## Exhibit A

## **DRAFT RESOLUTION**

## Before the Chief of HCD-Planning in and for the County of Monterey, State of California

### In the matter of the application of: FALTERSACK FRED H TR (PLN200102) RESOLUTION NO. 22-

Resolution by the Monterey County HCD Chief of Planning:

- 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 (single-family dwelling and guesthouse) for remuneration.

[Faltersack Fred H Tr, 103 Village Lane, Carmel Valley, Carmel Valley Master Plan (Assessor's Parcel Number 189-211-012-000)]

The Faltersack Fred H Tr application (PLN200102) came on for an administrative hearing before the Monterey County Chief of HCD-Planning on September 21, 2022. Having considered all the written and documentary evidence, the administrative record, the staff report, written testimony, and other evidence presented, the Chief of HCD-Planning 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. During the course of review of this application, the project has been **EVIDENCE:** a) reviewed for consistency with the text, policies, and regulations in: -The 2010 Monterey County General Plan; -Carmel Valley Master Plan; and the -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) Allowed Uses: The property is located at 103 Village Lane, Carmel Valley (Assessor's Parcel Number 189-211-012-000), Carmel Valley Master Plan area. The parcel is zoned Low Density Residential with Design Control, Site Plan and Regulations for Residential Allocation Zoning overlay districts (LDR/2.5-D-S-RAZ) which allows for transient use of a residential property for remuneration, subject to an Administrative Permit. As proposed, the project includes transient use of an existing residential property, containing an existing guesthouse and single-family dwelling, for remuneration. No exterior changes or development is proposed. Therefore, the project is an allowed land use for this site.

- c) <u>Lot Legality</u>: The property is shown in its current configuration as Parcel C in Volume 13 of Parcel Maps Page 213 (Redivision of Portions of Lots 7&8, Los Laureles Tract No. 1). Therefore, the County recognizes the property as a legal lot of record.
- d) As proposed, the project includes the lease of an existing 505 square foot guesthouse and 2,877 square foot single-family dwelling for transient use for remuneration. The main residence (6 bedrooms) and a garage were constructed in 1985 under Building Permit No. 36619. Design Approval PLN170404 approved conversion of an existing 712 square foot garage into a 505 square foot guesthouse and 207 square foot storage room in 2017.
- e) The applicant has applied for an Administrative Permit to allow transient use of the subject residential property and the project has been conditioned to comply with the requirements found in MCC 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 rental periods shall be no less than a 7-night stay and limited to no greater than a 30-night stay, no on-site advertising shall be allowed, and the total occupancy shall not exceed 10 guests.
- f) Pursuant to Section 21.64.020.D, guesthouses shall not be rented, let or leased from the main house. As proposed, the existing guesthouse will not be rented separately from the main residence. Condition No. 4 has been applied to require the Applicant/Owner to record a deed restriction stating the regulations applicable to an inland guesthouse. This condition was not approved to the previously approved Design Approval which allowed conversion of the existing garage into a guesthouse.
- Pursuant to Section 21.64.280.D.2.b, the number of occupants in any **g**) 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 (2) people and 50 square feet for each additional person beyond two (2) people in that bedroom). The main house has 6 bedrooms, 3 bathrooms and 1 kitchen. The guesthouse has one bedroom and a bathroom. The owner is proposing a maximum of 10 people to stay at the property at a time. The total square footage of all the bedrooms is 933 square feet, this would allow each person 93.3 square feet of room. Although the California Housing Code would allow up to 16 occupants between the guesthouse and main residence, the existing on-site septic system has a capacity limit of 10 occupants. Therefore, as proposed and with the limitation for ten occupants, the project is consistent with applicable Monterey County Code.
- h) The current property owner (Fred Faltersack) does not reside on the property, or within 5 miles of it. Consistent with MCC 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 MCC Section 21.64.280, the County may apply conditions of approval as required to ensure use of a single-family dwelling and guesthouse for transient use does not result in adverse impacts to the neighborhood and to maintain integrity of the zoning district. To protect the public, health, welfare, as well as the residential character of the neighborhood, Condition No. 5 has been applied. This condition requires the property owner to record a Deed Restriction containing the applicable regulations of MCC Section 21.64.280, regarding transient use for remuneration.
- k) <u>Parking.</u> Adequate parking spaces will be provided: 12 total (includes one guest parking spot and one handicap parking spot).
- Land Use Advisory Committee. Based on the Land Use Advisory Committee (LUAC) Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because it does not require a public hearing. However, due to the proposed use (short term rental) of the subject property, staff referred the project to the Carmel Valley LUAC for review. On August 1, 2022, the Carmel Valley LUAC reviewed this project and recommended approval of the project as proposed (6 ayes - 0 nays). No public members commented on the project.
- 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) 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 PLN200102.
- 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. 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) Water for the property is, and will continue to be, provided by California American Water. An existing onsite septic system will continue to provide sewer treatment for the main dwelling and guesthouse. Although the California Housing Code would allow up to 16 occupants between the guesthouse and main residence, the existing on-site septic system has a capacity limit of 10 occupants. Therefore, the proposed maximum occupancy limit is ten for the main dwelling and guesthouse. 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) A private well (EHB Well permit # 00-088, issued on 04/10/2000) exists on the subject property but is limited to only providing irrigation water, per a deed restriction between the Monterey Peninsula Water Management District and the property owner (Document No. 2017008884).
- e) 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 PLN200102.
- 3. **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) 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 PLN200102.
- 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) an existing residential singlefamily dwelling and guesthouse as a transient use for remuneration and does not propose any additional development and/or expansion of the existing structure. All facilities are existing and have been confirmed by County agencies to be adequate for this use. Limiting the number of guestrooms or the number of occupants for the transient use for remuneration would not expand the existing use or negatively affect any of the existing facilities or services. 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 PLN200102.
- 5. FINDING: APPEALABILITY The decision on this project may be appealed to the Planning Commission.
  EVIDENCE: Pursuant to MCC Section 21.80.040, the Planning Commission is the

appropriate appeal authority to consider appeals from the discretionary decisions of the Director of Planning. The Planning Commission's decision will be final.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Chief of HCD-Planning 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 (singlefamily dwelling and guesthouse together) for remuneration.

**PASSED AND ADOPTED** this 21<sup>st</sup> day of September, 2022

Craig Spencer, Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

# 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.

### <u>NOTES</u>

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

Attachment 1

## **County of Monterey HCD Planning**

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

PLN200102

#### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

**Condition/Mitigation** This Administrative permit (PLN200102) allows transient use of residential (single

**Monitoring Measure:** family dwelling and guesthouse) property for remuneration. The property is located at 103 Village Ln, Carmel Valley (Assessor's Parcel Number 189-211-012-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project Neither the uses nor the construction allowed by this permit shall commence file. unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

<sup>pr</sup> The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

#### 2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

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

"An Administrative Permit (Resolution Number \_\_\_\_\_) was approved by Chief of Planning for Assessor's Parcel Number 189-211-012-000 on [September 21, 2022]. The permit was granted subject to 6 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 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. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

- Condition/Mitigation The property owner agrees as a condition and in consideration of approval of this Monitoring Measure: 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

#### 4. PD019(A) - DEED RESTRICTION-GUESTHOUSE (INLAND)

#### Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

on The applicant shall record a deed restriction stating the regulations applicable to a re: GUESTHOUSE (Inland) as follows:

- Only 1 guesthouse shall be allowed per lot.

- Detached guesthouses shall be located in close proximity to the principal residence.

- Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.

- The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.

- The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.

- The guesthouse shall not exceed 600 square feet of livable floor area.

- The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.

- Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.

- The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.

- The guesthouse height shall not exceed 15 feet nor be more than one story.

(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 the HCD-Planning.

#### 5. PD017 - DEED RESTRICTION-USE

#### Responsible Department: RMA-Planning

Condition/Mitigation Prior to commencement of use, the applicant shall record a deed restriction as a **Monitoring Measure:** 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 10; 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:

or 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.

#### 6. PDSP002 - TRANSIENT OCCUPANCY TAX (TOT) REGISTRATIION (NON-STANDARD)

Responsible Department: RMA-Planning Condition/Mitigation Pursuant to Monterey County Code Chapter 5.40.070- Registration-Certification: Monitoring Measure: "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 **Compliance or** Within 30 days of commencement of use, the Owner/Applicant shall provide proof that Monitoring the property and transient use has been registered with the Monterey County Tax Action to be Collector. Performed:

# Attachment 2







## 103 VILLAGE LANE GUEST HOUSE LIVING AND BEDROOM DIMENSIONS

Guest House Bedroom, 19'x20' 380 sqft



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B 1.1

# Attachment 3

## **103 Village Lane, Carmel Valley-Operation Plan**

## Maximum Occupancy:

6 Bedrooms in main house

## 1 Guest Cottage

Maximum occupancy shall be 10 people, which may consist of a combination of one and or two persons per bedroom/guest cottage depending on the guest's preferences however instructions to guests will indicate the maximum. Additionally, under no circumstances may the Guest Cottage be rented out separately from the main house.

TOTAL MAXIMUM OCCUPANTS (main resident/guest cottage combined): 10 adults.

## Rental Period:

Guest rental periods shall be no less than a 7-night stay and limited to no greater than a 30-night stay.

## Access Instructions:

Guests shall be provided a unique digital combination on the day of arrival. For guest security, this unique combination is changed for every new arrival.

## Parking Instructions:

Guest parking (maximum of 10 standard sized cars) is only allowed on-property. Should guest(s) park a larger than normal vehicle, guest shall reduce the total number of cars so as to not block access by emergency vehicles. Parking and/or blocking the common access road/driveway are not permitted and violators will be subject cars being towed at guest's expense. There is no garage structure on property and no covered parking.

## Noise Restrictions:

Guests shall be responsible for knowing and following the Monterey County noise ordinance Code 10.60 which reads as follows;

"It is prohibited within the unincorporated area of the County of Monterey to make, assist in making, allow, continue, create, or cause to be made any loud and unreasonable sound any day of the week from 10:00 p.m. to 7:00 a.m. the following morning."

Surrounding neighbors have both Kyle's and the owners cell phone numbers and have been asked to call to report any excessive noise issues. Any such calls shall be taken seriously with actions taken immediately to resolve rectify the occurrence.

## <u>Signage:</u>

Signage advertising house as a Short-Term-Rental shall not be permitted at any time onsite.

## 103 Village Lane, Carmel Valley-Operation Plancontinued

## Local Property Manager resides approximately 1 mile from property:

Should the guests have any questions, or encounter any problems during their stay, Kyle will be the first point of contact day or night. In the event he cannot be reached, the owner with be your back-up point of contact. Kyle will also be the person responding should a neighbor call with any issues especially pertaining to noise or improperly parked cars.

Kyle Morrison 14B East Carmel Valley Road Carmel Valley, CA. 93924 (831) 236-8909 cell (available 24 hours a day)

Owner resides only 77 miles North: Fred Faltersack 125 Alerche Drive Los Gatos CA. 95032 (408) 666-1234 cell (available 24 hours a day)