### Exhibit B



#### DRAFT RESOLUTION

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

In the matter of the application of:

Cruz (PLN160695)
RESOLUTION NO. \_\_\_\_\_

Resolution by the Monterey County Planning Commission:

- 1) Find the project Categorically exempt per Section 15305 (a) of the CEQA Guidelines; and
- 2) Approve Adopt a resolution to approve the Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record: Assessor's Parcel Number 181-061-035-000 (Parcel A)(3.42 acres) and Assessor's Parcel Number 181-061-036-000 (Parcel B) (21.82 acres) resulting in Lot 1 (13.78 acres) and Lot 2 (11.46 acres) respectively.

  [1084 B, H & F & 1084 J San Miguel Canyon Road, Royal Oaks, North County Area Plan (APNs: 181-061-035-000 and 181-061-036-000)]

The Cruz application (PLN160695) came on for a public hearing before the Monterey County Planning Commission on August 9, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission 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

for development.

**EVIDENCE:** a) The proposed project is a Coastal Development Permit to allow a Lot Line Adjustment between two (2) contiguous legal lots of record consisting of Assessor's Parcel Number 181-061-035-000 (Parcel

A)(3.42 acres) and Assessor's Parcel Number 181-061-036-000 (Parcel B) (21.82 acres) resulting in Lot 1 (13.78 acres) and Lot 2 (11.46 acres) respectively. This lot line adjustment is would evenly distribute the acreage and residential structured from a 3:1 ratio (Parcel B) to a 2:2 ratio on both Lot 1 and Lot 2.

- b) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - Monterey County -North County Land Use Plan, 1982;
  - Monterey County Coastal Implementation Plan Part 2;
  - Monterey County Zoning Ordinance (Title 20); and

- Monterey County Subdivision Ordinance (Title 19-Coastal) 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.
- The property at 1084 B, H & F and 1084 J San Miguel Canyon Road (APN 118-061-035-000 and 118-061-036-000) is zoned RDR/20 (CZ), 1 unit per 20 acres or Rural Density Residential, 1 unit per 20 acres in the Coastal Zone, North County Land Use Plan. Parcel B, 21.82 acres, meets the minimum building site requirement of 5 acres; parcel A does not. However, the resulting parcels will be compatible with, the objectives and policies of zoning and the applicable plans The reconfiguration of the acreage between existing developed lots will not otherwise intensify water use, create new building or potential development.
- d) Parcel A, has a 2,448 sq. ft. manufactured single-family dwelling with a 400 sq. ft. detached garage and paved parking area. The property is accessed from San Miguel Canyon Road by a 30-foot-wide recorded Right of Way (Vol. 7 Par Maps pg. 45). Parcel B, has an existing main house identified as 1084 B (1081 sq. ft), an accessory dwelling 1081 H (1,200 sq. ft) a mobile home 1084 F (1,400 sq. ft.) and 350 sq. ft. shop. All reference in Resolution 84-34, Permit 3009. The purpose of the lot line adjustment is to increase the area of Parcel A, and to create a smaller Parcel B to evenly distribute the acreage and shift the current structures from 3:1 ratio to a 2:2 ratio. The existing structures conforms with the zoning requirements for setback, density, height, and lot coverage, in accordance with Section 20.12.060.
- e) Ridgeline Development: The existing and proposed Parcels A and B will not significantly change, or increase the severity of the potential areas for ridgeline development; therefore, it is consistent with Section 20.144.030.B.7: "New subdivisions and lot line adjustments shall not configure a lot to create a building site that will result in ridgeline development". Staff confirmed this during the March 20, 2017, site visit. No development is proposed with this lot line adjustment; however, all future development must be consistent with the County's Coastal Implementation Plan (CIP) Section 20.16.060.
- f) The project was referred to the North County Land Use Advisory Committee (LUAC) for review on June 7<sup>th</sup>, 2017. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did warrant referral to the LUAC because it involves a lot line adjustment in the Coastal Zone. The LUAC unanimously approved the project with 8 Ayes and 0 Noes, with 1 member absent. Minutes will be added to the record for PLN160695 when they are available (Exhibit D).
- g) 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 the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. 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 North County Land Use Plan, such as environmentally 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.

- h) No additional development is proposed with this Lot Line Adjustment; with the adjustment to Lot 1 and Lot 2. If it is proposed in the future, water availability would be analyzed as part of any such application for new development. No additional development would be required to meet all applicable zoning and land use regulations, including obtaining a Coastal Development Permit as applicable.
- 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 PLN160695.
- 2. **FINDING: SITE SUITABILITY** The site is physically suitable for the use proposed.
  - a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, North County 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) Staff did not identify any potential impacts to Biological Resources, Archaeological Resources, or Soil/Slope Stability related to the proposed Lot Line Application. The applicant is not proposing any development, grading, tree or vegetation removal with this application. There are no existing Archaeological, Historic, or Geological Reports in the County records for Parcels A & B.
  - c) Staff conducted a site inspection on April 12, 2017, 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 the Monterey County RMA Planning for the proposed development found in PLN160695.
- 3. **FINDING: HEALTH AND SAFETY -** The establishment, maintenance, or operation of the project applied for will not, under the circumstances of this 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, Environmental Health Bureau,

**EVIDENCE:** 

- 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 April 12, 2017, to verify that the site is suitable for this use.
- c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning for the proposed development found in Project File PLN160695.

#### 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 Building Services Department records and is not aware of any violations existing on the subject properties.
- b) Staff conducted a site inspection on April 12, 2017, and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) Zoning violation abatement costs, if any, have been paid. A condition is included to assure that all zoning abatement costs, if any, have been paid.
- e) 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 PLN160695.

#### 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:**

- 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. No new parcels will be created with the lot line adjustment PLN160754.
- b) The County, pursuant to Monterey County Code Title 19 (Subdivision Ordinance-- Coastal) Section 19.09.005.C, has determined that lot line adjustments which do not result in the relocation of the building area are consistent with the intent of the categorical exemption for minor lot line adjustments.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on April 12, 2017.
- None of the exceptions under CEQA Guidelines Section 15300.2. (a-f) are applicable to this project. This project does not involve: alterations to a designated historical resource, a hazardous waste site, unusual circumstance that would result in a significant impact, nor development in a particularly sensitive environment. The lot line adjustment does not involve any development.
- e) Staff conducted a site inspection on April 12, 2017, to verify that the site is suitable for this use.

f) 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 PLN160695.

#### 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 conforms to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

#### **EVIDENCE:**

- Both Lots 1 and 2 are zoned RDR/20 (CZ), Rural Density Residential, 1 units per 20 acres in the Coastal Zone.
- b) Lot 1 (APN: 181-061-035-000) is approximately 3.42 acres, and Lot 2 (APN: 181-061-036-000) is approximately 21.82 acres. The project area has a total of approximately 25.24 acres.
- c) The lot line adjustment is between two existing adjoining parcels that share a common boundary of approximately 800 lineal feet.
- 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 Lot Line Adjustment is consistent with the applicable Local Coastal Program and Zoning ordinance (See Finding No. 1).
- f) Water and wasterwater facilities for the two parcels are provided by onsite wells and septic facilities. 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.

#### 7. **FINDING:**

**APPEALABILITY -** The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

#### **EVIDENCE:**

- a) Section 19.01.050 of the Monterey County Coastal Subdivision Ordinance states that the proposed project is appealable to the Board of Supervisors.
- b) Section 20.86.080. A.3 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Coastal Commission because the lot line adjustment is a conditional use under the RDR/20 (CZ) zone district, per Section 20.16.050.QQ. The proposed lot line adjustment is permitted via a Coastal Development Permit.

#### **DECISION**

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

- 1. Find the project categorically exempt per Section 15305 (a) of the CEQA Guidelines; and
- 2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 3.42 acres Assessor's Parcel Number :181-061-035-000 (Lot 1) and 21.82 acres Assessor's Parcel Number :118-061-036-000 (Lot 2), resulting in two (2) parcels of 13.78 acres (Lot 1) and 11.46 acres (Lot 2), respectively, in general conformance with the attached sketch and subject to the conditions, both being attached hereto and incorporated herein by reference.

Approval is subject to 5 conditions, attached hereto and incorporated herein by reference.

	<b>DPTED</b> this 9th day of August, 2017 upon motion of, by the following vote:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Jacqueline R. Onciano, Planning Commission Secretary
COPY OF THIS DECIS	ION MAILED TO APPLICANT ON
THIS APPLICATION IS	S APPEALABLE TO THE BOARD OF SUPERVISORS.
AND SUBMITTED TO	TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING
THIS PROJECT IS LO	CATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE
	ION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION
` /	FING THE DECISION BY THE FINAL DECISION MAKING BODY, THE BLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM
	H THE COASTAL COMMISSION. FOR FURTHER INFORMATION,
	STAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE
300, SANTA CRUZ, CA	A
Code of Civil Procedure	the final administrative decision, is subject to judicial review pursuant to California Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Oth 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.

Form Rev. 5-14-2014

### **Monterey County RMA Planning**

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

PLN160695

#### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Coastal Development Permit (PLN160695) allows a Lot Line Adjustment between two legal lots of record: Assessor's Parcel Number 181-061-035-000 Parcel A (3.42 acres) and Assessor's Parcel Number 181-061-036-000 Parcel B (21.82 acres) resulting in Lot 1 (13.78 acres) and Lot 2 (11.46 acres) respectively. The properties are located at 1084 B, F, H & 1084 J San Miguel Canyon Road, Royal Oaks, North County Area 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 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. 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 Coastal Development Permit to allow a Lot Line Adjustment (Resolution Number \_\_\_\_\_) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 118-061-035-000 &118-061-036-000 on August 9th, 2017. The permit was granted subject to five (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.

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#### 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 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.

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#### 5. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

Condition/Mitigation **Monitoring Measure:** 

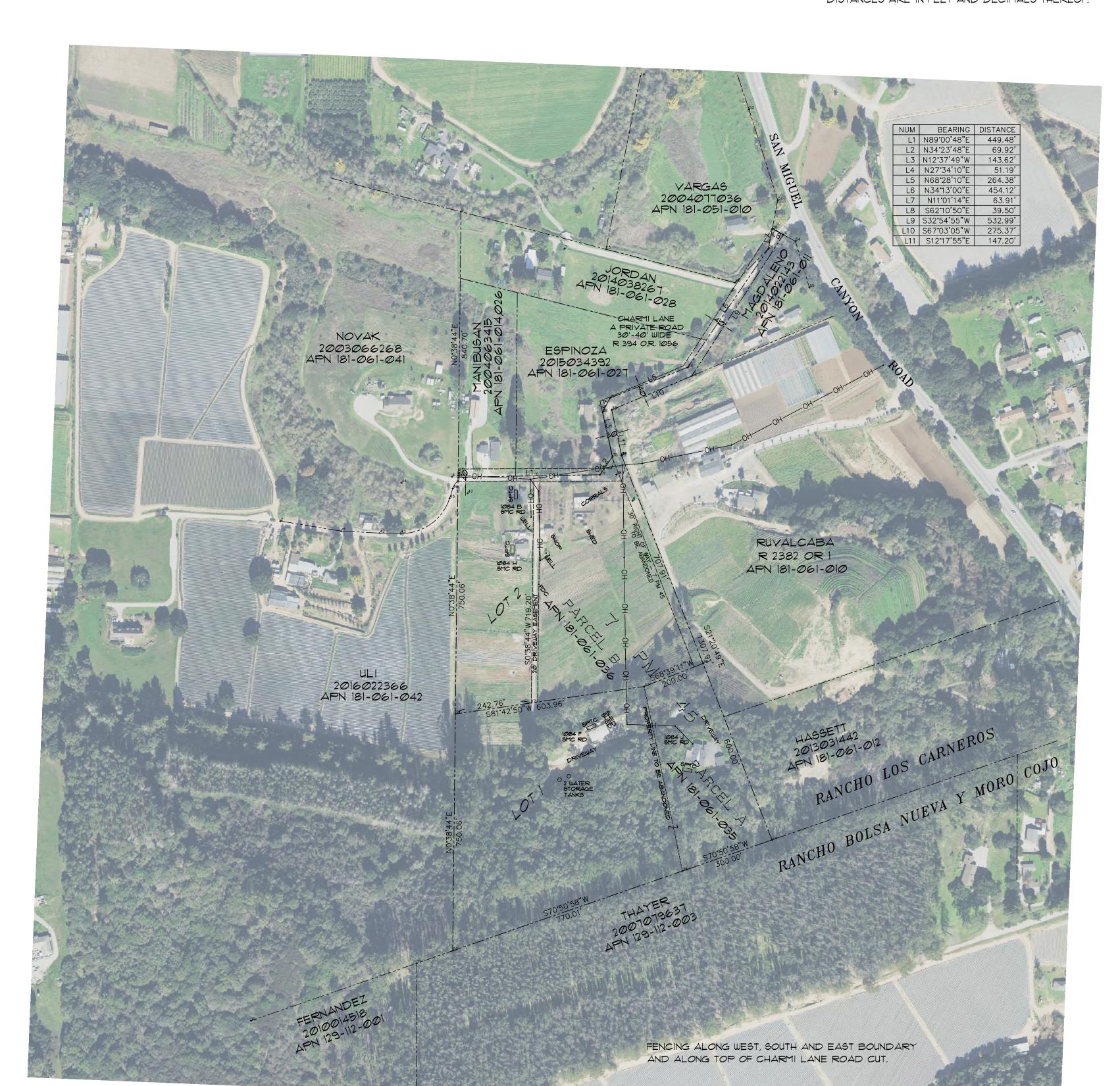
The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County 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 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.

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### PROJECT SUMMARY DATA TABLE

<del>-</del>	EXISTING	PROPOSED
PARCEL SIZE:	APN 181-061-035 = 3.416 AC. APN 181-061-036 = 21.824 AC.	LOT 1 = 13.784 AC. LOT 2 = 11.456 AC.
GENERAL PLAN LAND USE DESIGNATION:	NONE	NONE
ZONING DESIGNATION:	RDR/20(CZ)	RDR/20(CZ)
LOT COVERAGE:	APN 181-061-035: 2,948 SF / 148,801 SF = 1.98% APN 181-061-036: 4,050 SF / 950,653 SF = 0.43%	LOT 1: 4,348 SF / 600,431 SF = 0.72% LOT 2: 2,650 SF / 499,023 SF = 0.53%
FLOOR AREA RATIO:	APN 181-061-035: 148,801 SF / 2,948 SF = 50:1 APN 181-061-036: 950,653 SF / 4,050 SF = 235:1	LOT 1: 600,431 SF / 4,348 SF = 138:1 LOT 2: 499,023 SF / 2,650 SF = 188:1
PROPOSED GRADING	NONE	NONE
PROPOSED TREE REMOVAL	NONE	NONE
IMPERVIOUS COVERAGE:	APN 181-061-035: 4,700 SF STRUCTURES APN 181-061-035: 6,857 SF IMPERVIOUS APN 181-061-036: 6,800 SF STRUCTURES	LOT 1: 6,450 SF STRUCTURES  LOT 1: 12,597 SF IMPERVIOUS  LOT 2: 5,105 SF STRUCTURES
	APN 181-061-036: 34,143 SF IMPERVIOUS	LOT 2: 28,403 SF IMPERVIOUS
PARKING COUNTS:	T.B.D.	T.B.D.

SALINAS ROAD

SALINAS ROAD

SOLITY MAP

SCALE: 1"=6000"

NORTH COUNTY FIRE PROTECTION DISTRICT WATER SYSTEM IS PRIVATE WELL.
SEWER SYSTEM IS PRIVATE SEPTIC.

BOTH EXISTING AND PROPOSED PARCELS WILL BE OWNED BY:
THOMAS Q. CRUZ AND CHARMIDIVINA D. CRUZ, TRUSTEES UNDER
THE TOM AND CHARMIE CRUZ FAMILY 2001 TRUST, DATED 04-12-2001.

OWNER ADDRESS:

TOM & CHARMIDIVIRA CRUZ

181 RANCHO MARIA STREET

LAS VEGAS, NEVADA 89148

NORM CRUZ (SON) (702) 985-4171

ncruz86@men.com

OWNER REPRESENTATIVE:

JEFF S. NIELSEN, L.S. 6832

MID COAST ENGINEERS, INC.

TO PENNY LANE, A WATSONVILLE, CA 95076

(831) 724-2580 X16

jsn@midcoastengineers.com



LOT LINE ADJUSTMENT MAP

LANDS OF

THE TOM AND CHARMIE CRUZ FAMILY 2001 TRUST, 04-12-01

PER 2001047281 \$ 200147282 OFFICIAL RECORDS, MONTEREY COUNTY

R 2001047281 & 200147282 OFFICIAL RECORDS, MONTEREY COUNT 1084 J SAN MIGUEL CANYON ROAD, ROYAL OAKS, CA COUNTY OF MONTEREY STATE OF CALIFORNIA



MID COAST ENGINEERS, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

TO PENNY LANE, SUITE A, WATSONVILLE, CA 95076

(831) 724-2580

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