

# Exhibit B

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# DRAFT RESOLUTION

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

In the matter of the application of:

**BORNSKI MATTHEW & BORNSKI MARIA  
(FORMERLY WEATHERTOP RANCH LLC) (PLN200101)**

### RESOLUTION NO. 23-

Resolution by the Monterey County Planning Commission:

- 1) Finding that the project qualifies as a Class 1 Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines, and none of the exceptions contained in Section 15300.2 apply; and
- 2) Approving an Administrative Permit to allow transient use of a residential property (three single-family dwellings) for remuneration.  
[PLN200101, 500 El Caminito Road, Carmel Valley, Toro Area Plan (Assessor's Parcel Number 187-011-010-000)]

**The Bornski Matthew & Bornski Maria application (PLN200101) came on for a public hearing before the Monterey County Planning Commission on March 8, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, including the conditions of approval and project plans, the Monterey County Planning Commission finds and decides as follows:**

### FINDINGS

1. **FINDING:** **CONSISTENCY / SITE SUITABILITY** - 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;
  - Toro Area Plan; and the
  - Monterey County Zoning Ordinance (Title 21).No conflicts were found to exist. The County received communications from interested members of the public during project review indicating inconsistencies with the text, policies, and regulations in the applicable plans and Monterey County Code (MCC); however, the County finds that the project is consistent with the text, policies, and regulations in the applicable documents
- b) Allowed Uses: The property is located at 500 El Caminito Road, Carmel Valley, Toro Area Plan (Assessor's Parcel Number [APN] 187-011-010-000)]. The parcel is split-zoned Rural Density Residential, 10 acres per unit with Design Control, Site Plan and Regulations for Residential Allocation Zoning overlay districts

(RDR/10-D-S-RAZ) and Permanent Grazing, 40 acres per unit with a Visual Sensitivity zoning overlay (PG/40-VS). Both zoning districts allow residential development. The three houses existing on the property are located on the portion of the property zoned PG. Monterey County Code (MCC) Section 21.64.280 allows for the transient use of a residential property for remuneration, subject to an Administrative Permit. MCC defines a “Residential Property” as “any single- or multiple-family dwelling units, duplexes, guesthouses, caretaker units, or other dwelling unit or structure located on one or more contiguous lots of record in any of the zoning districts in Title 21 which allow residential uses.” The Permanent Grazing and Rural Density Residential Zoning Districts allow the establishment of single-family dwellings and other dwellings, such as for on-site employees. As proposed, the project includes the transient use of an existing residential uses, containing three single-family dwellings, for remuneration. No exterior changes or development is proposed. Therefore, the project is an allowed land use for this site.

- c) Lot Legality: Resolution No. 13-007 by the RMA Director of Planning (File No. PLN110115) approved a lot line adjustment between four parcels. Parcel III (APN: 187-011-007-000; Document No. 200312119) was adjusted to create the subject parcel, APN: 187-011-010-000, which is shown in its current configuration and size (224.1 acres) as Lot 1 in a Record of Survey map (Volume 32, Page 84; Document No. 2014006272), dated February 11, 2014. The adjusted lot line boundaries were recorded under Certificate of Compliance Document No. 2013074009. Therefore, the County recognizes the property as a legal lot of record.
- d) The project includes the lease of an existing 2,734 square foot main single-family dwelling, 1,124 square foot second main single-family dwelling, and 807 square foot third single-family dwelling. Based on review of the County Clerk Recorder’s Residential Building Record, the three structures were constructed between 1959 and 1960, under Building Permit No. 2-637. When the three structures were constructed, the subject property’s zoning district was Agriculture-Residential (K). The K Zoning District allowed the establishment of single-family dwellings and accessory buildings including quarters for farm laborers as principally allowed uses. The Residential Building Record indicate that these structures were all built with kitchens and categorized as a single-family dwelling, garage/storage, and storage/living quarters. Although the garage/storage structure was not labeled as a “living quarter,” the kitchen would indicate that the intent of the structure was for habitable purposes. The existing development is located in the portion of the property which is zoned PG/40-VS. Permanent Grazing zoning districts allow up to three single-family dwellings which are accessory to the agricultural use of the property as a principal use. The 224-acre property has historically been used for cattle grazing, which recently ended in the spring of 2022 once a goat grazing operation and small vineyard was established. Under the current Monterey County Zoning Ordinance (Title 21), the existing structures would be classified as single-family dwellings which meet all site development standards, including the

minimum density requirement (40 acres per unit). Granting of this Administrative Permit authorizes use of the property for transient use for remuneration.

- e) The applicant has applied for an Administrative Permit to allow transient use of the property for remuneration and the project has been conditioned to comply with the requirements found in Title 21 Section 21.64.280.D.2 pertaining to the minimum rental period(s), on-site advertising, payment of transient occupancy taxes (TOT), designation of a local contact person and limitation on the total number of occupants. As proposed and detailed in the attached Operations Plan, the property will be leased under one contract, the rental periods for the subject property shall be no less than a 7-night consecutive stay and no greater than a 30-night consecutive stay, no on-site advertising shall be allowed, and the total occupancy shall not exceed 12 guests(see Condition No. 6).
- f) Pursuant to Title 21 Section 21.64.280.D.2.b, the number of occupants in any residential unit for transient use shall not exceed the limits set forth in the California Housing Code. Under the California Housing Code, each bedroom shall have a minimum of 70 square feet for the first two people and 50 square feet for each additional person beyond two people in that bedroom. The main residence (2,734 square feet) has 3 bedrooms, 3 bathrooms, and 1 kitchen. The second residence (1,124 square feet) has 2 bedrooms, 2 bathrooms, and 2 kitchens (see subsequent Evidence “g”). The third residence (807 square feet) has 1 bedroom, 1 bathroom, and 1 kitchen. The owner is proposing a maximum of 12 people to stay at the property at a time. Although the California Housing Code would allow additional occupants, the existing on-site septic system has a capacity limit of 12 occupants. Therefore, as proposed and with the limitation of 12 occupants, the project is consistent with applicable Monterey County Code.
- g) The second residence contains 2 kitchens and is considered legal nonconforming. Pursuant to Title 21 Section 21.68.020.B, a legal nonconforming land use may be continued provided that no such use may be intensified over the level of use that existing at the time the legal nonconforming use was established. Transient use of a residential property for remuneration does not change the land use of a property. Through adoption of the Transient Use of a Residential Property for Remuneration Ordinance (No. 5135), the Board of Supervisors found that the “use permitted pursuant to this ordinance, as regulated, will not constitute a substantial adverse physical change to the environment or any substantive change in the intensity of use of existing single-family dwellings.” As such, the project is consistent with the legal nonconforming regulations of Title 21.
- h) The current property owner (Matthew and Maria Bornski) does not reside on the property, or within 5 miles of it. Consistent with Title 21 Section 21.64.280.D.2.d, information for the local property manager (located 1 mile from the subject property) has been provided to HCD-Planning and is detailed in the attached Operations Plan.

- i) The property is not subject to a Homeowner’s Association and the proposed use of the residential property will not violate any applicable conditions, covenants, or other restrictions.
- j) Pursuant to Title 21 Section 21.64.280, the County may apply conditions of approval as required to ensure the use of the residential property for transient use does not result in adverse impacts to the neighborhood and to maintain the integrity of the zoning district. To protect the public, health, and welfare, as well as the residential character of the neighborhood, Condition No. 4 has been applied. This condition requires the property owner to record a Deed Restriction containing the applicable regulations of Title 21 Section 21.64.280, regarding transient use for remuneration.
- k) Parking. Title 21 Section 21.58.040 establishes the minimum number of required parking spaces per use. Each single-family dwelling requires 2 parking spaces. As proposed, 8 parking spaces will be provided.
- l) Access. The public portion of El Caminito Road is approximately 1.84 miles while the private portion of the road which leads up to the residences on the subject property is approximately 1.35 miles. El Caminito is a County maintained road until it abuts APN: 187-611-064-000. The road becomes private and traverses through four separate parcels, APNs: 187-611-064-000, 187-011-012-000, 187-011-011-000, and the subject lot, APN: 187-011-010-000, which are all under the same ownership (Matthew & Maria Bornski). The subject property is not governed by a homeowner’s association, or a similar organization, and the proposed project will not intensify the private road. Until such time that the abovementioned parcels are under separate ownership, the private road is not subject to the requirements of Monterey County Code Chapter 16.80. Also see Finding No 2, evidence “d”.
- m) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, Monterey County Regional Fire Protection District, HCD-Engineering Services, HCD-Environmental Services and 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.
- n) Public Comment. During planning review, staff received ten public comment letters from neighbors along the public portion of El Caminito Road. The public objection letters raised concerns about traffic, inappropriate access route, the need to be compatible with the Carmel Valley Master Plan rather than the Toro Area Plan, compliance with fire standards, and violation of Monterey County Code. The applicant has informed staff that the subject property has been operating as an un-permitted short-term rental since 2019. Based on review the County’s records, although two noise complaints were received, no violation has been issued. The granting of this Administrative Permit will bring the property into conformance with applicable MCC. MCC Section 21.64.280.D.2 establishes the requirements and regulations for which a property operating as a transient use for remuneration must abide by. As demonstrated in the

above findings (Finding 1, evidence “d” through “k”), the applicant has provided evidence of compliance with the applicable requirements.

The public members describe the public portion of El Caminito Road as being unsafe for additional traffic due to tight turns, overgrown vegetation, potholes and steep. Even though three single-family dwellings will be utilized as short-term rentals, the property is limited to one contract at a time meaning all three residences will be rented to one tenant, not multiple tenants at any one time. Therefore, the proposed use will be comparable to the impacts of one single-family dwelling and will not create an adverse environmental impact. HCD-Engineering Services have reviewed the proposed project and the nearby roadways, and determined that the road is suitable for this use. The Monterey County Regional Fire Protection District has reviewed the application, made no comments, and raised no concerns about access to the property’s development. Finally, as described in Finding 1, Evidence “b,” the property is spilt zoned RDR/10-D-S-RAZ and PG/40-VS. The PG-zoned portion of the property is within the Toro Area Plan while the RDR-zoned portion is within the Carmel Valley Master Plan. The applicable area plan for this project is the Toro Area Plan because that is where the development proposed for use as short-term rental will occur, subject to the granting of this Administrative Permit.

- o) Permit Expiration. Condition No. 7 applies a 7 year expiration to the granting of this Administrative Permit. The purpose of this expiration is to provide adequate on-going review of the approved transient use of the residential property for remuneration. Prior to its expiration, the owner/applicant shall file an extension in accordance with Title 21 Section 21.70.120, which requires submittal of the request at least 30 days prior to the expiration date. The appropriate authority to consider this extension shall be the Chief of Planning. This subsequent review will ensure: 1) the use continues to meet the standards of Title 21; 2) that the nature and character of the neighborhood has not changed so to cause the transient use to be detrimental to the area; and 3) an opportunity for Planning staff’s review for ongoing compliance the Administrative Permit’s conditions of approval.
- p) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN200101.

**2. 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, Monterey County Regional Fire Protection District, HCD-Engineering Services, HCD-

Environmental Services and Environmental Health Bureau (EHB). 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) Potable water for the property is and will continue to be provided by a small water system, El Caminito Water System #3. This water system is connected to a private well (Well Permit #04-06178) located on the subject property. Water Quality testing performed on the private well concluded that all primary and secondary drinking water contaminants are below their respective Maximum Contaminant Levels (MCLs). EHB verified that the water system has enough connections to accommodate the 4 required for this project. An existing onsite septic system will continue to provide sewer treatment for the three single-family dwellings. In accordance with the septic system's capacity limit, the proposed maximum occupancy limit is 12 persons. An on-site wastewater treatment system performance evaluation dated March 31, 2022 indicates that the system is in good working order. EHB has reviewed the submitted application materials and indicated no concerns with the proposal.
- c) The project does not involve any additional structural development to the existing residence, and no additional facilities are required.
- d) Dead-end roads. The subject property is identified as being in the State Responsibility Area (SRA) and the Very High Fire Hazard Severity Zone (VHFHSZ). Section 1273.08 (Dead-end Roads) of the SRA/VHFHSZ Fire Safe Regulations, contained in Title 14 of the California Code of Regulations, sets the maximum length of dead-end roads for properties of different sizes. These standards are also reflected in Monterey County Code Section 18.56.060. The subject property is greater than 20 acres in size and therefore the maximum allowed length of a dead-end road accessed is 5,280 feet (1 mile). The public portion of El Caminito Road is approximately 1.84 miles while the private portion of the road which leads up to the residences on the subject property is approximately 1.35 miles. Therefore, many of the residences along El Caminito, as well as the subject property, do not conform to the Fire Safe Regulations section relating to dead-end road lengths. In accordance with Section 1270.02 (Scope) of the SRA/VHFHSZ Fire Safe Regulations, the proposed project does not involve new construction or the creation of new parcels, or the represent a substantial change in the intensity of use which requires a Use Permit. Therefore, the Monterey County Regional Fire District has concluded that SRA/VHFHSZ Fire Safe Regulations do not apply to the proposed project.
- e) To ensure that the existing residences meet applicable California Health and Safety Code, Condition of Approval No. 3 requires the property owner to receive a health and safety inspection from the Monterey County Regional Fire District Division Chief, or their designee, prior to commencement of use. The Division Chief shall confirm that the subject residences meet the "Annual Fire Inspection Checklist" requirements which include but are not limited to fire extinguishers, smoke alarms, and a debris-free defensible space.



- f) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN200101.

**3. FINDING:** **NO VIOLATIONS** - Approval of this Administrative Permit will bring the subject property into compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records. Although the property has been operating as an unpermitted short-term rental, there is no open code enforcement case. As of September 2022, the property owner has confirmed that all existing short-term rental contracts have been terminated and no future contracts will be granted until this Administrative Permit is granted. Based on review of known online advertisements of this property, staff confirms that this statement is accurate.
  - b) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN200101.

**4. 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 leasing of existing private structures, involving negligible or no expansion of an existing use.
  - b) The applicant proposes to use (lease) three existing residential single-family dwellings as a transient use for remuneration and does not propose any additional development and/or expansion of the existing structures, no physical changes to the environment will occur. All facilities are existing and have been confirmed by County agencies to be adequate for this use. Limiting the number of occupants for the transient use and the duration and frequency of the use will not intensify the existing use of the property. Potential social and economic impacts of short-term rentals are not required to be addressed in CEQA. Therefore, the proposed use is consistent with the CEQA Guidelines Section 15301.
  - c) 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. The project will not impact sensitive environmental resources and there will be no significant effect on the environment due to unusual circumstances. The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code to be considered on a hazardous waste site.
  - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN200101.

- 5. FINDING: APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:** a) Pursuant to MCC Section 21.80.040.D, the Board of Supervisors is the appropriate appeal authority to consider appeals from the discretionary decisions of the Planning Commission. The Board of Supervisors' decision will be final.

**DECISION**

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

- 1) Find that the project qualifies as a Class 1 Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines, and none of the exceptions contained in Section 15300.2 apply, and
- 2) Approve an Administrative Permit to allow transient use of a residential property (three single-family dwellings) for remuneration.

All in general conformance with the attached plans and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of March, 2023.

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Craig Spencer  
Planning Commission Secretary

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 SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_

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 may 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 HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 7 years after the above date of granting unless an extension is granted.

# County of Monterey HCD Planning

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

PLN200101

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Administrative Permit for transient use of residential property for remuneration (three single family dwellings). The property is located at 500 El Caminito Road, Carmel Valley (Assessor's Parcel Number 187-011-010-000), Toro Area 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 Chief 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:** 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:  
"An Administrative Permit (Resolution Number \_\_\_\_\_) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 187-011-010-000 on March 8, 2023. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Chief 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 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 HCD - Planning.

### 3. PDSP002 - HEALTH AND SAFETY INSPECTION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** To ensure that the existing residences meet applicable California Health and Safety Code, the applicant/owner shall receive a health and safety inspection from the Monterey County Regional Fire District Division Chief, or their designee, prior to commencement of use. The Division Chief shall confirm that the subject residences meet the "Annual Fire Inspection Checklist" requirements which include but are not limited to fire extinguishers, smoke alarms, and a debris free defensible space.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of use, the Applicant/Owner shall schedule an inspection with the Monterey County Regional Fire District Division Chief, or their designee.

Prior to commencement of use, the Applicant/Owner, Monterey County Regional Fire District Division Chief, or their designee shall submit to HCD-Planning a signed and approved "Fire Inspection Checklist."

On an on-going basis, the Applicant/Owner shall adhere to the requirements of the Fire Inspection Checklist.

### 4. PD017 - DEED RESTRICTION-USE

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Prior to commencement of use, the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the requested transient use as specified in Section 21.64.280 of Monterey County Code, Title 21. Including, but not limited to: 1) The minimum rental period for all transient use of residential property shall be greater than seven consecutive calendar days up to the maximum of 30 days; 2) The maximum number of allowed overnight guests shall not exceed the limit of 12; 3) No advertising on site; 4) An owner/applicant who does not reside within a five-mile radius of the residence shall designate a person located within a twenty-five (25) mile radius of the rental unit, as a local contact person who will be available twenty -four (24) hours a day; 5) A copy of any administrative permit shall be furnished by the Director of Planning to the Treasurer of the County of Monterey and the Sheriff of the County of Monterey; 6) The administrative permit holder and/or registrant shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit; 7) The property shall only be rented for residential-related use; No corporate or private events and 8) Compliance with the requirements of this Section shall be considered conditions of approval, the violation of which may result in a revocation of any administrative permit by the Director of Planning. "

(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of use, the Owner/Applicant shall submit the signed and notarized document to the Director of HCD-Planning for review and signature by the County.

Prior to commencement of use, the Owner/Applicant shall submit proof of recordation of the document to HCD-Planning.

## 5. PDSP001 - TRANSIENT OCCUPANCY TAX (TOT) REGISTRATIION (NON-STANDARD)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to Monterey County Code Chapter 5.40.070- Registration-Certification: "Within thirty (30) days after commencing business, each operator of any establishment renting occupancy to transients shall register said establishment with the tax collector and obtain the Tax Collector occupancy registration certificate, to be at all time posted in a conspicuous place on the premises."

Refer to County's website for Transient Occupancy Tax (TOT) FAQ's, forms, and ordinance: [www.co.monterey.ca.us/taxcollector](http://www.co.monterey.ca.us/taxcollector)

**Compliance or Monitoring Action to be Performed:** Within 30 days of commencement of use, the Owner/Applicant shall provide proof that the property and transient use has been registered with the Monterey County Tax Collector.

## 6. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel-Risk Management

**Condition/Mitigation Monitoring Measure:** The property owner 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 or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel-Risk Management)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

**7. PDSP002 - PERMIT LIMITATION OF THE TRANSIENT USE OF A RESIDENTIAL PROPERTY (NON-STANDARD)**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This permit is valid for 7 years and shall expire on March 8, 2030, unless an extension is granted. Approval of this Administrative Permit is limited to 7 years to provide adequate on-going review of the approved transient use of the residential property for remuneration.

Prior to its expiration, the owner/applicant shall file an extension in accordance with Title 21 Section 21.70.120. The appropriate authority to consider this extension shall be the Chief of Planning. This subsequent review will ensure: 1) the use continues to meet the standards of Title 21; 2) that the nature and character of the neighborhood has not changed so to cause the transient use to be detrimental to the area; and 3) an opportunity for Planning staff's review for ongoing compliance the Administrative Permit's conditions of approval.

**Compliance or Monitoring Action to be Performed:** The applicant shall commence and operate the authorized use to the satisfaction of the HCD-Chief of Planning. Any request for extension must be received by HCD-Planning at least 30 days prior to the expiration date.

# **Admin Permit**

## **Weathertop Ranch**

**187-011-007-000**

Contact: Sean Ward

Max guests : 12

Cars allowed : 6



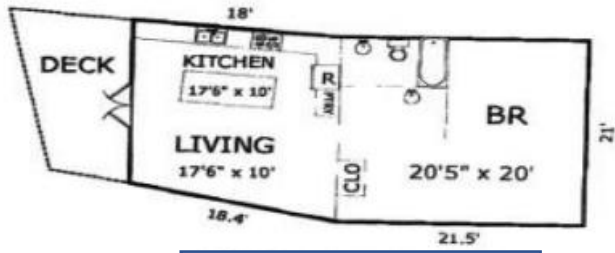
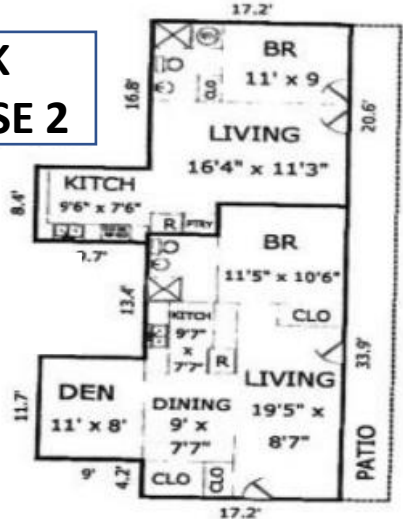
# Project Data

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- Owner: Weathertop Ranch LLC
- Site: 500 EL Caminito Rd. Carmel Valley, CA 93924
- APN: 187-011-007-000
- Zoning : PG
- Parcel Size : 224.1 Acres
- Water Supply: Well
- Sewer : Septic
  
- **Impervious coverage**
- Building coverage 5406.00 SQF
- Driveway and access drive: 76,000.00 SQF
- Paths and patios: 3071 SQF
- Total Existing Road 84,477.00
- Impervious Site Coverage: 0.8%

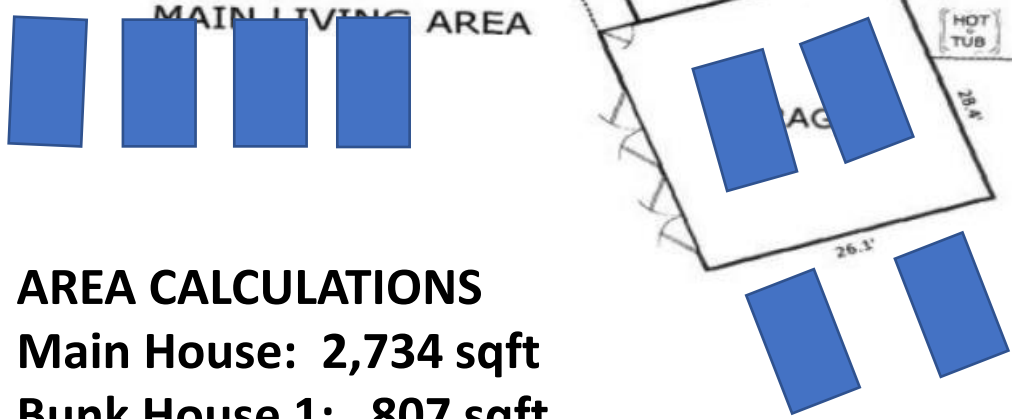
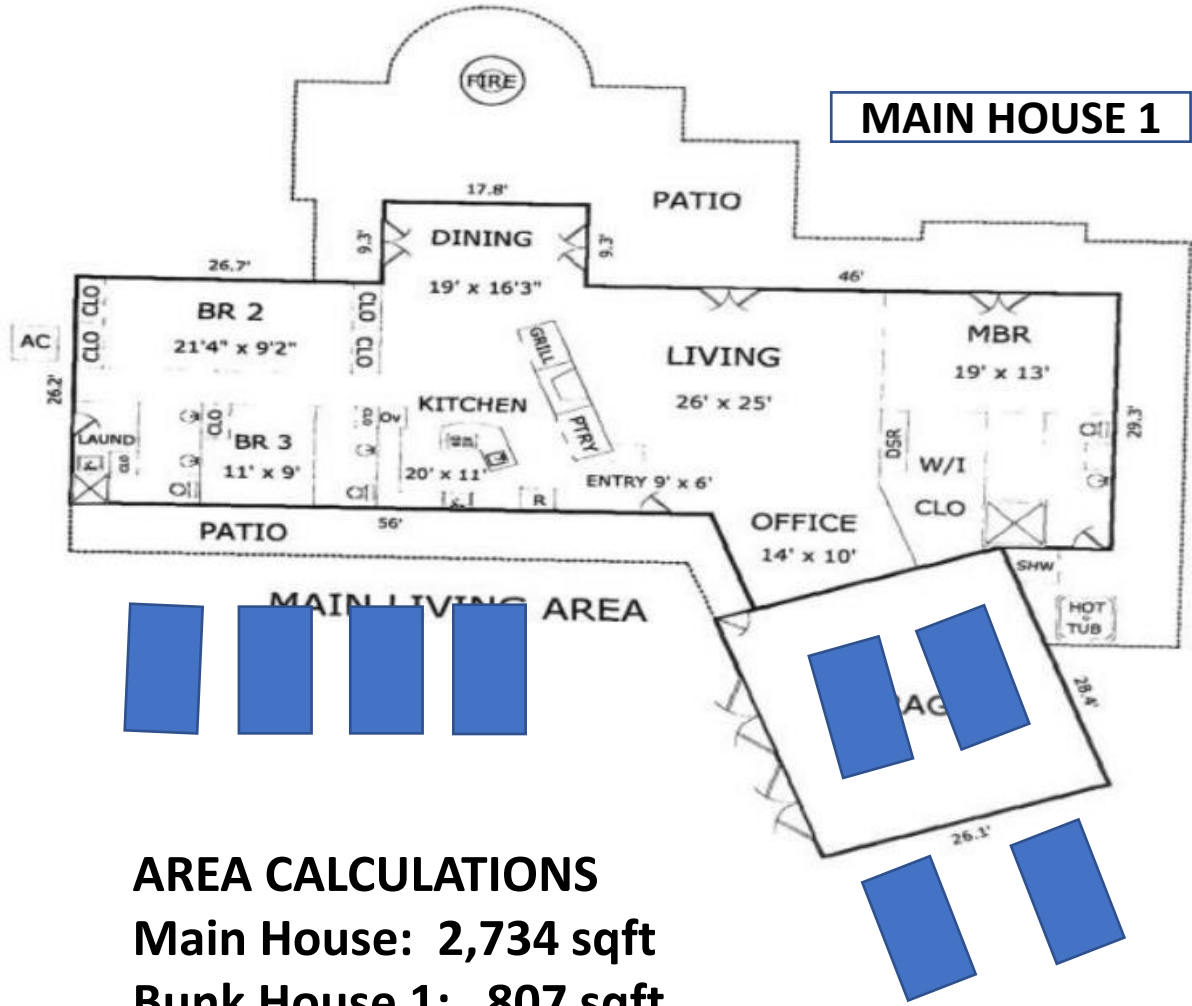


**BUNK HOUSE 2**



**BUNK HOUSE 1**

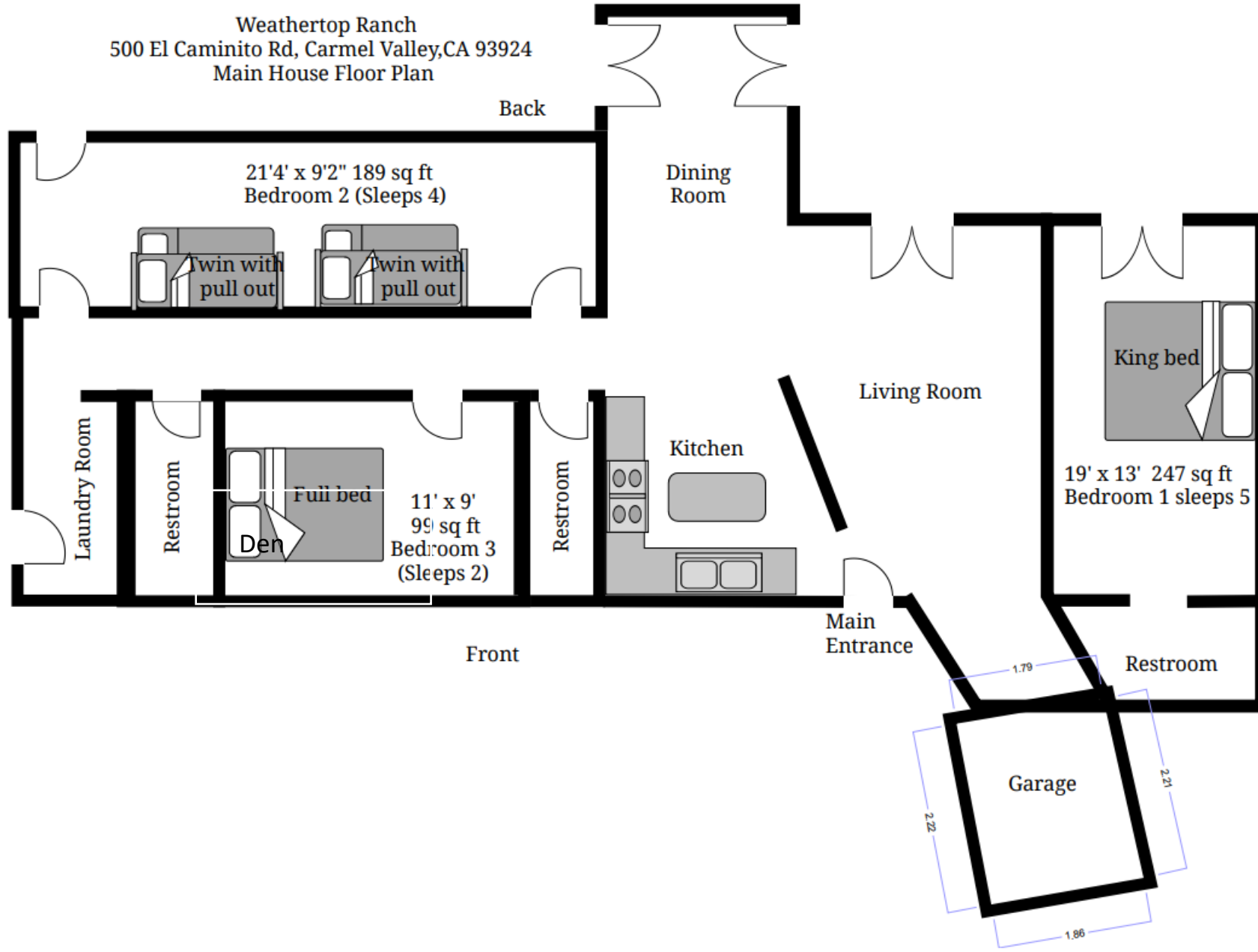
**MAIN HOUSE 1**

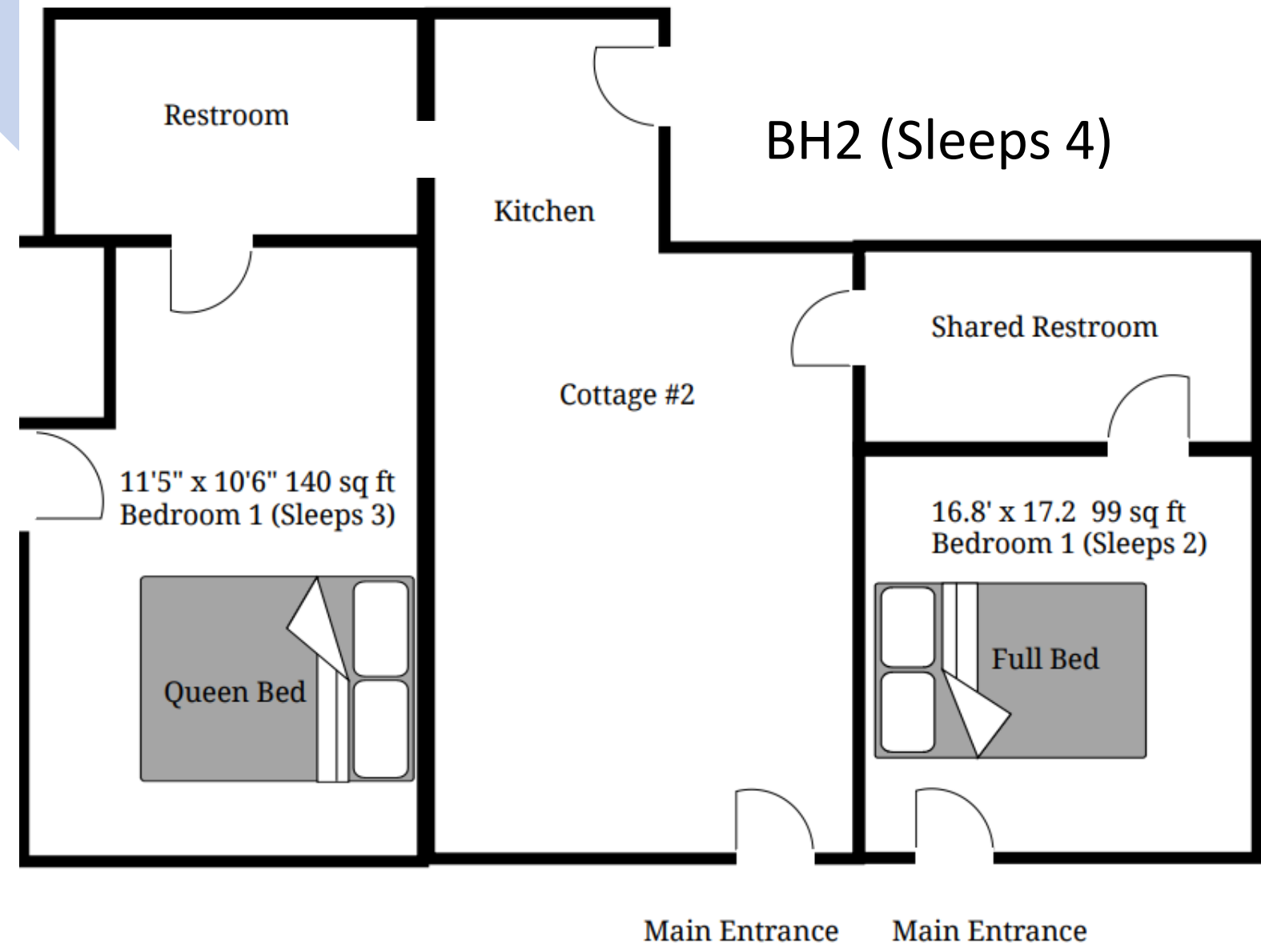


**AREA CALCULATIONS**  
 Main House: 2,734 sqft  
 Bunk House 1: 807 sqft  
 Bunk House 2: 1124 sqft  
 Parking Spots: 8  
 Lot 4665 sqft

# MAIN HOUSE (sleeps 6)

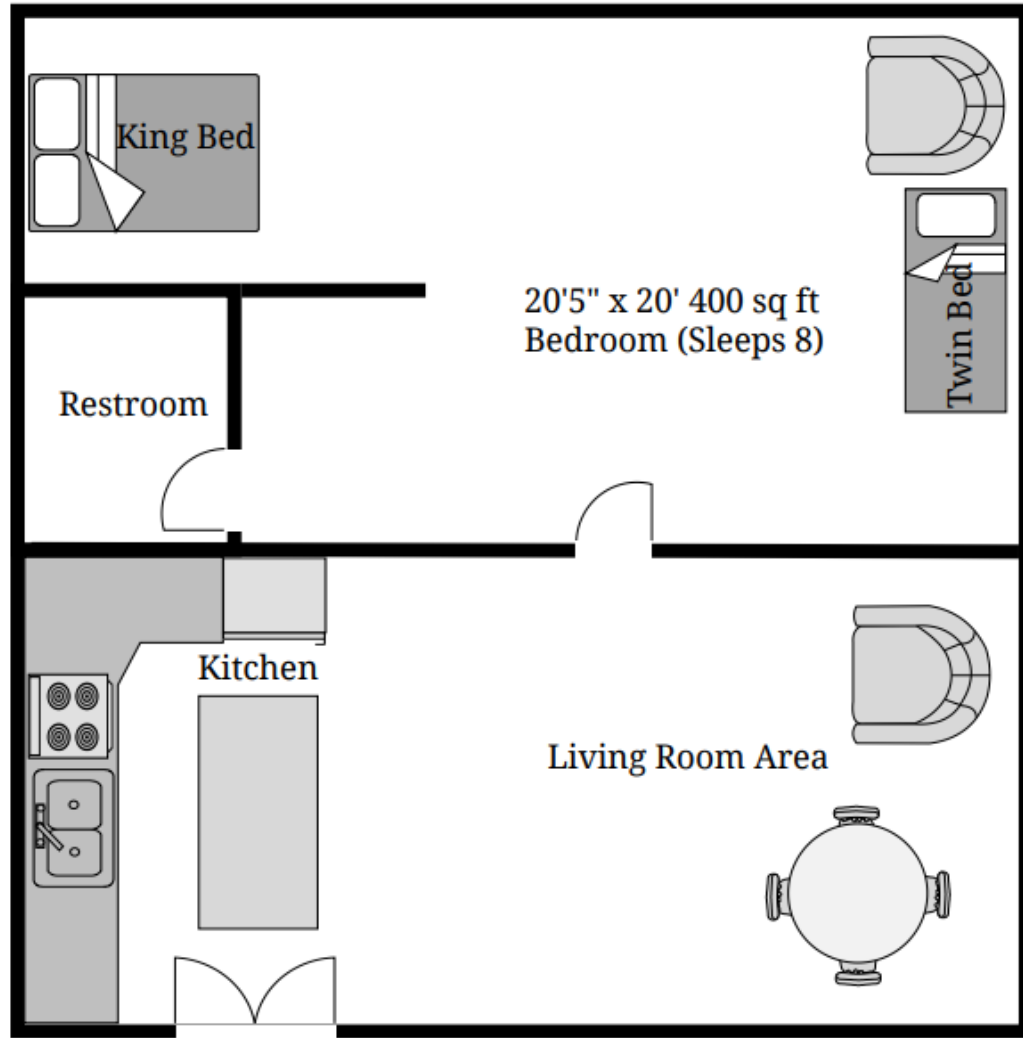
Weathertop Ranch  
500 El Caminito Rd, Carmel Valley, CA 93924  
Main House Floor Plan







# BH1 (Sleeps 2)



# Short Term Rental Operational Permit Plan

## Monterey County, CA

### Weather Top Ranch

- **Access instructions**

Weather Top Ranch access is only one through the main El Caminito Road.

Off Carmel Valley Road (main artery) to Forge Avenue into El Caminito Road

- **Renting periods**

Weather Top Ranch will operate according to Monterey Ordinance, a minimum of 7 days at a time minimum and a maximum of 30 days. Only one rental contract shall be granted for the subject property at any given time.

- **Maximum number of occupants per structure:**

- **Main House: (2734 sf) 3 Bedrooms, 6 sleepers**
- **Bunk House 1: 2 sleepers**
- **Bunk house 2: 4 people**

- **Local contact information** Manuel Martinez 831.998.3057 manuel@luxevaca.com

- **Address: 16 B East Carmel Valley Road, Carmel Valley, 93923**

- **Owner** Matt Bornski matt@bornski.com

- **Property manager** Manuel Martinez 831.9983057

- **Advertisement** <https://luxevaca.com/427652/>. No advertisement on-site.

- **Number of parking spots:** 8 Parking spots are available close to the main structure only

- **In front of the Main House and along the Bunk Houses**
- Restricted parking area, Barn area and off property areas are off limits and parking is not allowed.
- Parking along the road is never allowed, as fire access is needed in case of emergency

- **Noise Regulation Strategy**

Weathertop Ranch will have a strict Quiet hour's rules. All occupants shall abide by the Monterey County Noise Ordinance (Chapter 10.60.040), which prohibits any loud and unreasonable sound (exceeding 45 decibels) any day of the week from 9:00 p.m. to 7:00 a.m. the following morning.

Noise Aware monitors that measure noise decibels and had been placed in the house, they not only control Noise, but also , measures humidity and carbon monoxide.

- **Safety Regulations**

We meet all building code regulations and fire safety.

We have in place a Sprinkler system for fire prevention and do Spring cleanup along the road and mow in high grass areas ahead of summer fire season.

## Table of Contents

1. Operational Vision
2. Plan Perimeters and Safety
3. Financial Benefits
4. Summary



# 1. Operational Contribution

The county of Monterey is a vacation destination, which relies on tourism to support the local small businesses and local infrastructure. This permit aligns intending to support a local tax base with TOT, local small business spending, and the sharing of our community while not having to affect an increased footprint on the community.

The permit will follow all local TOT law and increase the revenue to help the Monterey County to provide needed services to the community. Small business benefits in that we can provide a place for families and travelers to purchase the food and goods they acquire while they come to our community.

These small businesses will thrive due to the increase of family tourists. Therefore, support local families owning small commerce and local employment.

## A. Sharing Our Space

This sharing economy is here to stay, nothing better than using an existing empty property to host guests. In return Monterey economy will be compensated by guests expending at Beaches, Restaurants, coffee shops, Monterey Bay Aquarium, Scenic Drives, Jewelry shops, pharmacies, locals farmers markets, Beauty Spas, Retail shops, Tourist Rental companies, and Children Attractions....., etc.

## B. Zero Carbon Footprint

One interesting observation is that these second homes do not provide income to the community unless they are occupied, reducing the carbon footprint of buildings do to them already being done and established under the local process.

## C. Safety

By establishing a Safety operational plan to address community issues, we want to address the cohesive family neighborhood that works on keeping Monterey community fabric intact and secure. This plan will address the neighborhood concerns and established a preventative process to succeeds and benefits everyone in our community.

## 2.- Plan Parameters and Safety

This part of the Plan will set the parameters to follow the current local and state laws, and shows how to operate to provide a safe and neighborly community.

- a. **Local Contact within 30 min ratios**, owner or manager of the property number will be visible and posted for guests and neighbors and so as the emergency contacts so they can be reached for any type of disturbance, who will respond within 30 min at max to take care of the issue.
- b. **Noise levels & Camera Surveillance**, a Noise aware system will be installed to the property to make sure that there will not be noise from the premise above the local ordinance.
- c. Cameras will be set up in the public right away from the property to make sure the property can be monitored for the safety of the community.
- d. **Screening and Background check**, guests will go through a screening and background check before being approved for a guest stay.
- e. **Meeting Fire Code**

Head Property Manager is a retired firefighter serving over 29 years. So property will be beyond protected.

- ✓ Property will meet all safety requirements required by California Law. Only allowing 2 Guests per bedroom and 4 extra for a max occupancy for overnight sleeping.
- ✓ Property will also meet all California requirements for Smoke detectors, Carbon Monoxide Detectors, and an annual and 5-year evaluation of property Sprinkler system. In addition to these requirements the property will also have a Fire extinguisher mounted per California code in the Kitchen areas and any hazardous fire area determined to have a source of ignition on property.
- ✓ All the following will also be posted on property to help educate the guest during their stay so they can understand the local concerns and attributes of the Monterey County community.
- ✓ Restrictions on noise, music and amplified sound
- ✓ Parking restrictions

- ✓ Trash collection schedule
- ✓ Information on relevant burn bans
- ✓ Information on relevant water restrictions
- ~~✓ Information on Sensitive Habitats~~
- ✓ Restrictions on the occupancy limits

Local Monterey County Complaint number will be posted to give the neighbor and community the ability to call and establish a way to submit a complaint.

A Tot will be paid to the Monterey County per the law established at the time of the rental if the rental is less than 30 days.

### 3. Financial Benefits

A published report in Monterey County providing an overview of trends in Monterey County, specific characteristics of the local STR market, and a discussion of the methodology, findings, and conclusions of the economic impact analysis. STRs are a key part of the accommodations sector in Monterey County and a vital part of the overall local tourism economy. The overall economic impact of short-term rentals in Monterey County is significant. STRs accounted for \$131.8 million in total local economic activity and more than 1,400 jobs in 2013.

Link to report full report: <https://preservemontereyneighborhoods.community/wp-content/uploads/2017/12/mcvra-study-on-economic-benefits-of-str-ocr.pdf>

**This Property and large estate will be a beneficial contributor to the Local Monterey County TOT and a significant benefit that will increase local jobs and economic activity.**

### 4. In Summary

This Property is a perfect example of a beneficial permit to the community for the following reasons:

- The Property is very large and would not be a property that would rent on a monthly bases and do to it being remote to all the properties around it with ample distance to make it very private and not a disturbance to the community neighborhood.
- It will only be rented as per California code to just the amount of people allowable like a family living in the property and less amount of time per year then a family would occupy the property.
- The direct beneficially impact is increased TOT for the Monterey County for implementing community projects and would hope that a percentage of the TOT created would be earmarked to help create Low-income housing to address the current problem in Monterey and California.

- The other positive impact is the increased economic impact per the Study listed that shows this property would be an addition to the 138 million dollars that Short-Term Rentals contribute to the Local Small Businesses in the Monterey County Community.
- Overall, this Permit would help the community and under the guidelines within this operation proposal it addresses the safety of the community with the impact of helping create jobs, income, and tax to the county of Monterey. We hope you take this into serious consideration when making your decision to allow this permit.

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