



Board Report

File #: PC 18-057, Version: 1

PLN160025 and PLN160467 - GILLETTE

Public hearing to consider two separate lot line adjustments between five legal lots of record, including a lot merger between two of the lots, resulting in four legal lots of record.

Project Location: 24700 and 24718 Santa Rita Street (PLN160025), and 24725 and 24731 Camino Del Monte (PLN160467), Carmel, Carmel Area Land Use Plan, Coastal Zone

Proposed CEQA Action: Categorical Exemption pursuant to Section 15305 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Find the projects are lot line adjustments, which qualify as a Class 5 Categorical Exemption pursuant to Section 15305 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2;
- b. Approve a Coastal Development Permit (RMA-Planning File No. PLN160025) to allow a Lot Line Adjustment between three legal lots of record, consisting of transferring 800 square feet from Lot 8 (Assessor's Parcel Number 009-181-019-000) to Lot 10 (Assessor's Parcel Number 009-081-020-000), and merging the remainder of Lot 8 into Lot 6 (Assessor's Parcel Number 009-081-019-000); resulting in two legal lots of record consisting of Lot 10 (Assessor's Parcel Number 009-081-020-000) at 4,800 square feet, and Lot 6 (Assessor's Parcel Number 009-081-019-000) at 7,200 square feet; and
- c. Approve a Coastal Development Permit (RMA-Planning File No. PLN160467) to allow a Lot Line Adjustment between two legal lots of record, consisting of transferring 674 square feet from Lot 5 (Assessor's Parcel Number 009-081-011-000) to Lot 7 (Assessor's Parcel Number 009-081-012-000), resulting in a Lot 5 (Assessor's Parcel Number 009-081-011-000) of 3,052 square feet and a Lot 7 (Assessor's Parcel Number 009-081-012-000) of 4,415 square feet.

Draft resolutions, including findings and evidence, are attached for consideration (**Exhibits A and B**). Staff recommends approval of each lot line adjustment subject to six (6) conditions of approval.

PROJECT INFORMATION:

Property Owner: Amalia Gillette TR

Agent: Joel Panzer, Maureen Wruck Planning Consultants LLC

APNs: 009-081-011/012/019/020-000

Zoning: Medium Density Residential, 2 units per acre, with a Design Control Overlay (Coastal Zone) [MDR/2-D (CZ)]

Existing Parcel Sizes: 3,726 and 3,741 square feet; and 8,000 and 4,000 square feet

Plan Area: Carmel Area Land Use Plan, Coastal Zone

Flagged and Staked: Not Required because the proposed lot line adjustment would formalize the existing lot configurations based on permitted development.

SUMMARY:

This area of the County consists primarily of small residential lots with corresponding single-family dwellings. The Applicant proposes two separate lot line adjustments (LLA) between contiguous lots in the Carmel Woods neighborhood:

1. The first LLA, involving 3 legal, non-conforming lots, would transfer 800 square feet from the

middle lot to the lot to the north, and transfer the remaining 3,200 square feet from the middle lot to the lot to the south. This transfer would result in two larger lots and the elimination of the middle lot. Generally, the purpose of this LLA is to bring the two resulting lots into site coverage conformance, and to significantly improve the non-conforming floor area ratio on both resulting lots. This LLA would be consistent with the County practice of making an existing non-conforming situation more conforming. Existing development on site includes a 2,771 square foot single-family dwelling on Lot 6, and a 3,224 square foot single-family dwelling on Lot 10. Lot 8 (i.e., middle lot) is vacant of structural development.

2. The second LLA, involving 2 legal, non-conforming lots, would transfer 674 square feet from one lot to the other. This LLA would only make one of the two lots more conforming regarding lot size. Although not strictly consistent with County practice, staff believes the circumstances of this particular case warrant the reduction of lot size to address boundaries relative to existing development and access constraints that were created prior to the requirement for either planning or building permits (see additional detail below under PLN160467). Existing development includes an 894 square foot single-family dwelling on Lot 5, and two single-family dwellings on Lot 7 of 1,703 square feet and 657 square feet.

DISCUSSION:

The proposed LLAs would not create new lots (i.e., not subdivide any of the existing parcels). No demolition, construction, or other type of development is proposed. There are no identified impacts to environmental resources, and the LLAs would not intensify the level of development allowed on the parcels. At this time, staff is only recommending the granting of LLAs. No Variances would be granted for structural coverage, floor area, or setbacks. All existing legal non-conforming coverage, floor area, and setbacks would remain legal non-conforming. Future development on the adjusted parcels would be required to conform to the Monterey County Code (MCC) requirements in effect at the time of proposed development.

County staff has also confirmed the current configuration and legality of the lots via the Final Map for the First Addition to Carmel Woods, recorded May 7, 1923, filed at Volume 3, Cities and Towns, Page 22. All lots involved in both LLAs are identified on this Final Map in their current configurations. Based on previous County decisions regarding lot legality, all 5 parcels are considered legal lots of record.

RMA-Planning File No. PLN160025

The first LLA is a Coastal Development Permit to allow a lot line adjustment and lot merger between three legal lots of record (Lots 6, 8, and 10) on Santa Rita Street in Carmel Woods. All three lots are currently 4,000 square feet in area. The proposed LLA would consist of transferring 800 square feet from Lot 8 to Lot 10, and merging the remainder of Lot 8 into Lot 6; resulting in two legal lots of record consisting of a Lot 10 of 4,800 square feet, and a Lot 6 of 7,200 square feet.

Both existing developed lots are currently non-conforming with regard to minimum lot size, density, site coverage, floor area, and specific setbacks. The proposed LLA would improve the overall non-conforming situation, yet not bring the lots into full compliance with current MCC development standards. However, the County's practice has been to allow this type of LLA so long as the overall non-conformity of the subject lots is not increased and the resulting parcels are compatible with, and do not obstruct, the objectives and policies of applicable plans. The proposed LLA satisfies these requirements (see **Exhibit A**, Finding Nos. 1, 5, and 7, and supporting evidence).

This proposed LLA would improve the existing non-conforming lot size situation by making the adjusted Lot 6 conforming, and the adjusted Lot 10 more conforming (i.e., reduce the non-conformity). Density on both the current and proposed lots would remain legal, non-conforming. Site coverage would be brought into conformance for both adjusted Lots 6 and 10. Floor area on Lot 6 would be brought into conformance by the LLA, and the floor area ratio non-conformity on Lot 10 would be reduced (i.e., improved). All setbacks would become conforming after the LLA. Therefore, under this LLA, applicable development standards would either improve or remain the same.

RMA-Planning File No. PLN160467

The second LLA is a Coastal Development Permit to allow a lot line adjustment between two legal lots of record (Lots 5 and 7) on Camino Del Monte in Carmel Woods. The existing Lot 5 is 3,726 square feet and Lot 7 is 3,741 square feet. The proposed LLA would consist of transferring 674 square feet from Lot 5 to Lot 7, resulting in a Lot 5 of 3,052 square feet and a Lot 7 of 4,415 square feet.

The existing lots are both currently non-conforming with regard to minimum lot size, density, and specific setbacks. Site coverage and floor area ratio are non-conforming on Lot 7 only. Site coverage and floor area ratio on Lot 5 are currently conforming, and would remain conforming after the LLA. The proposed LLA would improve the overall non-conforming situation, yet not bring both the lots into full compliance with current MCC development standards. However, the County's practice has been to allow this type of proposed LLA so long as the overall non-conformity of the subject lots is not increased and the resulting parcels are compatible with, and do not obstruct, the objectives and policies of applicable plans. Based on the specific circumstances of this application, County staff believes the proposed LLA satisfies these requirements (see **Exhibit B**, Finding Nos. 1, 5, and 7, and supporting evidence).

This proposed LLA would improve the existing non-conforming lot size of Lot 7, but would make the adjusted Lot 5 more non-conforming (see below for additional detail). Density on both the current and proposed lots would remain legal, non-conforming. Site coverage on Lot 5 would remain conforming after the LLA, and the non-conforming site coverage on Lot 7 would be reduced (i.e., improved). The floor area ratio on Lot 5 would remain conforming after the LLA, and the floor area ratio non-conformity on Lot 7 would be reduced (i.e., improved). Existing setbacks would either remain the same or become conforming after the LLA. Therefore, except for the reduction in size of Lot 5, applicable development standards under this LLA would either improve or remain the same.

Reduction in size of Lot 5:

County staff believes the circumstances of this particular case warrant the reduction in size of Lot 5 to address existing development and access constraints on Lot 7 that were created prior to the requirement for either planning or building permits. Approval of this would be consistent with General Plan Policy LU-1.16 which allows for LLAs to create lots that do not conform to minimum parcel size standards if the adjustment would accommodate legal structures which extend over property lines. Historically, both lots have been under the same ownership and the siting of the existing structures was decided without consideration for the property lines. Assessor's records provide construction dates of 1935 and 1940, prior to the requirement for either planning or building permits. Lot 7 currently contains two residences, and the one at the rear of Lot 7 is currently accessed through Lot 5. This lot line adjustment would allow adequate area along the shared property line between Lots 5 and 7 to provide access to the rear residence on Lot 7 via an existing driveway. To provide this additional area, 674 square feet would be transferred from Lot 5 to Lot 7. Lot 5 currently contains one residence, and the proposed transfer of land area from Lot 5 to Lot 7 would not result in the parcel exceeding

the coverage or floor area limitations. The transfer also serves to enlarge Lot 7, allowing improved access for the rear residence, and better serving the needs of the residents whom reside within the subject dwellings. In addition, potential access constraints could occur in the future if Lot 5 were to be sold to a different owner if the LLA was not allowed. Although this lot line adjustment would increase the lot size non-conformity of Lot 5, it would aid in avoiding potential future access constraints for the rear residence on Lot 7. The lot line adjustment would not adversely affect site development standards or access for Lot 5.

Map Act Consistency:

Section 66412 of the Subdivision Map Act (SMA) details the circumstances where projects can be excluded from the provision of the SMA. This project qualifies for that exclusion under Section 66412.d, due to the fact that the final outcome of the LLA is not more than four adjoining parcels, and a greater number of parcels than previously existed is not being created.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- RMA-Public Works
- Environmental Health Bureau
- Water Resources Agency
- Cypress Fire Protection District

The proposed projects were referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting on April 4, 2016, voted 3 - 1 to support the project as proposed (**Exhibit D**).

Prepared by: Joseph Sidor, Associate Planner, x5262

Reviewed by: Brandon Swanson, RMA Services Manager

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

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution for PLN160025, including:

- Conditions of Approval
- Lot Line Adjustment Figure

Exhibit B - Draft Resolution for PLN160467, including:

- Conditions of Approval
- Lot Line Adjustment Figure

Exhibit C - Vicinity Map

Exhibit D - Carmel Unincorporated/Highlands LUAC Minutes (April 4, 2016)

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Cypress Fire Protection District; Environmental Health Bureau; RMA-Public Works; Water Resources Agency; Brandon Swanson, RMA Services Manager; Joseph Sidor, Project Planner; Maureen Wruck Planning Consultants LLC (Joel Panzer), Agent; Amalia Gillette TR, Owner; The Open Monterey Project (Molly Erickson); LandWatch; Planning Files PLN160025 and PLN160467

