

**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:

VALDEZ CISNEROS JUAN JOSE & CISNEROS MARIA (PLN230012)

RESOLUTION NO. 23-085

Resolution by the County of Monterey Chief of Planning:

- 1) Finding that the project qualifies for a Class 5 Categorical Exemption pursuant to 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 legal lots of record consisting of: Parcel A, containing 0.59 acres (25,700 Sq. Ft.) and Parcel B, containing 0.09 acres (4,106 Sq. Ft.); resulting in two parcels containing 0.567 acres (Adjusted Parcel A) and 0.11 acres (Adjusted Parcel B), respectively.

[24673 & 24681 Grant Street, Chualar, Central Salinas Valley Area Plan (APNs 145-061-007-000 and 145-061-008-000)]

The VALDEZ CISNEROS JUAN JOSE & CISNEROS MARIA (PLN230012) came on for hearing before the Monterey County Chief of Planning on December 6, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the 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;
 - Central Salinas Valley Area Plan;
 - Monterey County Zoning Ordinance – (Title 21); and
 - 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) The properties are located at 24673 & 24681 Grant Street, Chualar (Parcel A; Assessor's Parcel Number 145-061-007-000, Parcel B; Assessor's Parcel Number: 145-061-008-000), Central Salinas Valley Area Plan. The parcels are zoned High Density Residential, 10 units per acre, or "HDR/10". The project complies with all regulations within

section 19.09 “Lot Line Adjustments” of the Monterey County Code. The lot line adjustment will bring a non-conforming lot (Parcel B) into compliance with the required minimum building site for the HDR district. Therefore, as proposed, the project involves an allowed land use for this site.

- c) Project Scope. The project involves a Lot Line Adjustment (LLA) between two legal lots of record: Parcel A, containing 25,700 Sq. Ft. (Assessor's Parcel Number 145-061-007-000) and Parcel B, containing 4,106 Sq. Ft. (Assessor's Parcel Number 145-061-008-000). The adjustment would transfer 1,000 Sq. Ft. from Parcel A to Parcel B resulting in reducing the size of Adjusted Parcel A to 24,700 Sq. Ft. and increasing the size of Adjusted Parcel B to 5,106 Sq. Ft. Parcel A is developed with residential uses while Parcel B is undeveloped and there is no development proposed with the LLA application.
- d) Lot Legality. The subject properties are identified in their current size and configuration and shown under separate ownership in a Record of Survey filed November 24, 1954 in Volume 5 of Surveys Page 18. This is consistent with what is shown in the 1964 and 1972 Assessor's Books, Book 145 Page 6, and illustrated as portion of Lot 8B and all of Lot 8A, in the Office of the County Recorder of the County of Monterey, State of California. Therefore, the subject properties are recognized by the County as legal lots of record.
- e) Subdivision Map Act Consistency. Pursuant to Section 66412(d) of the Subdivision Map Act (SMA), the SMA is inapplicable to the lot line adjustment because the LLA is between four or fewer adjoining parcels and a greater number of parcels than previously existed is not being created. See Finding No. 6 and supporting evidence.
- f) The subject parcels are zoned and used for residential purposes. Neither of the subject parcels are under Williamson Act contract or used for agricultural purposes.
- g) At this time, the County is only authorizing and granting a permit for an LLA. For any future structural development on the adjusted parcel, the applicants must obtain the proper permits from the County and comply with the development standards, other policies and regulations at the time.
- h) Development Standards. The development standards for HDR zoning are identified in Title 21 Section 21.10.060. Parcel A is a developed lot with an existing single family dwelling unit and Parcel B is currently undeveloped. The proposed LLA would not preclude either lot from future development consistent with the HDR zoning. There is no development proposed with this LLA, therefore development standards including maximum lot coverage, setbacks, maximum structure height and density are not applicable to this project.
- i) Site Inspection. HCD-Planning staff reviewed aerial imagery of the properties using Monterey County GIS, to verify that the proposed project conforms to the applicable plans and regulations.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN230012.

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, HCD-Engineering Services, HCD-Environmental Services, Monterey County Regional Fire Protection District and the Environmental Health Bureau. County staff reviewed the application materials and plans, as well as the County’s GIS database, to verify that the project conforms to the applicable plans, and that the subject property is suitable for the proposed Lot Line Adjustment. There has been no indication from these departments/agencies that the site is not suitable, additionally, recommended conditions have been incorporated.
 - b) There are no physical or environmental constraints that would indicate that the property is not suitable for the use proposed. See also Finding Nos. 3 and 5, and supporting evidence.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD-Planning for the proposed development are found in Project File PLN230012.
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:**
- a) The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Monterey County Regional Fire Protection District 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) Environmental Health Bureau reviewed the application to ensure the lot line adjustment would not preclude future development from having necessary utilities for a habitable structure. Their review established that it would not.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD-Planning for the proposed development are found in Project File PLN230012.
4. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412(d) of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance – Coastal) of the Monterey County Code (MCC) allow a lot line adjustment that meets the following standards:
- 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 parcels resulting from the lot line adjustment conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.
- EVIDENCE:**
- a) The parcels are zoned High Density Residential, 10 units per acre (HDR/10).
 - b) The two subject parcels have a combined area of 0.68 acres. The proposed Lot Line Adjustment between two legal lots consisting of: Parcel A, containing 0.59 acres (25,700 Sq. Ft.) (Assessor's Parcel Number 145-061-007-000) and Parcel B, containing 0.09 acres (4,106 Sq. Ft.) (Assessor's Parcel Number 145-061-008-000). The adjustment would result in two conforming parcels, a 0.5670 acre (24,700 Sq. Ft.) parcel [Adjusted Parcel A] and a 0.1172 acre (5,106 Sq. Ft.) parcel [Adjusted Parcel B], respectively.
 - c) As illustrated in the attached plans, the lot line adjustment is between four or fewer existing adjoining parcels.
 - d) 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, resulting in two contiguous separate legal parcels of record.
 - e) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 21) and the Monterey County Subdivision Ordinance (Title 19). County staff verified that both properties are in compliance with all rules and regulations pertaining to the use of the property, and that there are no known violations exist on either property (see Finding Nos. 1, 2, and 3; and supporting evidence).
 - f) The subject properties are zoned and used for residential purposes. None of the properties are under Williamson Act contract or used for agricultural purposes.
 - g) The proposed lot line adjustment does not interfere with existing access and/or utility easements, which will remain unchanged.
 - h) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. To appropriately document the boundary changes, the owner/applicant shall prepare, execute and record deeds that reflect the Lot Line Adjustment as required by California Government Code section 66412(d) (Condition No. 3) and a Certificate of Compliance for each adjusted lot is required per a standard condition of approval (Condition No. 4).
 - i) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN230012.

5. **FINDING:** **NO VIOLATIONS** - The subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No known violations exist on the properties.
- EVIDENCE:**
- a) County staff reviewed Monterey County HCD-Planning and HCD-Building Services records, and the County is not aware of any violations existing on the subject properties.
 - b) 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 PLN230012.

6. **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 to land use limitations, including lot line adjustments. In accordance with this section, no new lots will result from the proposed LLA (PLN230012).
 - b) No demolition, construction, or other type of development is proposed under this entitlement.
 - c) The lot line adjustment would not intensify the level of development allowed on the parcels. Each legal lot zoned for residential use is allowed the first single family dwelling. Although Existing Parcel A is currently non-conforming in terms of minimum lot size for development, the existing first single family dwelling on the lot is allowed. Both parcels have the same zoning and density which would allow 10 dwelling units per acre. Approval of this lot line adjustment would allow Adjusted Parcel B to meet the minimum size lot for development in the HDR zoning district. Adjusted Parcel A would maintain consistency with the allowed lot size. The adjustment would not affect the number of potential dwellings allowed between the two existing parcels.
 - d) No adverse environmental impacts were identified during staff review of the development application.
 - e) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project:
 - The proposed Lot Line Adjustment will not occur in an area with an average slope of 20% or greater;
 - Successive projects of the same type and in the same place would not contribute to a significant cumulative impact;
 - There are no unusual circumstances regarding this project that would cause a significant impact to the environment (see Findings 1 and 2);
 - The project site is not visible from any scenic highways, and the proposed development would not result in damages to scenic resources; and
 - The project site is not located on or near any hazardous waste sites listed in Section 65962.5 of the Government Code.
 - f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN230012.
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 of the Monterey County Subdivision Ordinance (Title 19) allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of the Chief of Planning.

DECISION

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

1. Find that the project, as a lot line adjustment, qualifies for a Class 5 Categorical Exemption pursuant to 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 legal lots of record consisting of: Parcel A, containing 0.59 acres (25,700 Sq. Ft.) and Parcel B, containing 0.09 acres (4,106 Sq. Ft.); resulting in two parcels containing 0.567 acres (Adjusted Parcel A) and 0.11 acres (Adjusted Parcel B), 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 6th day of December, 2023:

DocuSigned by:
Melanie S Beretti
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Melanie Beretti, AICP
HCD Acting Chief of Planning

COPY OF THIS DECISION MAILED TO THE APPLICANT ON **DECEMBER 8, 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 CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DECEMBER 18, 2023**.

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 permit expires 2 years after the above date of granting thereof unless certificates of compliance are recorded within this period.

County of Monterey HCD Planning

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

PLN230012

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Lot Line Adjustment permit (PLN230012) allows a lot line adjustment between two legal lots of record consisting of: Parcel A, containing 0.59 acres (25,700 Sq. Ft.) and Parcel B, containing 0.09 acres (4,106 Sq. Ft.); resulting in two parcels containing 0.567 acres (Adjusted Parcel A) and 0.11 acres (Adjusted Parcel B), respectively. The properties are located at 24673 & 24681 Grant Street, Chualar (Assessor's Parcel Numbers 145-061-007-000 & 145-061-008-000), Central Salinas Valley 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 ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Lot Line Adjustment Permit (Resolution Number 23-085) was approved by the Chief of Planning for Assessor's Parcel Numbers 145-061-007-000 & 145-061-008-000 on December 6, 2023. 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 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. 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, PLN230012. 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

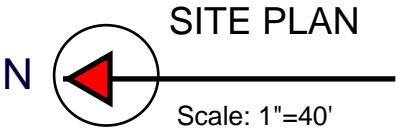
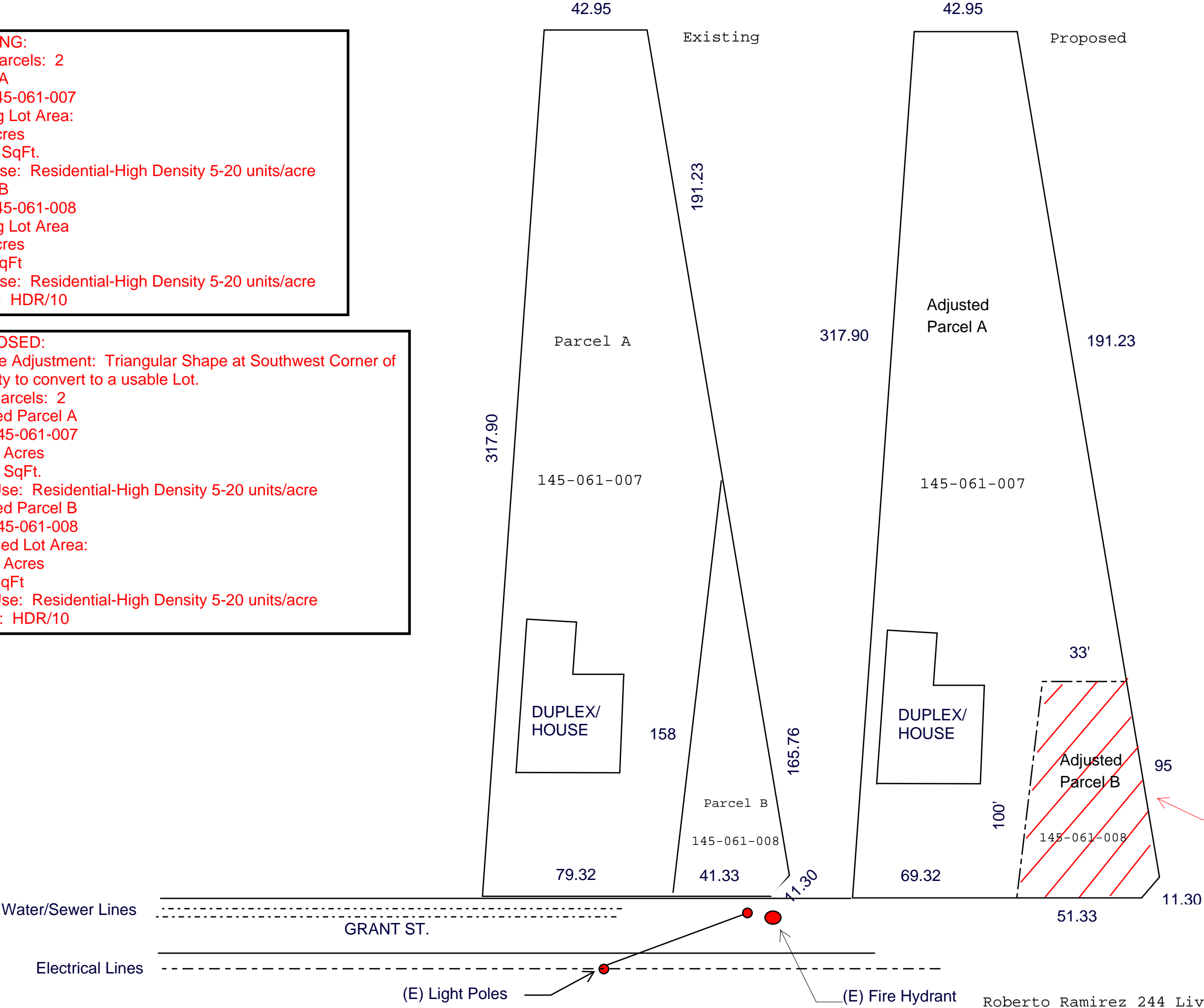
Condition/Mitigation Monitoring Measure: The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (HCD - Planning)

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.

EXISTING:
Total Parcels: 2
Parcel A
APN 145-061-007
Existing Lot Area:
0.59 Acres
25,700 SqFt.
Land Use: Residential-High Density 5-20 units/acre
Parcel B
APN 145-061-008
Existing Lot Area
0.09 Acres
4106 SqFt
Land Use: Residential-High Density 5-20 units/acre
Zoning: HDR/10

PROPOSED:
Lot Line Adjustment: Triangular Shape at Southwest Corner of
Property to convert to a usable Lot.
Total Parcels: 2
Adjusted Parcel A
APN 145-061-007
0.5670 Acres
24,700 SqFt.
Land Use: Residential-High Density 5-20 units/acre
Adjusted Parcel B
APN 145-061-008
Proposed Lot Area:
0.1172 Acres
5106 SqFt
Land Use: Residential-High Density 5-20 units/acre
Zoning: HDR/10



OWNERS: Juan Jose Cisneros Valdez
and Maria Cisneros
PROPERTY ADDRESS:
24673 Grant St.
Chualar, Ca 93925