

Exhibit B

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**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

PAPPANI (PLN180175)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project is to convert a portion of a garage to conduct a cottage industry which qualifies as a Class “3” Categorical Exemption pursuant to Section 15303(e) of the CEQA Guidelines and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Use Permit to allow establishment of a cottage industry consisting of a micro-brewery, not open to the public, for the production of less than 50-gallons of craft beer per month within a portion of an existing garage attached to a single-family dwelling.

[PLN180175, Robert D & Sandra L Pappani, 2980 Bird Rock Road, Pebble Beach, Greater Monterey Peninsula Area Plan (APN: 007-522-016-000)]

The Use Permit application (PLN180175) came on for public hearing before the Monterey County Zoning Administrator on May 30, 2019. 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** – 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 (General Plan);
 - Greater Monterey Peninsula Area Plan (GMPAP);
 - 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 2980 Bird Road, Pebble Beach (APN: 007-522-016-000), Greater Monterey Peninsula Area Plan area. The parcel is zoned Medium Density Residential with Building Site, Design Control,

and Regulations for Parking and Use of Major Recreational Equipment Storage in Seaward Zone overlays or “MDR/B-6-D-RES”. In accordance with Title 21 Section 21.12.050.Q, regulations for the Medium Density Residential zoning district, cottage industries pursuant to Title 21 Section 21.64.095 (see Evidence “c” below) are allowed uses with a Use Permit.

- c) Cottage Industry – Title 21 Section 21.64.095 – Regulations for Cottage Industry, established regulations, standards, and circumstances under which business limited scale and impact may be established in all zoning districts where a single-family dwelling is allowed. Compliance with these regulations ensure that the cottage industry would not be detrimental to the residential property. The brewery would be operated within a 200 square foot area of the garage and site improvements are limited to the interior of the garage which consist of the installation of a mash tun, kettle, freezer, 2 fermentation vessels, a glycol chiller, work counter, and safety measures discussed in subsequent Finding 3, Evidence “c” below. The operation would be wholesale only, and the brewery would not be open to the public for sale of bottled and/or consumption of beer. The resident of the property would be the sole employee for the operation. Water used to brew the craft beer would not be sourced from the existing potable water service for the single-family dwelling or delivered from an off-site location. The brewery would use pre-packaged water from Shasta, California, as obtained by the operator. At full operation, the brewery would produce up to 50 gallons of beer, or 250 22-ounce bottles, a month. The operation includes delivery of the finished product to local restaurants and retailers by the operator.
- d) Building Site – The project does not include the expansion or addition to existing structures on the site nor does it involve a lot line adjustment or a subdivision. Therefore, the project does not affect the development standards established in Title 20 Section 21.42.030.F.
- e) Design Control District – The project does not include exterior changes and therefore is not subject to a Design Approval.
- f) Regulations for Parking and Use of Major Recreational Equipment Storage in Seaward Zone – The project does not include use of major recreational equipment or parking of such equipment on the property. Therefore, it is consistent with the applicable regulations contained in Title 21 Section 21.57.040.
- g) The project planner conducted a site inspection on February 11, 2019 to verify that the project on the subject parcel conforms to the plans listed above.
- h) 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 PLN180175.

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, Pebble Beach Community Service District, RMA-Public Works, RMA-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 and any conditions recommended have been incorporated.

- b) The resident would be the sole employee for the operation and deliveries to and from the site, associated with the operation, would be conducted by that employee. The brewery area (approximately 194 square feet, would take up less than 1/3rd of the southeast section of the garage and the remaining area (approximately 266 square feet) would accommodate parking of the resident's vehicle, consistent with the parking requirements set forth in Title 21 Section 21.58.050.F. Therefore, parking and traffic trips for the operation would not be discernable with the existing residential use of the property.
- c) In accordance with Title 21 Section 21.64.095.D.1, the project has been conditioned limiting approval of this Use Permit to 1 year. The condition of approval allows the applicant to apply for an extension prior to permit expiration. However, the extension may only be granted upon finding that the use has not been detrimental to the neighborhood.
- d) Staff conducted a site inspection on February 11, 2019 to verify that the site is suitable for this use.
- e) 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 PLN180175.

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, Pebble Beach Community Services District, RMA - Public Works, Environmental Health Bureau, and RMA - Environmental Services. 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) Public facilities will not be affected by the proposed use. The cottage industry would be established within a structure already served by public facilities. As discussed in Finding 1, Evidence "c" above, water used for the brewery would be obtained from an off-site source. The application has been reviewed by the Environmental Health Bureau and the Pebble Beach Community Services District (PBCSD) to determine potential wastewater impacts. PBCSD found that the wastewater discharge quantities and constituents resulting from the operation to be acceptable.
 - c) In accordance with the recommendations of the fire district, safety improvements, such as installation of a chain-link partition separating the brewing operation area, 2 fire extinguishers, and 2 fire alarms are also proposed.
 - d) The equipment used for the brewery operation would produce noise levels similar to the equipment used in a residential kitchen. Therefore,

noise associated with the operation would be consistent with the existing levels in the surrounding neighborhood.

- e) Staff conducted a site inspection on February 11, 2019 to verify that the site is suitable for this use.
- f) 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 PLN180175.

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:** a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property. There are no known violations on the subject parcel.
- b) Staff conducted a site inspection on February 11, 2019 and researched County records to assess if any violation exists on the subject property.
- c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN180175.
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 15303(e) categorically exempts the conversion of accessory structures. The project is proposed within an existing 460 square foot garage, 194 square feet of which would be converted into the nano-brewery area. posed ground mount photovoltaic system will provide a renewable energy resource to only the existing agricultural processing facilities located on the subject property.
- b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located on a hazardous waste site, visible from a scenic highway or near a historical resource. The development area is located within a 200 square foot portion of an existing garage and the operation does not include expansion into non-developed areas of the site.
- c) Staff conducted a site inspection on February 11, 2019 to verify that the site and proposed project meet the criteria for an exemption. No adverse environmental effects were identified during staff review of the development application during this site visit.
- d) 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 PLN180175.
6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:** Monterey County Zoning Ordinance Section 21.80.040.B states that the proposed project is appealable to the Planning Commission.

DECISION

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

1. Find the project is accessory to the agricultural use of the property which qualifies as a Class "3" Categorical Exemption pursuant to Section 15303(e) of the CEQA Guidelines and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Use Permit to allow establishment of a cottage industry consisting of a micro-brewery, not open to the public, for the production of less than 50-gallons of craft beer per month within a portion of an existing garage attached to a single-family dwelling.

All in general conformance with the attached sketch and subject to 5 conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of May, 2019:

Carl Holm, 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 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 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

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Monterey County RMA Planning

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

PLN180175

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Use Permit (PLN180175) allows the establishment of a cottage industry consisting of a nano-brewery, not open to the public, for the production of 50-gallons of craft beer per month within a portion of an existing garage attached to a single family dwelling. The property is located at 2980 Bird Rock Road, Pebble Beach (Assessor's Parcel Number 007-522-016-000), Greater Monterey Peninsula Area Plan. 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 RMA Chief of 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 Zoning Administrator for Assessor's Parcel Number 007-522-016-000 on May 30, 2019. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA Chief of Planning."

Proof of recordation of this notice shall be furnished to the RMA Chief of Planning prior to commencement of use. (RMA - Planning)

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

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Prior to the issuance of a building permit, the Owner/Applicant shall include requirements of this condition as a note on the building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. COTTAGE INDUSTRY PERMIT LIMITATION (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Approval of this Use Permit is limited to one year to provide adequate on-going review of the approved Cottage Industry. Prior to its expiration, the owner/applicant shall file an extension in accordance with Title 21 Section 21.74.110. This subsequent review will assure that the use continues to meet the standards of Title 21 Section 21.64.095, the nature of the area has not changed sufficiently to cause the use to be detrimental to the area, and to review the conditions of the prior Use Permit to determine their continuing adequacy.

Compliance or Monitoring Action to be Performed: The applicant shall commence the authorized use to the satisfaction of the RMA Chief of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

5. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

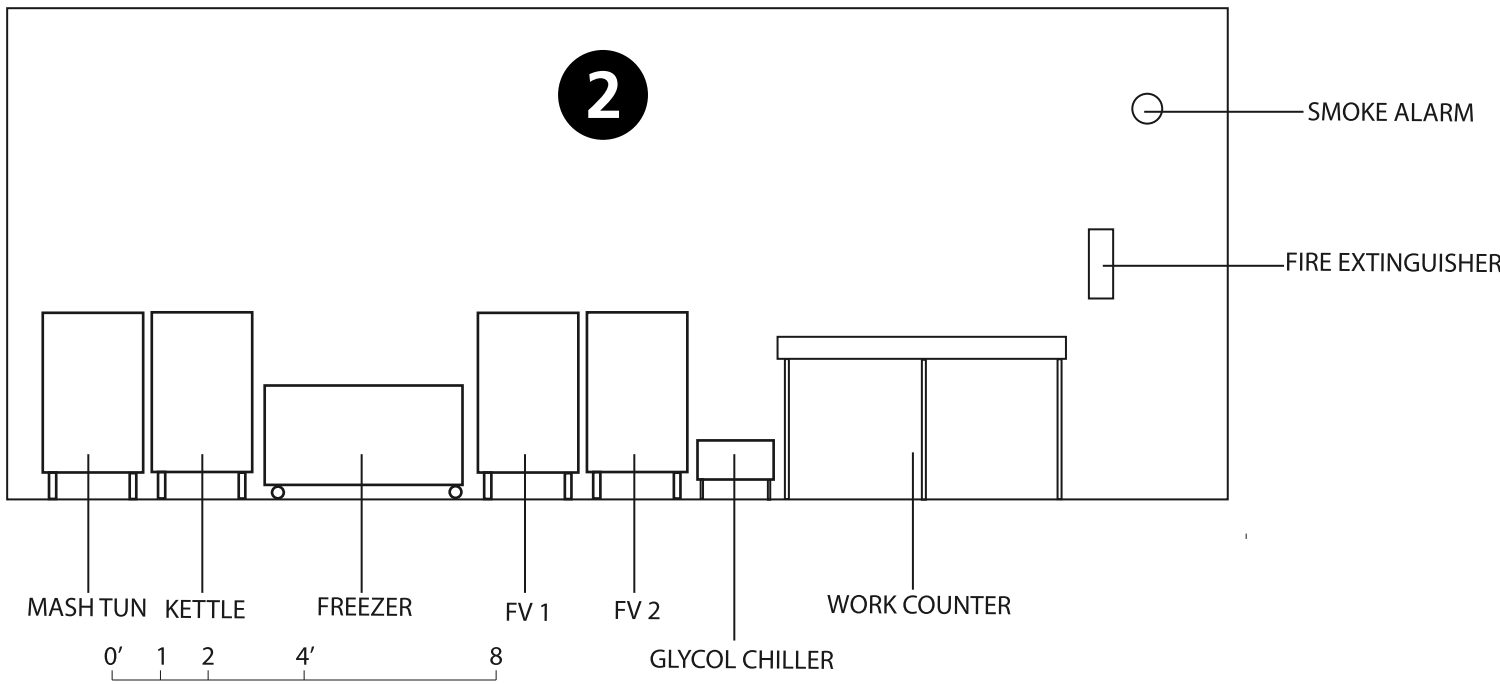
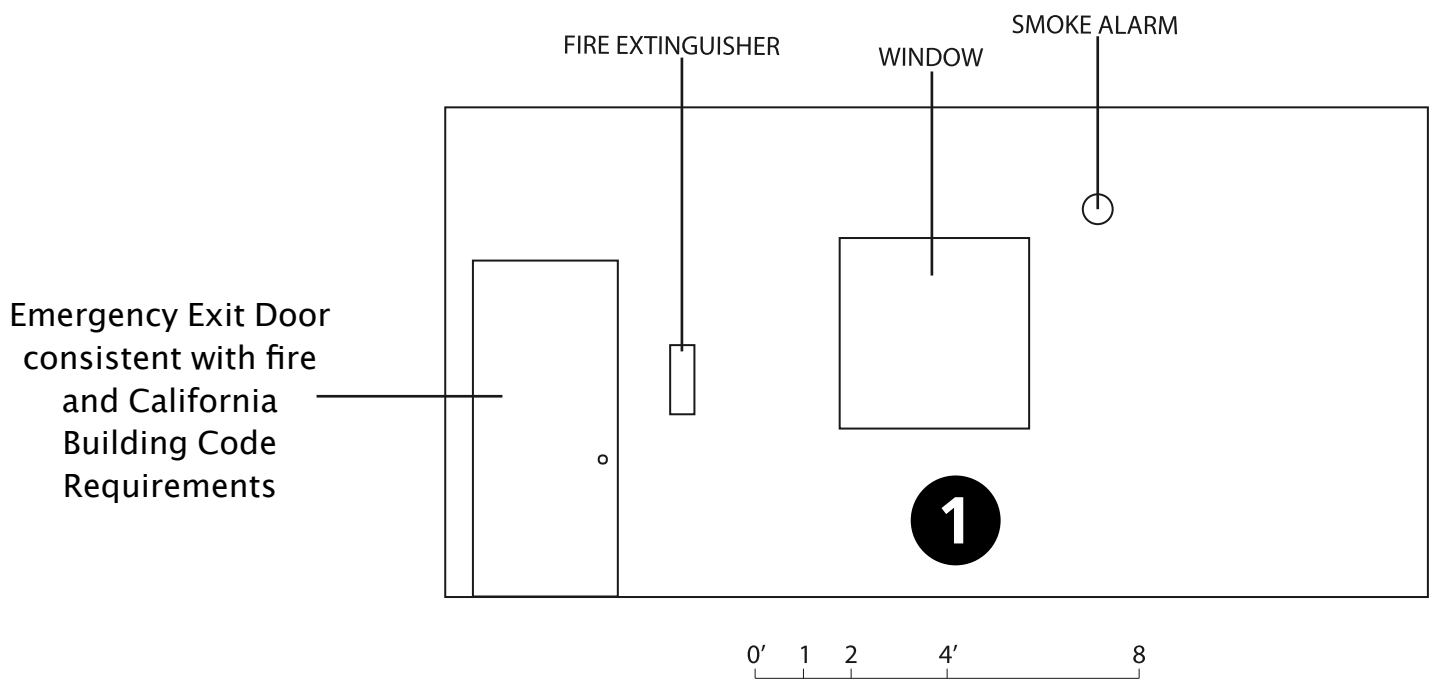
Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, 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-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.

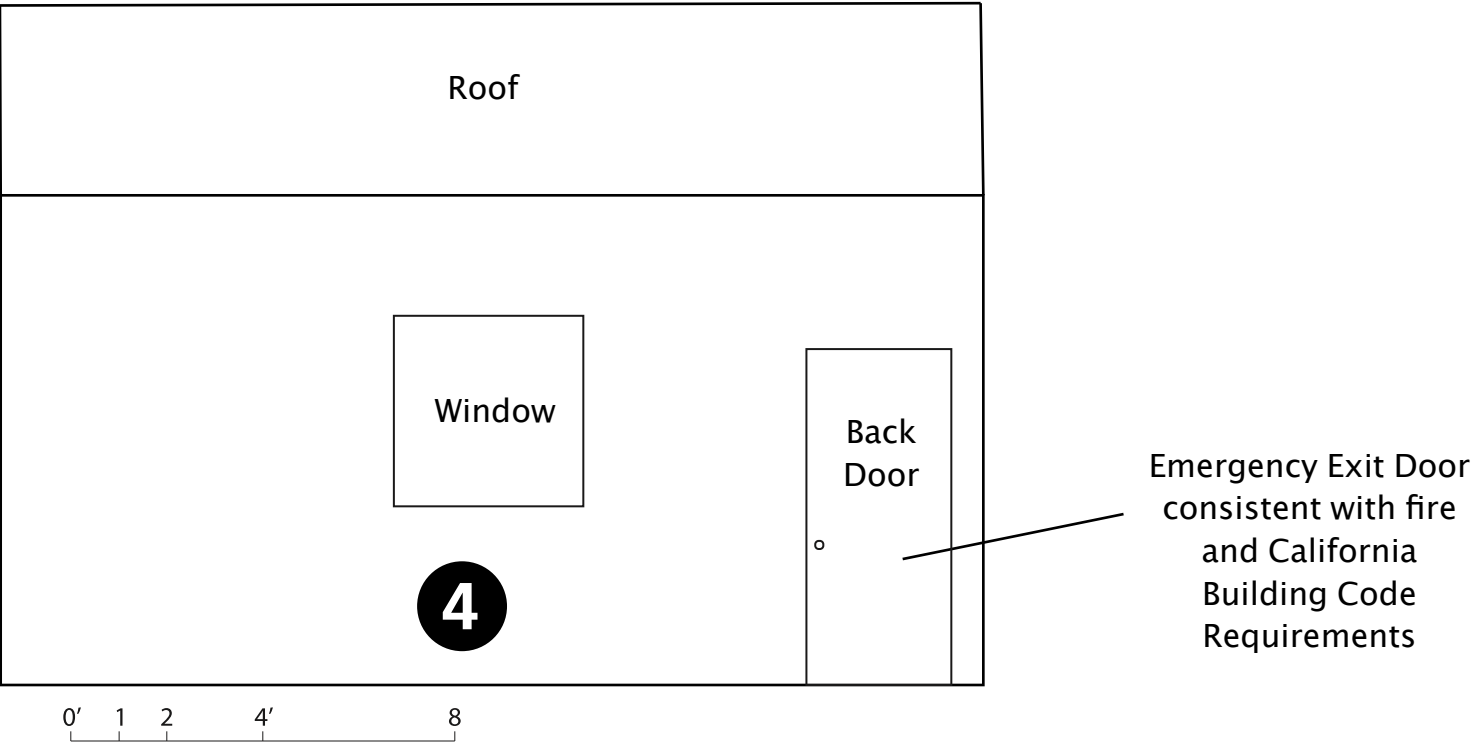
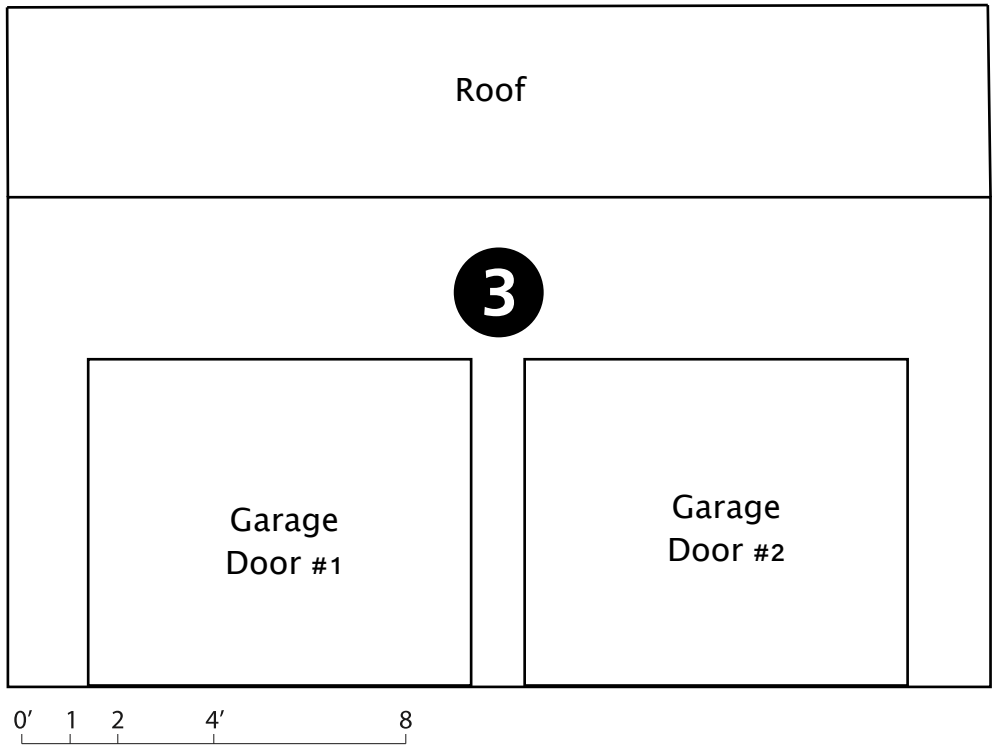
Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

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Interior Elevation



Exterior Elevation



Pebble Beach Community Services District -
Fire Protection Address and Phone

3101 Forest Lake Road
Pebble Beach, CA 93953
(831)-373-1274

