

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

In the matter of the application of:

AMALIA GILLETTE TRUST (PLN160467)

RESOLUTION NO. 18 - 024

Resolution by the Monterey County Planning
Commission:

- 1) Finding the project is a minor lot line adjustment, which qualifies as a Class 5 Categorical Exemption pursuant to Section 15305(a) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record, consisting of transferring 674 square feet from Lot 5 (Assessor's Parcel Number 009-081-011-000) to Lot 7 (Assessor's Parcel Number 009-081-012-000), resulting in a Lot 5 (Assessor's Parcel Number 009-081-011-000) of 3,052 square feet and a Lot 7 (Assessor's Parcel Number 009-081-012-000) of 4,415 square feet.

24725 and 24731 Camino Del Monte, Carmel Woods, Carmel Area Land Use Plan, Coastal Zone (APNs 009-081-011-000 and 009-081-012-000)

The Gillette application (PLN160467) came on for public hearing before the Monterey County Planning Commission on June 13, 2018. 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 1982 Monterey County General Plan, the Carmel Area Land Use Plan, the Monterey County Coastal Implementation Plan (Part 4), and the requirements of the applicable zoning ordinance (Title 20), to include Monterey County Code (MCC) Chapter 20.12 (Medium Density Residential Zoning District), and other County ordinances related to land use 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 Coastal Implementation Plan, Part 4;
 - Monterey County Zoning Ordinance – Coastal (Title 20); and
 - Monterey County Subdivision Ordinance – Coastal (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. See also Finding No. 1, Evidence f, g, h, i, j, and k below.

- b) The properties are located at 24725 and 24731 Camino Del Monte, Carmel Woods [Assessor's Parcel Numbers (APNs) 009-081-011-000 (Lot 5) and 009-081-012-000 (Lot 7)], Carmel Area Land Use Plan, Coastal Zone. The parcels are zoned Medium Density Residential, 2 units per acre; with a Design Control Overlay (Coastal Zone) [MDR/2-D (CZ)], which allows lot line adjustments with the granting of a Coastal Development Permit. Therefore, the project is an allowed land use for this site.
- c) RMA-Planning staff conducted a site inspection on May 12, 2016, to verify that the project on the subject parcels conforms to the attached figure.
- d) Map Act Consistency: Section 66412 of the Subdivision Map Act (SMA) details the circumstances where projects can be excluded from the provision of the SMA. This project qualifies for that exclusion under Section 66412.d, due to the fact that the final outcome of the LLA is not more than four adjoining parcels, and a greater number of parcels than previously existed is not being created.
- e) The current configuration and legality of the lots has been confirmed based on the following documentation: Lots 5 and 7 as shown on the Final Map for the First Addition to Carmel Woods, recorded May 7, 1923, filed at Volume 3, Cities and Towns, Page 22.

Pursuant to the State's Subdivision Map Act, Section 66499.35(d), as well as MCC Section 19.14.060, "A recorded final map,... shall constitute a certificate of compliance with respect to the parcels of real property described therein." Although Lots 5 and 7 are currently under common ownership, they have been sold separately in the past, as well as described as separate lots under separate legal descriptions and grant deeds, thereby indicating an intent of conveying and actual conveyance of multiple lots. Also, pursuant to the State's Subdivision Map Act, Section 66451.10(a), "...two or more contiguous parcels ... shall not be deemed merged by virtue of the fact that the contiguous parcels or units are held by the same owner....", and the County has no record of an owner of these lots expressing an interest to merge the parcels. The County has also previously recognized the legality of lots created by the subject 1923 final map. In addition, the siting of lots and improvements on the final map indicate evidence of design. The lots and streets, as identified on the final map, conform to the surrounding topography. The evidence further shows that owners have relied on the 1923 final map to direct development of lots within the subdivision, including utilities. Therefore, the two lots are legal lots of record.

- f) The subject parcels are zoned and used for residential purposes. None 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 Coastal Development Permit for a lot line adjustment. The County is not granting any Variances for density, structural coverage, floor area, or setbacks. All existing non-conforming coverage, floor area, and

setbacks would remain non-conforming. Future development on the adjusted parcels would be restricted and required to conform to applicable MCC requirements in effect at the time of the proposed development, or apply for an applicable Variance.

Existing structural development on the lots pre-dates planning and building permit requirements. The existing single-family dwelling on Lot 5 (APN 009-081-011-000) was originally constructed in 1935. The two existing single-family dwellings on Lot 7 (APN 009-081-012-000) were originally constructed in 1940.

- h) Review of Development Standards – Minimum Lot Size. The development standard for minimum lot size in the MDR zoning district is identified in MCC Section 20.12.060.A, which identifies a minimum building site of 6,000 square feet. The two existing legal lots of record have a total combined area of 7,467 square feet, or an average of 3,734 square feet each. Lot 5 currently comprises a legal, non-conforming 3,726 square foot building site, and Lot 7 currently comprises a legal, non-conforming 3,741 square foot building site. As proposed, the lot line adjustment would transfer 674 square feet from Lot 5 to Lot 7, resulting in two legal lots of record of 3,052 square feet (Lot 5) and 4,415 square feet (Lot 7). After the lot line adjustment, both lots would remain non-conforming with regard to minimum lot size.

Lot 7, although remaining non-conforming, would become more conforming. This circumstance of improving an existing non-conforming situation is consistent with County practice. Lot 5 would become more non-conforming regarding lot size. Although not consistent with County practice, the circumstances of this particular case warrant the reduction of lot size to address existing development on Lot 7 that occurred prior to the requirement for either planning or building permits.

Historically, both lots have been under the same ownership and the siting of the existing structures was decided without consideration for the property lines. Assessor's records provide construction dates of 1935 and 1940, prior to the requirement for either planning or building permits. Lot 7 contains two residences, and the one at the rear of Lot 7 is currently accessed through Lot 5. This lot line adjustment would allow adequate area along the shared property line between Lots 5 and 7 to provide access to the rear residence on Lot 7 via an existing driveway. To provide this additional area, 674 square feet will be transferred from Lot 5 to Lot 7.

Lot 5 currently contains one residence, and the transfer of land area from Lot 5 to Lot 7 does not result in a parcel over the coverage or floor area limitations (see Evidences i and j below). The transfer also serves to enlarge Lot 7, allowing improved access for the rear residence, and better serving the needs of the residents whom reside within the subject dwellings. In addition, this lot line adjustment aids in avoiding potential access constraints in the future if Lot 5 were to be sold to a different owner. Although this lot line adjustment increases the lot size non-

conformity of Lot 5, it aids in avoiding potential future access constraints for the rear residence on Lot 7. The lot line adjustment would not adversely affect site development standards or access for Lot 5.

Additionally, Block 156 of the First Addition to the Carmel Woods subdivision largely consists of parcels that are around 4,000 square feet, and therefore, non-conforming to the minimum building site as required by current MDR site development standards. The resulting parcels from this lot line adjustment are compatible with the sizes of surrounding parcels, and do not obstruct the objectives and policies of applicable plans.

- i) Review of Development Standards – Density. Pursuant to MCC Section 20.12.060.B, the maximum development density shall not exceed the units/acre as shown for the specific “MDR” district as shown on the zoning map. The subject parcels are zoned MDR/2, which would require a minimum area of 21,780 square feet per unit. Therefore, regarding density, the current and proposed lots would remain legal, non-conforming.
- j) Review of Development Standards – Site or Structural Coverage. Pursuant to MCC Section 20.12.060.E, the site coverage maximum in this MDR district is 35 percent, which equates to an allowed 1,304 square feet of site or structural coverage on Lot 5, and an allowed 1,309 square feet of coverage on Lot 7, as currently configured. Existing site coverage is 484 square feet (13.0 percent) on Lot 5 (i.e., conforming), and 1,604 square feet (42.9 percent) on Lot 7 (i.e., legal non-conforming).

After the lot line adjustment, site coverage on Lot 5 would increase 2.9 percentage points to 15.9 percent, which remains conforming (allowed site coverage decreased from 1,304 square feet to 1,068 square feet due to the transfer of 674 square feet to Lot 7).

Site coverage on Lot 7 would be reduced to 36.3 percent, a reduction of 6.6 percentage points (allowed site coverage increased from 1,309 square feet to 1,545 square feet due to the transfer of 674 square feet from Lot 5). The adjusted Lot 7, although remaining non-conforming, would become more conforming. This circumstance of improving an existing non-conforming situation is consistent with County practice.

- k) Review of Development Standards – Floor Area. Pursuant to MCC Section 20.12.060.F, the floor area ratio maximum is 45 percent, which equates to an allowed 1,677 square feet of floor area on Lot 5, and an allowed 1,683 square feet of floor area on Lot 7, as currently configured. Existing floor area is 894 square feet (24.0 percent) on Lot 5 (i.e., conforming), and 2,360 square feet (63.1 percent) on Lot 7 (i.e., non-conforming).

After the lot line adjustment, Lot 5 would increase 5.3 percentage points to 29.3 percent, which remains conforming (allowed floor area

decreased from 1,677 square feet to 1,373 square feet due to the transfer of 674 square feet to Lot 7).

Floor area on Lot 7 would be reduced to 53.5 percent, a reduction of 9.6 percentage points (allowed floor area increased from 1,683 square feet to 1,987 square feet due to the transfer of 674 square feet from Lot 5). The adjusted Lot 7, although remaining non-conforming, would become more conforming. This circumstance of improving an existing non-conforming situation is consistent with County practice.

- l) Review of Development Standards – Setbacks. Pursuant to MCC Section 20.12.060.C, the required setbacks in this MDR district are 20 feet (front), 10 feet (rear), and 5 feet (sides).

The existing structure on Lot 5 has legal, non-conforming rear and south side setbacks, which would not change under the lot line adjustment and would remain legal, non-conforming. The front and north side setbacks on Lot 5 are, and would remain, conforming.

The existing structures on Lot 7 have legal, non-conforming front, side, and rear setbacks. The existing front, rear, and north side setbacks would not change under the lot line adjustment and would remain legal, non-conforming. The existing non-conforming south side setback on Lot 7 would change to conforming. The increased area on Lot 7 would also provide access to the residence in the rear area of the parcel (see Evidence g above).

- m) Design. Pursuant to MCC Chapter 20.44, the proposed project parcels and surrounding area are designated as a Design Control Zoning District (“D” zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The proposed lot line adjustment does not include any new structural development. The existing structure exterior finishes blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and are consistent with other dwellings in the neighborhood. As proposed, the project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity.
- n) The project was referred to the Carmel Unincorporated/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. The LUAC, at a duly-noticed public meeting held on April 4, 2016, voted 3 – 1 to support the project as proposed.
- o) 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 PLN160467.

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, RMA-Public Works, Cypress Fire Protection District, 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 conducted a site inspection on May 12, 2016, to verify that the site is suitable for the use proposed.
 - 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 PLN160467.
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, RMA-Public Works, Cypress Fire Protection District, 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) Necessary public facilities are currently existing, and will not be affected by this project. The parcels are connected to the Carmel Area Wastewater District for sewer service and Cal Am for water service, and the proposed parcels will continue to use these same facilities. The Environmental Health Bureau reviewed the project application, and did not require any conditions of approval.
 - 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 PLN160467.
4. **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 violations exist on the properties.
- EVIDENCE:**
- a) County staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any violations existing on the subject properties.
 - b) Staff conducted a site inspection on May 12, 2016, and researched County records to assess if any violations exist on the subject properties.
 - c) There are no known violations on the subject parcels.
 - 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 PLN160467.
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 lot line adjustments not resulting in the creation of any new parcel. 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. This determination and application to the subject lot line adjustment is also consistent with CEQA Guidelines Section 15061(b)(3), which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
 - b) The Applicant proposes a minor lot line adjustment between two legal lots of record consisting of Lot 5 (Assessor's Parcel Number 009-181-011-000) and Lot 7 (Assessor's Parcel Number 009-081-012-000). As proposed, the lot line adjustment would transfer 674 square feet from Lot 5 to Lot 7, resulting in two legal lots of record of 3,052 square feet and 4,415 square feet.
 - c) No new lots would be created by the lot line adjustment. No demolition, construction, or other type of development is proposed under this entitlement.
 - d) The lot line adjustment would not intensify the level of development allowed on the parcels. On Lot 5, existing the site coverage and floor area are and would remain conforming to current MCC development standards for MDR/2 zoning. The existing south side and rear setbacks that are legal, non-conforming would not change under the lot line adjustment and would remain legal, non-conforming.

On Lot 7, after the proposed 674 square foot increase in lot size, the existing legal non-conforming site coverage of 42.9 percent would decrease by 6.6 percentage points to 36.3 percent. The legal, non-conforming floor area would be reduced by 9.6 percentage points from 63.1 percent to 53.5 percent. The existing south side setback on Lot 7 would change from non-conforming to conforming. The existing north side, rear, and front setbacks would not change and would remain legal non-conforming. Therefore, the proposed development is consistent with CEQA Guidelines Section 15305(a) and Title 19 Section 19.09.005.C.

- e) No adverse environmental effects were identified during staff review of the development application or during a site visit on May 12, 2016.
- f) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve alterations to a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, nor development that would result in a cumulatively significant impact. Although the project would allow development (Title 20, Section 20.06.310.4b, defines a lot line adjustment as development), the lot line adjustment would not intensify the level of development allowed on the parcels.
- g) 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 PLN160467.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject properties are not described as an area where the applicable Local Coastal Program requires public access (Figure 3, Public Access, in the Carmel Area Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) County staff conducted a site inspection on May 12, 2016, to verify that the proposed project would not impact public access.
 - 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 PLN160467.
7. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance – Coastal) of the Monterey County Code (MCC) 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 parcels are zoned Medium Density Residential, 2 units per acre, with a Design Control Overlay (Coastal Zone) [MDR/2-D (CZ)].
 - b) The project area of both lots is a total of 7,467 square feet. The proposed lot line adjustment is between two legal lots of record consisting of Lot 5 (Assessor's Parcel Number 009-181-011-000; 24731 Camino Del Monte) and Lot 7 (Assessor's Parcel Number 009-081-012-000; 24725 Camino Del Monte). The existing Lot 5 comprises a 3,726 square foot building site, and the existing Lot 7 comprises a 3,741 square foot building site.
 - c) The lot line adjustment is between four (or fewer) existing adjoining parcels. The two existing legal lots of record share a common boundary of approximately 93 feet on the north side of Lot 5 and the south side of Lot 7.
 - 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 legal parcels of record. Therefore, no new parcels will be created.
 - e) In this particular case, the proposed lot line adjustment is consistent

with the Monterey County Zoning Ordinance (Title 20) and County practice regarding non-conforming circumstances. County staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, and that no violations exist on the property (see Finding Nos. 1, 2, 3, and 4; and supporting evidence).

- f) The existing and proposed parcels and habitable structures have required water and wastewater service and/or systems, and will continue to use these same facilities. The Environmental Health Bureau reviewed the project application, and did not require any conditions of approval (see Finding No. 3, Evidence b).
- g) The proposed lot line adjustment does not interfere with existing access and 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, a Certificate of Compliance for each new lot is required per a standard condition of approval (Condition No. 5).
- i) The project planner conducted a site inspection on May 12, 2016, to verify that the project would not conflict with zoning or building ordinances.
- 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 PLN160467.

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

- EVIDENCE:**
- a) Board of Supervisors. Section 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allow an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) Coastal Commission. Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use. The subject parcels are not located between the sea and the first through public road paralleling the sea. Also, the subject parcels are not within 300 feet of the inland extent of any beach or of the mean high tide line of the sea, or located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.

DECISION

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

1. Find the project is a lot line adjustment, including a lot merger, which qualifies as a Class 5 Categorical Exemption pursuant to CEQA Guidelines Section 15305(a), and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record, consisting of transferring 674 square feet from Lot 5 (Assessor's

Parcel Number 009-081-011-000) to Lot 7 (Assessor's Parcel Number 009-081-012-000), resulting in a Lot 5 (Assessor's Parcel Number 009-081-011-000) of 3,052 square feet and a Lot 7 (Assessor's Parcel Number 009-081-012-000) of 4,415 square feet, in general conformance with the attached lot line adjustment figure and subject to six (6) conditions of approval, all being attached hereto and incorporated herein by reference.


PASSED AND ADOPTED this 13th day of June, 2018, upon motion of Commission Diehl, seconded by Commission Duflock, by the following vote:

AYES: Diehl, Duflock, Getzelman, Gonzalez, Mendoza, Padilla, Roberts, Vandever, Wizard

NOES: None

ABSENT: Ambriz

ABSTAIN: None


Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO THE APPLICANT ON JUN 25 2018

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 JUL 05 2018

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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.

NOTE

This permit expires 3 years after the above date of granting thereof unless certificates of compliance are recorded within this period.

Monterey County RMA Planning

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

PLN160467

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit (PLN160467) allows a Lot Line Adjustment between two legal non-conforming parcels, consisting of transferring 674 square feet from Lot 5 (Assessor's Parcel Number 009-081-011-000) to Lot 7 (Assessor's Parcel Number 009-081-012-000), resulting in a Lot 5 (Assessor's Parcel Number 009-081-011-000) of 3,052 square feet, and a Lot 7 (Assessor's Parcel Number 009-081-012-000) of 4,415 square feet. The properties are located at 24725 and 24731 Camino Del Monte Street, Carmel (Assessor's Parcel Numbers 009-081-011-000 and 009-081-012-000), Carmel Land Use Plan, Coastal Zone. The properties are located at 24725 and 24731 Camino Del Monte Street, Carmel Woods (Assessor's Parcel Numbers 009-081-011-000 and 009-081-012-000), 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 RMA Chief of 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 Coastal Development Permit (Resolution Number 18 - 024) was approved by the Planning Commission for Assessor's Parcel Numbers 009-081-011-000 and 009-081-012-000 on June 13, 2018. The permit was granted subject to six (6) 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 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 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. (RMA-Planning)

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. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of three (3) years, to expire on June 13, 2021. The certificates of compliance shall be recorded prior to the permit expiration. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall record the certificates of compliance. Any request for extension must be received by RMA-Planning 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. Pursuant to the Subdivision Map Act, the reconfigured parcels shall be reflected in a deed, which shall be recorded in order for the new parcel boundaries to be legal. (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.

6. 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.

