

Exhibit B

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DRAFT RESOLUTION

Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

Jamke (Myrtakis) (PLN150609)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project Categorically Exempt per CEQA Section 15301; and
- 2) Approving a Use Permit allowing a 600 square foot guesthouse in the second story of a previously permitted barn, based on the findings and evidence and subject to 7 conditions of approval (**Exhibit B**).

[22125 Parrott Ranch Road, Carmel Valley
(Assessor's Parcel Number 418-281-050-000,
Cachagua Area Plan]

The Jamke (Myrtakis) application (PLN150609) came on for public hearing before the Monterey County Zoning Administrator on August 11, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY/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;
 - Cachagua Area Plan;
 - 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 property is located at 22125 Parrott Ranch Road, Carmel Valley (Assessor's Parcel Number 418-281-050-000), Cachagua Area Plan. The parcel is zoned "RC/B-6" [Resource Conservation with a Building Site Zoning District Overlay], which allows for residential development that does not significantly affect the natural resources of the land. The B-6 overlay does not allow for subdividing the property, but does allow guesthouses. The project proposes to clear a code enforcement violation for conversion of the second story of a previously approved barn into a guesthouse.

- c) Pursuant to 21.36.030 of Monterey County Code (Title 21, Zoning Regulations), guesthouses are an allowed use under the Resource Conservation district. However, a guesthouse height is limited to fifteen (15) feet and one story. Additions to height and placement of guesthouses over a one-story structure may be considered by Use Permit when intended to provide for architectural consistency and compatibility with the main residence. The structure is visually consistent and compatible with the existing single family dwelling. These parcels in the Parrott Ranch subdivision are between 8 and 12 acres in size and are separated by a substantial amount of trees. There are no neighbor structures within close proximity that would be adversely affected by the second story guesthouse. Other than the fact that these are illegal additions, the conversion to a guesthouse is consistent with the required site development standards within the zoning regulations.
- d) A Design Approval (DA92341) was approved for a single family addition and a new barn on this site. The architectural plans approved for the barn are consistent with the configuration that exists today.
- e) Since the conversion was done on a second story, there is no land disturbance and therefore, no impacts to archaeological, biological resources or any tree removal. The project meets site development standards required of the zoning district in which it is located.
- f) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Cachagua Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- g) The project planner conducted a site inspection on April 4, 2016, to verify that the project on the subject parcel conforms to the plans listed above.

2. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, and 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 the RMA-Planning, Cachagua Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. 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) The project was review by the Environmental Health Bureau and it was determined that the guesthouse will be served by a public sewer connection provided by Carmel Area Wastewater District (CAWD), and water will be provided by Cal-Am.

3. **FINDING:** **VIOLATION** - The subject property is in not compliance with all County Code rules and regulations pertaining to the County's Building Code or Zoning Ordinance. A violation exists on the property. The approval of this permit will correct the violations and bring the property into compliance.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is aware of the violation existing on subject property.
 - b) Staff conducted a site inspection on April 4, 2016, and researched County records to assess if any violation exists on the subject property.
 - c) The proposed project corrects an existing code violation (13CE00143). A second story barn was converted to habitable space without the benefit of a permit. A Use Permit will allow for a guesthouse to remain on the second floor of the two story structure. The Use Permit was required to pay double the application fees as required by the Monterey County Code. The applicant will also be required to pay double fees for necessary building permits.
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:**
- d) California Environmental Quality Act (CEQA) Guidelines Section 15301, categorically exempts conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
 - e) There is an existing two story barn that was permitted in 1992. In 2013, it was reported that remodeling and improvements were being made to the second story. This will allow the second floor of a permitted structure to be used as a guesthouse.
 - f) No adverse environmental effects were identified during staff review of the development application during a site visit on April 4, 2016.
 - g) 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. No land disturbance on this conversion.
5. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** Section 20.86.030.A of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- 1) Categorically Exempt per CEQA Section 15303; and

- 2) Approve an After the Fact Use Permit allowing a 600 square foot guesthouse in the second story of a previously permitted barn, based on the findings and evidence and subject to 7 conditions of approval (**Exhibit B**).

PASSED AND ADOPTED this 11th day of August 2016 by

Jacqueline R. Onciano, Zoning Administrator

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 _____.

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 will 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 RMA-Planning and RMA-Building Services office in Salinas.

Monterey County RMA Planning

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

PLN150609

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

This After the Fact approval for a Use Permit allowing a 600 square foot guesthouse constructed without permits in the second story of a previously permitted barn. The property is located at 22125 Parrott Ranch Road, Carmel Valley (Assessor's Parcel Number 418-281-050-000), Cachagua Area Plan., Coastal Zone. 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 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:**

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:

"A Use Permit (Resolution Number ***) was approved by the Zoning Administrator for Assessor's Parcel Number 418-281-050-000 on August 11, 2016. 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 RMA - Planning."

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

3. PD019(A) - DEED RESTRICTION-GUESTHOUSE (INLAND)

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

The applicant shall record a deed restriction stating the regulations applicable to a 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.
- (RMA - Planning)

**Compliance or
Monitoring
Action to be Performed:**

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the signed and notarized document to the Director of RMA-Planning for review and signature by the County.

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

4. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

**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)

**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 County Counsel 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.

5. EHSP01 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN NON-STANDARD

Responsible Department: Health Department

**Condition/Mitigation
Monitoring Measure:**

The Environmental Health Bureau (EHB) has determined that adequate area exists for onsite wastewater disposal for the proposed development. Submit onsite wastewater treatment system (OWTS) plans for review and approval indicating the location, design layout, size specifications and cross sectional analysis that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board.

**Compliance or
Monitoring
Action to be Performed:**

Prior to issuance of construction permit, submit an OWTS application and design plans for review and approval by the EHB. Applicant shall obtain a permit to install the OWTS from EHB.

6. PW0006 - CARMEL VALLEY

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI).

Compliance or Monitoring Action to be Performed: Prior to Building Permits Issuance Owner/Applicant shall pay to PBI the required traffic mitigation fee.

7. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

THE 2ND FLR BARN STORAGE CONVERSION TO GUESTHOUSE

MONTEREY COUNTY
PLANNING DEPARTMENT

NOV 1:7 2015

CARMEL VALLEY, CA
93924
APN: 418-281-050-006

MOORE DESIGN
RESIDENTIAL PLANNING &
CONSTRUCTION MANAGEMENT
225 CANNERY ROW, SUITE
MONTEREY CA 95940
831.642.9732 FAX 831.401.35
lchm@mooredesign.com

MEMBER
A | B | D
AMERICAN INSTITUTE
BUILDING DESIGN

SHEET NUMBER:
A0.1

THE 2ND FLR BARN STORAGE CONVERSION TO GUESTHOUSE

COVER SHEET, PLOT PLAN
ENLARGED SITE PLAN
MAIN & UPPER FLOOR PLAN

ARCHITECTURAL	
A0.1	COVER SHEET, PLOT PLAN
A1.1	ENLARGED SITE PLAN
A2.3	MAIN & UPPER FLOOR PLANS

■ **STRUCTURAL ENGINEER:**
STRUCTURES INC.
email: john@mcord
FAX (831) 401-3292
TEL (831) 404-9700

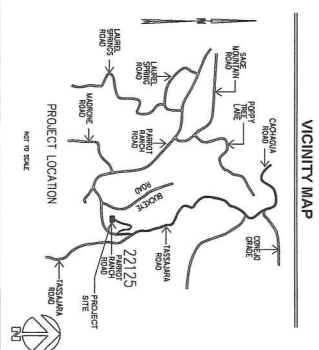
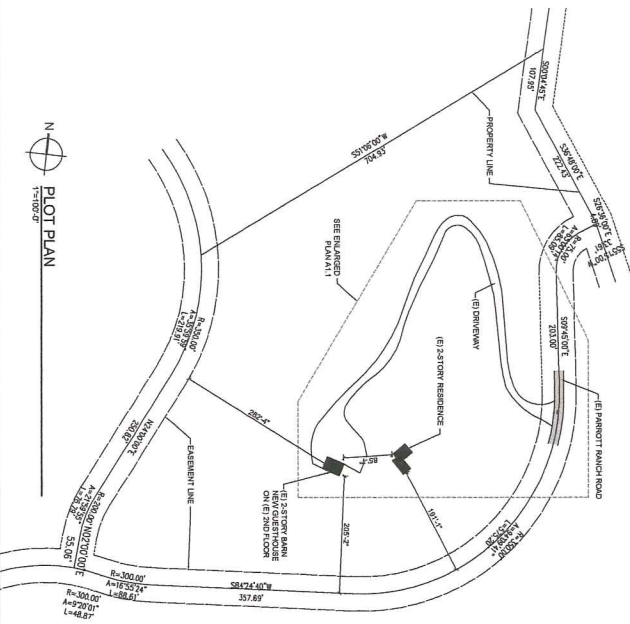
■ **TITLE 24 CONSULTANT:**
MONTEAGUE ENGINEERING
CONTRACTOR: DAVID N.
227 FOREST AVE. S.
PACIFIC GROVE, CA 93955
TEL. (831) 372-8528
FAX (831) 372-4615

CONTACT: WILLIAM
1616 FREMONT BLVD.
SEASIDE, CA 92055
TEL. (831) 393-4460
FAX (831) 393-4460

structure@structure

■ RELATED PERMIT	13CE00143
■ LEGAL DESCRIPTION:	VOL. 14 PAR MAPS PG 176 P
■ PROJECT CODE COMPLIANCE:	2013 - Title 24, California Residential Code California Building Code (CBC)

YEAR BUILT:	1983
ZONE:	R08-6
CONSTR. TYPE:	TYPE VA
OCCUPANCY:	RECREATIONAL U
FIRE SPRINKLERS:	REQUIRED NPA-UD
WATER SYSTEM:	EASTMAN FEINSTEIN WELL
SEWER SYSTEM:	SEPTIC TO BE REPLACED
TREE REMOVAL:	NONE
TOPOGRAPHY:	FLAT
GRADING:	NONE
LOT SIZE:	12.02 ACRES, 523,991 SQ. FT.
FLOOR AREA/COL:	

[illegible]



SHEET NUMBER
A1.1



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