

**Before the Planning Commission
in and for the County of Monterey, State of California**

In the matter of the application of:

MARY DELFINO, TR (PLN180259)

RESOLUTION NO. 19-006

Resolution by the Planning Commission to:

- 1) Find that the Lot Line Adjustment qualifies for a categorical exemption as a minor alteration in land use limitations pursuant to §15305 of the CEQA Guidelines, and there are no exceptions pursuant to §15300.2; and
- 2) Approve a Lot Line Adjustment to reconfigure parcel boundaries between two legal lots of record; Parcel 1 (Assessor's Parcel Number 187-521-016-000, 11.18 acres) and Parcel 2, (Assessor's Parcel Number 187-512-019-000, 10.07 acres), resulting in Parcel A, (10.40 acres) and Parcel B (10.85 acres), respectively.

[(PLN180259), Delfino, the properties are located approximately 900-feet northeast of the intersection of Carmel Valley Road and Del Fino Place at the former Carmel Valley Airport, Carmel Valley Village area (Assessor's Parcel Numbers 187-521-016-000 and 187-512-019-000), Carmel Valley Master Plan area.

CORRECTED
This resolution
supersedes the previous
resolution mailed on
March 20, 2019

The Mary Delfino, TR, application (PLN180259) came on for an administrative hearing before the Monterey County Planning Commission on March 13, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. FINDING:

CONSISTENCY / SITE SUITABILITY / NO VIOLATIONS - 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;
- Monterey County Zoning Ordinance (Title 21); and
- Monterey County Subdivision Ordinance (Title 19).

No conflicts were found to exist. Communications were received during the course of review of the project indicating that inadequate notice was provided for the administrative hearing scheduled on this matter for February 6, 2019, that the Lot Line Adjustment will result in an undesirable homesite in the Carmel Valley Village, and that the Lot Line Adjustment does not recognize nor accommodate the

extensive public right-of-ways acquired by prescription through adverse possession for over 5 years. These comments have been considered but do not change the conclusion that the project is consistent with the applicable policies of Monterey County Code (MCC) of the Subdivision Map Act.

- b) Minimum Parcel Size – The subject properties zoned LDR/1-D-S-RAZ, (Low Density Residential, 1 acre per unit with Design Control, Site Plan Review and Residential Allocation Zoning District overlays). Pursuant to Section 21.14.060 of Title 21, the minimum building site for a parcel in the LDR zoning district is one acre. The resulting parcels Parcel A, 10.40 acres, and Parcel B, 10.85 acres, meet the acreage requirements of the district.
- c) Carmel Valley Master Plan – Policy CV-1.6.e of the Carmel Valley Master Plan identifies that out of the residential unit cap of 190 units allowed in the Carmel Valley Master Plan area, 24 units are reserved for the 30-acre Delfino property (the former Carmel Valley Airport). The adjusted parcels will not affect the overall density of the property and will not conflict with the Carmel Valley Master Plan policy applicable to the site.
- d) Carmel Valley Village Criteria – The lot line adjustment does not include physical improvements to the subject properties and development standards listed in Section C – Future Development of Airport Property of the Carmel Valley Village Criteria does not apply.
- e) On March 4, 2019, the Carmel Valley Land Use Advisory Committee (LUAC) reviewed the Delfino LLA project to make a recommendation to the Planning Commission. The Carmel Valley LUAC voted unanimously (5-0) recommending approval of the Delfino LLA.
- f) The lot line adjustment meets the required findings of approval Pursuant to Chapter 19.09.025 of Title 19, Subdivision Ordinance. See Finding No. 4 of this Resolution. No new lots are created by this Lot Line Adjustment and no new development is proposed; therefore, the project does not create new homesites in Carmel Valley. Two lots of approximately 10 acres exist without the LLA and two lots of approximately 10 acres will result.
- g) Adequate notice of the hearing has been provided. On February 28, 2019, more than 10 days before the hearing, notices were mailed to all property owners within 300 feet of the sites, published in the Monterey County Weekly, and copies of the public hearing notices were posted at three locations on or near the site.
- h) The claim of a prescriptive easement across the property is not within the County's jurisdiction to adjudicate. It is a civil matter to be considered by a Court upon a filing of such claim. If a prescriptive easement is found to exist by a court, it would not preclude approval of this Lot Line Adjustment.
- i) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any violations existing on the subject property.
- j) The project was reviewed for site suitability by RMA-Planning, Monterey County Regional Fire Protection District, RMA-Public Works and Facilities, RMA-Environmental Services, and Environmental Health Bureau. No comments were received. There is

no indication that the subject properties are not suitable for the proposed lot line adjustment or that they would become unsuitable as a result of the adjustment. Conditions recommended by RMA-Planning have been incorporated.

k) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in RMA-Planning File No. PLN180259.

2. FINDING:

HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this 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 Monterey County Regional Fire Protection District, RMA-Public Works and Facilities, RMA-Environmental Services, and Environmental Health Bureau. The respective agencies found that the lot line adjustment will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

b) The site is currently vacant and the Lot Line Adjustment will not result in any physical improvements or new uses at the site. The overall area of the site will not change and future developments or subdivisions on the property will require separate review and approval.

c) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in RMA-Planning File No. PLN180259.

d) Preceding findings and supporting evidence are found in PLN180259.

3. 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(a) categorically exempts minor lot line adjustments which do not result in the creation of new parcels. The site is relatively flat and has less than a 20% slope.

b) The subject lot line adjustment would adjust two legal lots of record and no new lots would be created. See also Finding No. 4 and supporting evidence.

c) No adverse environmental effects were identified during staff review of the development application.

d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. 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.

e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180259.

4. 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; and
3. The parcels resulting from the lot line adjustment conform to the County's general plan, any applicable specific plan, and zoning and building ordinances.

EVIDENCE:

- a) The lot line adjustment is between two adjoining parcels. The subject properties include Assessor's Parcel Number 187-521-016-000 (Parcel 1), containing 11.18 acres and Assessor's Parcel Number 187-512-019-000 (Parcel 2) containing 10.07 acres. The Lot Line Adjustment would, result in a 10.40 acre parcel (proposed Parcel A) and a 10.85 acre parcel (proposed Parcel B). The two properties share a common boundary.
- b) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
- c) The proposed lot line adjustment is consistent with the Monterey County Code. The site is vacant and there is no development that would be affected by the Lot Line Adjustment. No physical improvements exist or are proposed and no changes in use are considered. The Lot Line Adjustment will also not conflict with the special treatment policy for the Delfino property contained in the Carmel Valley Master Plan (Policy CV-1.6). See also Finding No. 1 with supporting evidence.
- d) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property. See Finding No. 1, Evidence "i".
- e) The proposed lot line adjustment does not interfere with existing or proposed access and/or utility easements. A letter was submitted indicating that there is an easement obtained by prescriptive rights on the property. The claim of a prescriptive easement across the property is not within the County's jurisdiction to adjudicate. It is a civil matter to be considered by a Court upon a filing of such claim. If a prescriptive easement is found to exist by a court, it would not preclude approval of this Lot Line Adjustment
- f) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. To appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval. Prior to recordation of the Certificates, a deed must be recorded reflecting the Lot Line Adjustment (Condition 5).
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180259.

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

EVIDENCE: Pursuant to Monterey County Code Sections 19.09.005.G and 19.16.020.A of the Monterey County Subdivision Ordinance (Title 19 - Inland), the Board of Supervisors is the Appeal Authority to hear an appeal of the decision on this application.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Find that the Lot Line Adjustment qualifies for a categorical exemption as a minor alteration in land use limitation pursuant to §15305 of the CEQA Guidelines, and there are no exceptions pursuant to §15300.2; and
- B. Approve- a Lot Line Adjustment to reconfigure parcel boundaries between two legal lots of record; Parcel 1 (Assessor's Parcel Number 187-521-016-000, 11.18 acres) and Parcel 2 (Assessor's Parcel Number 187-512-019-000, 10.07 acres), resulting in Parcel A, (10.40 acres) and Parcel B (10.85 acres), respectively.

All in general conformance with the attached plan and 7 conditions of approval, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 13th day of March, 2019 upon motion of Diehl, seconded by Mendoza, by the following vote:

AYES: Ambriz, Coffelt, Diehl, Monsalve, Getzelman, Gonzalez, Mendoza, Roberts, Vandevere
NOES: None
ABSENT: Duflock
ABSTAIN: None


John M. Dugan, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON MAR 20 2019.

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 APR 01 2019

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.

NOTE

This entitlement expires 3 years after the above date of granting thereof unless certificates of compliance are recorded within this period.

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 _____.

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.

NOTE

This entitlement expires 3 years after the above date of granting thereof unless certificates of compliance are recorded within this period.

Monterey County RMA Planning

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

PLN180259

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Lot Line Adjustment permit (PLN180259) allows a Lot Line Adjustment to reconfigure parcel boundaries between two legal lots of record; Parcel 1 (Assessor's Parcel Number 187-521-016-000, 11.18 acres) and Parcel 2 (Assessor's Parcel Number 187-512-019-000, 10.07 acres) resulting in Parcel A (10.40 acres) and Parcel B (10.85 acres), respectively.

The properties are located approximately 900-feet northeast of the intersection of Carmel Valley Road and Del Fino Place at the former Carmel Valley Airport, Carmel Valley Village area (Assessor's Parcel Numbers 187-521-016-000 and 187-512-019-000), Carmel Valley Master Plan area.

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 RMA Chief of 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. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Development Permit to allow a Lot Line Adjustment (Resolution No. 19-006) was approved by the Monterey County Planning Commission on March 13, 2019 for Parcel 1 (Assessor's Parcel Number 187-521-016-000) and Parcel 2 (Assessor's Parcel Number 187-512-019-000) resulting in Parcel A (10.40 acres) and Parcel B (10.85 acres), respectively. The permit was granted subject to seven (7) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the RMA Chief of Planning prior to issuance of permits, certificates of compliance, or whichever occurs first and as applicable. (RMA - Planning)

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

3. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on March 13, 2022, unless a certificate of compliance is recorded. (RMA-Planning).

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall record a certificate of compliance pursuant to condition 5. as authorized and to the satisfaction of the RMA Chief of Planning. Any request for extension prior to the March 13, 2022 expiration date must be received by RMA-Planning at least 30 days prior to the expiration date.

4. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

5. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department:	RMA-Planning
Condition/Mitigation Monitoring Measure:	The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA - 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 RMA-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 fees for any additional separate assessments or combination assessments with the Assessor's Office.	

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

Responsible Department:	RMA-Planning
Condition/Mitigation Monitoring Measure:	Pursuant to Government Code Section 66412(d) of the Subdivision Map Act, the Owner/Applicant/Surveyor shall record a deed to reflect the lot line adjustment as shown for the Development Permit to allow a Lot Line Adjustment, PLN180259, Resolution No. 19-006, approved on March 13, 2019. The deed shall also reflect all easement boundaries (road, utility, hiking and scenic easements) of Lot 16 and Lot 19.
Compliance or Monitoring Action to be Performed:	Prior to recordation of Certificates of Compliance, the Owner/Applicant/Surveyor shall prepare a deed for recordation that includes the legal description of the newly configured parcels and identify all easement boundaries (road, utility, hiking and scenic easements) of Lot 16 and Lot 19 on each parcel to submit to RMA - Planning for review and approval. The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Owner/Applicant/Surveyor shall pay the fees to the Monterey County Recorder's Office associated with the recordation of deed.
Compliance or Monitoring Action to be Performed:	Prior to recordation of Certificates of Compliance, the Owner/Applicant/Surveyor shall prepare a deed for recordation that includes the legal description of the newly configured parcels and identify all easement boundaries (road, utility, hiking and scenic easements) of Lot 16 and Lot 19, and after it has been reviewed and approved by RMA - Planning. The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Owner/Applicant/Surveyor shall pay the fees to the Monterey County Recorder's Office associated with the recordation of deed.

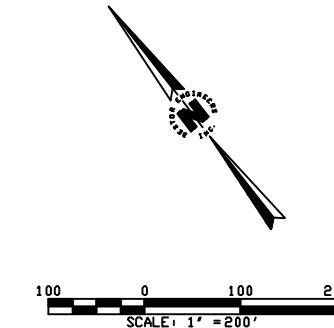
7. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel)

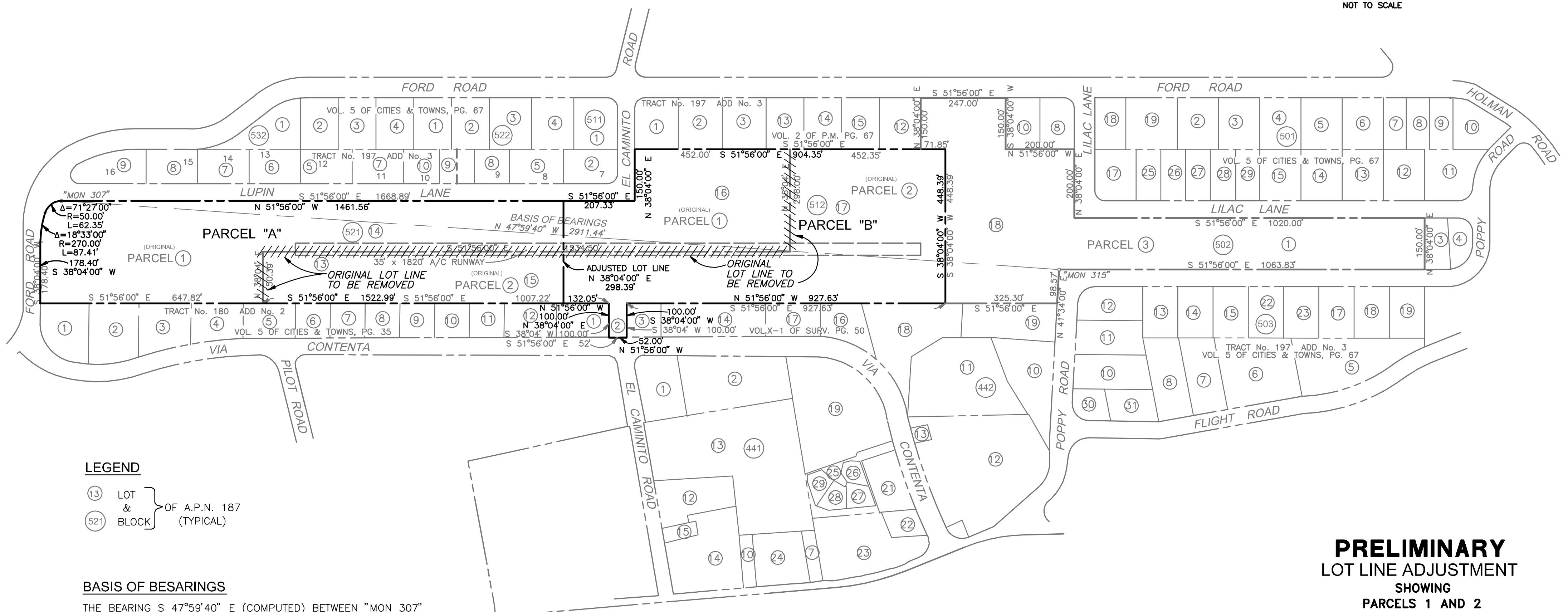
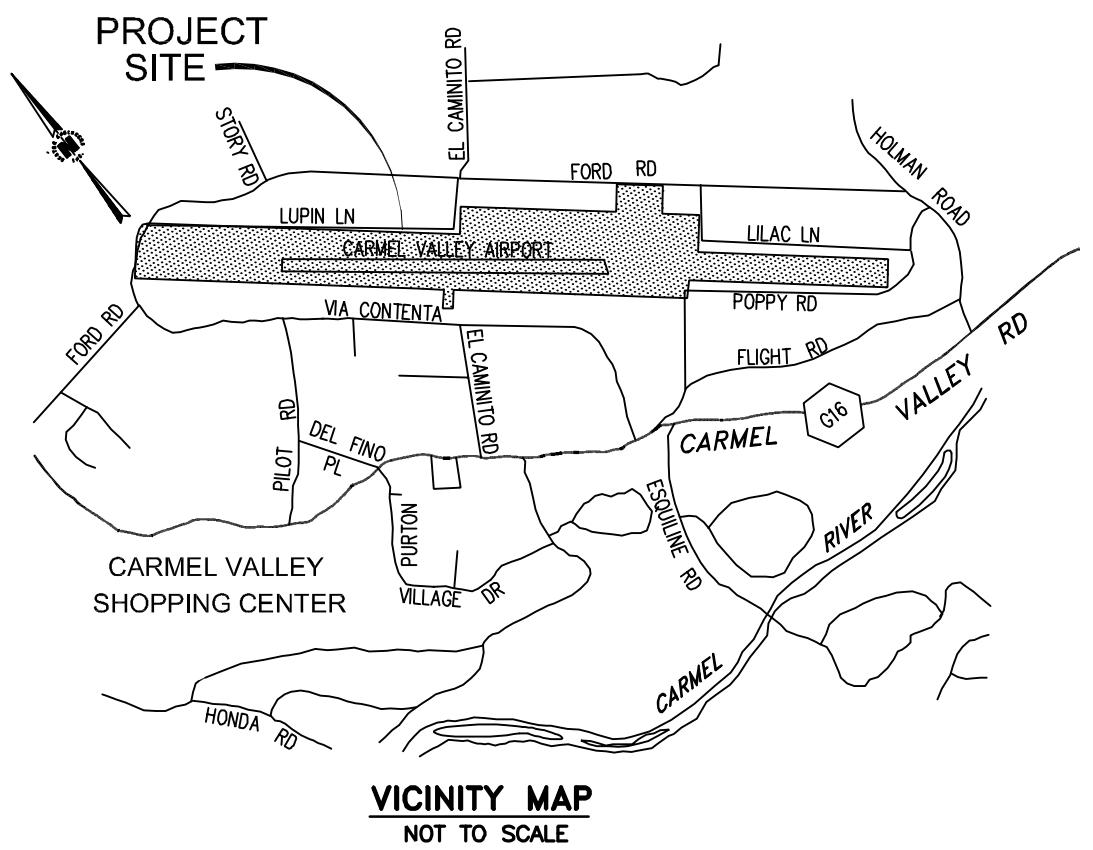
Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel



CURRENT AP#	ZONING
187-521-014 WESTERLY PARCEL 1	LDR / 1-D-S-RA2
187-512-016 EASTERLY PARCEL 1	LDR / 1-D-S-RA2
187-521-015 WESTERLY PARCEL 2	LDR / 1-D-S-RA2
187-512-017 EASTERLY PARCEL 2	LDR / 1-D-S-RA2

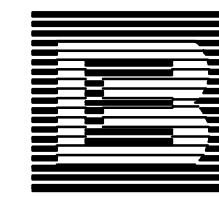
AREA TABULATION IN ACRES			
PARCEL	ORIGINAL	PARCEL	ADJUSTED
(1)	11.18 AC.	"A"	10.4 AC.
(2)	10.07 AC.	"B"	10.85 AC.
		21.25 AC.	21.25 AC.



NOTES

1. DIMENSIONS ARE EXPRESSED IN FEET AND DECIMALS THEREOF

CURRENT OWNER	ADDRESS
MARY DELFINO	5790 CARMEL KNOLLS DR. CARMEL, CA 93923



BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940
SCALE: 1" = 200' DATE: SEPTEMBER 6, 2018 W.O: 2737.01

PRELIMINARY LOT LINE ADJUSTMENT

SHOWING
PARCELS 1 AND 2
PER VOLUME 20 SURVEYS PAGE 107
MONTEREY COUNTY RECORDS
BEING A PORTION OF AIRWAY RANCH
IN PARCEL 4, RANCHO LOS LAURELES
COUNTY OF MONTEREY, CALIFORNIA

FOR
MARY DELFINO