



# County of Monterey Planning Commission

**Item No.8**

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

## Agenda Item No.8

Legistar File Number: PC 24-124

December 11, 2024

**Introduced:** 12/4/2024

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

### **PLN230337 - FARRAND TOBIN EDWARD & ROSENSTOCK SUE ANN**

Public hearing to consider a Lot Line Adjustment between four legal lots of record containing 1.571 acres, resulting in four parcels containing 0.614 acres [Adjusted Parcel A], 0.425 acres [Adjusted Parcel B], 0.397 [Adjusted Parcel C], and 0.138 acres [Adjusted Parcel D].

**Project Location:** 24744 Dolores Street, Carmel, Carmel Area Land Use Plan.

**Proposed CEQA Action:** Find the project Categorical Exempt pursuant to CEQA Guidelines sections 15305(a), and no exceptions pursuant to section 15300.2 can be made.

#### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution:

1. Finding that the project is a minor lot line adjustment, which qualifies 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. Approving a Coastal Development Permit to allow a Lot Line Adjustment between four legal lots of record consisting of Parcel A (0.378 acres), Parcel B (0.503 acres), Parcel C (0.074 acres) and Parcel D (0.616 acres), resulting in four lots of record containing 0.614 acres [Adjusted Parcel A], 0.425 acres [Adjusted Parcel B], 0.397 acres [Adjusted Parcel C] and 0.138 acres [Adjusted Parcel D].

Staff has prepared a draft resolution, including findings and evidence, for consideration (**Exhibit A**). Staff recommends approval of the project subject to five conditions of approval.

#### PROJECT INFORMATION:

**Property Owners:** Tobin Farrand and Sue Rosenstock

**Agent:** Angie Phares, Hastings Construction Inc.

**APNs:** 009-111-005-000

**Zoning:** Medium Density Residential, 2 units per acre, with a Design Control Overlay (Coastal Zone)

**Existing Parcel Sizes:** Parcel A (0.378 acres), Parcel B (0.503 acres), Parcel C (0.074 acres), and Parcel D (0.616 acres)

**Plan Area:** Carmel Land Use Plan, Coastal Zone

**Flagged and Staked:** Not required because the proposed lot line adjustment does not involve any structural development.

**Project Planner:** Marlene Garcia, Assistant Planner

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### SUMMARY/DISCUSSION

The Applicant proposes a Lot Line Adjustment (LLA) between four legal lots of record in the unincorporated area of Carmel Highlands. This area of the County consists primarily of residential lots with corresponding residential development. The subject properties consists of four legal lots (totaling 1.571 acres in size), Assessor's Parcel Number (APN: 009-111-005-000), and are currently developed with a single-family dwelling and three accessory structures. The Applicant proposes to adjust the configuration of the four parcels without creating additional parcels. The intent of the LLA is to resolve existing non-conforming setbacks and better align the property boundaries with existing utility lines.

#### *Density*

The four parcels are zoned as Medium Density Residential in the Coastal Zone [MDR/2-D (CZ)] which allows a maximum density of 2 units per acre. The LLA would not create new lots and would not intensify the development allowed on the parcels. No other development is proposed as part of this application. Based on the existing lot sizes, each lot could only be developed with one single-family dwelling as principally allowed use, for a total of four units. As proposed, the lot line adjustment will result in four lots containing 0.614 acres [Adjusted Parcel A], 0.425 acres [Adjusted Parcel B], 0.397 acres [Adjusted Parcel C], and 0.138 acres [Adjusted Parcel D]. None of the resulting lots will be greater than one acre and therefore the existing development potential will be unchanged (four units). After adjustment, the existing single-family dwelling, which currently straddles Parcel A and Parcel B, will remain solely on Adjusted Parcel A. With a size of 0.614 acres, Adjusted Parcel A could not support additional dwelling units. Adjusted Parcel B (0.425 acres), Adjusted Parcel C (0.397 acres), and Adjusted D (0.138 acres) will be developed with existing non-habitable structures and thus may be developed with up to one dwelling unit in the future, subject to separate discretionary entitlements. No construction is proposed under this LLA. Therefore, the resulting parcels conform to the maximum development density requirement and do not alter the existing development potential.

#### *Setbacks*

The required main structure setbacks in this MDR district are 20 feet (front), 10 feet (rear), and 5 feet (sides). Accessory structures are subject to setbacks of 50 feet (front) and 6 feet (side and rear). Three of the four structures on the subject properties do not comply with current setback requirements. However, the proposed LLA will resolve all non-conforming site development standards, except for one setback that cannot be resolved with this LLA.

1. The property's existing main residence is developed over the adjoining property line of existing Parcels A and B and therefore does not meet the required 5-foot side setback. As proposed, the LLA will adjust Parcel A and Parcel B's boundary line south to allow the existing residence to comply with all required setbacks. To ensure that Adjusted Parcel A has adequate access to Dolores Street, an Access and Utility Easement is proposed over Adjusted Parcel B. This proposed access easement will connect to an existing access easement conveyed over an adjacent parcel and is discussed below. This access easement will also avoid the need to develop on steeper slopes to receive access from Pescadero Road, which better meets the resource protection policies of the Carmel Area LUP.

2. An accessory structure is developed over the adjoining property line of Parcels B and C and therefore does not meet the required 6-foot side setback. Parcel B also contains two front property lines; Pescadero Road and an existing "Access and Utility Easement" conveyed over the adjacent lot (APN 009-111-003-000). Accordingly, the existing structure on Parcel B is subject to two front setback requirements. The accessory structure appears to have been constructed in the late 1940s when the setback requirements for the "R-1" zoning district were 20 feet (front) and 10 feet (sides and rear). It is unknown whether Parcel B was subject to two front setbacks at the time of construction. Sited 18.5 feet from the adjacent Access and Utility Easement, the existing accessory structure complies with the rear setback requirement established in 1945 (10 feet) but not the front setback requirement (20 feet), should the rear half of the property have been considered an additional front. Either way, this accessory structure does not conform to today's front setback requirement of 50 feet as it is currently setback from the Access and Utility Easement by approximately 18.5 feet. Due to the adjacent easement, no lot line adjustment (under common ownership) alternative would allow this structure to conform to the second front setback requirement. The only way to correct this non-conforming building location would be to demolish the structure or quit claim the existing Access and Utility Easement. The Applicant/Owner does intend to demolish this structure in the future but is not proposing that as this time. Additionally, utilizing the existing Access and Utility Easement is most appropriate in this case as it currently provides access to the property and avoids the need to construct a future driveway on the steep slopes that abut Pescadero Road. The Applicant/Owner will also be recording a new access and utility easement over Adjusted Parcel B to allow Adjusted Parcel A access to Dolores Street (see preceding discussion). This proposed access easement will connect to an existing access easement conveyed over the adjacent parcel and will serve as an additional front property line, for the purpose of measuring front setbacks. Staff worked with the Applicant/Owner to design the proposed access easement in a way that will maintain the existing non-conforming setback of 18.5 feet.

To address the above non-conforming issues, the proposed LLA will adjust Parcel B and Parcel C's boundary line south to allow the existing structure to comply with the required side setbacks. However, as also detailed above, the proposed LLA cannot resolve the non-conforming front setback issue and instead ensures the non-conforming situation is not worsened with the implementation of the project or proposed access easements.

3. An existing accessory structure located on Parcel C does not meet the rear setback from Parcel D. As proposed, the LLA will adjust Parcel C and Parcel D's boundary line southeast to allow the existing structure to comply with all required setbacks.

#### *Minimum Lot Size*

Per the zoning district, the minimum lot size is 6,000 square feet or 0.13 acres. All existing parcels, except for existing Parcel D, conform to this minimum lot size. As proposed Adjusted Parcel D will be 6,011 square feet (0.138 acres). All other adjusted parcels will continue to exceed 6,000 square feet (Adjusted Parcel A: 0.614 acres, Adjusted Parcel B: 0.425 acres, and Adjusted Parcel C: 0.397 acres).

*Site Coverage and Floor Area Ratio*

The maximum site coverage and floor area ratio in this MDR district are 35 percent and 45 percent, respectively. The development remaining on Adjusted Parcels A through D will conform to the maximum allowed site coverage and floor area ratio.

No demolition, construction, or other type of structural development is proposed. There are no identified impacts to environmental resources. At this time, staff only recommends the granting of the Coastal Development Permit to allow the LLA. Future development on the adjusted parcels would be required to conform to the Monterey County Code requirements in effect at the time and obtain all necessary permits.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

HCD-Engineering Services

HCD-Environmental Services

Environmental Health Bureau

Cypress Fire Protection District

LAND USE ADVISORY COMMITTEE

Based on the LUAC Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because it involves a lot line adjustment in the Coastal Zone. The project was referred to the Carmel Unincorporated/ Highlands Land Use Advisory Committee (LUAC) on September 3, 2024, which voted 4-0 (4 ayes, 0 nays) and with three members absent to recommend approval of the project as proposed. The LUAC discovered that existing Parcel B's square footage was incorrectly listed on the plans and requested that this be updated. Additionally, the LUAC requested that HCD-Plannings staff review access for all four parcels including any proposed or existing easements. Finally, the LUAC raised concern about future development and the potential inability to provide adequate on-site parking. As proposed, all resulting parcels will have adequate access and are adequately sized and sited to accommodate potential future parking demands.

CEQA:

California Environmental Quality Act (CEQA) Guidelines Section 15305(a) categorically exempts minor lot line adjustments not resulting in the creation of any new parcel. The applicant proposes a lot line adjustment between four legal lots of record: Parcel (0.378 acres), Parcel B (0.503 acres), Parcel C (0.074 acres) and Parcel D (0.616 acres). After the adjustment, there will continue to be four lots of record, containing 0.614 acres [Adjusted Parcel A], 0.425 acres [Adjusted Parcel B], 0.397 acres [Adjusted Parcel C] and 0.138 acres [Adjusted Parcel D], totaling 1.57 acres. The lot line adjustment will not intensify the level of development allowed on the parcels and no new lots will be created by the lot line adjustment. Therefore, this component qualifies as a Class 5 categorical exemption.

Prepared by: Marlene Garcia, Assistant Planner x5114

Reviewed by: Fionna Jensen, Senior Planner

Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution

- Recommended Conditions of Approval
- Project Plans

Exhibit B - Carmel Unincorporated/Highlands LUAC Minutes (October 2, 2023)

Exhibit C - Vicinity

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Cypress Fire Protection District; Environmental Health Bureau; HCD-Engineering Services; HCD-Environmental Services; Anna Ginette Quenga, AICP, Principal Planner; Marlene Garcia, Assistant Planner; Angie Phares, Hastings Construction Inc., Agent; Tobin Farrand and Sue Rosenstock, Owner; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project (Molly Erickson); LandWatch; Christina McGinnis, Keep Big Sur Wild; Planning File PLN230337.