

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION**

PLANNING COMMISSION RESOLUTION NO. 2025-XXX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE PROJECT QUALIFIES AS A CLASS 5 CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELNES SECTION 15303(a) AND THAT NONE OF THE EXCEPTIONS TO THE EXEMPTIONS CONTAINED IN SECTION 15300.2 APPLY IN THIS CASE AND APPROVING AN ASSOCIATED LOT LINE ADJUSTMENT BETWEEN THREE LEGAL LOTS OF RECORD CONSISTING OF: ONE 4,000 SQUARE FOOT PARCEL (APN: 010-112-012-000), ONE 4,000 SQUARE FOOT PARCEL (APN: 010-112-013-000), AND ONE 6,000 SQUARE FOOT PARCEL (010-112-007-000) RESULTING IN ONE 4,150 SQUARE FOOT PARCEL (HAPUNA), ONE 4,950 SQUARE FOOT PARCEL (KAILEA), AND ONE 4,900 SQUARE FOOT PARCEL (AHANA), RESPECTIVELY. THE PROPERTIES ARE LOCATED AT MISSION STREET 2, 3, AND 4 NORTHEAST OF 1ST AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT, APNS 010-112-012-000, 010-112-013-000, AND 010-112-007-000.

WHEREAS, on July 9, 2024, Erik Dyar (“Applicant”) submitted an application on behalf of Collins Hermle Family Trust (“Owners”) requesting approval of an Associated Lot Line Adjustment application DS 24207, 24208, and 24209 (Hermle-Collins) described herein as (“Application”); and

WHEREAS, the Application has been submitted for a affected parcels located at Mission Street 2, 3, and 4 northeast of 1st Avenue in the Single-Family Residential (R-1) District (Block 6, Lot 6, 8, 10, and 12); and

WHEREAS, the Applicant is requesting approval of the lot line adjustment associated with three Final Design Studies; and

WHEREAS, a Coastal Development Permit is required in accordance with CMC Section 17.52.090 (Coastal Development Permit Required) and will be considered at the Final Details hearing; and

WHEREAS, on October 9, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the DS 24208 and 24209 (Hermle-Collins), including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, on March 12, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the DS 24207 (Hermle-Collins), including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, on May 2, 2025, a notice of public hearing was published in the Carmel Pine Cone for the May 14, 2025, Planning Commission meeting in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before May 4, 2025, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before May 9, 2025, the meeting agenda was posted in three locations in compliance with State law, indicating the date and time of the public hearing; and

WHEREAS, on May 14, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Application, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the hearing date, including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA"), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the "CEQA Guidelines") and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the Planning Commission found that the Project for the lot line adjustment is minor in nature, on parcels with an average slope of less than 20% and does not result in any changes in land use or density and the Project is categorically exempt under Section 15305(a) (Class 5) – Minor Alterations in Land Use Limitations and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Lot Line Adjustment**:

FINDINGS REQUIRED FOR LOT LINE ADJUSTMENT APPROVAL (CMC 17.44.030 and LUP Policy P1-29 - P1-36)		
The following conditions and standards and criteria for review shall be considered when evaluating all lot line adjustment applications. For all findings checked "no" the staff report discusses the issues to facilitate decision-making by the Planning Commission. Findings checked "yes" may or may not be discussed in the staff report depending on the issues.		
CMC Section 17.44.030 Standards and Criteria for Review	YES	NO
A. Only legal lots may be subdivided or the subject of a lot line adjustment. No subdivision or lot line adjustment shall be approved which increases or creates a zoning nonconformity or is inconsistent with the policies of the certified Local Coastal Land Use Plan. All lots and sites	✓	

created shall comply with minimum standards established for the zoning district which the property is located and with any other relevant requirements of the certified Local Coastal Implementation Plan.		
B. No subdivision or lot line adjustment shall be approved which increases or creates a zoning violation or any other kind of illegality.	✓	
C. No lot line adjustment shall be approved that could lead to the creation of an additional building site unless a parcel map is prepared. For example, if the minimum lot size is 4,000 square feet and there are two adjoining lots, one of which is 7,000 square feet and another of 5,000 square feet, no lot line adjustment shall be allowed which would result in one lot of 8,000 square feet and one lot of 4,000 square feet because the newly created lot of 8,000 square feet could possibly be divided into two lots of 4,000 square feet.	✓	
D. Until there is sufficient water allocated in the City's water management program to provide for development of all existing lots of record within the City no subdivision or lot line adjustment application shall be approved that would result in the creation an additional lot of record, parcel, or building site if such creation would increase the demand for water resources.	✓	
E. Approval of a subdivision or lot line adjustment shall be conditioned upon all zoning requirements being met on all lots involved in the subdivision or lot line adjustment. The Planning Commission may expect preexisting zoning nonconformities from this requirement if compliance is determined not to be in the public interest or contrary to the General Plan.	✓	
F. If, when curing a nonconformity or illegality that would be created by a lot line adjustment, one side of a building must be moved because it is too close to the proposed new line, another side of the building which is nonconforming shall not be required to be conformed unless the building is moved, demolished, or rebuilt.	✓	
G. Lot line adjustments increasing the average length of frontage on public streets for each lot involved in the lot line adjustment shall be encouraged.	✓	
H. Lot line adjustments tending to straighten lot lines shall be encouraged.	N/A	N/A
I. Lot line adjustments tending to cause lots to be more rectangular in shape shall be encouraged.	N/A	N/A
J. Where, in the opinion of the Planning Commission, curing of existing nonconformities is deemed reasonable when considering the public health, safety and welfare as well as the financial cost, the cure of such nonconformities shall be required.	N/A	N/A
K. Other conditions may be required as the City deems reasonable and proper for the protection of the public health, safety and welfare.	N/A	N/A
L. Where a subdivision or lot line adjustment will result in or lead to the relocation of driveways or parking places on private property, the effect of such relocation on existing trees shall be taken into consideration and conditions reasonably related to the protection of existing trees and the location of driveways and parking places shall be established. No subdivision or lot line adjustment shall be approved that would require removal of a significant tree or create a building site that would not be viable without removing one or more significant trees.	✓	
M. All subdivisions and lot line adjustments approved shall comply with the minimum lot or parcel sizes established for the zoning district where the property is located.	✓	
N. Subdivisions and lot line adjustments resulting in the creation of additional building sites shall be approved only when consistent with the general pattern of lot sizes found in the immediate neighborhood (within 300 feet of the site) and when significant vegetation and other environmental resources on the site will be protected.	N/A	N/A

O. When determined to be consistent with the General Plan/Coastal Land Use Plan, approval of subdivisions and lot line adjustments shall include easements for protection of natural resources and/or coastal resources, including but not limited to, scenic views, sensitive habitats, wetlands and coastal accessways. When establishing new lots and/or lot boundaries the decision-making body shall consider the physical constraints and biological constraints of the property and ensure that there will be sufficient buildable area to allow reasonable development on each lot affected after deducting areas limited by easements, slopes and other factors.	N/A	N/A
LUP Policy P1-29 – P1-36	YES	NO
P1-29 Prevent the creation of new lots of less than 4,000 square feet in area. Encourage the formation of larger lots with proportionately lower allowable site coverage and floor area and with greater potential for open space. (LUP)	✓	
P1-30 Prohibit any further subdivision and/or creation of new building sites west of San Antonio Avenue and within any block fronting on North San Antonio Avenue or Scenic Road. (LUP)	✓	
P1-31 Discourage any future subdivision of land or lot-line adjustment unless it can be demonstrated that the character of the block and neighborhood will be maintained. (LUP)	✓	
P1-32 Preserve significant areas of vegetation and open space when approving subdivisions and lot line adjustments through the appropriate siting of buildings and other allowed improvements. (LUP)	✓	
P1-33 Evaluate and minimize the impacts of proposed lot line adjustments and subdivisions on traffic, access, trees, topography, utilities and public services through the approval process. (LUP)	✓	
P1-34 Inventory all building sites that contain portions of lots or lot fragments left over from previous subdivisions. Consolidate all lots or portions of lots with adjoining lands within the same building site through the filing of lot merger or lot line adjustment documents when additional development is proposed. (LUP)	N/A	N/A
P1-35 Establish criteria for evaluating lot line adjustments and subdivisions that will protect environmental resources, and ensure that proposed lots will be consistent with the pattern of existing parcel sizes within the surrounding neighborhood. (LUP)	✓	✓
P1-36 Avoid the creation of land use and design nonconformities through approvals of lot line adjustments, subdivisions and the creation of building sites.	✓	✓

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby **FIND** the project qualifies as a class 5 categorical exemption pursuant to CEQA guidelines section 15305(a) and **APPROVE** the lot line adjustment between three legal lots of record consisting of: one 4,000 square foot parcel (APN: 010-112-012-000), one 4,000 square foot parcel (APN: 010-112-013-000), and one 6,000 square foot parcel (010-112-007-000) resulting in one 4,150 square foot parcel (Hapuna), one 4,950 square foot parcel (Kailea), and one 4,900 square foot parcel (Ahana), respectively. The properties are located at Mission Street 2, 3, and 4 northeast of 1st Avenue (APN 010-112-012-000, 010-112-013-000, and 010-112-007-000). Approval of the lot line adjustment is subject to the following Recommendations/Draft Conditions:

CONDITIONS OF APPROVAL

No.	Standard Conditions
1.	Authorization. The approval of the associated lot line adjustment between three legal lots of record consisting of: one 4,000 square foot parcel (APN: 010-112-012-000), one 4,000 square foot parcel (APN: 010-112-013-000), and one 6,000 square foot parcel (010-112-007-000) resulting in one 4,150 square foot parcel (Hapuna), one 4,950 square foot parcel (Kailea), and one 4,900 square foot parcel (Ahana), respectively at Mission Street 2, 3, and 4 northeast of 1st Avenue in the Single-Family Residential (R-1) Archaeological Significance (AS) Overlay, and Very High Fire Severity Zone APN: 010-112-012-000 as depicted in the plans prepared by Dyar Architecture as approved by City of Carmel-by-the-Sea Planning Commission on May 14, 2025 unless modified by the conditions of approval contained herein.
2.	Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.
3.	Water Use. Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is unavailable for this site, this permit will be scheduled for reconsideration, and appropriate findings will be prepared for review and adoption by the Planning Commission.
4.	Indemnification. The Applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the Applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for resolving all such actions by the parties hereto.
5.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
Special Conditions	
6.	Conditions of Approval Acknowledgement. Prior to the issuance of a building permit revision, a completed Conditions of Approval Acknowledgement form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.
7.	Certificate of Compliance. Prior to building permit application, the 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.

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 14th day of May 2025, by the following vote:

DS 24207, 24208, 24209 (Hermle-Collins)

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May 14, 2025

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AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Shelby Gorman
Planning Commission Secretary