

Exhibit B

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DRAFT RESOLUTION

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

In the matter of the application of:

Regan (PLN160481)

RESOLUTION NO. ----

Resolution by the Monterey County Director of
Planning Commission:

- 1) Finding the project Categorical exempt from CEQA per Section 15305(a) of the CEQA Guidelines; and
- 2) Approving the Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record: Assessor's Parcel Number 243-112-025-000 (2.71 acres) and Assessor's Parcel Number 243-112-026-000 (5.81 acres) resulting in Lot 1 (2.46 acres) and Lot 2 (6.06 acres) respectively.

[PLN160481, Sharon Regan, 53A Riley Ranch Road, Carmel, Carmel Area Land Use Plan (APN: 243-112-025-000 & 243-112-026-00)]

The Regan application (PLN160481) for a Coastal Development Permit to allow a Lot Line Adjustment came on for public hearing before the Monterey County Planning Commission on February 22, 2017. 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** – 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 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan;
 - Monterey County Zoning Ordinance (Title 20);
 - 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 property is located at 53A Riley Ranch Road, Carmel (Assessor's Parcel Numbers 243-112-025-000 & 243-112-026-00), Carmel Area Land Use Plan. The parcel is zoned Visitor Serving Commercial with Design Approval and Special Treatment Area overlay districts, Coastal Zone or "VSC/D-SpTr (CZ)," which allows for a Coastal

Development Permit to adjust two adjacent parcels. Therefore, the project is an allowed land use for this site.

- c) The purpose of Visitor Serving Commercial zoning is to provide a district to establish areas necessary to serve the needs of visitors and traveling public to Monterey County. The proposed lot line adjustment is consistent with this use. The minimum lot size of this district is one acre for areas served by septic systems (Section 20.22.070.G of Title 20) and the proposed reconfiguration of the two parcels meets this minimum. Any future development will be required to be consistent with the requirements of this district.
- d) The purpose of the Design Control overlay (Section 20.44.010 of Title 20) is to provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences in those areas of the County where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and assure visual integrity. The proposed lot line adjustment does not include construction of structures. Therefore, design review is not required. However, any future development shall be consistent with the regulations contained in the Design Control district. In regards to neighborhood character, the Carmel/Carmel Highlands LUAC (see subsequent Evidence g) found the proposed lot line adjustment to be consistent with the neighborhood character.
- e) As depicted on Figure 2, Special Treatment Areas, of the Carmel Area Land Use Plan, the subject properties are found within the Riley Ranch Flatlands Special Treatment Area. Policy 4.4.3.F states that the purpose of Special Treatment Areas is to facilitate a comprehensive planned approach for specifically designation properties where a mix of uses are permitted and/or where there are unique natural and scenic resources or significant recreational/visitor-serving opportunities. This policy states that particular attention shall be given towards siting and planning development to be compatible with existing resources and adjacent land uses. A single family dwelling exists on APN 243-112-026-000 and based on staff's analysis, the proposed lot line adjustment is compatible with the residential development. Policy 4.4.3.F.4 of the Carmel Area Land Use Plan states that the existing residential density on the Flatlands portion of the Ranch is permitted to remain at 10 units on the 143 Riley acres. The proposed lot line adjustment will not result in additional residential density and therefore is consistent with this policy.
- f) Section 19.09.005.A of the Monterey Subdivision Ordinance (Coastal) states that review and approval of lot line adjustments shall be limited to a determination of whether or not the resulting parcels will conform to County Zoning and Building Ordinance. Therefore, any conditions or exactions imposed shall be limited this conformity, except to facilitate the relocation of existing utilities, infrastructure, or easements. As discussed in previous evidence, the proposed lot line adjustment is consistent with the property's zoning. Furthermore, there are no existing utilities, infrastructure, or easements that require relocation. The proposed adjustment is minor in nature and the resulting lots would not create additional impacts to protected resources of the Carmel Area Land Use Plan, such as environmental

sensitive habitats, cultural, viewshed, and water quality through erosion and sedimentation. Additional evidence regarding consistency of the proposed lot line adjustment and the Subdivision Map Act and Title 19 can be found in Finding No. 6.

- g) The project was referred to the Carmel/Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because it involves a lot line adjustment in the Coastal Zone.
- h) The project planner conducted a site inspection on November 7, 2016 to verify that the project on the subject parcel conforms to the plans listed above.
- i) 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 PLN1604881.

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: RMA-Planning, Carmel Highlands Fire Protection District, RMA-Public Works, Environmental Health Bureau, and Water Resources Agency. 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) The resulting lots of the lot line adjustment will remain physically suitable (see Finding Nos. 1 and 6).
 - c) Staff conducted a site inspection on November 7, 2016 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 Monterey County RMA-Planning for the proposed development found in Project File PLN160481.

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 the RMA-Planning, Carmel Highlands Fire Protection District, RMA-Public Works, Environmental Health Bureau, and Water Resources Agency. 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) Staff conducted a site inspection on November 7, 2016 to verify that the site is suitable for this use.
 - c) The application, plans and supporting materials submitted by the

project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN160481.

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 RMA-Planning and RMA-Building Services records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on November 7, 2016 to verify that the site has no violations.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN160481.
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(a) categorically exempts minor alterations in land use limitations, such as lot line adjustments.
 - b) The proposed lot line adjustment would not create an additional lot or allow for a greater density than allowed in the Carmel Area Land Use Plan (see Finding 1, Evidence e). In addition, the lot line adjustment would not result in the creation of a lot where the only buildable area would impact any identified resources.
 - c) 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) No adverse environmental effects were identified during staff review of the development application during a site visit on November 7, 2016.
 - 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 PLN160481.
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 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 parcel is zoned Visitor Serving Commercial with Design Approval and Special Treatment Area overlay districts, Coastal Zone or “VSC/D-SpTr (CZ).”
 - b) The subject properties consist of one 2.71 acre parcel (APN 243-112-025-000) and one 5.81 acre parcel (APN 243-112-026-000) with a project area totaling 8.52 acres. In order to create a more desirable building area on APN 241-112-025-000, the applicant has applied to adjust the northeastern property line resulting in proposed lot line adjustment.
 - c) The lot line adjustment is between two existing adjoining parcels that share a north and south boundary line.
 - 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 and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
 - e) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). 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.
 - f) Water and wastewater facilities for the two parcels are provided by on-site wells and septic facilities. The resulting lots meet the minimum lot size described in Section 20.22.070.G of Title 20 (see Finding 1, Evidence c). Furthermore, the proposed lot line adjustment was referred to the Environmental Health Bureau and no comments or issues were identified. In addition, no conditions of approval were recommended.
 - g) No easements would be affected as a result of the lot line adjustment. See Finding No. 1, Evidence f.
 - h) 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 each new lot is required per a standard condition of approval.
 - i) The Monterey County RMA-Public Works has applied a standard condition of approval requiring the applicant to record a Record of Survey showing the new lines and their monumentation.
 - j) The project planner conducted a site inspection on November 7, 2016 to verify that the project would not conflict with zoning or building ordinances.
 - k) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN160481.

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

EVIDENCE: Section 20.86.030.A of the Monterey County Zoning Ordinance.

DECISION

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

- A. Find the project exempt from CEQA per Section 153305(a) of the CEQA Guidelines; and
- B. Approve the Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record: Assessor's Parcel Number 243-112-025-000 (2.71 acres) and Assessor's Parcel Number 243-112-026-000 (5.81 acres) resulting in Lot 1 (2.46 acres) and Lot 2 (6.06 acres) respectively. in general conformance with the attached sketch and subject to the conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 22nd day of February 22, 2017 upon motion of _____, seconded by _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jacqueline R. Onciano, Planning Commission Secretary

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 SECRETARY OF THE PLANNING COMMISSION 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.

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 RMA-Planning and RMA-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.

Monterey County RMA Planning

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

PLN160481

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit (PLN160481) allows a Lot Line Adjustment between two legal lots of record: Assessor's Parcel Number 243-112-025-000 (2.71 acres) and Assessor's Parcel Number 243-112-026-000 (5.81 acres) resulting in Lot 1 (2.46 acres) and Lot 2 (6.06 acres) respectively. The properties are located at 53 A Riley Ranch Road, Carmel, Carmel Area Land Use Plan, Coastal Zone. 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 RMA - 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 [Type of Permit] (Resolution Number 160481) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 243-112-025-000 & 243-112-026-000 on [Date the permit was approved]. The permit was granted subject to 5 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 Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - 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 RMA - Planning.

3. 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.

4. 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 the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

DRAFT



APN
243-112-005

N 44°37'30" W
825.00'

APN
243-112-005

S 45°22'30" W
450.00'

EXISTING DRIVE
TO
HIGHWAY 1

S 45°22'30" W
400.00'

S 44°37'30" E
370.00'

LOT 2
(5.81 AC)
-A2 .14 AC
+A1 .33 AC
(6.00 AC)
+A3 .06 AC
(6.06 AC)

REEL3049 PG1060

APN
243-113-001

N 44°37'30" W
S 44°37'30" E 825.00'

70.24'
S 62°00'34" W
120.00'

SET NEW LINE POINT

S 56°58'54" E
113.84'

A2=.14 AC

N 62°00'34" E
107.70'

N 85°52'46" W
291.49'

JUNE 2016
LOT LINES
TO BE REMOVED

SET NEW LINE POINT

A3=0.06 AC

ORIGINAL
LOT LINES

NEW ADJUSTED
LOT LINE

SET NEW LINE POINT

S 44°37'30" E
136.36'

A1=.33 AC

S 33°44'23" E
230.64'

SET NEW LINE POINT

REEL3382 PG60

LOT 1
(2.71 AC)
-A1 .33 AC
+A2 .14 AC
(2.52 AC)
-A3 .06 AC
(2.46 AC)

139.62'
238.83'
99.21'
211.17'

APN
243-112-005

FENCE
GATE
FENCE



BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940
831.373.2941 831.649.4118 F WWW.BESTOR.COM

PREPARED FOR: SHARON REGAN

COUNTY OF MONTEREY,

EXHIBIT A
53A RILEY RANCH ROAD
PORTION OF SAN JOSE Y SUR CHIQUITO RANCHO
CARMEL, CALIFORNIA

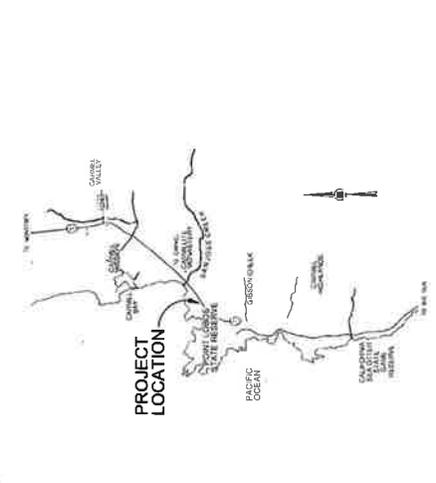
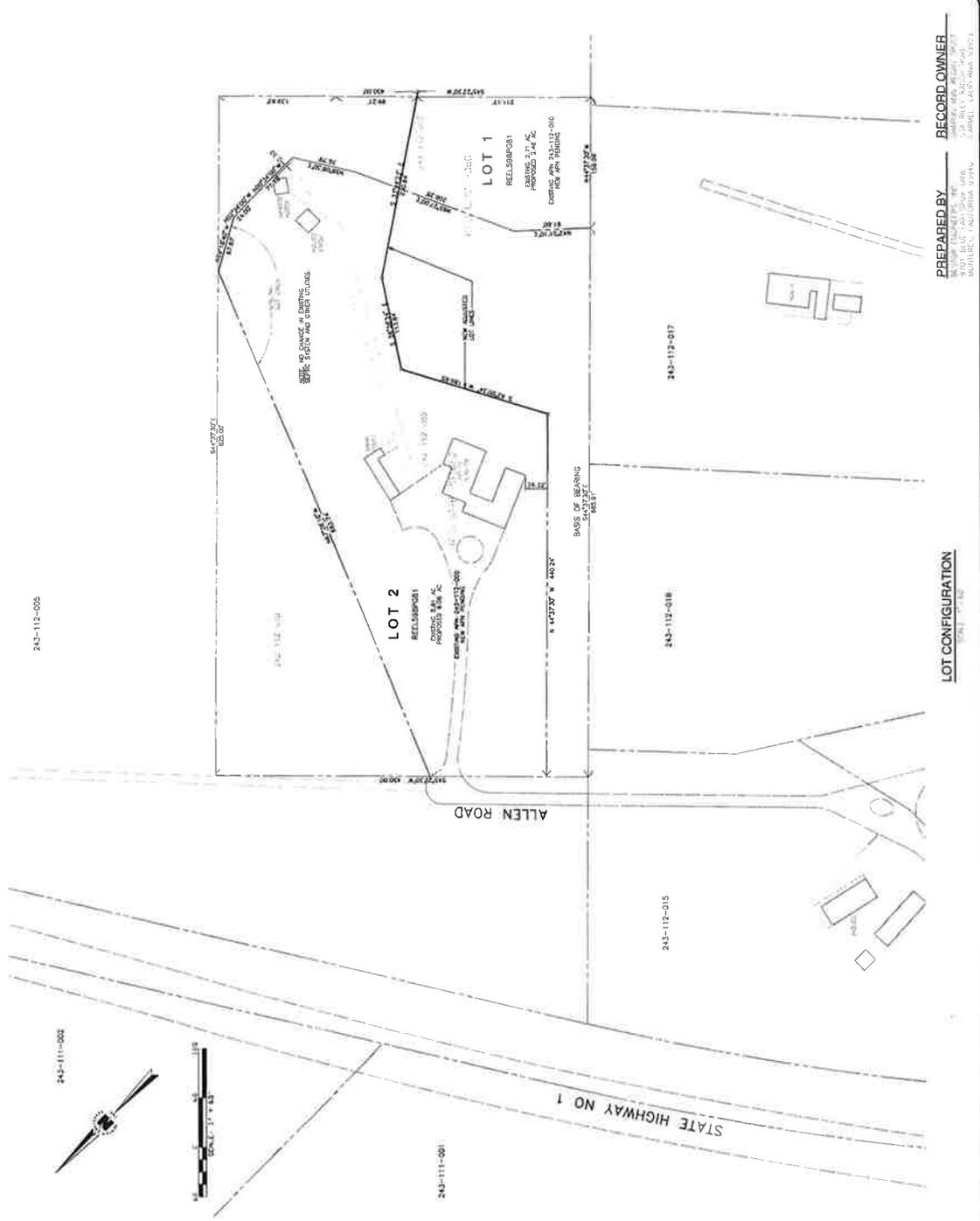
SCALE:	1" = 100'
DATE:	9/22/16
SHEET:	1 OF 1
WD:	6897.00

CALIFORNIA

L:\6897\Draws\Plannets\EXHIBIT A.DWG - sba\jrf - SEPT 22, 2016 - 10:17:31

NOTES:

- 1. ALL EXISTING AND PROPOSED LOT LINES SHALL BE SHOWN ON THIS MAP.
- 2. ALL EXISTING AND PROPOSED LOT LINES SHALL BE SHOWN ON THIS MAP.
- 3. ALL EXISTING AND PROPOSED LOT LINES SHALL BE SHOWN ON THIS MAP.



VICINITY MAP

PROJECT INFORMATION

LOT 1
 EXISTING APN: 243-112-010
 LOCATION: 53A RILEY RANCH ROAD, CARMEL, CA 93923
 ZONING: VSC/D-SFTR(CZ)
 LAND USE: SMALL LOTS RESIDENTIAL (MFR)

LOT 2
 EXISTING APN: 243-112-008
 LOCATION: 53A RILEY RANCH ROAD, CARMEL, CA 93923
 ZONING: VSC/D-SFTR(CZ)
 LAND USE: SMALL LOTS RESIDENTIAL

BASIS OF BEARING

SEE PLAN

BENCHMARK

SEE PLAN

LEGEND

- MONUMENT
- EXISTING PROPERTY LINE
- - - - - PROPOSED PROPERTY LINE

LOT AREA

LOT	EXISTING LOT AREA	PROPOSED LOT AREA	BUILDING FOOTPRINT	PAVING	COVERED
1	10,000	8,500	1,500	1,000	1,000
2	10,000	8,500	1,500	1,000	1,000

NOTES

- 1. ALL EXISTING AND PROPOSED LOT LINES SHALL BE SHOWN ON THIS MAP.
- 2. ALL EXISTING AND PROPOSED LOT LINES SHALL BE SHOWN ON THIS MAP.
- 3. ALL EXISTING AND PROPOSED LOT LINES SHALL BE SHOWN ON THIS MAP.

DATE: _____
 EXISTING: _____
 PROPOSED: _____
 DRAWN BY: _____
 CHECKED BY: _____
 SCALE: 1" = 60'

REVISIONS

NO.	DATE	DESCRIPTION
1		



BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93840

PREPARED FOR: SHARON BEGAN
 RILEY RANCH ROAD LOT LINE ADJUSTMENT
 53A RILEY RANCH ROAD
 CARMEL, CALIFORNIA
 COUNTY OF MONTEREY

RECORD OWNER: _____
 PREPARED BY: _____
 SCALE: 1" = 60'
 DATE: 7/27/15
 SHEET: 1
 NO: 6887