

# Exhibit A

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**EXHIBIT C**  
**DRAFT RESOLUTION**

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

In the matter of the application of:

**Tottino (Elkhorn Slough Foundation) (PLN190036)**

**RESOLUTION NO. 19 -**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding the project is a Lot Line Adjustment that does not result in the creation of any new parcel, and is categorically exempt pursuant to Section 15305(a) of the CEQA Guidelines, and none of the exceptions under Section 15300.2 apply; and
- 2) Approving a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record transferring 33.6 acres from a 255.4 acre parcel (Parcel A – Tottino) to a 41.2 acre parcel (Parcel B- Elkhorn Slough Foundation) resulting in a 221.8 acre parcel (reconfigured Parcel A) and a 74.8 acre parcel (reconfigured Parcel B).

Located on the south bank of Moro Cojo Slough, east of Watsonville Road and north of Highway 156.  
(APN 133-081-006-000 & 133-151-023-000)

**The Tottino (Elkhorn Slough) application (PLN190036) came on for public hearing before the Monterey County Planning Commission on December 4, 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:
  - 1982 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 properties are located on the south bank of Moro Cojo Slough, east of Watsonville Road and north of Highway 156 (Assessor's Parcel Number 133-081-006-000 & 133-151-023-000), North County Coastal Land Use Plan. The parcel is zoned Coastal Agricultural Preserve and Resource Conservation within the Coastal Zone CAP(CZ)|CP|RC(CZ), which allows lot line adjustments as a conditional use subject to a Coastal Development Permit. Therefore, the project is an allowed land use for this site.
- c) The project includes a Lot Line Adjustment between a 255.4 acre parcel (Parcel A) and a 41.2 acre parcel (Parcel B). The resulting parcels will be 221.8 acres (New Parcel A) and 74.8 acres (New Parcel B). Pursuant to Title 20 of the Monterey County Code (Coastal Zoning Ordinance), the minimum lot size for the Coastal Agricultural Preserve (CAP) zoning district is 40 acres and the minimum lot size for the Resource Conservation (RC) zoning district is 1 acre. After the Lot Line Adjustment, both parcels will remain over the minimum lot size.
- d) There are no structures on either lot and no new structural development is proposed. Lot A contains irrigated agricultural uses and Lot B is maintained as wetland habitat adjacent to the Moro Cojo Slough. It is the intent of the applicant to expand wetland restoration efforts on the 33.6 acres that will be transferred from Lot A to Lot B through this Lot Line Adjustment. Habitat restoration is not included in this permit and a separate permit for habitat restoration is required.
- e) Environmentally Sensitive Habitat Areas (ESHA). The project, as proposed and conditioned, is consistent with Land Use Plan (LUP) policies regarding ESHA. As required by North County Land Use Plan Policy 2.3.2.3, significant impacts to ESHA will not occur as a result of this lot line adjustment because no new structural development is proposed.
- f) Agricultural Resources. The project, as proposed and conditioned, is consistent with LUP policies regarding agricultural resources. The two parcels are designated Unique and Other farmland; however, no further development is proposed as part of this lot line adjustment. The area transferred from Lot A (Agricultural property) to Lot B (Wetland Habitat) is currently maintained by the property owner of Lot A (Tottino) but is not actively farmed. This area is adjacent to the Moro Cojo Slough.
- g) The proposed projects were referred to the North County Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-

noticed public meeting on July 17, 2019, voted 6 – 0 to support the project as proposed

- h) 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 PLN190036.

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 adjust the boundaries between two lots of record transferring 33.6 acre from the Tottino Trust property (Assessor's Parcel Number 133-081-006-000) to an adjacent property owned by the Elkhorn Slough Foundation (Assessor's Parcel Number 133-151-023-000).
  - c) There are no existing structures on either parcel. As proposed and conditioned, the project is suitable for this site.
  - d) 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 PLN190036.

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.

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 there are no known violations on the subject properties.
- b) 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 PLN190036.

5. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15305 (a) categorically exempts minor alterations in land use limitations in areas with an average slope of less than 20% including Lot Line Adjustments between two legal lots of record not in resulting in the creation of any new parcel. The project consists of a lot line adjustment between two legal lots of record not resulting in the creation of any new parcel. The site contains slopes less than 20%. Therefore, this project qualifies for a categorical exemption under Section 15305 (a) of the CEQA Guidelines.
- b) 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.
- c) 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 PLN190036.

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 PLN190036.

7. **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 parcels involved in this Lot Line Adjustment are zoned Coastal Agricultural Preserve and Resource Conservation within the Coastal Zone CAP(CZ)|CP|RC(CZ), which allows lot line adjustments as a conditional use subject to a Coastal Development Permit.
  - b) The project area has a total of 296.6 acres. Reconfigured Parcel A is proposed at 221.8 acres, while reconfigured Parcel B is proposed at 74.8 acres.
  - c) The lot line adjustment is between four (or fewer) existing adjoining parcels. Existing Parcel A and existing Parcel B are adjoining and will continue to be adjoining after the proposed lot line adjustment as Parcels A and B.
  - d) The lot line adjustment will not create a greater number of parcels than originally existed. Two (2) contiguous separate legal parcels of record will be adjusted and two (2) contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
  - e) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property.
  - f) The Monterey County Environmental Health Bureau (EHB) reviewed the proposed Lot Line Adjustment and found no issues with the proposed Lot Line Adjustment as it relates to wastewater and domestic water supply.
  - g) This project has also been reviewed by RMA-Planning, North County Fire Protection District, RMA-Public Works, and RMA-Environmental Services. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated.
  - h) The proposed Lot Line Adjustment will have no effect on easements.
  - i) 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.

- j) 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 PLN190036.

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 Lot Line Adjustment that does not result in the creation of any new parcel, is categorically exempt pursuant to Section 15305(a) of the CEQA Guidelines, and none of the exceptions under Section 15300.2 apply; and
2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record transferring 33.6 acres from a 255.4 acre parcel (Parcel A – Tottino) to a 41.2 acre parcel (Parcel B- Elkhorn Slough Foundation) resulting in a 221.8 acre parcel (reconfigured Parcel A) and a 74.8 acre parcel (reconfigured Parcel B).

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 4th day of December, 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.

Form Rev. 5-14-2014

# Monterey County RMA Planning

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

PLN190036

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Coastal Development Permit (PLN190036) allows for a Lot Line Adjustment between two legal lots of record transferring 33.6 acres from a 255.4 acre parcel (Parcel A – Tottino) to a 41.2 acre parcel (Parcel B- Elkhorn Slough Foundation) resulting in a 221.8 acre parcel (reconfigured Parcel A) and a 74.8 acre parcel (reconfigured Parcel B). The property is located [ADDRESS TO BE ASSIGNED] (Assessor's Parcel Numbers 133-081-006-000 and 133-151-023-000), North County 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** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:** "A Coastal Development Permit (Resolution Number 19-) was approved by the Planning Commission for Assessor's Parcels Number 133-081-006-000 and 133-151-023-000 on December 4, 2019. The permit was granted subject to three (3) 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** 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. FLOODPLAIN NOTICE - LL

**Responsible Department:** Environmental Services

**Condition/Mitigation** The applicant shall provide a recorded floodplain notice, for each parcel, stating: "The  
**Monitoring Measure:** property is located within or partially within a Special Flood Hazard Area and may be subject to building and/or land use restrictions." (RMA-Environmental Services)

**Compliance or** Submit a signed and notarized floodplain notice to RMA-Environmental Services for  
**Monitoring** review and approval.  
**Action to be Performed:** A copy of the standard notice can be obtained at RMA-Environmental Services.

The notice shall be recorded concurrently with the certificates of compliance.

#### 4. PD045 - COC (LOT LINE ADJUSTMENTS)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration of the entitlement, the Owner(s)/Applicant(s) shall do the following:

1. Have a professional land surveyor prepare a legal description and plat with closure calculations. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The legal description and plat shall comply with the Monterey County Recorder's guidelines as to form and content. Submit the draft legal descriptions, plats and closure calculations to the project planner and the County Surveyor for both of the following:

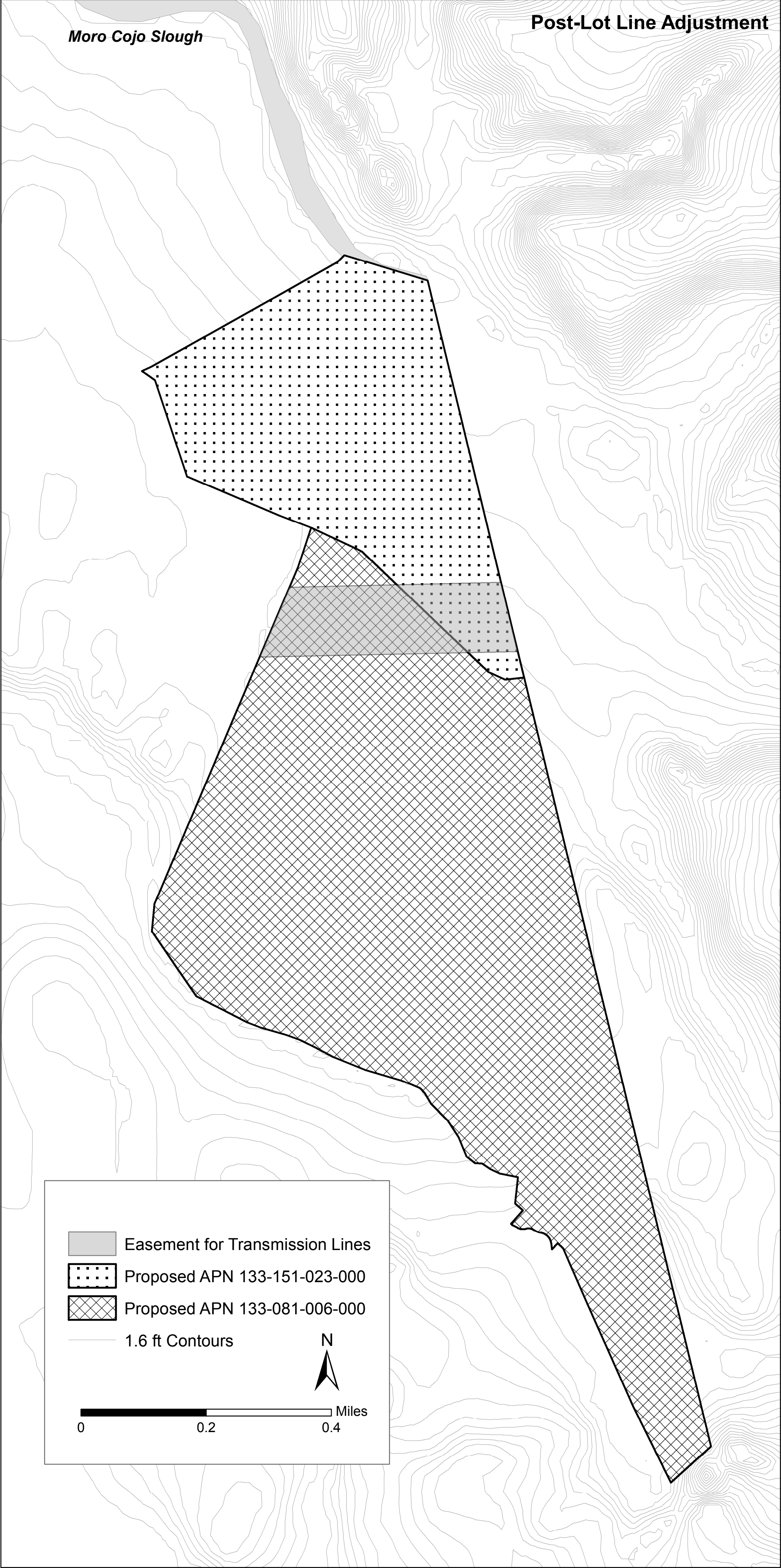
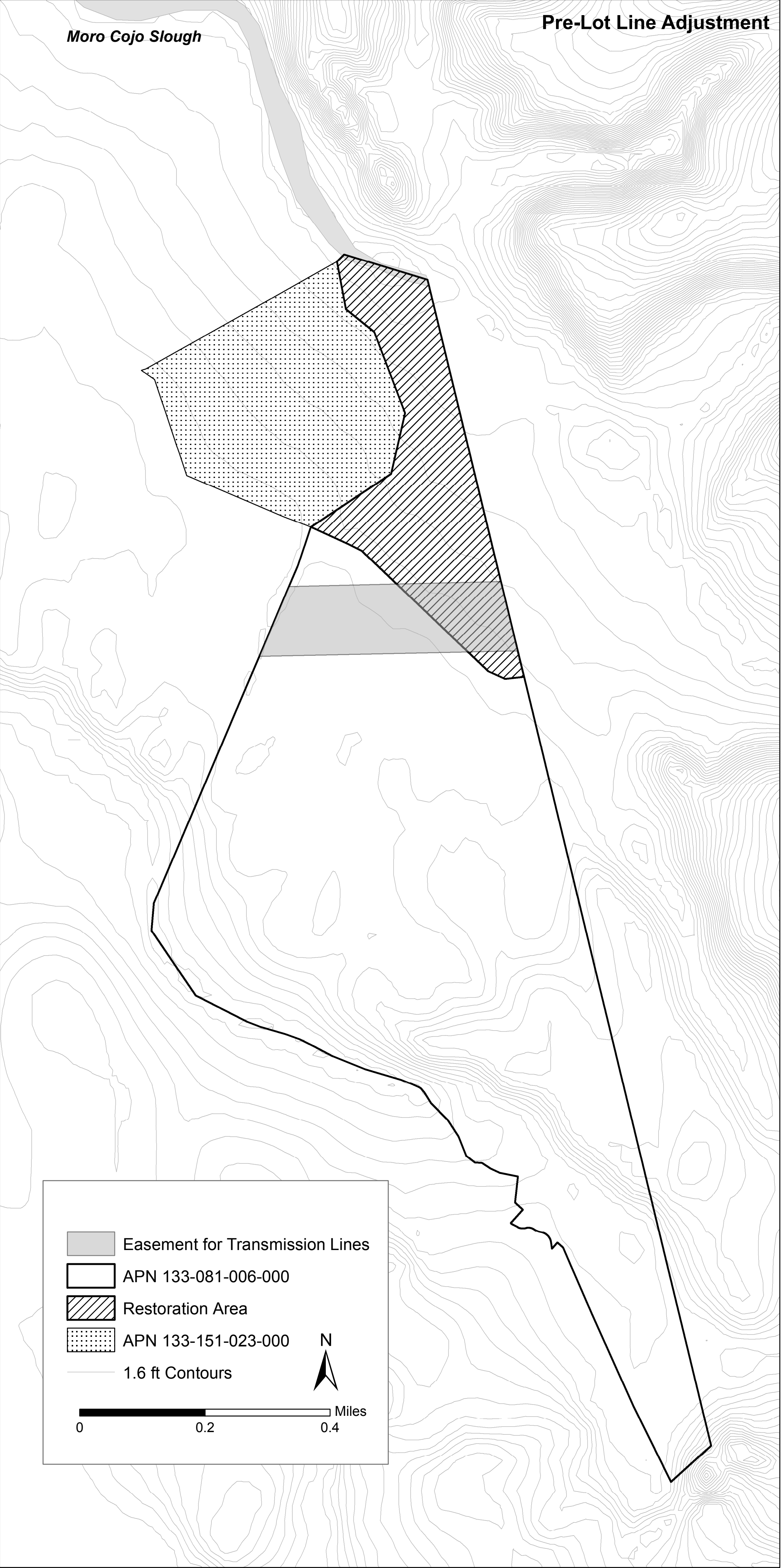
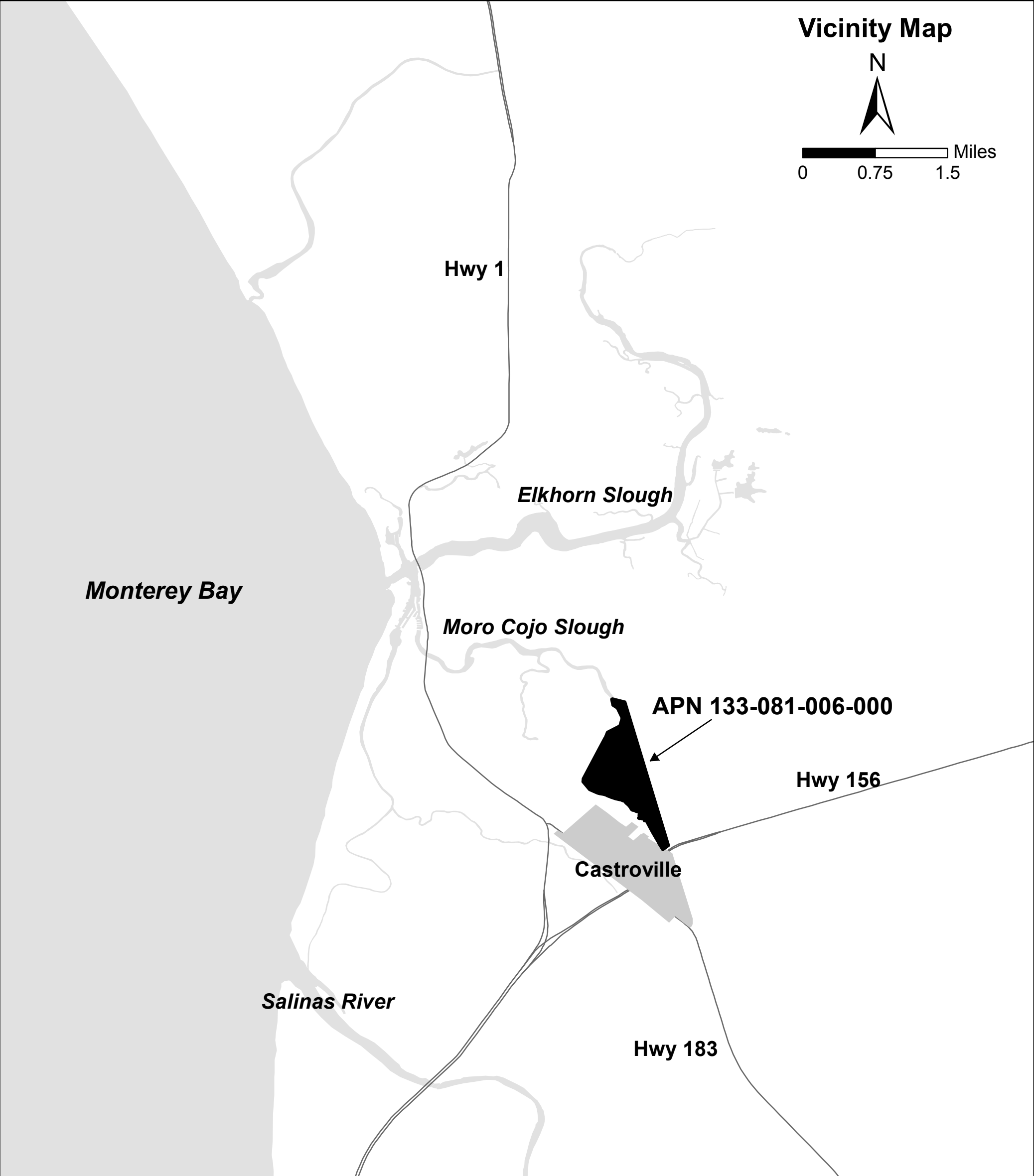
- a. Each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued.
- b. For the adjustment parcels, being all areas being conveyed by Owner(s) in conformance to the approved lot line adjustment.
  - i. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
  - ii. The purpose of the deed shall be stated on the first page of the deed, as follows:

"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN190036. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall be deemed to reconfigure the subject parcels in conformance to said approved lot line adjustment. Any configuration of said subject parcels that existed prior to recordation of this deed shall no longer be valid and shall not be used for the purpose of sale, lease or financing, whether immediate or future."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

Following review and any corrections of the legal descriptions and plats:

1. Record the fully executed and acknowledged deed(s) to the adjustment parcels with the County Recorder.
2. Deliver a copy of the recorded deed(s) to the project planner.
3. Deliver the legal description and plat of each Certificate of Compliance to RMA-Planning for final processing, together with a check, payable to the "Monterey County Recorder," for the appropriate fees to record the Certificate(s) of Compliance.



**Project Data Summary Table**

Project Data	APN 133-081-006-000	APN 133-151-023-000
Pre-Lot Line Adjustment Size	255.4 ac / 2550 m x 1098 m	41.2 ac / 550 m x 523 m
Post-Lot Line Adjustment Size	221.8 ac / 1931 m x 1098 m	74.8 ac / 864 m x 838 m
General Plan Land Use Designation	Wetlands & Coastal Strand   Agricultural Preservation	Wetlands & Coastal Strand   Agricultural Preservation
Zoning Designation	RC(CZ)   CAP(CZ)   CP	RC(CZ)   CAP(CZ)
Lot Coverage (Building Footprint)	0 required / 0 proposed	0 required / 0 proposed
Floor Area Ratio	0 required / 0 proposed	0 required / 0 proposed
Grading	0 cut / 0 fill	0 cut / 0 fill
Tree Removal	0	0
Impervious Coverage	0 / 0	0 / 0
Parking Counts	0 required / 0 proposed	0 required / 0 proposed

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