

Exhibit B

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EXHIBIT B
DRAFT RESOLUTION

**Before the Minor Subdivision Committee in and for the
County of Monterey, State of California**

In the matter of the application of:

GOMEZ (PLN180560)

RESOLUTION NO.

Resolution by the Monterey County Planning
Commission:

- 1) Finding the project is a minor land division which qualifies as a Class 15 Categorical Exemption per Section 15301(k) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
 - 2) Approving a Coastal Development Permit for a Minor Subdivision Tentative Map to subdivide one .50 acre parcel into two parcels (Parcel 1 of .23 acres and Parcel 2 of .27 acres).
- 22 Willow Road, Royal Oaks, North County Coastal
Land Use Plan (APN: 119-121-031-000)

The Gomez application (PLN180560) came on for public hearing before the Monterey County Planning Commission on July 31, 2019. 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.
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:
 - Monterey County General Plan,
 - North County Coastal Land Use Plan,
 - Monterey County Coastal Implementation Plan Part 2 (North County Coastal),
 - Monterey County Zoning Ordinance (Title 20),
 - Monterey County Coastal 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 22 Willow Road, Royal Oaks (Assessor's Parcel Number 119-121-031-000), North County Coastal Land Use Plan. The parcel is zoned Medium Density Residential, four units per acre, Coastal Zone ["RDR/4 (CZ)"], which allows minor subdivisions as a conditional use subject to a Coastal Development Permit. Therefore, the project is an allowed land use for this site.

- c) The total project area consists of one .50-acre parcel with two existing single family dwellings. Based on current land use designations, the property could allow a density of four units per acre. As designed, this minor subdivision would create two parcels, each with its own existing single family dwelling. This subdivision is consistent with the North County Coastal Land Use Plan which designates the area for medium density residential uses.
- d) The lot was recorded in September 1939 in Book 4, Page 3 of Surveys, in the Office of Monterey County Recorder as part of the Las Lomas Tract No.6 subdivision and thus is a legal lot of record. In addition, the property is developed with two single family residences and is therefore a legal parcel (section 19.14.045.A).
- e) Visual Resources. This project is consistent with North County Coastal Land Use Plan (LUP) policies regarding visual resources. No new structural development is proposed; therefore, the project will not create impacts to visual resources.
- f) Environmentally Sensitive Habitat Areas (ESHA). The project, as proposed and conditioned, is consistent with LUP policies regarding ESHA. The property contains no mapped ESHA. Specifically, per LUP policy 2.3.2.3, significant impacts to ESHA will not occur as a result of this minor subdivision because no new structural development is proposed.
- g) Water Resources. The project, as proposed and conditioned, is consistent with LUP policies regarding water resources. Key Policy 2.5.1 directs that groundwater aquifers shall be protected, and new development shall be controlled to a level that can be served by identifiable, available, long-term water supplies. The property cannot be further subdivided and meet the MDR/4 units per acre zoning designation, therefore no new habitable structural development may occur. Moreover, construction of accessory dwelling units (ADUs) are not permitted in North County, although state law permits conversion of existing habitable structures into ADUs. The only habitable structures on this parcel are the two single-family dwellings; therefore, staff has concluded subdividing this property with the ban on ADUs in North County in place would not result in a cumulative impact to the surrounding area.
- h) Agricultural Resources. The project, as proposed and conditioned, is consistent with LUP policies regarding agricultural resources. The property is not designated as prime agricultural soils, nor is it designated for agricultural preservation or conservation.
- i) The project was not referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because no proposed development requiring CEQA review is involved.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN180560.

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 Department, North County Fire Protection District, RMA - Public Works, RMA - Environmental Services, and the Environmental Health Bureau. 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 purpose of this subdivision is to divide the existing parcel with two single family dwellings into two separate legal lots of record. This subdivision would not result in non-conforming parcels. With the subdivision of the one parcel into two, the existing single family dwellings meet all site development standards for the MDR/4 zoning area. Residents of Parcel 2 would be able to access their home through an existing thirty-foot driveway easement southwest of Willow Road.

c) The property is located in an area of low to moderate archaeological sensitivity. No tree removal or structural development is proposed as part of this minor subdivision. The property contains no mapped environmentally sensitive habitat. All existing structures are either residential or accessory in use, and compatible with the existing zoning. As proposed and conditioned, the project is suitable for this site.

d) The North Monterey County area suffers from a groundwater overdraft and contamination problem that represents development constraints within the area. The North County Land Use Plan Specific Policies Section 2.5.3.3 direct the County to regulate the intensification of use of existing water supplies by permit; however, this project does not propose any additional development beyond the subdivision of two existing single-family dwellings from one parcel into two. Given the new parcels are approximately .25 acres each in a Medium Density Residential zoning district, it is not possible for the property to be subdivided further. Therefore, this minor subdivision would not intensify the use of water for this property.

e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN180560.

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 RMA - Planning Department, North County Fire Protection District, RMA - Public Works, RMA - Environmental Services, and the Environmental Health Bureau. The respective departments/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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

- b) Necessary public facilities are available. Both residences currently receive domestic water through California Water Service and have separate meters. Additionally, a waterline easement is identified on the Tentative Map, prepared by Bridgette Land Surveying, dated August 23, 2018. Sewer service is currently provided to the property by Pajaro County Sanitation District and Monterey One Water. RMA Public Works requested the applicant submit tentative map to applicable utility companies and notify the RMA of any recommendations for required easements, which has been incorporated into this project as a condition. The Environmental Health Division reviewed the project application, and did not impose any conditions.
- c) Findings 1, 2, 4, 5, 6, 7, and 8; and supporting evidence for PLN180560.

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 Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
 - b) There are no known violations on the subject parcel.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN180560.

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 15301 categorically exempts existing facilities.
 - b) California Environmental Quality Act (CEQA) Guidelines Section 15301(k) categorically exempts division of existing single-family residences into common-interest ownership where no physical changes occur which are not otherwise exempt.
 - c) The subject application for the division of one 21,774 square foot parcel with existing single-family dwelling units resulting in two (2) parcels of 10,169 square feet (Parcel 1) and 11,605 square feet (Parcel 2), a division of property with existing residences into common interest ownership where no physical changes occur which are not otherwise exempt. No additional single-family dwellings are being proposed.
 - 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 PLN180560.

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 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6 in the North County Coastal Land Use Plan).
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN180560.

7. **FINDING: SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code requires that a request for subdivision be denied if any of the following findings are made:

- 1. That the tentative map is not consistent with the applicable General Plan, area plan, coastal land use plan or specific plan.
- 2. That the design or improvement of the proposed subdivision is not consistent with the General Plan, area plan, coastal land use plan or specific plan.
- 3. That the site is not physically suitable for the type of development.
- 4. That the site is not physically suitable for the proposed density of development.
- 5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the appropriate decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the decision-making body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Title.

- EVIDENCE:**
- a Consistency: The project, as designed and conditioned, is consistent with the 1982 Monterey County General Plan. See Finding 1.
 - b Design: The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030. MCC Section 19.10.030.A, requires that the minimum lot size of the newly created parcels shall conform to the minimum lot size established by the County zoning regulations.
 - c Site Suitability: The site is suitable for the proposed project. See Finding 1 and 2.
 - d Environment: The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat. The property is located in an urbanized area and is already developed with residential structures. See Finding No. 5.
 - e Health and Safety: The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. See Finding 3.
 - f Easements: The subdivision or the type of improvements will not conflict with easements on the property. The plan set shows a proposed five foot waterline easement through Parcel 1, which has been conditioned for the subdivider to submit utility company recommendations for required easements to the Resource Management Agency.
 - g Subdivision Requirements: The subdivision meets the requirements or conditions imposed by the Subdivision Map Act or Title 19.
 - h 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 PLN180560.

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 Title 19, Monterey County Subdivision Ordinance (Coastal), and Section 20.86.030.A of Title 20, Monterey County Zoning Ordinance.
 - b) Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance. The project is subject to appeal by/to the California Coastal Commission because the proposed project involves approval of a conditional use.

DECISION

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

1. Find the project is a minor land division which qualifies as a Class 15 Categorical Exemption per Section 15301(k) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and

2. Approve a Coastal Development Permit for a Minor Subdivision Tentative Map to subdivide one .50 acre parcel into two parcels (Parcel 1 of .23 acres and Parcel 2 of .27 acres) at 22 Willow Road, Royal Oaks, North County Coastal Land Use Plan (APN: 119-121-031-000) In general conformance with the attached plans and subject to four (4) conditions of approval, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 31st day of July, 2019 upon the motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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 ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS 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.

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

PLN180560

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit (PLN180560) allows for a minor subdivision of a single half acre parcel into two parcels approximately a quarter acre each with an existing single family dwelling on each parcel. The property is located at 22 Willow Road, Royal Oaks (Assessor's Parcel Number 119-121-031-000), 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 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 19-) was approved by the Planning Commission for Assessor's Parcel Number 119-121-031-000 on July 31, 2019. The permit was granted subject to four (4) 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 RMA Chief of 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. PW0015 – UTILITY’S COMMENTS

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Submit the approved tentative map to applicable utility companies. Subdivider shall submit utility company recommendations for required easements, if any, to the RMA.

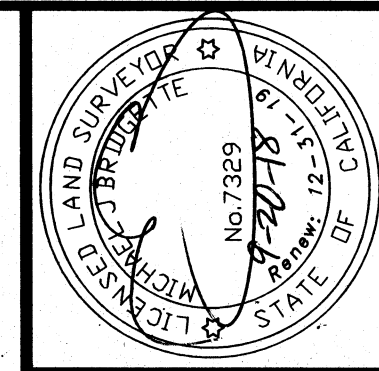
Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, Owner/Applicant/Subdivider shall provide a copy of the approved tentative map to all applicable public utility companies for review. Subdivider shall submit utility comments to the RMA.

4. PW0036 - EASEMENTS AND RIGHT-OF-WAY

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements and rights of way.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, Subdivider’s Surveyor shall include all existing and required easements or rights of way on Parcel Map.

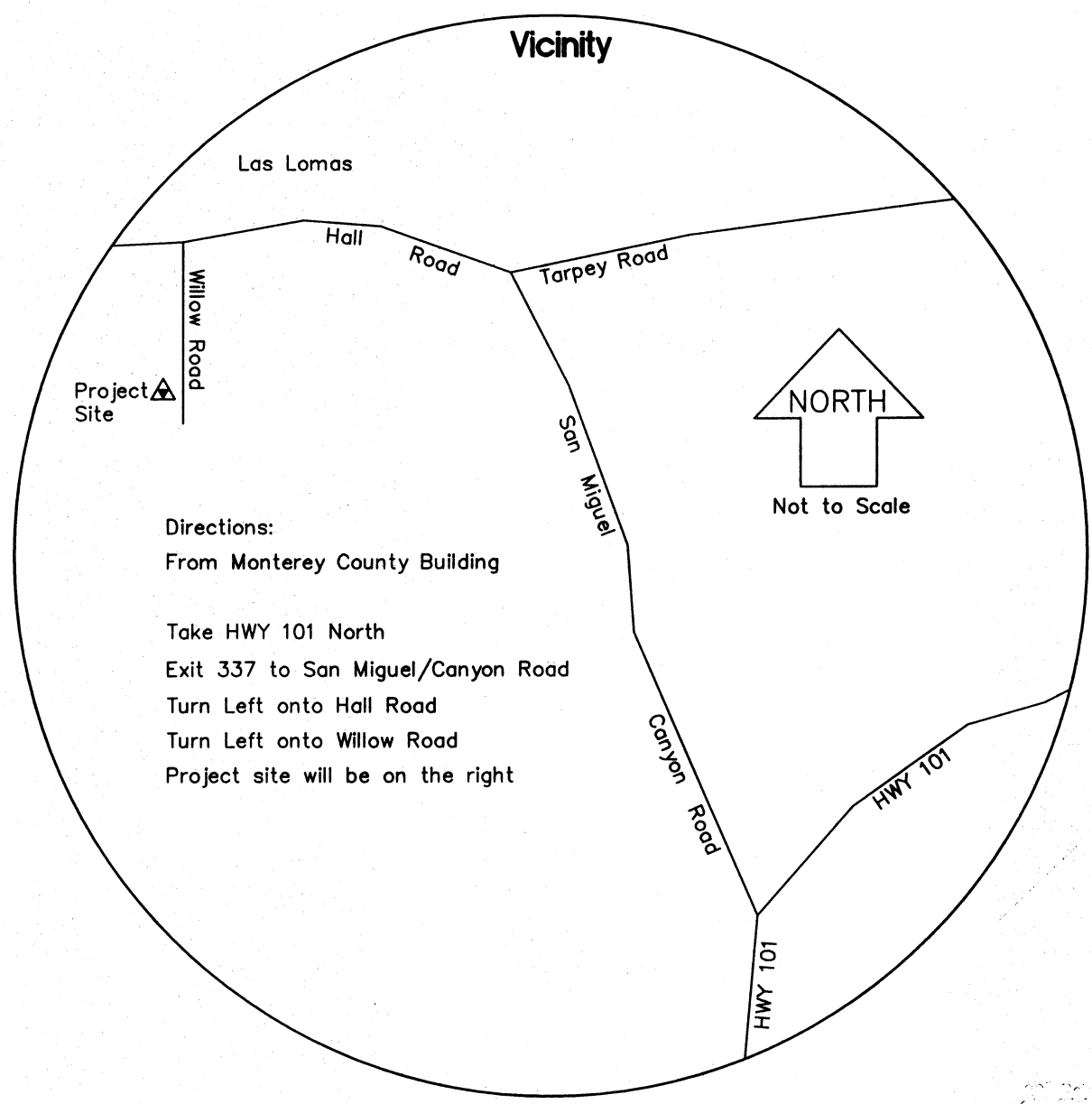
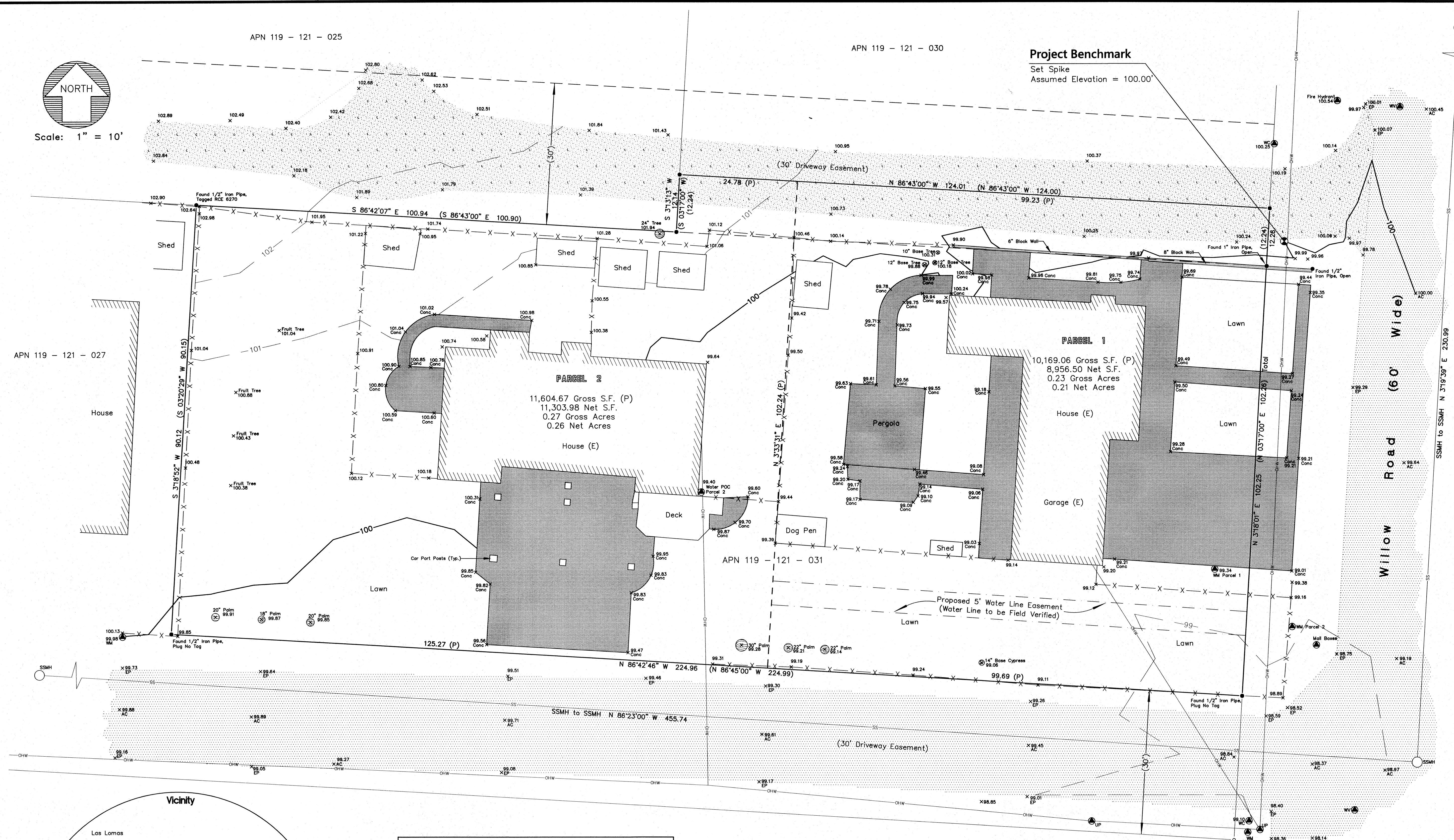
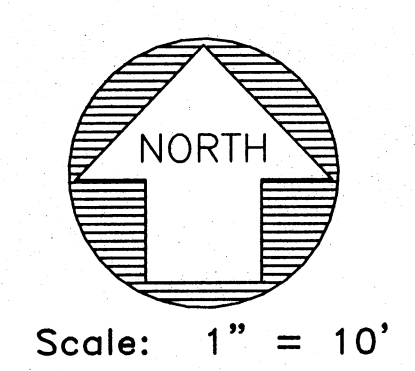


Bridgette Land Surveying
80 ASPEN WAY, STE A, WATSONVILLE, CA 95076
T.831.722.5900 bridgettelandsurveying.com

Tentative Map for Minor Land Division prepared for:
Sally Gomez
22 Willow Road, Las Lomas, CA 95076

APN: 119 - 121 - 031
MONTEREY COUNTY
CALIFORNIA

DATE: August 23, 2018
SCALE: 1" = 10'
CONTOUR INTERVAL: 1'
REVISIONS:



PROPOSED LAND DIVISION APN: 119 - 121 - 031		
Existing Parcel:	21,773.73 Gross S.F. 0.50 Gross Acres	20,260.48 Net S.F. 0.47 Net Acres
Proposed Parcel 1	10,169.06 Gross S.F. 0.23 Gross Acres	8,956.50 Net S.F. 0.21 Net Acres
Proposed Parcel 2	11,604.67 Gross S.F. 0.27 Gross Acres	11,303.98 Net S.F. 0.26 Net Acres
GENERAL LAND USE AND DESIGNATION: Residential - Medium Density		
ZONING:	MDR / 4 (CZ)	
OWNER:	Sally Gomez 831-722-7205 22 Willow Road Las Lomas, CA 95076	
UTILITIES:	Water - California American Water Gas / Electric - Pacific Gas & Electric Sewer - Monterey County	

Legend	
•	Found 1/2" Iron Pipe RCE 25705, or as Noted
o	Calculated Point
⊙	Utility as Noted
()	Record Data
AC	Asphaltic Concrete
Conc	Concrete
(E)	Existing
EP	Edge of Pavement
OHW	Over Head Wires
Proposed	Proposed
POC	Point of Connection
SS	Sanitary Sewer
SSMH	Sanitary Sewer Man Hole
UP	Utility Pole
WC	Water Christy
WM	Water Meter
WV	Water Valve

Linetypes + Hatching	
	Asphaltic Concrete
	Rocked Road
	Concrete
	Building as Noted
	Tree as Noted
	Adjoining Property Line
	Subject Property Boundary
	Fence Line
	Proposed Boundary Line
	Easement
	Proposed Water Line Easement

Notes
Distances are in feet and decimals thereof.
All data points are on the ground unless otherwise noted.
House trim located. Foundation lines may be different.
Water line easement approximate only. Water line to be field verified.