - GOMEZ

Public hearing to consider a minor subdivision of a single parcel with two existing single family dwellings into two parcels of equal size with one single family dwelling on each parcel.

Project Location: 22 Willow Road, Royal Oaks, North County Land Use Plan, Coastal Zone.

Proposed CEQA action: Categorically Exempt per §15301 of the CEQA Guidelines

RECOMMENDATION:

It is recommended the Planning Commission adopt a resolution to:

- Find the project is limited development consisting of the division of existing single-family residences into common-interest ownership with no physical changes per §15301(k) of the CEQA Guidelines and that none of the exceptions under §15300.2 apply; and
- Approve a Coastal Development Permit to allow a minor subdivision of a single parcel with two existing single family dwellings into two parcels with one single family dwelling on each parcel.

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

PROJECT INFORMATION:

Agent: Yolanda Barroso

Property Owner: Sally T. Gomez

APN: 119-121-031-000

Parcel Size: .50 acre

Zoning: MDR/4 (CZ)

Plan Area: North County Land Use Plan

Flagged and Staked: Not Applicable

SUMMARY:

The project site is a developed lot located at 22 Willow Road in Royal Oaks, with two legally constructed

single family dwellings. It is bound to the north by Hall Road, to the east by Elkhorn Road, and to the south and west by developed residential parcels. The applicant plans to divide the 0.50 acre lot into two parcels of approximately the same size, each with one subsequent existing residence. The minor subdivision will be located within the Royal Oaks community subject to the North County Land Use Plan. Besides the minor subdivision, the application does not propose any further development on either residence or proposed parcel.

Staff has analyzed the proposed minor subdivision and found it consistent with North County Land Use Plan and Coastal Implementation Plan Parts 1 (Coastal Zoning, Title 20 of the Monterey County Code) and 2 (North County Land Use Plan). The proposed subdivision would not increase the density of the existing neighborhood, and it conforms to the Medium Density Residential zoning designation of four units per acre (approximately one house every quarter acre). Therefore, if granted the subdivision, the property cannot be further subdivided. Furthermore, construction of new accessory dwelling units (ADUs) in North County are not allowed due to water constraints, although California law mandates existing habitable space may be converted into ADUs. In this project, there are no existing habitable accessory structures to either home, so there is no potential for additional development due to the subdivision.

DISCUSSION:

The purpose of this subdivision is to divide the existing parcel with two single family dwellings into two separate legal lots of record. This subdivision would not result in non-conforming parcels. With the subdivision of the one parcel into two, the existing single family dwellings meet all site development standards for the MDR/4 zoning area. They are as follows:

Required:	Proposed (Parcel 1):	Proposed (Parcel 2):
Front Setback:		
20 feet (minimum)	25 feet	35 feet
Side Setback:		
5 feet (minimum)	34 feet	16 feet
Rear Setback:		
10 feet (minimum)	20 feet	26 feet
Building Site Coverage:		
35% (maximum)	15%	12%

Driveway easement - Residents of Parcel 2 would be able to access their home through an existing thirty-foot driveway easement southwest of Willow Road (**Exhibit B.2**).

Water Supply

Water supply is a concern for development in the North County Coastal community area. However, this project does not propose any additional development beyond the two existing single-family dwellings and subdivision of the existing lot from one parcel into two. Given the new parcels are approximately 0.25 acres each in a Medium Density Residential zoning district, it is not possible for the property to be subdivided further. Both the parcels are currently serviced by the Pajaro County Sanitation District and Monterey One Water for sewer service. The plan set shows a proposed five-foot waterline easement through Parcel 1 RMA-Public Works conditioned the project for the subdivider to submit utility company recommendations for required easements to the Resource Management Agency (**Exhibit B**).

ADUs/Potential Growth

Given water constraints associated with the lots of record, construction of accessory dwelling units are not allowed by the County in this North County Land Use Planning Area. The California Department of Housing and Community Development (HCD) regulations currently state that existing habitable structures may be

converted into accessory dwelling units, and that this cannot be limited by zoning density. However, HCD has further stated that in areas of resource constraints (i.e.: lack of water), that jurisdictions may place restrictions on the conversion of structures into ADUs. If conversion of a habitable structure were an option associated with this project, it could result in an adverse cumulative impact to water that may necessitate additional environmental analysis. In this case though, there are no new accessory habitable structures proposed in the site plans provided by the applicant, and no existing structures to be converted. The only habitable structures on this parcel are the two existing single-family dwellings. If ADUs were proposed in the future, they would not be permissible due to the resource constraints already identified on the parcel. Therefore, staff has concluded subdividing this property with the existing County ban on ADUs in North County Coastal area would not result in a cumulative impact to the surrounding area's water supply because there is no new development being created through this subdivision.

CEQA:

This project is categorically exempt from CEQA review pursuant to Section 15301(k), Class 1 for limited development. The project consists of a minor subdivision of one half-acre parcel into two parcels approximately a quarter of an acre each. It is a division of existing multiple single family residences into common-interest ownership where no physical changes occur. None of the circumstances in Section 15300.2 disqualifying the project from a Class 1 categorical exemption apply. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.

OTHER AGENCY INVOLVEMENT:

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

RMA-Public Works
RMA-Environmental Services
Environmental Health Bureau
North County Fire Protection District

Prepared by: Yasmeen Hussain, Associate Planner, x6407

Reviewed by: Craig Spencer, Acting RMA Chief of Planning

Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet
Exhibit B - Draft Resolution, including;
 • Conditions of Approval
 • Site Plan
Exhibit C - Vicinity Map

cc: Front Counter Copy; North County Fire Protection District; RMA- Public Works; Environmental Health Bureau; California Coastal Commission; Craig Spencer, Planning Services Manager; Yasmeen Hussain, Planner; Sally T. Gomez, Owner; Yolanda Barroso, Agent; The Open Monterey Project; File PLN180560.