# Exhibit A

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# EXHIBIT A DRAFT RESOLUTION

# Before the Housing and Community Development Chief of Planning in and for the County of Monterey, State of California

#### In the matter of the application of: BATES CHARLES CARROLL ET AL (PLN240101) RESOLUTION NO. 25--

Resolution by the County of Monterey Chief of Planning:

- Finding that the project qualifies for a Class 15 Categorical Exemption pursuant to CEQA Guidelines section 15315, and none of the exceptions apply under Section 15300.2; and
- Approving a Minor Subdivision to divide an existing 23.67-acre legal lot of record into two parcels containing 18.567 acres (Parcel A) and 5.1 acres (Parcel B).

[PLN240101 BATES CHARLES CARROLL ET AL, 577 VIEJO ROAD, CARMEL, GREATER MONTEREY PENINSULA AREA PLAN (APN: 103-021-007-000)]

The BATES CHARLES CARROLL ET AL application (PLN240101) came on for an administrative hearing before the County of Monterey Chief of Planning on July 16, 2025. Having considered all the written and documentary evidence, the staff report, and other evidence presented, including the conditions of approval and site plan, the County of Monterey Chief of Planning finds and decides as follows:

# FINDINGS

1. FINDING: CONSISTENCY – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

**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 2010 Monterey County General Plan;
- Greater Monterey Peninsula Area Plan;
- Monterey County Subdivision Ordinance (Title 19); and
- Monterey County Zoning Ordinance (Title 21).

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 project involves the division of an existing 23.667-acre parcel, into two new lots of 18.567 acres (Parcel A) and 5.1 acres (Parcel B).
- c) <u>Allowed Use.</u> The property is located at 577 Viejo Road, Carmel, Greater Monterey Peninsula Area Plan, APN: 103-021-007-000. The

parcel is zoned RDR/5.1-UR-D-S or "Rural Density Residential, 5.1 acre minimum, with Design Control and Site Plan Review Overlays", which allows the development of single family dwellings, not exceeding four in total, on a minimum of ten acres for an owner, operator or employees on the site (Title 21 section 21.16.030.O), and the first single family dwelling per lot (Title 21 section 21.16.030.A). The current property is greater than ten (10) acres and contains three existing permitted residential developments. The proposed minor subdivision will divide the 23.667-acre property into two lots, containing 18.567 acres (Parcel A) and 5.1 acres (Parcel B). Two existing single family dwellings will exist on proposed Parcel A, while one existing single-family dwelling will exist on proposed Parcel B. Therefore, the project is an allowed land use for this site. No development is proposed or foreseeable at this time.

- d) <u>Lot Legality.</u> The subject property (23.667 acres) is identified in both Volume 728 of Official Records, at Page 344 and Reel 1455 of Official Records, at Page 92. Therefore, the County of Monterey recognizes the subject property as a legal lot of record.
- e) <u>Development Standards.</u> The subject RDR zoning designation requires a minimum parcel size of 5 acres. Accordingly, the proposed minor subdivision proposed to divide a 23.667-acre parcel into two new parcels of 18.567 acres (Parcel A) and 5.1 acres (Parcel B). The RDR zoning designation establishes a maximum allowed density of 5.1 acres per unit. Two existing single-family dwellings will exist on proposed Parcel A, while one existing single-family dwelling will exist on proposed Parcel B. The development on the new parcels is consistent with the development density requirements of the RDR/5.1 zoning designation.

The existing parcel has existing development (three single family dwellings), and the proposed minor subdivision has been designed to allow all existing development to remain consistent with required residential and accessory structure setback and building site requirements. Impervious site coverage for Parcel A will be 21,361 square feet (sf) which is 3.4 percent. Impervious site coverage for Parcel B will be 21,370 sf, or 9.6 percent. Both are under the 25 percent maximum for the zoning district. RDR zoning designation requires that main structures have a minimum front setback of 30 feet, a minimum side and rear setback of twenty 20 feet each. The newly formed Parcel A are consistent with all setback requirements for the main residence (575-A) (41-ft front; 75 to 146 feet on the side and rear) and for the existing habitable accessory structure (575-B), which requires a 50-foot front setback (50 feet provided); six foot side and rear (102 to 207 feet provided). Non-habitable accessory structures minimum setbacks are 50 feet front and side setbacks are six feet on front one-half of property, one foot on rear one-half of property; rear setback for non-habitable accessory structures is one foot. There is one "barn" structure located adjacent (10-feet) to Viejo Road in the front setback for the lot, which is existing (and considered legal, non-conforming). The barn is not

affected by the minor subdivision or new lot lines; and based on the legal, non-conforming status is not required to be altered.

The project proposes to create one "flag lot", based on the shared access driveway. The proposed land division has been designed and proposed in conformance with the December 4, 2008 "Flag Lot" setback interpretation. Under the interpretation, the front setback for a flag lot should be "measured from the center line of the access or "pole" portion of the lot where it meets the "flag" shaped portion of the in an arc shape within the "flag" portion of the lot. The side and rear of the flag lot shall be defined as by the shape of the "flag" portion and measured using the standard practice. The proposed minor subdivision proposes to create one "flag lot" based on the common use of the access driveway (Parcel B); as such the new lot has been designed to ensure that all applicable setbacks to existing structures on the lot are compatible and can be met, including the front setback when measures using the formula described in the 2008 interpretation. The RDR zoning designation requires that main structures have a minimum front setback of thirty (30) feet, a minimum side and rear setback of twenty (20) feet each. Using the "flag lot" interpretation method, the front of the newly formed Parcel B (5.1 acres) is 134 feet front; the side and rear setback range between 24.5 to 447 feet. Main dwelling setbacks are met. Nonhabitable accessory structures minimum setbacks are fifty (50) feet front and side setbacks are six (6) feet on front one-half of property, one (1) foot on rear one-half of property; rear setback for non-habitable accessory structures is one foot. The setbacks to the existing tennis court associated structure (retaining wall) meet side setback of 6 feet.

- f) Land Use Advisory Committee (LUAC) Review. The project was not routed to the Greater Monterey Peninsula Land Use Advisory Committee (GMP LUAC) due to a lack of committee members and the inability to host a quorum during the application review period. Therefore, the project was moved forward and no formal LUAC review or recommendation took place.
- g) The Minor Subdivision is consistent with the requirements for approval contained in the County of Monterey Subdivision Ordinance, Title 19. See Finding No. 5 and supporting evidence.
- h) The project planner conducted a site inspection on July 2, 2024, to verify that the project on the subject parcel conforms to the plans listed above.
- i) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240101.

# 2. FINDING: SITE SUITABILITY – The site is physically suitable for the proposed development and/or use.

**EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Public Works, HCD-Environmental Services, Environmental Health Bureau, and Cypress Fire Protection District. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the

applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.

- b) Staff did not identify potential impacts resulting from the proposed subdivision. The existing parcel has existing permitted development. The proposed minor subdivision will split the property into two new smaller lots but does not propose any new or altered development.
- c) Staff conducted a site inspection on July 2, 2024, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240101.

# 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 HCD-Planning, HCD-Public Works, HCD-Environmental Services, Environmental Health Bureau, and Cypress Fire Protection District. 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 exist and are provided for the existing development on the site. No new development is proposed and no new public facilities (water, septic, electricity, etc.) are required for the proposed land division.
  - c) Staff conducted a site inspection on July 2, 2024, to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240101.

# 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 HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on July 2, 2024, and researched County records to assess if any violation exists on the subject property.
  - c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240101.
- 5. FINDING: SUBDIVISION Section 66474 of the California Government Code (Subdivision Map Act) and 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 proposed map is not consistent with the applicable general plan and specific plans.
- 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
- 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 is 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.
- **EVIDENCE:** a) <u>Consistency</u>. The project as designed and conditioned is consistent with the 2010 County of Monterey General Plan and Greater Monterey Peninsula Area Plan (See Finding No. 1 and supporting evidence).
  - b) <u>Design.</u> The lot design is consistent with the Lot Design Standards of Title 19 Section 19.10.030. The resulting lots have widths that exceed 60 feet and depths of 85 feet. At 18.567 acres and 5.1 acres, the creation of Parcels A and B will meet all applicable site development standards of the RDR zoning district and exceed the underlying zoning district's minimum allowed building site size and density acreage. Therefore, the proposed project complied with applicable design standards.
  - c) <u>Site Suitability.</u> The site suitable for the Project including the type and density of the development (See Finding No. 2 and supporting evidence).
  - d) <u>Environment.</u> The subdivision design and foreseeable development of Parcels A and B will not cause damage to fish or wildlife habitat. The proposed land division does not involve any new construction or alteration to existing on-site development.
  - e) <u>Health and Safety.</u> 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 No. 3 and supporting evidence).
  - f) <u>Water Supply.</u> Title 19 section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. Necessary public facilities exist and are provided for the existing development on the site. No new development is proposed

and no new public facilities (water, septic, electricity, etc.) are required for the proposed land division.

- g) <u>Sewage Disposal.</u> Necessary public facilities exist and are provided for the existing development on the site. No new development is proposed and no new public facilities (water, septic, electricity, etc.) are required for the proposed land division.
- h) <u>Easements.</u> The proposed subdivision will not conflict with easements as no easements are currently conveyed over the property. Acceptance and recordation of the Parcel Map will establish a 20-30 foot wide road and utility easement along the existing driveway to ensure and maintain legal access to both lots.
- i) <u>Traffic.</u> No new traffic is anticipated from the proposed lot split. The proposed minor subdivision will divide a 23.667-acre parcel (with three existing residences) into two new parcels, one 18.567-acre parcel (Parcel A two residences) and one 5.1-acre parcel (Parcel B one residence). No new development is proposed or anticipated with implementation of the land division.
- <u>Affordable Housing.</u> The Project does not create four or more residential units and therefore is not required to meet the County's Inclusionary Housing Ordinance #04185 (County of Monterey Code Chapter 18.40).
- <u>Parks and Recreation.</u> The Project does not create four or more residential units and therefore compliance with Section 19.12.010 of Title 19/Quimby Act is not required.
- 1) Staff conducted a site inspection on July 2, 2024, to verify that the Project would not conflict with zoning or building ordinances.
- m) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240101.
- 6. 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 15315 categorically exempts the division of property within areas zoned for residential use, into four or fewer parcel when the division is in conformance with the General Plan and zoning, no variances are not required, and the parcel has not been involved in a land division within the previous two years, and the parcel does not have an average slope greater than 20 percent.
    - b) The project proposes to split an existing 23.667-acre parcel to create two new lots of 18.567 acres (Parcel A) and 5.1 acres (Parcel B). The project involves residentially zoned lots, which once created are in conformance with General Plan and zoning requirements (See Findings 1 and 2), does not involve a variance, has not been involved in a previous land division within the last two years, and the existing developed areas do not have an average slope of more than 20-percent. The overall site does include areas of slope greater than 20%, however does are located away from previously developed area(s) and along/adjacent to the existing road/driveway. The existing lot has a

measured average slope of 18 percent. As the average slope is less than the threshold of 20 percent, the exception to the exemption is not triggered.

- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not propose a cumulative impact, is not impacting a scenic highway, does not involve a hazardous waste site, or the use of hazardous materials, and does not impact or involve historical resources.
- d) No adverse environmental effects were identified during staff review of the development application during a site visit on July 2, 2024.
- e) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240101.
- 7. FINDING: APPEALABILITY The decision on this project may be appealed to the Board of Supervisors.
  - **EVIDENCE:** a) Section 19.16.020.A states the Board of Supervisors is the Appeal Authority to consider appeals from the discretionary decisions of the Chief of Planning.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the HCD Chief of Planning does hereby:

- Find that the project qualifies qualifies for a Class 15 Categorical Exemption pursuant to CEQA Guidelines Section 15315 and none of the exceptions apply under Section 15300.2; and
- 2. Approving a Minor Subdivision to divide an existing 23.67-acre legal lot of record into two parcels containing 18.567 acres (Parcel A) and 5.1 acres (Parcel B).

All of which are in general conformance with the attached site plan and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 16<sup>th</sup> day of July, 2025.

Melanie Beretti, AICP Chief of Planning

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

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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. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

# **County of Monterey HCD Planning**

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

PLN240101

#### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation This Administrative permit (PLN240101) allows a minor subdivision of a 23.667-acre **Monitoring Measure:** parcel to create one new 5.1 acre parcel and a remainder 18.567 acre parcel. The property is located at 575 A&B and 577 Viejo Road, Carmel (Assessor's Parcel Greater Monterey Peninsula Area Plan. This permit was Number 103-021-007-000), 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 Director of HCD - 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. (HCD - Planning)

Compliance or Monitoring Action to be Performed:

#### 2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

"An Administrative Permit for Minor Subdivision (Resolution Number \_\_\_\_\_) was approved by the Chief of Planning for Assessor's Parcel Number 103-021-007-000, on July 16, 2025. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with County of Monterey HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

**Compliance or Monitoring Action to be 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 HCD - Planning.

#### 3. PW0015 - UTILITY'S COMMENTS

Responsible Department: 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 Housing & Community Development - Engineering Services of the County of Monterey.

**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 Housing & Community Development -Engineering Services of the County of Monterey.

#### 4. PW0036 - EASEMENTS AND RIGHT-OF-WAY

Responsible Department: Public Works

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

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

#### 5. PWSP01 - NON-STANDARD

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure:

Address assignment required.

Compliance or Monitoring Action to be Performed: Bollowing the recordation of the Final Map or Parcel Map, applicant must contact County of Monterey Housing and Community Development - Engineering Services for address assignment.

#### 6. CC01 INDEMNIFICATION

Responsible Department: County Counsel-Risk Management

**Condition/Mitigation Monitoring Measure:** Owner/Applicant 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 and/or its agents, officers, and/or employees from any claim, action, or proceeding against the County and/or its agents, officers, and/or related subsequent approvals, including, but not limited to, design approvals, which action is brought within the time provided for under law. Owner/Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action.

The County shall notify Owner/Applicant of any such claim, action, and/or proceeding as expeditiously as possible. The County may, at its sole discretion, participate in the defense of such action. However, such participation shall not relieve Owner/Applicant of his/her/its obligations under this condition. Regardless, the County shall cooperate fully in defense of the claim, action, and/or proceeding.

#### (County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: This Indemnification Obligation binds Owner/Applicant from the date of approval of this discretionary development permit forward. Regardless, on written demand of the County County's Office, Owner/Applicant shall also execute and cause to be notarized an agreement to this effect. The County Counsel's Office shall send Owner/Applicant an indemnification agreement. Owner/Applicant shall submit such signed and notarized Indemnification Agreement to the Office of the County Counsel for County's review and signature. Owner/Applicant shall then record such indemnification agreement with the County of Monterey Recorder's Office. Owner/Applicant shall be responsible for all costs required to comply with this paragraph including, but not limited to, notary costs and Recorder fees.

#### 7. PD005(A) - NOTICE OF EXEMPTION

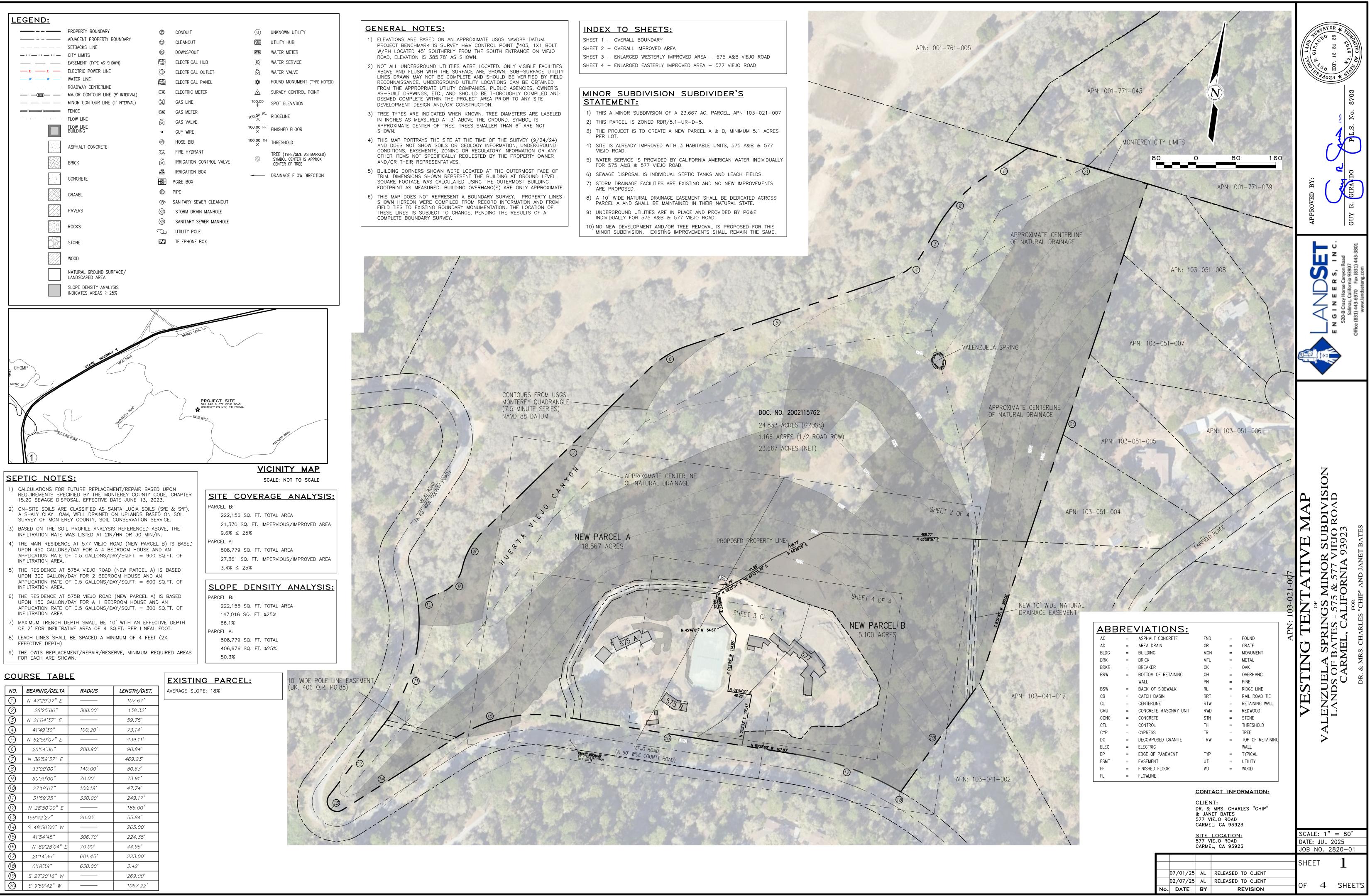
#### Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption. (HCD-Planning)

Compliance or Monitoring Action to be Performed:

e or After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

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NO.	BEARING/DELTA	RADIUS	LENGTH/DIST.
	N 47°29'37" E		107.64'
2	26°25'00"	300.00'	138.32'
3	N 21°04'37" E		59.75 <b>'</b>
4	41°49'30"	100.20'	73.14'
5	N 62°59'07" E		439.11'
6	25°54'30"	200.90'	90.84'
$\bigcirc$	N 36°59'37" E		469.23'
8	33°00'00"	140.00'	80.63'
9	60°30'00"	70.00'	73.91'
10	27°18'07"	100.19'	47.74'
(1)	<i>31°59'25"</i>	330.00'	249.17'
12	N 28°50'00" E		185.00'
B	159°42'27"	20.03'	55.84'
14	S 48°50'00" W		265.00'
<b>1</b> 5	41°54'45"	306.70'	224.35'
<i>16</i>	N 89°28'04" E	70.00'	44.95'
$\bigcirc$	21°14'35"	601.45'	223.00'
13	0°18'39"	630.00'	3.42'
19	S 27°20'16" W		269.00'
0	S 9°59'42" W		1057.22'

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