

**Before the Housing and Community Development Chief of Planning in and
for the County of Monterey, State of California**

In the matter of the application of:

**HENTSCHEL OCEANNE & PATRICK AND & HENTSCHEL NOEL IRWIN &
GORDON (PLN240229)**

RESOLUTION NO. 25-009

Resolution by the Monterey County HCD Chief of
Planning:

- 1) Finding the project qualifies for a Class 5
Categorical Exemption pursuant to CEQA
Guidelines section 15305, and there are no
exceptions pursuant to section 15300.2; and
- 2) Approving a Lot Line Adjustment between
two legal lots of record, (Parcel A - 23.5
acres) and (Parcel B - 224 acres), resulting in
two parcels containing 28.1 acres (Adjusted
Parcel A) and 219.4 acres (Adjusted Parcel
B).

[PLN240229, Hentschel & Hentschel, 14 Upper
Circle, Carmel Valley, Carmel Valley Master Plan
(APN: 197-081-014-000) & 150 E Carmel Valley
Road, Carmel Valley, Greater Monterey Peninsula
Area Plan (APN: 197-081-002-000, 197-081-030-
000, 197-081-031-000)]

**The HENTSCHEL OCEANNE & PATRICK AND HENTSCHEL NOEL IRWIN &
GORDON application (PLN240229) came on for administrative decision before the
Monterey County HCD Chief of Planning on February 5, 2025. Having considered all the
written and documentary evidence, the administrative record, the staff report, oral
testimony, and other evidence presented, the HCD Chief of Planning finds and decides as
follows:**

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the
applicable plans and policies which designate this area as appropriate
for development.
EVIDENCE: a) During the course of review of this application, the project has been
reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Carmel Valley Master Plan (CVMP);
 - Greater Monterey Peninsula Area Plan (GMPAP);
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Subdivision Ordinance (Title 19);No conflicts were found to exist. No communications were received
during the course of review of the project indicating any inconsistencies
with the text, policies, and regulations in these documents.

- b) Allowed Use. Parcel A is located at 14 upper Circle, Carmel Valley (Assessor's Parcel Number 197-081-014-000), Carmel Valley Master Plan. This parcel is zoned Low Density Residential, 2.5 acres per unit, with Design Control, Site Plan Review, and Residential Allocation Zoning overlays, or "LDR/2.5-D-S-RAZ", which allows Lot Line Adjustments subject to the granting of an Administrative Permit. Parcel B is located at 150 E Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 197-081-001-000), Greater Monterey Peninsula Area Plan. This parcel is dual-zoned Public/Quasi-Public with a Building Site 6 overlay, or "PQP/B-6", and Visitor Serving/Professional Office Space with Design Control and Site Plan Review overlays, or "VO-D-S"; both of which allow Lot Line Adjustments subject to the granting of an Administrative Permit. The project involves a Lot Line Adjustment between two legal lots of record, (Parcel A - 23.5 acres) and (Parcel B - 224 acres), resulting in two parcels containing 28.1 acres (Adjusted Parcel A) and 219.4 acres (Adjusted Parcel B). The Lot Line Adjustment will allow the parcel lines to better conform to the natural contours of the land. No development is proposed at this time. Therefore, the project is an allowed land use for this site.
- c) Site Development Standards. Parcel A is currently undeveloped, and no development is proposed at this time. Parcel B is currently developed with several structures associated with Stonepine Estate, all of which meet the site development standards of the "PQP" and "VO" zoning districts. Parcel A will be split-zoned between "LDR/2.5-D-S-RAZ" (over its current configuration) and "PQP/B-6" (over the gained acreage). Parcel B will retain its current split-zoning of "PQP/B-6" and "VO-D-S". Both lots will continue to meet the site development standards of their respective zoning districts, including minimum building site, density, and required setbacks. No development is proposed at this time.
- d) Lot Legality. Parcel A (Assessor's Parcel Number 197-081-014-000 - 23.5 acres) is shown in its current configuration in Volume 7, Book 197, Page 08 of the 1972 Assessors Parcel Map, and under separate ownership from surrounding parcels on Page 1137 of the 1972 Assessors Ownership Book. Parcel B (Assessor's Parcel Number 197-081-002-000 - 224 acres) is shown in its current configuration on Certificate of Compliance #2015005056. Therefore, the County recognizes the subject properties as legal lots of record.
- e) The project planner conducted a site inspection on December 18, 2024, to verify that the project on the subject parcel conforms to the plans listed above.
- f) Land Use Advisory Committee (LUAC) Review. The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review because it does not involve a public hearing Design Approval, a Lot Line Adjustment in the Coastal Zone, preparation of an Initial Study, or a Variance.
- g) Subdivision Map Act Consistency. Pursuant to Section 66412(d) of the Subdivision Map Act (SMA), the SMA is inapplicable to the lot line adjustment 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. See Finding No. 6 and supporting evidence.

- h) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN240229.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD- Planning, Monterey County Regional Fire Protection District, HCD-Engineering Services HCD-Environmental Services, and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff did not identify any potential impacts on the environment and no technical reports were required.
 - c) Staff conducted a site inspection on December 18, 2024, to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD - Planning for the proposed development found in Project File PLN240229

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvements in the neighborhood; or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD- Planning, Monterey County Regional Fire Protection District, HCD-Engineering Services, HCD-Environmental Services, and Environmental Health Bureau. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available. Parcel A contains a domestic well and Parcel B contains a well for both domestic and irrigation purposes. Neither existing well will be impacted by the Lot Line Adjustment and both will remain on their respective lots. Parcel A is currently vacant, and the Environmental Health Bureau has indicated that there will be sufficient space for a future Onsite Wastewater Treatment System (OWTS) should it be necessary. Parcel B contains an existing OWTS, and the Environmental Health Bureau has indicated that there will be sufficient space for future replacement should it be necessary. No development is proposed with this application for a Lot Line Adjustment.

- c) Staff conducted a site inspection on December 18, 2024, to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD - Planning for the proposed development found in Project File PLN240229.
- 4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
EVIDENCE:
 - a) Staff reviewed County of Monterey HCD - Planning and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on December 18, 2024, and researched County records to assess if any violation exists on the subject property.
 - c) The application, plans and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN240229.
- 5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
EVIDENCE:
 - a) California Environmental Quality Act (CEQA) Guidelines Section 15305 categorically exempts minor alterations in land use limitations which do not change land use or density, including minor lot line adjustments not resulting in the creation of any new parcel.
 - b) As proposed the project involves a Lot Line Adjustment between two legal lots of record, (Parcel A - 23.5 acres) and (Parcel B - 224 acres), resulting in two parcels containing 28.1 acres (Adjusted Parcel A) and 219.4 acres (Adjusted Parcel B). No new parcels will be created by the Lot Line Adjustment and therefore the project is consistent with CEQA Guidelines section 15305.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on December 18, 2024.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There is no significant effect on the environment due to unusual circumstances. The properties are not located in an area where an environmental resource of hazardous or critical concern has been designated or precisely mapped by a federal, state, or local agency trees are proposed for removal. There is no cumulative impact without any prior successive projects of the same type in the same place, over time and no new land use is proposed. The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code to be considered on a hazardous waste site. The project does not have the potential to affect any historical resources substantially adversely. Although commercial development on Parcel B exists, the minor boundary adjustment would not impact any of the structures or features on the sites or alter the landscape or setting of the properties.

- e) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240229

6. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:

- 1. The lot line adjustment is between four (or fewer) existing adjoining parcels;
- 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
- 3. The parcel resulting from the proposed lot line adjustment conforms to the County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

As proposed, the project meets these standards.

- EVIDENCE:**
- a) Parcel A is zoned Low Density Residential, 2.5 acres per unit, with Design Control, Site Plan Review, and Residential Allocation Zoning overlays [LDR/2.5-D-S-RAZ]. Parcel B is split-zoned Public/Quasi-Public with a Building Site 6 overlay [PQP/B-6], and Visitor Serving/Professional Office Space with Design Control and Site Plan Review overlays [VO-D-S].
 - b) The Lot Line Adjustment is between four (or fewer) existing adjoining parcels. The two existing legal lots of record have a total combined area of 247.5 acres. After the Lot Line Adjustment, there will continue to be two lot of record containing 28.1 acres (Adjusted Parcel A) and 219.4 (Adjusted Parcel B), respectively.
 - c) The Lot Line Adjustment will not create a greater number of parcels than originally existed. Two (2) contiguous separate legal parcels of record will be adjusted, and two (2) contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
 - d) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 21). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property and that no violations exist on the property.
 - e) Parcel A is zoned for residential purposes and is currently undeveloped. No development is proposed with this application for a Lot Line Adjustment. Parcel B is zoned for Visitor Serving and Public/Quasi-Public uses and is currently developed with several Visitor Serving structures associated with Stonepine Estate. No changes in use are proposed.
 - f) Neither property is under a Williamson Act contract or used for agricultural purposes.
 - g) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for the resulting lot is required per a standard condition of approval. (Condition No. 4)

- h) The project planner conducted a site inspection on December 18, 2024 to verify that the project would not conflict with zoning or building ordinances.
- i) The application, plans and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN240128.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: a) Board of Supervisors. Section 19.16.020.A of the Monterey County Subdivision Ordinance (Title 19) states that the Board of Supervisors is the Appeal Authority to consider appeals from the discretionary decisions of the Director of Planning.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the HCD Chief of Planning does hereby:

1. Find the project qualifies for a Class 5 Categorical Exemption pursuant to CEQA GUIDELINES section 15305, and there are no exceptions pursuant to section 15300.2; and
2. Approve a Lot Line Adjustment between two legal lots of record, Parcel A ; 23.5 acres Parcel B ;224 acres, resulting in two parcels containing 28.1 acres (Adjusted Parcel A) and 219.4 acres (Adjusted Parcel B).

PASSED AND ADOPTED this 5th day of February 2025:

DocuSigned by:

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Melanie Beretti, AICP
HCD, Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON 2/6/25

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE 2/18/25

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or

until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from County of Monterey HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

County of Monterey HCD Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN240229

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Administrative permit (PLN240229) allows Lot Line Adjustment between two (2) parcels (Parcel A/Assessor's Parcel Number 197-081-014-000 - 23.5 acres) and (Parcel B/Assessor's Parcel Number 197-081-002-000 - 224 acres) resulting in Adjusted Parcel A (28.1 acres) and Adjusted Parcel B (219.4 acres), respectively. Parcel A is located at 14 Upper Circle, Carmel Valley (Assessor's Parcel Number 197-081-014-000), Carmel Valley Master Plan. Parcel B is located at 150 E Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 197-081-002-000), Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "An Administrative Permit (Resolution Number 25-009) was approved by HCD Chief of Planning for Assessor's Parcel Number 197-081-014-000 and 197-081-002-000 on February 5, 2025. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Prior to the issuance of grading and building permits, certificates of compliance, or
Monitoring commencement of use, whichever occurs first and as applicable, the Owner/Applicant
Action to be shall provide proof of recordation of this notice to the HCD - Planning.
Performed:

3. LOT LINE ADJUSTMENT DEED (NON-STANDARD CONDITION)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (HCD-Planning)

Compliance or Monitoring Action to be Performed:

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
 - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
 - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
 - c. The purpose of the deed shall be stated on the first page of the deed, as follows:

"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN240229. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
 - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
 - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to HCD-Planning for final processing.
 - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
 - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.

4. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to HCD -Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the Certificates of Compliance.

Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

