



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: RES 21-179, **Version:** 1

Adopt a Resolution to:

- a. Deny the appeal of the administrative decision of the Director of Housing and Community Development (HCD) to deny the request for two Unconditional Certificates of Compliance for Assessor's Parcel Number (APN) 416-022-006-000 (Subject Property);
- b. Authorize the Director of HCD to issue a single Unconditional Certificate of Compliance (UCoC) for the Subject Property and record the UCoC with the County Recorder.
- c. Find that the project is statutorily exempt per California Environmental Quality Act (CEQA) Guidelines Section 15270 (a).

Project Name: John & Tammy Lewis/LB Homebuyers LLC

File Number: CC200010 and CC200011

Project Location: 27612 Schulte, Carmel, California

Proposed CEQA Action: Statutorily Exempt per California Environmental Quality Act (CEQA) Guidelines section 15270 (a) - CEQA does not apply to projects which a public agency rejects or disapproves.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution to:

- a. Deny the appeal of the administrative decision of the Director of Housing and Community Development (HCD) to deny the request for two (2) Unconditional Certificates of Compliance for Assessor's Parcel No. (APN) 416-022-006-000 (Subject Property); and
- b. Authorize the Director of HCD to issue a single Unconditional Certificate of Compliance (UCoC) for the Subject Property and record the UCoC with the County Recorder.
- c. Find that the project is statutorily exempt per California Environmental Quality Act (CEQA) Guidelines Section 15270 (a).

PROJECT INFORMATION:

Agent: Joel R. Panzer (Maureen Wruck Planning Consultants, L.L.C.)

Property Owner-Applicant: John & Tammy Lewis/LB Homebuyers LLC.

APN: 416-022-006-000

Plan Area: Carmel Valley Area Plan

Flagged and Staked: N/A

BACKGROUND:

On behalf of the Owner-Applicant, Joel R. Panzer of Maureen Wruck Planning Consultants, L.L.C. has requested that the County issue two Unconditional Certificates of Compliance (sometimes referred to as "UCoC") for a 0.35 acre parcel and a 1.68 acre parcel (HCD Planning File Nos. CC200010 and CC200011) within Assessor's Parcel Number (APN) 416-022-006-000 (Subject Property). During staff review of this application, conflicts were found with the Subdivision Map Act (SMA) and Monterey County Code (MCC). The issuance of UCoCs for the Subject Property is dependent upon discerning the grantors' intent when the Subject Property was conveyed as part of a 1949 property exchange between adjoining property owners, similar to a Lot Line Adjustment (LLA), and determining the effect of the 1962 conveyance that resulted in the current configuration of the Subject Property.

Included with the application were a chain of title and other information in support of the request for two UCoCs. After review of the submitted materials and other materials, the Director of HCD denied the request for issuance of two UCoCs. The applicant appealed the Director's decision in the form of a request for reconsideration and submitted additional materials (**Attachment H**) to support their position that the Subject Property qualifies for two UCoCs.

SUMMARY/DISCUSSION: See **Attachment A**.

CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15270 (a) provides that, "CEQA does not apply to projects which a public agency rejects or disapproves." Therefore, the project is statutorily exempt per CEQA Guidelines Section 15270 (a).

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed this appeal:

The Office of the County Surveyor, Public Works Facilities and Parks

FINANCING:

Funding for staff time associated with this project is included in the FY2021-22 Adopted Budget for HCD Appropriation Unit HCD002.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our Monterey County Land-Use & Community Development customers. Processing this appeal in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Kenny Taylor, Associate Planner, ext. 5096

Reviewed by: Michael K. Goetz, County Surveyor

Approved by: Erik V. Lundquist, HCD Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Summary/Discussion

Attachment B - Lewis Grant Deed (Recorder's Document No. 2019056447).

Attachment C - June 1949 Grant Deed (Chain Doc. 7: Vol. 1143, Pg. 352, Official Records)

Attachment D - August 1949 LLA Grant Deeds (Vol. 1155, Pg. 121 and Vol. 1155, Pg. 124, Official Records)

Attachment E - August 1962 Grant Deed (Chain Doc. 16: Reel 83, Pg. 444, Official Records)

Attachment F - 1957 Zoning Map (10-5J)

Attachment G - Parcel Exhibit with Document References

Attachment H - July 7, 2021 Letter request for reconsideration with Exhibits A through O from Joel R.

Panzer; Notice of Appeal submitted August 27, 2021
Attachment I - Appeal
Attachment J - Letter from Staff, dated August 17, 2021
Attachment K - Draft Resolution

cc: Front Counter Copy; Kenny Taylor, Associate Planner; Michael K. Goetz, County Surveyor; John & Tammy Lewis/LB Homebuyers LLC, Property Owners; Joel Panzer, Applicant's representative; Mary Grace Perry, Deputy County Counsel, Office of the County Counsel; Craig Spencer, Chief of Planning; Erik V. Lundquist, HCD Director; Molly Erickson, The Open Monterey Project; Executive Director, LandWatch;; John H. Farrow; Janet Brennan; Project File CC200010 and CC200011.