

# Exhibit C

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## **DRAFT RESOLUTION**

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

In the matter of the application of:

**Akiyama (PLN160429)**

#### **RESOLUTION NO.**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding the project Categorically exempt from CEQA per Section 15305(a) of the CEQA Guidelines; and
- 2) Approving a Coastal Development Permit to allow a Lot Line Adjustment merging four, 1.02-acre lots, into two, 2.04-acre lots.

(PLN160429), Akiyama, 471 Elkhorn Road, North  
County Land Use Plan (Portion of APN 119-071-  
005-000; Lots 7, 8, 9 and 10)

**The Akiyama application (PLN160429) for a Coastal Development Permit to allow a Lot Line Adjustment merging four lots two lots came for public hearing before the Monterey County Planning Commission on October 26, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Monterey County 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. The site is physically suitable for the use proposed.  
**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;
  - North County Land Use Plan;
  - Monterey County Coastal Implementation Plan Part 2;
  - Monterey County Zoning Ordinance (Title 20);
  - Monterey County Subdivision Ordinance (Title 19);Parcel B of the Lot Line Adjustment would contain two dwelling units which does not conform to the 2.5 acre per unit density of the Zoning, however, this condition predates the subject application and the condition will not be exacerbated by the Lot Line Adjustment. The Lot Line Adjustment address existing non-conforming structure setbacks and bring the setbacks into conformance with the zoning requirements.  
b) The property is located at 471 Elkhorn Road, Royal Oaks (Portion of Assessor's Parcel Number 119-071-005-000, Lots 7, 8, 9 and 10) North County Land Use Plan. The lots are zoned "LDR/2.5 (CZ)"

[Low Density Residential, 2.5 acres per unit, Coastal Zone], which allows for lot line adjustments with a Coastal Development Permit in each case (Section 20.14.050.BB of Title 20). The Lot Line Adjustment will not change the residential and limited agricultural uses of the property. Therefore, the project is an allowed land use for this site.

- c) Adjusted lots would meet minimum 1 acre minimum building site requirement of the LDR zoning district (Section 20.14.060.A of Title 20), and the new lot lines and sizes are configured to meet the setback and lot coverage requirements of the LDR zoning district.
- d) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, North County Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. The project was also referred to the California Coastal Commission for review as the project is located in the coastal zone. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- e) The project planner conducted a site inspection on September 2, 2016 to verify that the project on the subject parcel conforms to the plans listed above.
- f) Pursuant to Section 20.144.040.C.2.d, all development is set a minimum of 100 feet back from the landward edge of vegetation associated with coastal wetlands, including Elkhorn Slough, which traverses Lots 7, 8, 9 and 10. No development is being proposed with this project and all existing improvements are located more than 100 feet from the landward edge of vegetation of Elkhorn Slough.
- g) The project is located in a high archaeological sensitivity area, however no ground disturbance (development) is proposed with this project.
- h) Lots 7, 8, 9 and 10 of APN 119-071-005-000 are separate legal lots of record as they were created by a recorded map (Las Lomas Tract No. 6, subdivision filed as Volume 4 of Surveys, Page 3 on September 6, 1939).
- i) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review because this LUAC was not in effect.
- j) 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 PLN160429.

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 the RMA-Planning, North County Fire Protection District, RMA-Public Works, RMA-Environmental

Services, 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 September 2, 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 PLN160429.

3. **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 September 2, 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 PLN160429.

4. **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, side yard and setback variances not resulting in the creation of any new parcel.
  - b) The project involves a Coastal Development Permit to allow a lot line adjustment merging four lots into two lots and would not change the density or zoning at the site.
  - c) No adverse environmental effects were identified during staff review of the development application during a site visit on September 2, 2016.
  - 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.

5. **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 "LDR/2.5 (CZ)" [Low Density Residential, 2.5 acres per unit, Coastal Zone].
  - b) The project area totals 4.08 acres and contains four separate lots of record identified as Lots 7, 8, 9 and 10 of Assessor's Parcel Number 119-071-005-000. Each existing lot is 1.02 acres. The project involves merging of the four lots into two lots of 2.04 acres each (proposed Parcel A and B) in order to accommodate legally constructed improvements which extend over the property lines.
  - c) With the proposed merger, the results would be as follows: Proposed Parcel A would have a residence and a detached garage; Proposed Parcel B would have two (2) residences, one (1) shop, and four (4) sheds. The Structures on each reconfigured lot would meet the minimum setbacks and maximum coverage limitations of the LDR Zoning District.
  - d) The lot line adjustment is between four (or fewer) existing adjoining parcels. The existing lots consist of four adjoining lots of record and the lot line adjustment/merger would result in two adjoining lots.
  - e) The lot line adjustment will not create a greater number of parcels than originally existed. Four contiguous separate legal parcels will be adjusted and merged and two contiguous legal parcels. No new parcels will be created.
  - f) The proposed lot configuration would continue to have direct access from Elkhorn Road.
  - g) Proposed Parcel B will have two existing residences on a single lot, which retains a legal non-conforming condition. Two residences exist on the lot already so this is not an expansion of the non-conforming condition. Proposed Parcel A, will have one residence and with 2.04 acres, would not be able to accommodate a second residence. Accessory dwelling units are prohibited in the North County Land Use Plan area pursuant to Monterey County Code (MCC) Section 20.64.030.D.
  - 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 September 2, 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 PLN160429.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** Section 19.01.040.A of the Monterey County Coastal Subdivision Ordinance (Title 19-Coastal).

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Director of RMA-Planning does hereby:

- A. Find the project exempt from CEQA per Section 15305(a) of the CEQA Guidelines; and
- B. Approve a Coastal Development Permit to allow a Lot Line Adjustment merging four, 1.02-acre lots, into two, 2.04-acre lots, 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 26th day of October, 2016.

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Carl P. Holm, 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 CLERK TO THE BOARD OF SUPERVISORS 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. This permit expires 2 years after the above date of granting thereof unless conditions of approval have been met within this period.

# Monterey County RMA Planning

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

PLN160429

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Coastal Development Permit (PLN160429) allows a Lot Line Adjustment for the merger of four (4) legal lots of record into two (2) legal lots of record in order to accommodate legally constructed improvements which currently extend over the property lines. The property is located at 471 Elkhorn Road, Royal Oaks (Portions of Assessor's Parcel Number 119-071-005-000, Lots 7, 8, 9 and 10), North County Land Use 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 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** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:** "A Coastal Development Permit (Resolution Number \*\*\*) to allow a Lot Line Adjustment for the merger of four (4) legal lots of record into two (2) legal lots of record in order to accommodate legally constructed improvements which extend over the property lines was approved by the Monterey County Planning Commission for portions of Assessor's Parcel Number 119-071-005-000 (Lots 7, 8, 9 and 10) on September 28, 2016. The permit was granted subject to \*\*\* 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** Prior to the issuance of grading and building permits, certificates of compliance, or  
**Monitoring** commencement of use, whichever occurs first and as applicable, the Owner/Applicant  
**Action to be Performed:** shall provide proof of recordation of this notice to the RMA - Planning.

## 3. PD006(A) - CONDITION COMPLIANCE FEE

**Responsible Department:** RMA-Planning

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

## 4. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation** The permit shall be granted for a time period of 2 years, to expire on \_\_\_\_ unless all  
**Monitoring Measure:** the conditions of the permit have been satisfied within this period. (RMA-Planning)

**Compliance or** Prior to the expiration date stated in the condition, the Owner/Applicant shall satisfy all  
**Monitoring** conditions of approval. Any request for extension must be received by RMA-Planning  
**Action to be Performed:** at least 30 days prior to the expiration date.

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



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