## Exhibit D



#### DRAFT RESOLUTION

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

In the matter of the application of:

CRAWLEY (PLN170658)

**RESOLUTION NO. ----**

Resolution by the Monterey County Zoning Administrator:

- 1) Finding the project categorically exempt from CEQA per Section 15303 (e) of the CEOA Guidelines; and
- 2) Approving a Combined Development Permit consisting of:
  - a. Coastal Development Permit and Design Approval for placement of a guesthouse over a one-story structure in the coastal zone; and
  - b. Coastal Development Permit for development within 750-feet of a known archaeological site

26442 Carmelo Street, Carmel, Carmel Area Land Use Plan (APN: 009-471-007-000)

The Crawley application (PLN170658) came on for a public hearing before the Monterey County Zoning Administrator on November 9, 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 AND EVIDENCE

- 1. **FINDING: CONSISTENCY** The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
  - **EVIDENCE:** a) The project has been reviewed for consistency with the text, policies, and regulations in:
    - the 1982 Monterey County General Plan;
    - Carmel Area Land Use Plan
    - Monterey County Zoning Ordinance (Title 20)
    - b) The property is located at 26442 Carmelo Street, Carmel, (Assessor's Parcel Number 009-417-007-000), Carmel Area Land Use Plan, Coastal Zone. The parcel is zoned Medium Density Residential/2 units per acre, with a Design control overlay and an 18 foot height restriction [MDR/2-D (18) (CZ)].
    - c) Placement of a guesthouse over a 1-story structure, such as a garage, may considered by a Coastal Development Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence.

- d) The 0.170-acre lot (7,400 square feet) was created with the "Map of Addition No.7, Carmel-by-the-sea, Monterey County, CA, surveyed April and May 1908 by H.B. Fisher, Surveyor & C.E.," filed for record in the Office of the County Recorder in Monterey County on May 4, 1910 in volume 2, page 24 of Maps, "Cities and Towns," and is thus a legal lot.
- e) The project planner conducted a site visit on September 8, 2017. On this date staff met with the owner and architect at the project site.
- f) Height Verification: The MDR/2-D (18) (CZ) zoning designation has an 18-foot height allowance; however, no changes are proposed to the main structure. The project meets the 15-foot height allowance for an accessory structure. A height verification condition has been applied to the project (Condition No. 3).
- g) <u>Visual Resources</u>: The project, as proposed, is consistent with the Carmel Area LUP policies regarding Visual Resources. It is not visible from major public use areas including 17-Mile Drive, Scenic Road, Highway 1 or Point Lobos.
- h) <u>Public Access</u>: The project site is located west of Highway 1, in an urban, built up, residential area and is not described as an area where the LCP requires public access. As proposed, the project is in conformance with the public access and public recreation policies of the Coastal Act and LCP, and does not interfere with any form of historic public use or trust rights.
- Design: Pursuant to Monterey County Zoning Ordinance, Title 20, i) Chapter 20.44, the proposed project site and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to ensure the protection of the public viewshed and neighborhood character. The project proposes to convert an existing non-habitable accessory structure above an existing detached garage into a guesthouse. The proposed design of the guesthouse would not alter the square footage or involve ground disturbance. Proposed exterior colors and materials will match the existing structure: brown asphalt shingle roof, taupe stucco walls, and taupe clad-wood windows. To the right of a trellis, on the south side of the garage are wooden stairs leading to the attic storage area. Dormers look out to the east and west and currently contain one window each. The project proposes an extended dormer with five (5) windows on the east and one (1) on the west elevation. The new dormer on the east will increase the usable/livable space in the proposed guesthouse. The existing gable roof will remain and the two existing gable-dormers will be replaced with shed dormers. The proposed exterior finishes will blend with the surrounding environment and will not disrupt the overall character of the existing home or the neighborhood. Most of the existing garage and attic storage above are shielded by the main structure and will not be fronting a street. The accessory structure(s) meet the setbacks and floor area ratio (FAR) of MDR/2 zoning.

Therefore, the project, as proposed, is consistent with the neighborhood character.

- j) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the Design Approval is subject to review by the Zoning Administrator. The LUAC voted 3 to 0 with a recommendation of approval of the project as conditioned and proposed.
- k) The application, project plans, and related supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development can be found in Project File PLN170658.
- 2. **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, Water Resources Agency and the Carmel Highlands Land Use Advisory Committee. Conditions recommended by RMA-Planning have been incorporated. There has been no indication from these departments/agencies that the site is not suitable for the proposed development.
    - b) An archaeological report was not required for this specific project because no ground disturbance is involved.
    - c) Staff conducted a site inspection on September 8, 2017 to verify that the site is suitable for this use.
    - d) 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 PLN170658.
- 3. **FINDING:**

**HEALTH AND SAFETY -** The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the 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 RMA Planning, Cypress Fire Protection District, RMA Public Works, RMA Environmental Services, Environmental Health Bureau and the Water Resources Agency.
- b) Public utilities for this residence are provided by California-American Water Company and Carmel Area Wastewater District. Additional water credits were purchased from the Malpaso Water Company via the Monterey Peninsula Water Management District to accommodate the proposed bathroom in guesthouse.
- c) The application, project plans, and related supporting materials submitted by the project applicant to the Monterey County RMA Planning for the proposed development can be found in Project File PLN170658.

#### 4. **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:**

- Staff reviewed Monterey County RMA Planning and Building Services Department 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 RMA-Planning for the proposed development can be found in Project File PLN170658.

#### 5. **FINDING:**

**CEQA (Exempt): -** The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- a) 15303 (a) categorically exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
- b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.
- c) 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 PLN170658.

#### 6. **FINDING:**

**APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

#### **EVIDENCE:**

- a) Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) states that the proposed project is appealable to the Board of Supervisors.
- b) Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) states that the proposed project is subject to appeal by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.

#### **DECISION**

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

- 1. Find the project Exempt from CEQA per Section 15303 (a) of the CEQA Guidelines; and
- 2. Approve a Combined Development Permit consisting of:
  - a. Coastal Development Permit and Design Approval for placement of a guesthouse over a one-story structure in the coastal zone; and
  - b. Coastal Development Permit for development within 750-feet of a known archaeological site

All of which shall be in general conformance with the attached plans and subject to the attached 4 Conditions of Approval, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 9th day of November, 2017:

| Mike Novo, 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 PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 2 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

PLN170658

#### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN170658) allows for development consisting of: 1) Coastal Development Permit and Design Approval for the conversion of an attic into a 406 square foot guesthouse above an existing garage; and 2) Development Permit for development within 750 feet of a known archaeological site. The property is located at 26442 Carmelo Street, Carmel (Assessor's Parcel Number 009-471-007-000), Carmel Area Land Use 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 Combined Development Permit (Resolution Number \*\*\*) was approved by the Zoning Administrator for Assessor's Parcel Number 009-471-007-000 on November 9, 2017. The permit was granted subject to 4 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:

PI N170658

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.

Print Date: 10/26/2017 5:10:30PM Page 1 of 3

#### 3. PD041 - HEIGHT VERIFICATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of RMA - Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA -Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

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#### 4. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)

#### Responsible Department:

RMA-Planning

#### Condition/Mitigation Monitoring Measure:

The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) 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 425 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 12 feet nor be more than one story. (RMA Planning)

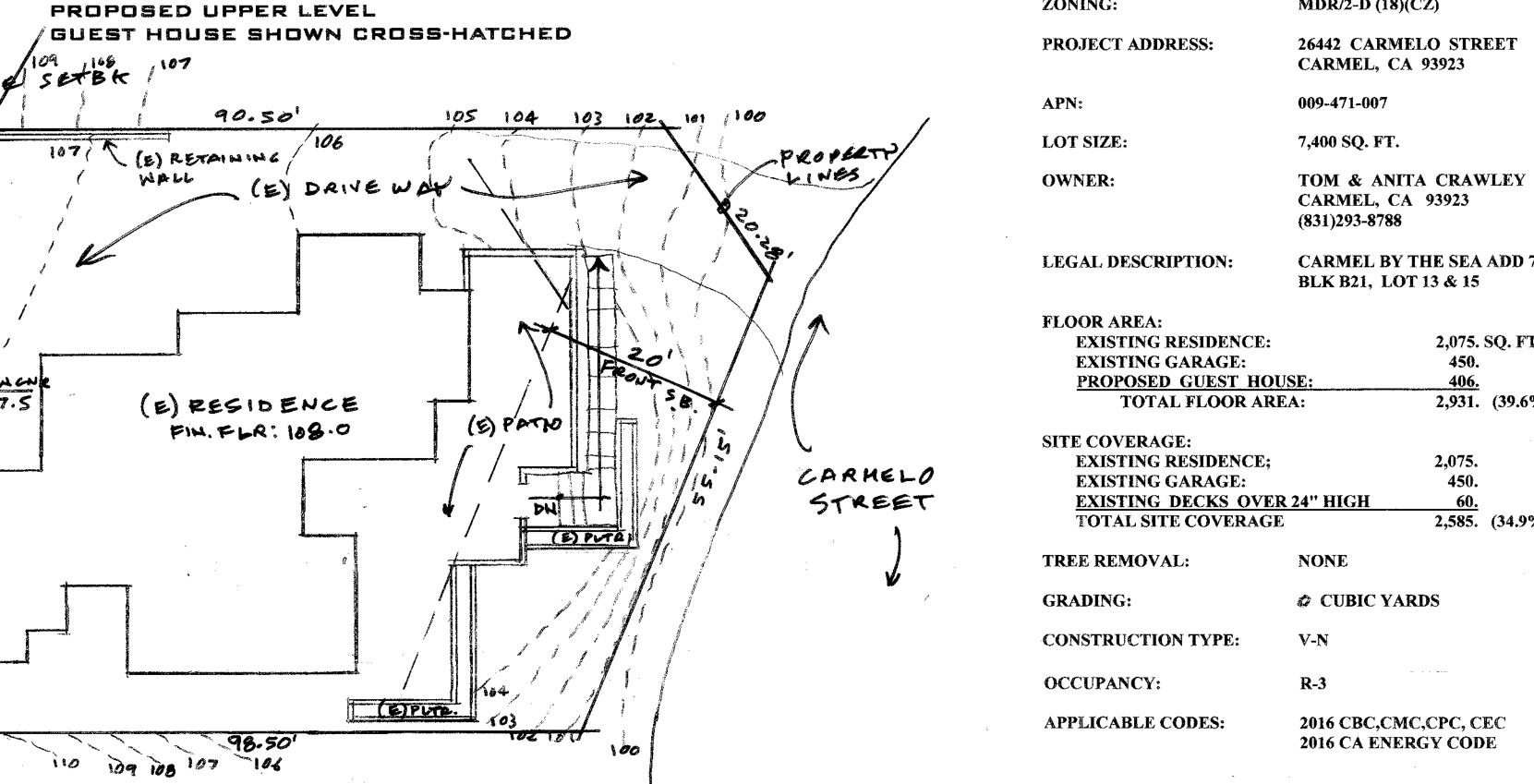
#### Compliance or Monitoring Action to be Performed:

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a 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 Director of the RMA-Planning.

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9-15-17



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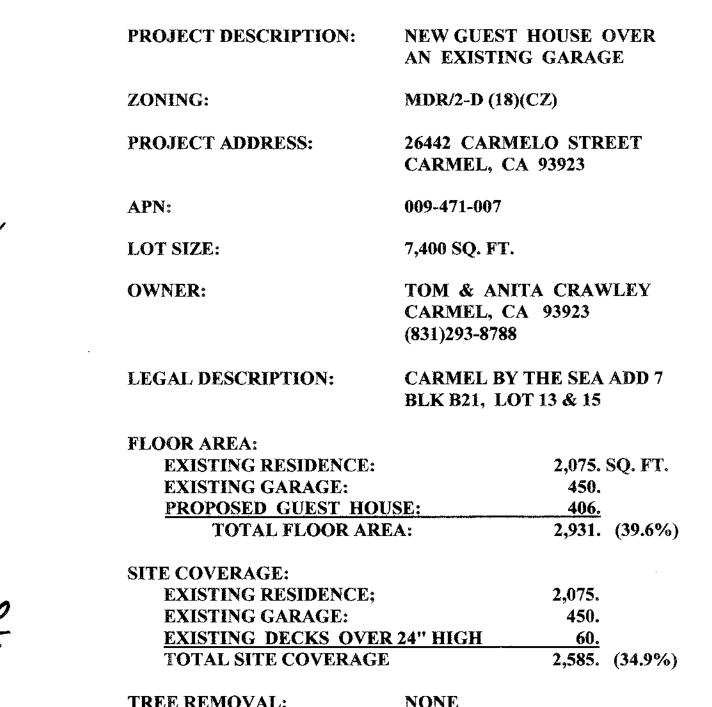
EHISTING STAIRS

(E) 113/ RETAINING

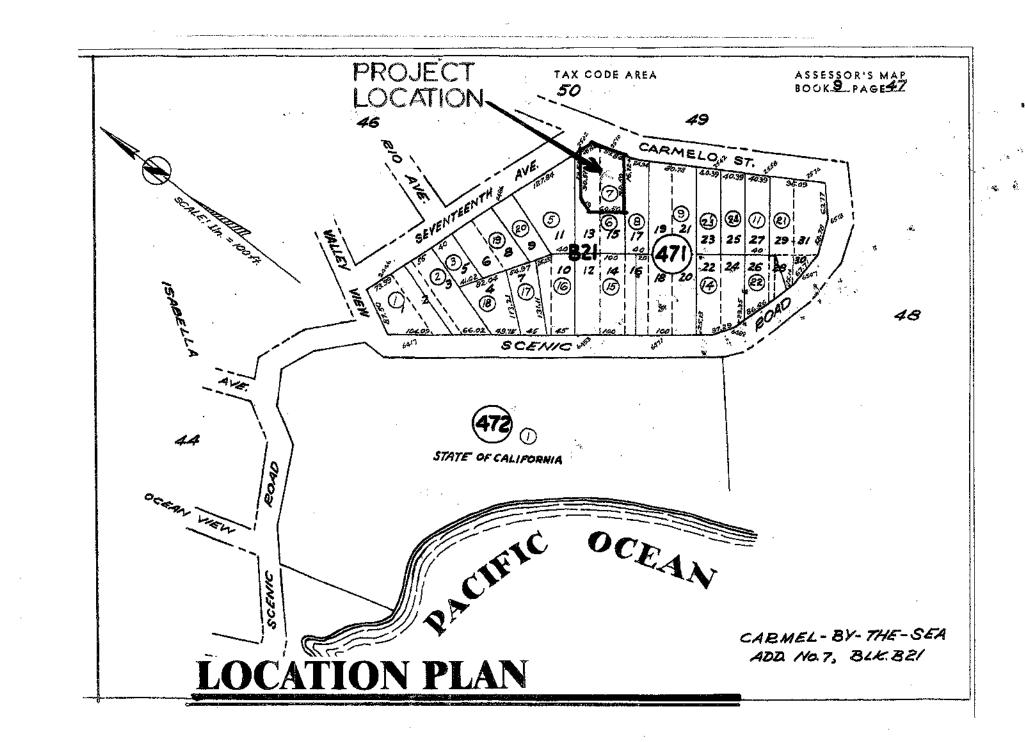
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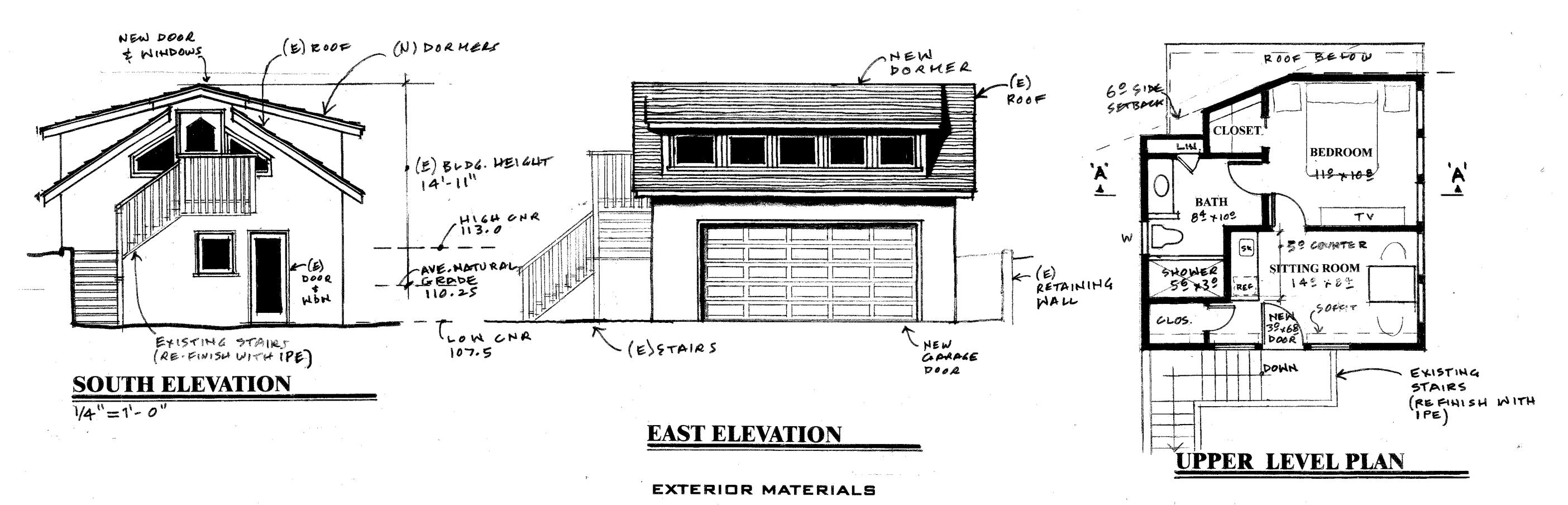
(E) GARAGE

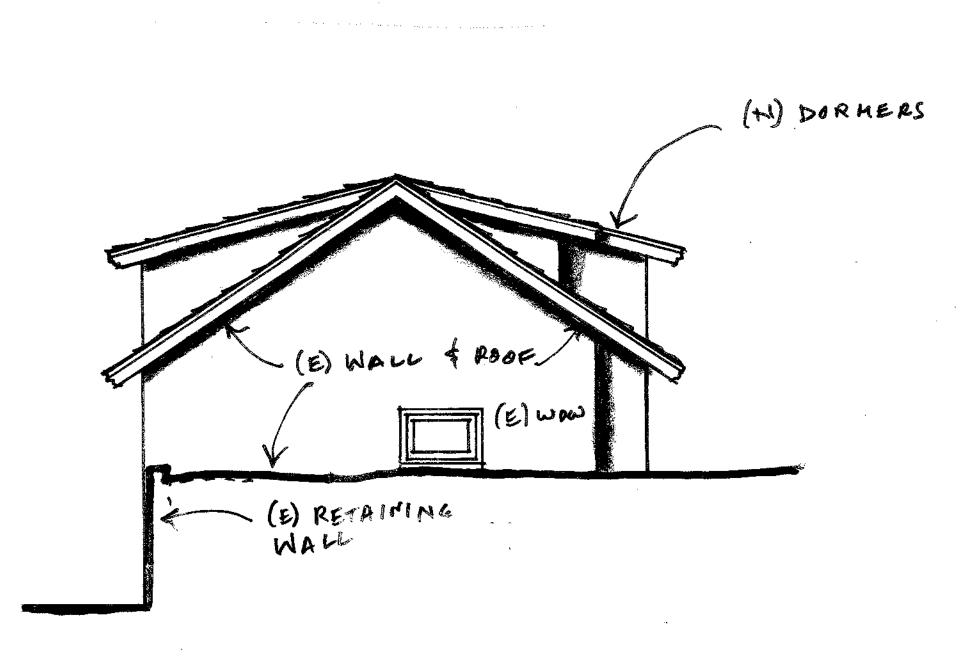
SITE PLAN



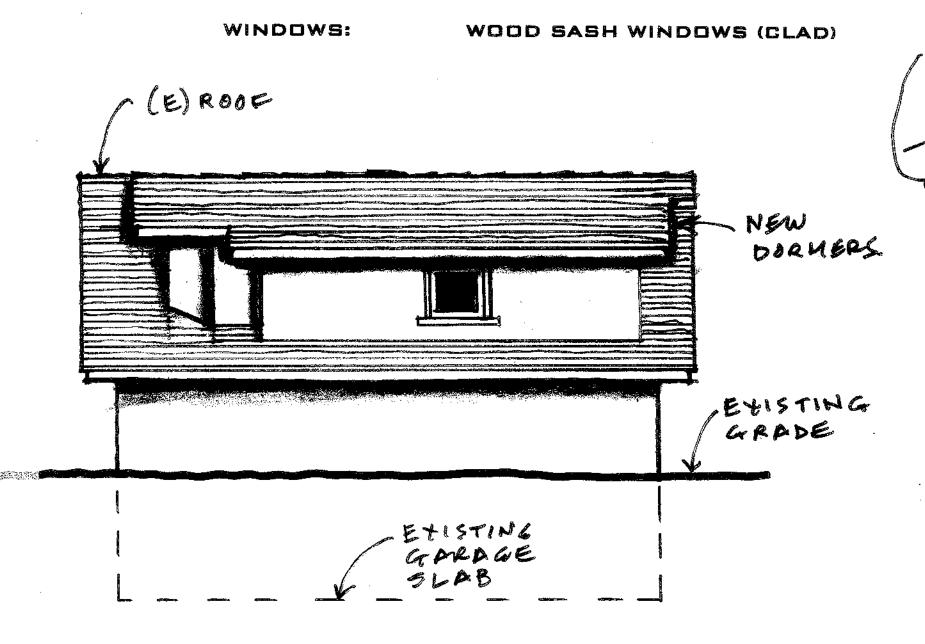
PLANNING INFORMATION











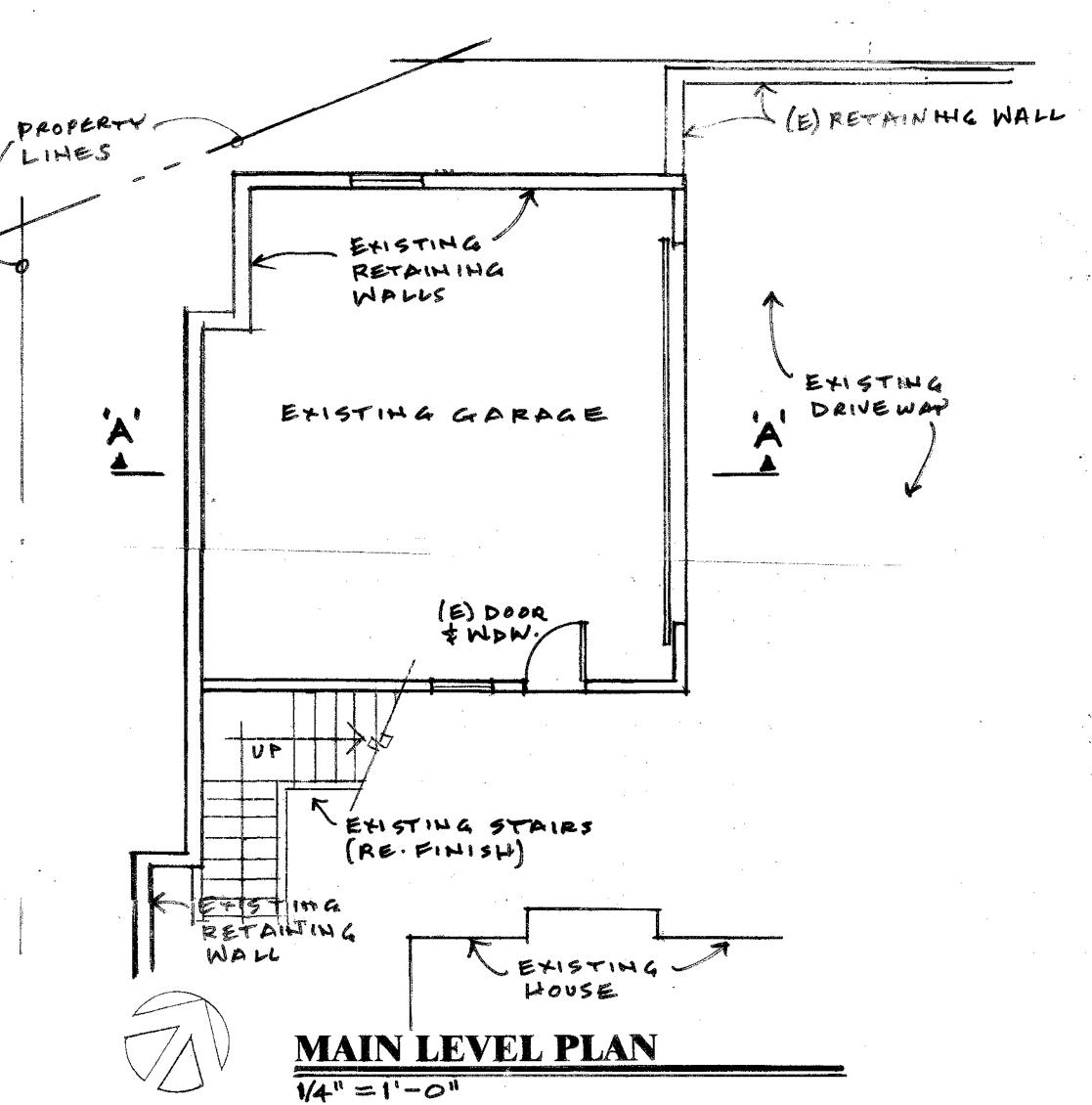
ASPHALT SHINGLES

STUCCO

## WEST ELEVATION

RODF:

WALLS:



EXISTING GARAG CRAWLEY RMEL, CALIFORNIA

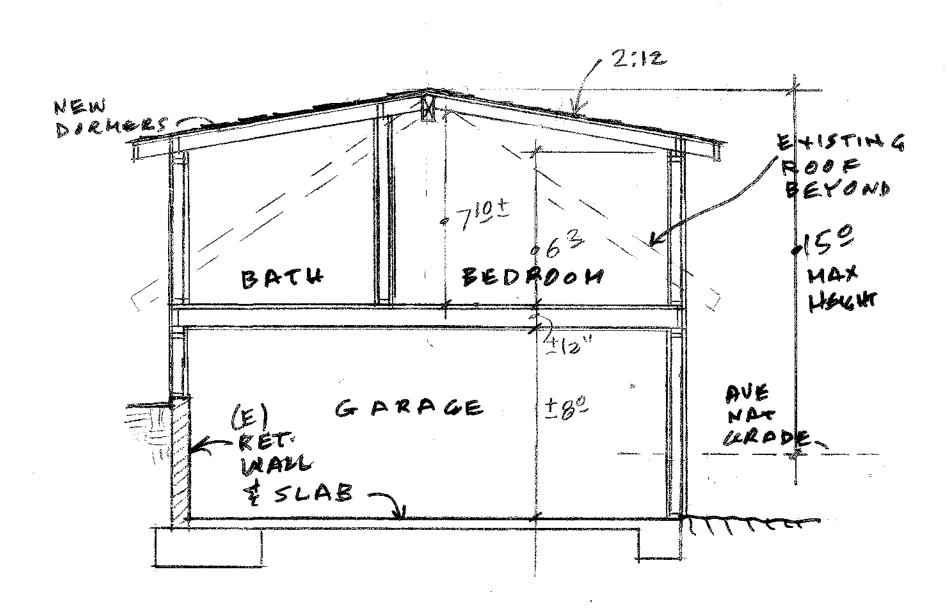
NEW GUEST TOM 26442 CA

TERRY LATASA - ARCHITECT

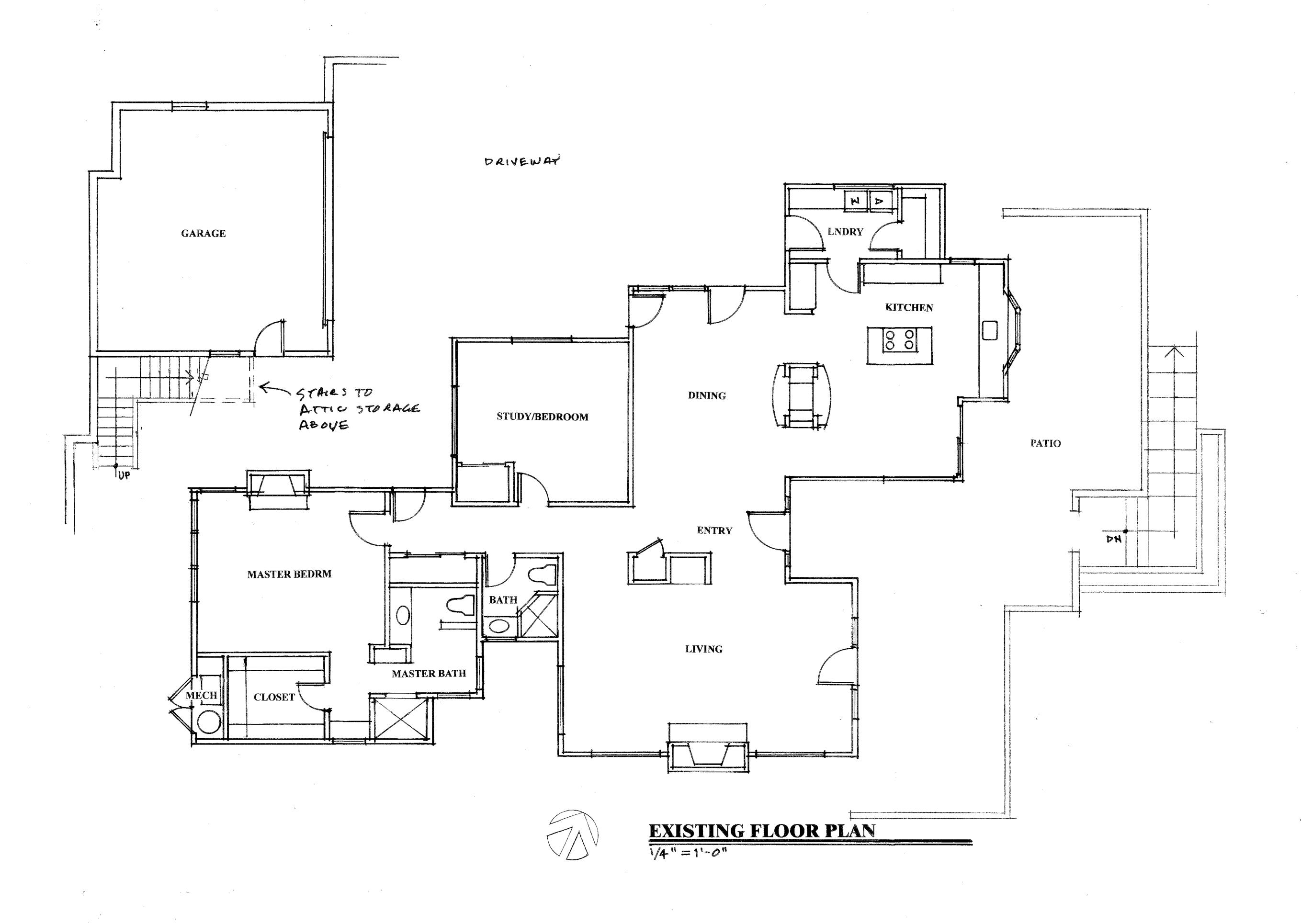
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# $\frac{\text{ROOF PLAN}}{1/4" = 1' - 0"}$

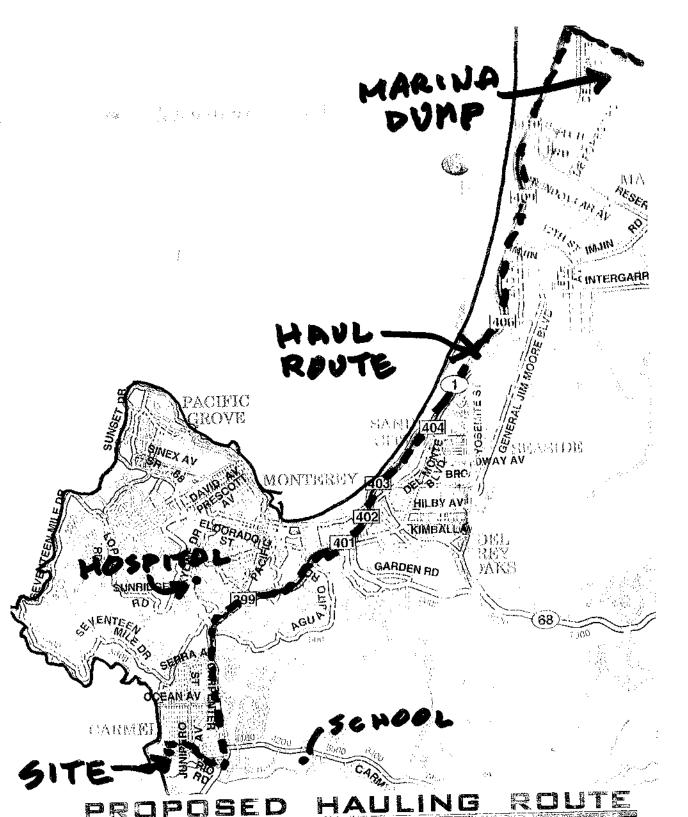


SECTION 'A-A'



ERRY LATABA - ARCHIECT MARRISON STREET, MONTEREY, CALIFORNIA (831) 649-1012

9-15-17



# CONSTRUCTION SITE BEST MANAGEMENT PRACTICES

THE FOLLOWING BMPs MUST BE PROPERLY USED AT ALL CONSTRUCTION SITES TO PROTECT STORM DRAINS AND MINIMIZE POLLU-

The Monterey Regional Stormwater Management Program (MRSWMP) prohibits pollutant discharges at work sites from flowing into storm drains and polluting neighborhood creeks, rivers, and the ocean. To comply with the law and keep your project on schedule, make sure

proper BMPs are in place and functioning. Sites must be checked and maintained daily. The following BMPs are recommended; they are not all-inclusive. Refer to references indicated on the front of this brochure for additional BMPs.

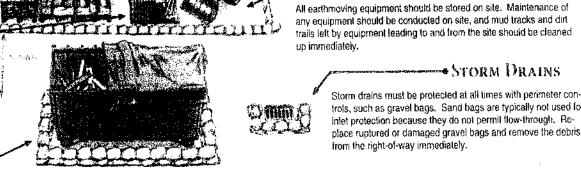
PAINT AND STEECE . All paint and stucco material stored on the site must be contained and covered. It is illegal to dump unused paint or stucco in the sewer or storm drain system. Do not wash out brushes in the street or dump any residues in the storm drain. Paint brushes and spray guns must be washed/cleaned out into a hazardous materials drum or back into the original container and disposed of properly.

PERIMETER CONTROLS -Gravel bags, silt fences and straw wattles (weighted down) are acceptable perimeter controls, and must be used to surround the entire site. Avoid running over perimeter controls with vehicles or heavy equipment as they can damage the materials. Keep extra absorbent materials and/or wel-dry vacuum on site to quickly pick up unintended spills.

BUILDING MATERIALS/STAGING AREAS Construction material must be stored on site at all times. Building materials should always be covered when not in use to prevent runoff caused by wind or rain. Flooding must also be prevented by monitoring the site before, during, and after rain events to ensure that BMPs are functioning and that there are no safety issues.

TRAFFIC CONTROL PERMITS Prior to staging any materials or equipment in the right-of-way (such as dumpsters or trucks), please contact the applicable local jurisdiction to learn of any temporary encroachment permit or traffic control requirements necessary for right-of-way staging and loading areas, applicable stormwater BMPs and safety plan review requirements.

DUMPSTERS -Always cover dumpsters with a rollback tarp. Areas around dumpsters should be swept daily. Perimeter controls around dumpster areas should be provided if pollutants are leaking or discharging from the dumpster.



Storm drains must be protected at all times with perimeter controls, such as gravel bags. Sand bags are typically not used for inlet protection because they do not permit flow-through. Replace ruptured or damaged gravel bags and remove the debris from the right-of-way immediately.

- Concrete Trucks / Pumpers / Finishers

BMPs such as tarps and gravel bags should be implemented to prevent

The disposal of "wet" construction materials should be handled in the

washout area. This includes paint, stucco, and concrete. Use a berm

with an impervious liner to contain wet materials and prevent runoff in

DIRT AND GRADING

Mounds of dirt or gravel should be stored on site and sprayed daily

those areas that are active and exposed, a wet weather triggered action

--- EARTHMOVING EQUIPMENT

STORM DRAINS

plan including additional BMPs should be in place to protect the site

during a rain event. Sites must have adequate tracking control to pre-

any equipment should be conducted on site, and mud tracks and dirt

with water to prevent excessive dust. During the rainy season (October 15th--April 15th) these materials should be covered. For

vent the transport of dirt/gravel from the sile.

nearby areas. The washout area must be checked and maintained daily

to ensure compliance. All dried materials must be disposed of at the

• WASHOUT AREA

materials and residue from entering into the storm drain system.

Protecting water resources improves and preserves quality of life for our children and future generations.

Questions? Contact the local Public Works Dept. in the jurisdiction your project resides or the MRSWMP Program Manager.

CONSTRUCTION MANAGEMENT PLAN

1. CONTACT INFO:

PRIMARY CONTACT: AHITA GRAWLEY: 293.8788 SECONDARY CONTACT: TO M GRAWLEY: 293.8788 DISCHARGE OF ANY POLLUTANTS IS PROHIBITED DURING CONSTRUCTION.

3. CLEANING & RE-FUELING OF CONSTRUCTION EQUIPMENT SHALL

BE DONE AT A DESIGNATED OFF-SITE MAINTENANCE AREA.

4. ALL CONSTRUCTION ACTIVITIES SHALL TAKE PLACE WITHIN THE AREA OF THE SITE. 5. CONSTRUCTION STAGING AND STORAGE SHALL BE COVERED ON A

DAILY BASIS. 6. DRY CLEAN-UP MEASURES SHALL BE DONE WHENEVER POSSIBLE; COLLECT AND FILTER CLEAN-UP WATER WHEN DRY CLEAN-UP

METHODS ARE NOT FEASIBLE. 7. MAX GRADING: APPROX. 20 YARDS/DAY

8. HOURS OF OPERATION: 8:00 AM TO 6:00PM

9. ALL CONSTRUCTION DEBRIS SHALL BE HAULED TO DUMP IN MARINA; MAX 6 LOADS/TRIPS PER DAY.

10.NUMBER OF CONSTRUCTION WORKERS: 11

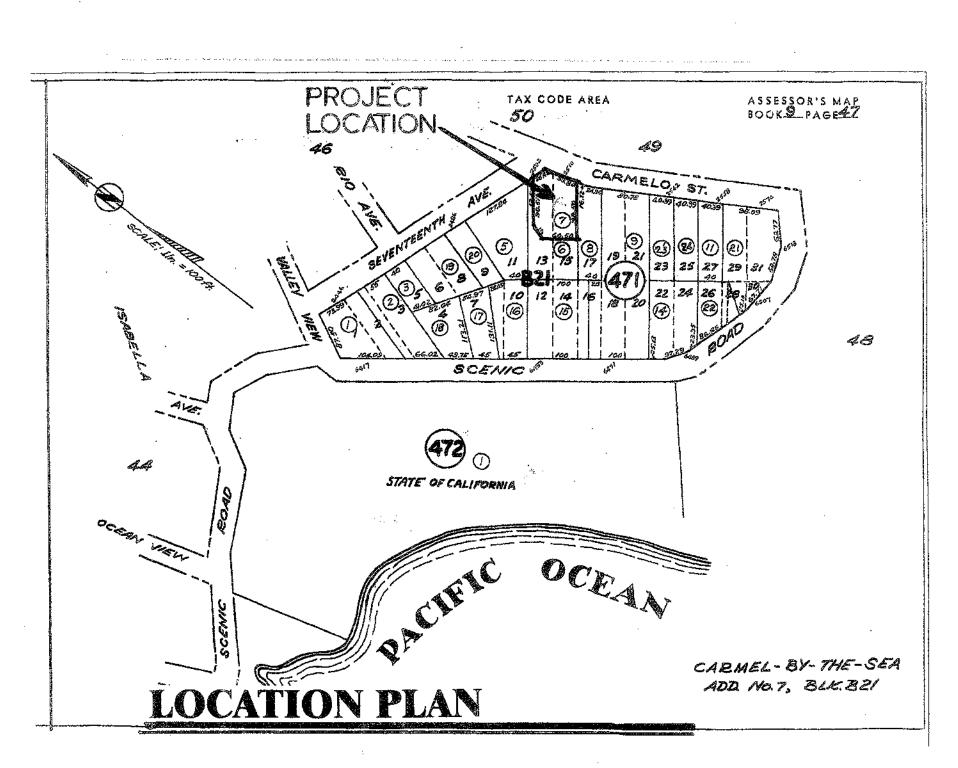
## **EROSION CONTROL MEASURES**

OPERATIONS MUST BE PROTECTED BY MULCHING AND/OR OTHER EFFECTIVE MEANS OF SOIL PROTECTION.

ALL ROADS AND DRIVEWAYS SHALL HAVE DRAINAGE FACILITIES SUFFICIENT TO PREVENT EROSION ON OR ADJACENT TO THE ROADWAY OR ON DOWNHILL PROPERTIES.

3. RUNOFF FROM THE SITE SHALL BE DETAINED OR FILTERED BY BERMS, VEGETATED FILTER STRIPS, AND/OR CATCH BASINS TO PREVENT ESCAPE OF SEDIMENT FROM THE SITE.

4. ALL DRAINAGE AND EROSION CONTROL MEASURES SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH WORK DAY AND CONTINUOUSLY THROUGHOUT THE LIFE OF THE PROJECT, BETWEEN OCTOBER 15 AND APRIL 15.



EXIBTING CALLERY

9.15.17

## COLOR SAMPLES FOR PROJECT FILE NO. PLN170658

