

Exhibit C

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**EXHIBIT C
DRAFT RESOLUTION**

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

In the matter of the application of:

H AND LINDA HUGO TRS (PLN120587)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorically Exempt per Section 15301 of CEQA Guidelines; and
- 2) Approving an Administrative Permit allowing the Transient Use of Residential Property for Remuneration with Conditions of Approval limiting the use to no more than 5 guestrooms of an existing 8 bedroom/8 bathroom two-story single family dwelling.

[PLN120587, H AND LINDA HUGO TRS, 583 Viejo Road, Carmel, Greater Monterey Peninsula Area Plan (APN: 103-031-004-000)]

The Administrative Permit application (PLN120587) came on for public hearing before the Monterey County Zoning Administrator on June 8, 2017. 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:** **PROJECT DESCRIPTION** – The proposed project is an Administrative Permit allowing the Transient Use of Residential Property for Remuneration with Conditions of Approval limiting the use to no more than 5 guestrooms of an existing 8 bedroom/8 bathroom two-story single family dwelling.

EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN120587.
- 2. FINDING:** **CONSISTENCY** – 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;
 - Greater Monterey Peninsula Area Plan;
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Code (MCC) Chapter 21.70 (Administrative Permits) .

The applicant requested approval to use an existing single-family dwelling for transient use (short-term rental), consistent with the requirements of MCC Section 21.64.280. No conflicts were found to exist. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the MCC. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and/or regulations of the MCC.

- b) The property is located at 583 Viejo Road, Carmel (Assessor's Parcel Number 103-031-004-000), Greater Monterey Peninsula Area Plan. The parcel is zoned "RDR/5.1-UR-D-S" "Rural Density Residential/5.1 acres per unit-Urban Reserve-Design Control-Site Plan Review, which allows transient use (short-term rental) of an existing single-family dwelling pursuant to Monterey County Code Section 21.64.280, subject to 12 conditions of approval. Therefore, the project is an allowed land use for this site.
- c) MCC Section 21.64.280.D.1 allows transient use of residential property for remuneration in all zoning designations which allow residential use upon issuance of an Administrative Permit. The project applicant has applied for the appropriate permit to allow transient use of their residential property and the project has been conditioned to comply with the restrictions/requirements found in MCC 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 maximum number of allowed guestrooms (Condition Nos. 4, 6, 7, and 8). Condition No. 8 limits the maximum number of guestrooms to five (5).
- d) Pursuant to MCC Section 21.64.280, the County may apply conditions of approval as required to ensure use of a single-family dwelling 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, safety, and welfare, as well as the residential character of the neighborhood, the County has also applied conditions of approval regarding quiet hours, residential-related use (i.e., no events), off-street parking, and disposal of excess trash (Condition Nos. 9, 10, 11, and 12). These conditions of approval will address concerns related to neighborhood character such as noise, on-street parking/traffic, and utility services.
- e) Section 21.64.320.D.4.e., of Monterey County Code states, Projects that, in the opinion of the Director of Planning, do not result in intensification of the use of a private road(s), shall be exempt from the regulations contain in the subsections E and F of this section. Under subsection E of this section, the project is subject to a private road agreement and a private road maintenance agreement, which states that "unless a project proposes a use that is clearly inconsistent with the plain language of the agreements, the appropriate authority may approve a project without applying conditions to the project outlined in this section." Staff analyzed the potential for intensification of the shared private road under the Proof of Access ordinance. There is a recorded 30-foot wide right-of-way easement that provides access to only two

parcels. The actual width of the driveway before it splits is approximately 12 feet wide. The applicant's portion of the shared driveway splits to the subject property before you can see the neighbor's home and is easily identified with a gate at the entrance. The Road Agreement is a "non-exclusive easement" that has no limit on the number of people that the holder of the easement could invite to his home. There is also a Road Maintenance Agreement recorded in 1997 that requires both parcels to share the cost of maintaining the shared road. Staff has determined the subject property meets the exemption under (D)(4) of the Proof of Access Ordinance, for the first single family dwelling, and is not an intensification of use.

- f) The project planner conducted a site inspection on August 20, 2014 and May 17, 2017 to verify that the project on the subject parcel conforms to the plans listed above.
- g) No Violations - Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any violations existing on subject property.
- h) On August 20, 2014, a recommendation of denial (4-0 vote) came from the Greater Monterey Peninsula Land Use Advisory Committee because there were several concerns from neighbors regarding traffic, noise and special events related to short term rentals. On May 17, 2017, staff sent the application back to the Greater Monterey Peninsula Area Land Use Advisory Committee to discuss the applicant's option for applying for an Administrative Permit for Transient Use of Residential Property for Remuneration with Conditions of Approval limiting the use to no more than 5 guestrooms. Their recommendation was for denial of the project (3-0 vote). The LUACs concerns included:
 - the actual number of people occupying all the rooms. For example, a couple may have 2 teenagers that would want their own room. There would be no way to enforce the use of only 5 bedrooms.
 - The use of the driveway is a negative impact to the community because it is a shared driveway.
 - The use is not conducive to traveling on this narrow, unfamiliar windy public road to the site (Viejo Road is a public road). This use is not consistent with the rural nature of the area.

They suggested, should the project get approved, possibly conditioning the project to 10 people only, not 10 adults. It would be more reasonable to rent only to one family and not 5 individuals; no corporate retreats or special events; and have a local manager who could respond quickly should an issue arise with a neighbor.

- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN120587.

3. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Cypress 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.

- b) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN120587.

4. **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 the RMA - Planning, Cypress Fire Protection District, Public Works, 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) Necessary public facilities are available and adequate. The property has existing well and septic system connections for both water and sewer. The project does not involve any additional structural development to the existing residence, and no additional facilities are required. The size of the existing structure is consistent with the residences in the surrounding neighborhood, and has sufficient parking per County standards.

5. **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 single-family dwelling as a transient use (short-term rental) facility and does not propose any additional development and/or expansion of the existing structure. All facilities are existing and have been confirmed by other County departments to be adequate for this use. The applicant has a large family and has generally up to 15 immediate family members at the home, and up to 30 people during holidays. Limiting the number of guestrooms or even the number of people for an STR would not expand the existing use or negatively affect any of the existing facilities. Therefore, the proposed use is consistent with CEQA Guidelines Section 15301.
 - c) No adverse environmental effects were identified during staff review of the development application.

- d) 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.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:** a) Pursuant to Section 21.80.050.A of the Monterey County Zoning Ordinance (Title 21), an appeal may be made to the Appeal Authority by any person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors. Pursuant to Section 21.80.040.D of Title 21, the Planning Commission shall consider appeals from the discretionary decisions of the Zoning Administrator.

DECISION

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

1. Find the project Categorically Exempt per Section 15301 of CEQA Guidelines;
2. Approve an Administrative Permit allowing the Transient Use of Residential Property for Remuneration with Conditions of Approval limiting the use to no more than 5 guestrooms of an existing 8 bedroom/8 bathroom two-story single family dwelling, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 8th day of June, 2017 upon motion of :

Mike Novo, Zoning Administrator

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 / CLERK TO THE
BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

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 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.

Form Rev. 5-14-2014

Monterey County RMA Planning

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

PLN120587

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: 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 the RMA - Planning Department. 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 Department)

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 Zoning Administrator for Assessor's Parcel Number 103--31-004-000 on June 8, 2017. The permit was granted subject to 12 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

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. The Deed Restriction shall state the following language:

"1) The minimum rental period for all transient use of residential property shall be the greater of seven consecutive calendar days or the minimum rental period set forth in enforceable, recorded conditions, covenants, and restrictions encumbering the property rented. Transient use of residential property for a term less than provided herein is hereby expressly prohibited. Any residential property the rezoning of which is being proposed or considered by the Planning Commission or the Board of Supervisors so as to be exempted from the provisions of this Section, shall be exempted from the permit and/or registration requirements of this Section pending consideration and final decision on said rezoning by the Planning Commission and the Board of Supervisors. Such exemption shall terminate immediately in the event the Board of Supervisors reaches a final decision not to adopt the above-described rezoning proposed for any such property.

2) The maximum number of allowed guestrooms in this residential unit for transient use shall be specified. For the property located at 583 Viejo Road, the maximum number of allowed guestrooms shall not exceed five (5).

3) Availability of the rental unit to the public shall not be advertised on site.

4) An owner/applicant who does not reside within a five-mile radius of the residence being rented, 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 to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued and the provisions of this Section and other applicable provisions of Title 21. The name, address, and telephone number(s) of such a designated person shall be furnished to the Director of Planning prior to issuance of the administrative permit and made available for public review. The permit holder shall promptly notify the Director of Planning of any change in the local contact person's address or telephone number.

5) A copy of any administrative permit and/or registration issued pursuant to this Section 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 pursuant to Chapter 5.40 of the Monterey County Code.

7) To protect the residential character of the neighborhood on an ongoing basis, transient or short-term rental occupants shall respect residential quiet hours from 9:00 pm to 8:00 am.

8) The property shall only be rented for residential-related use(s). The property shall not be rented to transient or short-term occupants for the purpose of holding a corporate or private events, unless the County approves a separate entitlement to allow such events on the property.

9) Transient or short-term rental occupants shall only use the available off-street parking located on the property. At no time shall transient or short-term rental occupant vehicle parking overflow onto the adjacent street.

10) The owner shall ensure trash in excess of normal residential use is disposed of within 24 hours."

(RMA - 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 RMA-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 RMA-Planning.

5. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

The permit shall be granted for a time period of ____ years, to expire on ____ unless use of the property or actual construction has begun within this period. (RMA-Planning)

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

Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

6. PDSP001 - DESIGNATION OF CONTACT PERSON (NON-STANDARD)

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

An applicant who does not reside within a five-mile radius of the residence being rented, 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 to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued and the provisions of this Section and other applicable provisions of Title 21. The name, address, and telephone number(s) of such a designated person shall be furnished to the Director of Planning prior to commencement of use. This information shall be available for public review. The permit holder shall promptly notify the Director of Planning of any change in the local contact person's address or telephone number. (RMA-Planning)

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

Prior to commencement of use, the Owner/Applicant shall provide appropriate information, on whom shall be the designated local contact person. The name, address, and telephone number of the appropriate person(s) shall be provide to the Director of Planning.

7. PDSP002 - 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

**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.

8. PDSP003 - MAXIMUM NUMBER OF GUESTROOMS ALLOWED (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Section 21.64.280.D.2.b, the permit shall specify the maximum number of guestrooms allowed to be used at one time for this permit. The single-family dwelling at 583 Viejo Road, Carmel, has eight (8) bedrooms with approximately 10,350 total square feet; However, the maximum number of allowed guestrooms to be used at one time shall not exceed five (5). (RMA-Planning)

Compliance or Monitoring Action to be Performed: On an ongoing basis, the number of guestrooms being used at one time shall not exceed nine (9) persons during transient use of the property.

9. PDSP004 - RESIDENTIAL QUIET HOURS (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Sections 21.64.280.A and B, to protect the residential character of the neighborhood on an ongoing basis, transient or short-term rental occupants shall respect residential quiet hours from 9:00 pm to 8:00 am. (RMA-Planning)

Compliance or Monitoring Action to be Performed: On an ongoing basis, short-term rental occupants shall respect residential quiet hours from 9:00 pm to 8:00 am.

10. PDSP005 - NO EVENTS ALLOWED (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Sections 21.64.280.A and B, to protect the residential character of the neighborhood on an ongoing basis, the property shall only be rented for residential-related use. The property shall not be rented to transient or short-term occupants for the purpose of holding a corporate or private event, unless the County approves a separate entitlement to allow such events on the property. (RMA-Planning)

Compliance or Monitoring Action to be Performed: On an ongoing basis, the property shall only be rented for residential-related use.

11. PDSP006 - ON-STREET PARKING NOT ALLOWED (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Sections 21.64.280.A and B, to protect the residential character of the neighborhood on an ongoing basis, transient or short-term rental occupants shall only use the available off-street parking located on the property. At no time shall transient or short-term rental occupant vehicle parking overflow onto the adjacent street. (RMA-Planning)

Compliance or Monitoring Action to be Performed: On an ongoing basis, short-term rental occupants shall only use the available off-street parking on the property.

12. PDSP007 - DISPOSAL OF EXCESS TRASH (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Sections 21.64.280.A and B, to protect the residential character of the neighborhood on an ongoing basis, the owner shall ensure trash in excess of normal residential use is disposed of within 24 hours. (RMA-Planning)

Compliance or Monitoring Action to be Performed: On an ongoing basis, the owner shall ensure trash in excess of normal residential use is disposed of within 24 hours.

RECEIVED
SEP 07 2012
MONTEREY COUNTY
PLANNING DEPARTMENT

The user is to be held responsible for the accuracy of the project and the user's liability. The user is to be held responsible for the accuracy of the project and the user's liability. The user is to be held responsible for the accuracy of the project and the user's liability.

Integrity
PROJECT MANAGER

P. (609) 850-2000
F. (609) 850-0469
440-2000 Lehigh Street
Allentown, PA 18101-1100

Designed By:



Parks • Johnson
ARCHITECTURE PLANNING
P.O. Box 1031 Carmel, CA 93921
Phone: (831) 924-1178 Fax: (831) 924-1179

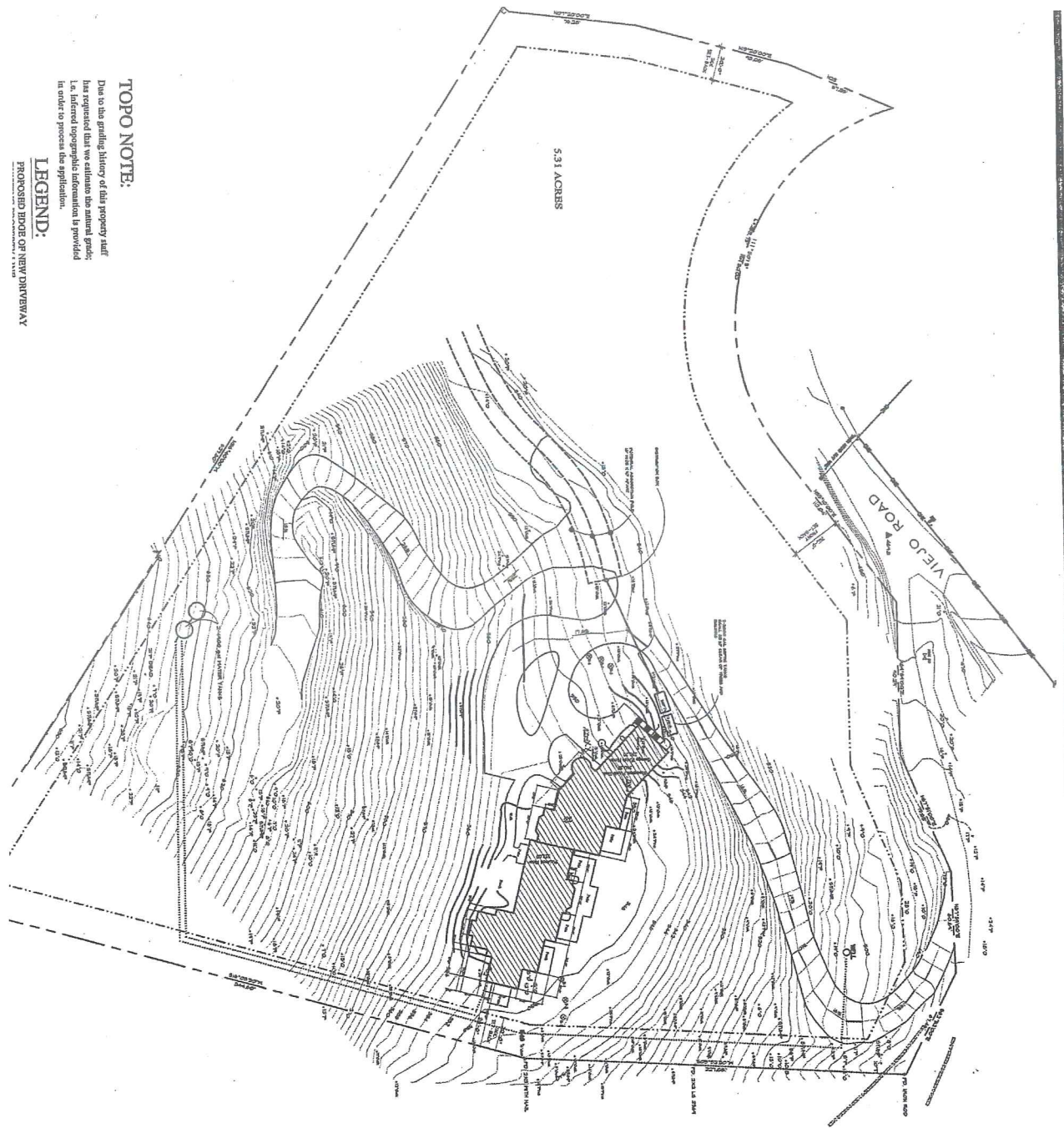
Hugo Residence
583 Viejo Road, Carmel Ca. 93923
APN: 103-031-004

BOUNDARY PLAN & SHEET INDEX
DRAWN: C.E.
CHECKED: C.E.
SCALE: AS SHOWN
DATE: 05-14-09
FILE: 04-001
PWA: 1012

BUILDING AREA
MAIN FLOOR: 4671 SQFT
SECOND FLOOR: 3548 SQFT
BASINMENT (FINISHED): 3502 SQFT
BASINMENT (UNFINISHED): 1054 SQFT

SPRINKLER NOTE
FINE SPRINKLER TO BE DESIGNED AND INSTALLED BY A CALIFORNIA LICENSED SPRINKLER CONTRACTOR. DRAWINGS WILL BE ISSUED FOR REVIEW AND APPROVAL BY MONTEREY COUNTY BUILDING DEPT. PRIOR TO FINAL FRAMING INSPECTION.

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A6	MAIN FLOOR PLAN (SOUTH)
A7	SECOND FLOOR PLAN
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TOPO NOTE:
Due to the grading history of this property staff has reviewed the site plan and the natural grade. The inferred topographic information is provided in order to process the application.

LEGEND:
PROPOSED EDGE OF NEW DRIVEWAY

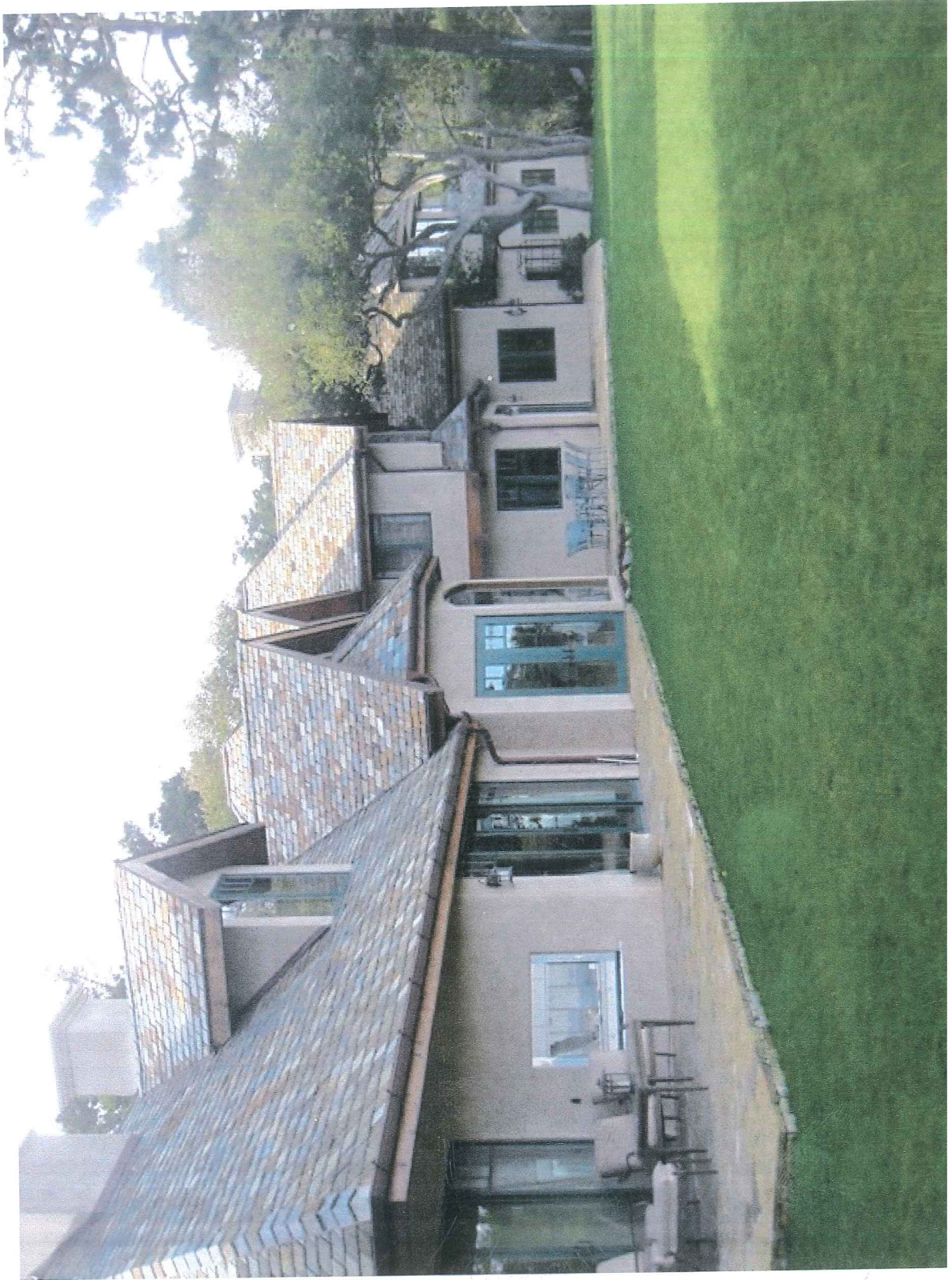


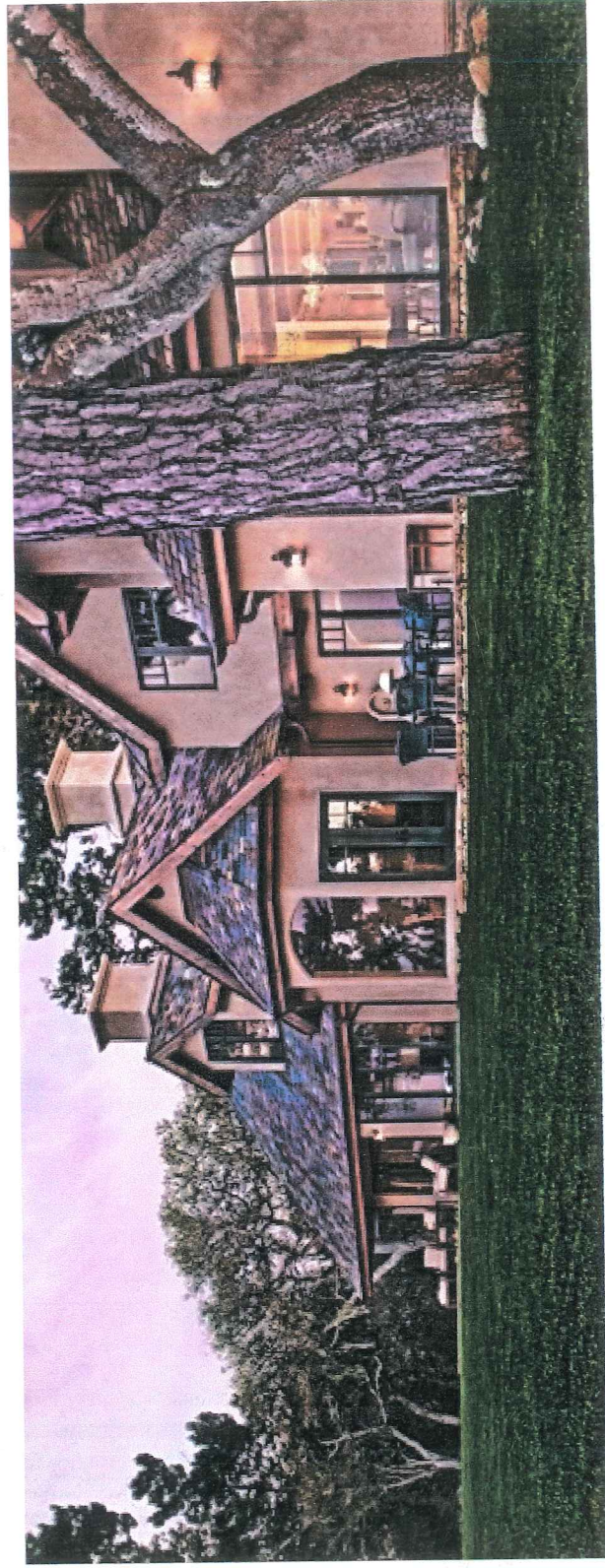
ENTRY



**FRONTYARD:
LOOKING SOUTH**

1000 5th Ave
New York, NY 10011





BACKYARD:
Looking North

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