



# Monterey County

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## Board Report

Legistar File Number: ZA 16-048

August 11, 2016

**Introduced:** 8/1/2016

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** ZA

### **PLN150609 - JAMKE (MYRTAKIS)**

Public hearing to consider action on a Use Permit to allow a guesthouse on the second floor of a previously permitted barn.

**Proposed CEQA Action:** Categorically Exempt per CEQA Guidelines Section 15301.  
22125 Parrott Ranch Road, Carmel Valley, Cachagua Area Plan.

### RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

- a. Find the project Categorically Exempt per CEQA Section 15301; and
- b. Approve 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**)

### PROJECT INFORMATION:

**Prior Property Owner:** Fosso, Bill & Bonnie

**Applicant:** JAMKE (John Myrtakis, current property owner)

**Parcel size:** 12.02 acres

**APN:** 418-281-050-000

**Agent:** John Moore Design

**Plan Area:** Cachagua Area Plan

**Zoning:** "RC/B-6" [Resource Conservation with a Building Site Zoning District Overlay]

**Flagged and Staked:** No. No additional changes are proposed to the existing structure.

### SUMMARY:

The applicant JAMKE (Myrtakis) purchased this parcel in 2012 as a foreclosure, sight unseen. At the time of purchase the owner did not know there were outstanding violations on the property as there was nothing recorded that would affect the title. A code enforcement violation was initiated in 2013 (13CE00143) when the Assessor's Office discovered an unpermitted living area on the second story of an existing barn. Guesthouses located on the second story of an accessory structure require approval of a Use Permit. The new owners did not cause the violation, but request after-the-fact approval of a Use Permit to allow them to retain this living space as a guesthouse.

The living space is currently being used as an accessory dwelling unit. In discussions with the property owners, staff found that a Long Term Sustainable Water Supply was required to retain this as an accessory dwelling unit. The applicants are willing to remove the kitchenette and use it as a guesthouse. Had the guesthouse been proposed in the initial application with the barn, it would have been supported by staff. Therefore, staff recommends approval of this request.

Staff finds that it poses no adverse effects to surrounding property owners and it is consistent with policies and zoning ordinance requirements.

DISCUSSION:

In June 2013, the tax assessor went to the site to assess the property. Based on their records, it was observed that the second story of the barn had been converted to living space and the house had been expanded without obtaining permits. The Assessor's office contacted the building department and a code enforcement case was opened. A Notice of Violation (13CE00143) was issued on October 2, 2013 to JAMKE (Myrtakis) as the new property owner. Mr. Myrtakis has been working diligently with the County to obtain necessary permits to clear the violation. The code enforcement case includes approximately 420 square feet in addition to the existing single family dwelling and conversion of the second story in the barn to a second dwelling unit. Staff researched the property and found building permits for a 1,218 square foot single-story single family dwelling with attached garage and a 1,408 square foot two-story barn with covered porch.

The property is zoned "RC/B-6", Resource Conservation with a Building Site overlay. Under the RC zoning district, additions to an existing structure and stand alone detached guesthouses do not require planning permits. However, pursuant to 21.64.020 of Monterey County Code (Title 21), a guesthouse shall not exceed fifteen (15) feet nor be more than one story. Additions to height and placement of guesthouses over a one-story structure may be considered by a Use Permit when intended to provide for architectural consistency and compatibility with the main residence.

Although not required, there was a Design Approval (DA92341) approved for a single family addition and a new barn on this site. The architectural plans approved for the barn are consistent with what exists today.

Surrounding parcels in the Parrott Ranch subdivision average between 8 to 12 acres in size and are separated by a substantial amount of trees. There are no neighboring structures within close proximity that would be adversely affected by a second story guesthouse, and no complaints have been received from neighbors about the second story living space above the garage. County tax assessor inspections discovered these violations. The conversion to a guesthouse is consistent with the required regulations.

Staff supports the request for a Use Permit to allow the guesthouse on the second floor of a barn/garage structure. The current design is architecturally consistent and compatible with the main residence. The standard condition for a guesthouse has been applied, which will result in the need to remove any kitchen facilities.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- √ RMA-Public Works  
Cachagua Fire Protection District
- √ Environmental Health Bureau  
RMA Environmental Services

Water Resources Agency

The proposed project was not reviewed by the Cachagua Land Use Advisory Committee. Several attempts at getting a quorum for a meeting were not successful.

FINANCING:

Funding for staff time associated with this project is included in the FY 2015-2016 Adopted Budget for RMA-Planning.

Prepared by: Elizabeth Gonzales, Associate Planner, Ext. 5102  
Reviewed by: John Ford, RMA Services Manager, Ext. 5158  
Approved by: Carl P. Holm, AICP, Resource Management Agency Director

Attachments:

- Exhibit A Project Data Sheet
- Exhibit B Draft Resolution, including:
  - Conditions of Approval
  - Site Plan, Floor Plan, and Elevations,
- Exhibit C Vicinity Map

cc: Front Counter Copy; Zoning Administrator; John Ford, RMA Services Manager; Cachagua Fire Protection District; RMA Public Works; Environmental Health Bureau; Water Resources Agency; John Moore Design, Applicant; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); District 5 Board of Supervisors; Project File PLN150609