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:

BARTLETT PROPERTY HOLDINGS C LLC (PLN220081) RESOLUTION NO. 23-014

Resolution by the Monterey County HCD Chief of Planning:

- 1) Finding the project Categorically Exempt per Section 15305 of the CEQA Guidelines; and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Lot Line Adjustment between two (2) legal lots of record consisting of Lot 10, approximately 5.00 acres (Assessor's Parcel Number 157-171-075-000), and Lot 12, approximately 3.00 acres (Assessor's Parcel Number 157-171-012-000), resulting in two (2) lots of 5.13 acres (Adjusted Lot 10) and 2.87 acres (Adjusted Lot 12), respectively.

[PLN220081, BARTLETT PROPERTY HOLDINGS C LLC, 5474 and 5472 Quail Way, Carmel, Carmel Valley Master Plan (Assessor's Parcel Numbers: 157-171-075-000 and 157-171-012-000)]

The BARTLETT PROPERTY HOLDINGS C LLC application (PLN220081) came on for an administrative decision hearing before the Monterey County HCD Chief of Planning on March 1, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented the Monterey County 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;
- Monterey County Subdivision Ordinance (Title 19); and
- Monterey County Zoning Ordinance (Title 21).

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) <u>Lot Legality.</u> The proposed project is a lot line adjustment between two legal lots of record consisting of:

- Lot 10; 5.00 acres (Assessor's Parcel Number 157-171-075-000),
- Lot 12; 3.00 acres (Assessor's Parcel Number 157-171-012-000) and

The subject parcels were created as Lot 10 (Assessor's Parcel Number 157-171-075-000) and Lot 12 (Assessor's Parcel Number 157-171-012-000) on map entitled, "Tract No. 1161, Quail Meadows", filed for record on August 28, 1991, in (Volume 17, Cities & Towns, Page 42). Amened by Certificates of Correction recorded April 7, 1993, in Reel 2928, Page 3, Official Records and recorded April 24, 1996, in Reel 3362, Page 1299, Official Records. A non-exclusive easement for sanitary sewer and storm drainage and incidental purposes runs northwest to southwest along the rear of both lots abutting the open space Parcel E.

- Allowed Use. The properties are located at 5474 and 5472 Quail Way, Carmel, Carmel Valley Master Plan (Assessor's Parcel Numbers: 157-171-075-000 and 157-171-012-000). The parcel is zoned Low Density Residential with Building Site 6, Visually Sensitive and Residential Allocation Zoning overlays and height restriction of 20 feet or "LDR/B-6-VS-RAZ(20')", which allows for the first single family dwelling per legal lot of record. Pursuant to Title 21 Sections 21.14.060.A and 21.42.030.F.1, the minimum building site for LDR zoning district is one acre. The proposed lot line adjustment is between two legal lots of record owned by the same property owner. Lot 10 is 5-acres and Lot 12 is 3-acres. Pursuant to Title 19 Section 19.09.025.B, a lot line adjustment may be granted based on the following findings, "the lot line adjustment is between two (or more) existing adjacent parcels, a greater number of parcels than originally existed will not be created as a result of the lot line adjustment, and the parcels resulting from the lot line adjustment conforms to County zoning and building ordinances or to facilitate the relocation of existing utilities, infrastructure, or easements." As proposed, Lot 10 will gain 0.13 acres resulting in 5.13 acres, and Lot 12 will lose 0.13-arces resulting in 2.87, which meets the minimum building site standards for a lot line adjustment. Additionally, the purpose of the lot line adjustment is to move driveway access and associated utilities of undeveloped Lot 12 away from Lot 10 to reduce noise and potential view impacts from the backyard of developed Lot 10. Therefore, the project is an allowed land use for this site.
- d) <u>Land Use Advisory Committee (LUAC) Review.</u> The project was not referred to the Carmel Valley LUAC as it does not meet the criteria for referral outlined in Board of Supervisors Resolution No. 15-103.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220081.
- 2. **FINDING:** SITE SUITABILITY The site is physically suitable for the proposed development and/or use.
 - **EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and

Cypress Fire Prevention District (FPD). County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development.

- b) As demonstrated in Finding 1, Evidence "c", the resulting lots will not intensify water use, create new building or potential development.
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220081.

3. 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:

- The project was reviewed by HCD-Planning, HCD- Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Cypress FPD. 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 existing and currently serve both parcels. No changes to the current connections are proposed for this project.
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220081.

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 Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
- b) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN220081.

5. FINDING:

LOT LINE ADJUSTMENT - The adjustment of the parcels is consistent with Section 66412 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision ordinance – Inland) of the Monterey County Code, which states that lot line adjustments may be granted based upon the following findings:

- 1. The LLA 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 LLA; and
- 3. The parcels resulting from the LLA conform to the County's 2010 General Plan, the North County Area Plan, and applicable building

ordinances and do not conflict in a significant way with Title 21, the applicable Zoning Ordinance.

EVIDENCE:

- The parcels have the same zoning designation of Low Density Residential with Building Site 6, Visually Sensitive and Residential Allocation Zoning overlays and height restriction of 20 feet or "LDR/B-6-VS-RAZ(20')". See Finding 1, Evidence "b" and "c".
- b) The Lot Line Adjustment (LLA) is between two (2) legal lots of record consisting of Lot 10, approximately 5.00 acres (Assessor's Parcel Number 157-171-075-000), and Lot 12, approximately 3.00 acres (Assessor's Parcel Number 157-171-012-000), resulting in two (2) lots of 5.13 acres (Adjusted Lot 10) and 2.87 acres (Adjusted Lot 12), respectively.
- c) The LLA will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted, resulting in two contiguous legal parcels of record. Therefore, no new parcels will be created.
- d) The LLA is consistent with the Title 21 and County staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, and no violations exist on the property (see Findings No. 1, 2, and 4).
- e) As an exclusion to the Subdivision Map Act, the Lot Line Adjustment does not require recordation of a map. To appropriately document the boundary changes, the Owner/Applicant shall record a deed for the respective parcels to reflect the adjustment (Condition No. 4) and a Certificate of Compliance for each new lot shall be filed per a standard condition of approval (Condition No. 5).
- f) A condition has been applied requiring the applicant to update the legal description of the properties and record new Certificates of Compliance with the Monterey County Recorder's Office (Condition No. 5).
- g) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN220081.

6. FINDING:

CEQA (Exempt) – The project is a lot line adjustment, which 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 that do not result in the creation of any new parcel.
- b) The subject application for a lot line adjustment is minor in nature and will not result in the creation of any new parcel. See subsequent Finding 5.
- 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.

d) 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 PLN220081.

7. **FINDING:** APPEALABILITY – The decision on this project may be appealed to the

Board of Supervisors.

EVIDENCE: Pursuant to Section 19.16.020.A of Title 19, the Board of Supervisors is

the Appeal Authority to consider appeals from the discretionary decisions of the Director of Planning made pursuant to this title.

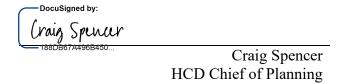
DECISION

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

- 1. Find the project Categorically Exempt per Section 15305 of the CEQA Guidelines; and there are no exceptions pursuant to Section 15300.2; and
- 2. Approve a Lot Line Adjustment between two (2) legal lots of record consisting of Lot 10, approximately 5.00 acres (Assessor's Parcel Number 157-171-075-000), and Lot 12, approximately 3.00 acres (Assessor's Parcel Number 157-171-012-000), resulting in two (2) lots of 5.13 acres (Adjusted Lot 10) and 2.87 acres (Adjusted Lot 12), respectively.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 1st day of March 2023.



COPY OF THIS DECISION MAILED TO APPLICANT ON DATE March 01, 2023.

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 SECRETARY OF THE PLANNING ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE March 13, 2023.

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 Monterey County 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

PLN220081

1. PD001 - SPECIFIC USES ONLY

Responsible Department: HCD-Planning

Condition/Mitigation Monitoring Measure:

This Lot Line Adjustment (PLN220081) allows a Lot Line Adjustment between two (2) legal lots of record consisting of Lot 10, approximately 5.00 acres (Assessor's Parcel Number 157-171-075-000), and Lot 12, approximately 3.00 acres (Assessor's Parcel Number 157-171-012-000), resulting in two (2) lots of 5.13 acres (Adjusted Lot 10) and 2.87 acres (Adjusted Lot 12), respectively. The property is located at 5474 and 5472 (Assessor's Parcel Numbers Quail Way, Carmel, 157-171-012-000 and 157-171-075-000), Carmel Valley Master Plan. This permit was approved 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. 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 ongoing basis unless otherwise stated.

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2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: HCD-Planning

Condition/Mitigation Monitoring Measure:

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

"A Lot Line Adjustment (Resolution Number 23-014) was approved by HCD Chief of Planning for Assessor's Parcel Numbers 157-171-012-000 and 157-171-075-000 on March 1, 2023. The permit was granted subject to 6 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 Monitoring Action to be Performed:

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

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department:

HCD-Planning

Condition/Mitigation Monitoring Measure:

during the course of construction, cultural, archaeological, historical paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a archaeologist archaeologist registered qualified (i.e., an with the Register Professional Archaeologists) immediately contacted shall be by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.

(HCD - Planning)

Compliance or Monitoring Action to be Performed:

The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

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

Responsible Department:

HCD-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, PLN220081. 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.

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5. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: HCD-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.

6. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: HCD-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.

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