

# Exhibit B

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**EXHIBIT B  
DRAFT RESOLUTION**

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**JOHN K RODGERS (PLN180390)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding the project is Categorically Exempt per Section 15301 of the CEQA Guidelines; and
- 2) Approving a Coastal Development Permit to allow use of a 5 bedroom single family dwelling as a 4 room Bed and Breakfast facility with one room reserved for the owner.

[PLN180390, Rodgers, 29152 Highway 1,  
Carmel, Carmel Land Use Plan, Coastal Zone  
(APN: 241-061-015-000)]

**The Coastal Development Permit application (PLN180390) came on for public hearing before the Monterey County Planning Commission on June 12, 2019 and on September 25, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies.  
**EVIDENCE:**
  - a) Staff has reviewed the project as contained in the application and accompanying materials for consistency with the following applicable text, policies, and regulations:
    - Carmel Land Use Plan
    - 1982 Monterey County General Plan; and
    - Monterey County Zoning Ordinance (Title 20)
  - b) The property is located at 29152 Highway 1, Carmel (Assessor's Parcel Number 241-061-015-000), Carmel Land Use Plan, Coastal Zone. The parcel is zoned Low Density Residential/1 unit per acre, with a Design Control overlay (Coastal Zone) [LDR/1-D (CZ)]. LDR zoning allows bed and breakfast facilities as a conditional use subject to the granting of a Coastal Development Permit and subject to the standards contained in Section 20.64.100 of the coastal Zoning Ordinance (Title 20).
  - c) Bed and Breakfast facilities are subject to special regulations contained in Section 20.64.100 of the coastal zoning ordinance. The proposal is

consistent with the relevant regulations and the findings can be made in this case (See Finding 6 with supporting evidence).

- d) Consistent with Policy 4.4.3.D of the Carmel Land Use Plan, the proposed bed and breakfast facility would provide visitor serving accommodations on an already developed parcel in proximity to recreation opportunities at Point Lobos State Park.
- e) Design. Pursuant to Chapter 20.44 of the Monterey County Zoning Ordinance, Title 20, a Design Control Zoning District (“D” zoning overlay), regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public view shed and neighborhood character. The applicant is not proposing to change any of the exterior colors, materials and finishes for this bed and breakfast facility. The property will remain as is, with the exception of a possible four square-foot un-illuminated sign attached to the home (MCC 20.64.100 C.5).
- f) The project was referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. On February 19, 2019, the LUAC reviewed and recommended denial by a vote of three to zero and two absences due to traffic concerns.
- g) 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 PLN180390.

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, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, the Carmel Highlands Fire Protection District, and the California Coastal Commission. Conditions recommended by RMA-Planning and RMA-Public Works have been incorporated.
  - b) A Bed and Breakfast facility is similar in use to a motel. As such, the Institute of Traffic Engineer (ITE) trip generation manual assigns 9 daily trips per room. Ten (10) trips per day are assigned to single family residential use. With 4 rooms proposed in the B&B standard daily traffic counts would be 36 trips per day (9x4); an increase in traffic trips of 26 trips per day above the existing use. The 26 additional daily trips will not degrade levels of service or traffic operations in the area. However, inclusion of the traffic impact fee condition to address cumulative traffic conditions in the area is warranted (Condition #3). Payment of the regional traffic impact fees addresses cumulative traffic effects because the fees go toward funding regional traffic improvements in the area.
  - c) Septic capacity of the exiting single family dwelling was designed to accommodate 8.6 full time residents based on the 5 bedroom home. At full occupancy of the proposed B&B, with 2 guests per bedroom and 2 resident operators, up to 10 people occupy the structure at one time. Some vacancy is expected with a B&B use and the Environmental Health Bureau has determined that the septic capacity at the site can

accommodate higher occupancies during time that the B&B is at full capacity.

- 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 PLN180390.

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 has been reviewed for site suitability by the following departments and agencies: RMA-Planning, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, the Carmel Highlands Fire Protection District, and the California Coastal Commission. 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 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 PLN180390.

4. **FINDING:** **NO VIOLATIONS** – Although there was a code enforcement citation on this property in 2018, the owner has since paid fines and the case is closed. Therefore, 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) In 2018, the property received a code enforcement citation for operating a short-term rental without the proper approvals and permits, and for failure to obtain the required business license. The property owner has since paid the code enforcement fines and submitted a notice to quit operation of the short-term rental; therefore, the code enforcement case has been closed. At the June 12, 2019 Planning Commission hearing, evidence of online advertisements for rental of the home were submitted. The evidence submitted indicates that the home is available for rent for periods of 30 days or more. Short-term rentals are defined as less than 30 days. Long-term rentals (30 days or more) are not currently regulated in County Code. Therefore, there is no evidence that a violation exists at the site.
  - b) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any other violations existing on subject property.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review.

- a) Section 15301 (a) categorically exempts interior or exterior alterations. The applicant is not proposing substantial interior to exterior modification of the home.
- b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There are no significant cumulative effects of residential development on residentially zoned lands, there are no historical resources and no hazardous waste sites involved. The project will not have a significant effect on the environment and qualifies for a Categorical exemption for minor alteration of an existing private structure.
- 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 PLN180390.

6. **FINDING:** **BED AND BREAKFAST FACILITY** – A Coastal Development Permit for a Bed and Breakfast facility is consistent with Section 20.64.100 of the Monterey County Code. The project will not adversely impact traffic conditions in the area and adequate sewage disposal and water supply facilities exist. All findings required to grant a Coastal Development Permit for a Bed and Breakfast facility can be made.
- EVIDENCE:**
- a) Bed and breakfast facilities are an allowed use in the Coastal Zone subject to a Coastal Development Permit (Monterey County Code 20.14.050 and 20.64.100). Bed and breakfast facilities are defined as an establishment providing overnight accommodations and a morning meal by people who provide rental rooms in their homes (Section 20.06.110). The applicant has submitted a site plan that reflect where the property owner would reside. The applicant has also submitted a business management plan that outlines the proposed bed and breakfast's operations that meet MCC 20.64.100.
  - b) Section 20.64.100 of the Monterey County Code establishes the regulations, standards, and circumstances under which bed and breakfast facilities may be established in certain areas of the County. The proposal conforms to those regulations and standards as evidenced below.
  - c) The establishment of the bed and breakfast facility will not under the circumstances of the particular case be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. (See Finding 3 above).
  - d) The proposed bed and breakfast facility complies with all applicable requirements of Section 20.64.100.C of the Zoning Ordinance, Title 21. The property owner has indicated that they will occupy and manage the bed and breakfast; there are four guestrooms and one bedroom reserved for the property owner; at least six parking spaces are provided onsite; the maximum stay for each guest would not exceed 29 days in a 30-day period and no more than 60 days in a one year period; although not included in their application, the property owners are allowed a four-foot sign attached to the residence not internally illuminated subject to an Administrative Design Approval. Section 20.64.100 B.4 mandates the facility shall provide one parking space per guestroom, in addition to two for the property owners. In this case, there are four guestrooms and

one bedroom reserved for the property owner – thus requiring a minimum of six parking spaces. The applicant has reflected the adequate number of parking spaces for all four guest rooms and the master bedroom in the site plan.

- e) The proposed bed and breakfast facility will not adversely impact traffic conditions in the area. Anticipated traffic associated with the bed and breakfast facility is substantially the same as the existing single family residential use.
- f) Adequate sewage disposal and water supply facilities exist. Repairs to the existing septic system have been completed and the septic system has been determined to be adequate to serve the proposed use. The site has an existing potable water connection through the California American Water.
- g) The bed and breakfast facility is consistent with the Carmel Area Land Use Plan. (See Finding 1 with supporting evidence).
- h) The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the Zoning ordinance. Violations have been abated (See Finding 4 with supporting evidence).

7. **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 20.86.080 of the Monterey County Zoning Ordinance (Title 20) states the proposed project is subject to appeal because a bed and breakfast facility is a conditional use in the Low Density Residential zone that requires a Coastal Development Permit.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

1. Find the project is a minor change in an existing facility and qualifies for a Categorical Exempt per Section 15301 of the CEQA Guidelines; and
2. Approve a Coastal Development Permit to allow use of a 5 bedroom single family dwelling as 4 room Bed and Breakfast facility with one room reserved for the owner at 29152 Highway 1, Carmel (Assessor's Parcel Number 241-061-015-000), in general conformance with the attached plans and subject to three (3) conditions of approval, both being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 25th day of September, 2019 upon the motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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 \_\_\_\_\_.

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS 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 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

PLN180390

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Coastal Development Permit (PLN180390) allows a bed and breakfast facility. The property is located at 29152 Highway 1, Carmel (Assessor's Parcel Number 241-061-015-000), Carmel Land Use 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 Coastal Development Permit (Resolution Number 19- ) was approved by the Planning Commission for Assessor's Parcel Number 241-061-015-000 on September 25, 2019. The permit was granted subject to three (3) 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 RMA-Chief of Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

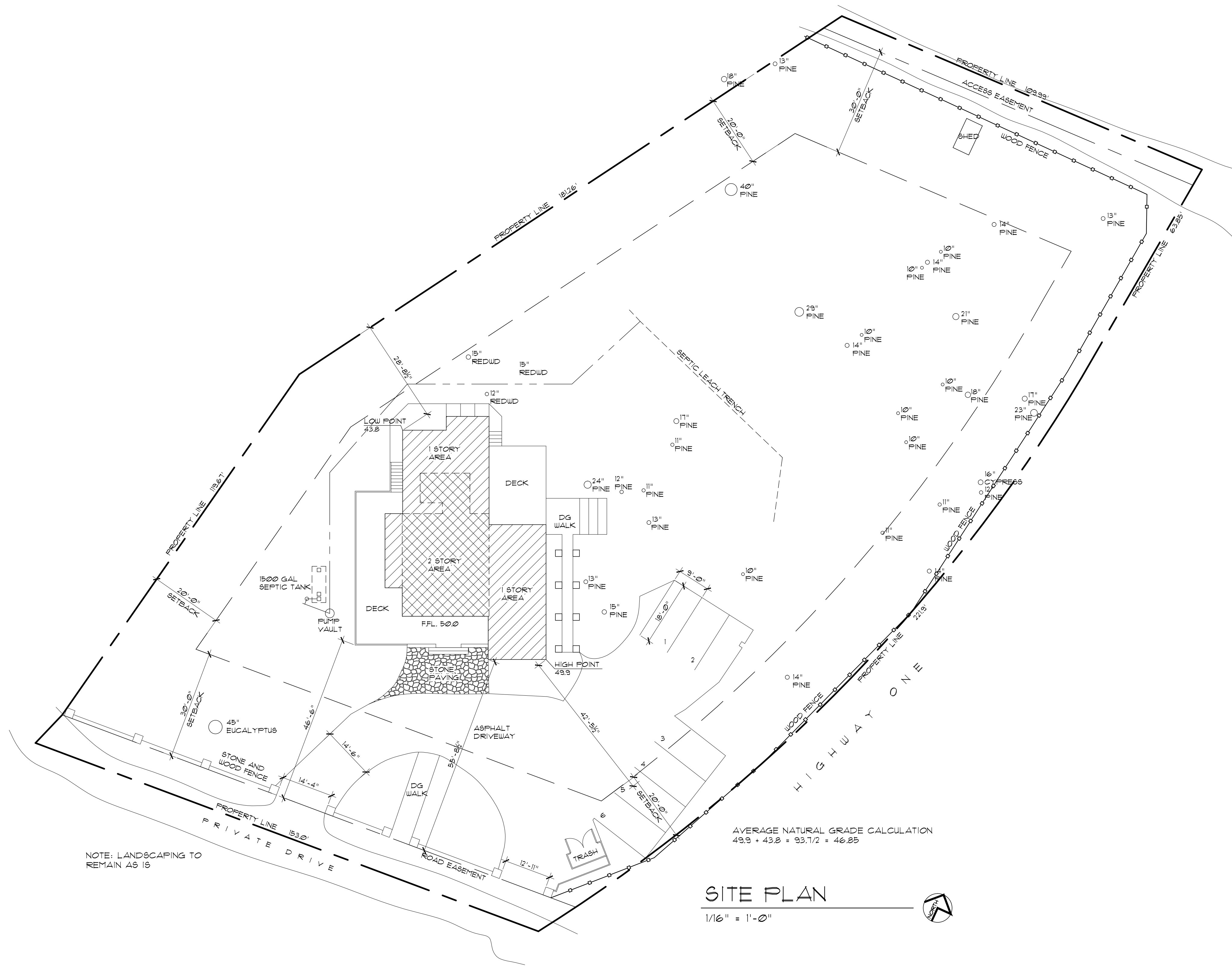
**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

### 3. PW0045 – COUNTYWIDE TRAFFIC FEE

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

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



NOTE: LANDSCAPING TO REMAIN AS IS

SITE PLAN

1/16" = 1'-0"



AVERAGE NATURAL GRADE CALCULATION  
43.9 + 43.2 = 93.7/2 = 46.85

PROJECT DATA

OWNER:	MR. & MRS. JOHN RODGERS 40 SHEPHERDS KNOLL PEBBLE BEACH, CA 93953 (831) 317-1864		
SITE ADDRESS:	29152 HIGHWAY 1 CARMEL, CA		
APN:	241-061-015		
SITE AREA:	44,876.0 SF		
ZONING	LDR1-D(CZ)		
CONSTRUCTION TYPE:	VB		
SPRINKLERS:	NO		
CODES:	2016 CRC, TITLE 24, 2016 CMC, 2016 CPC, 2016 CEC, 2016 CENC, 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE,		
STORIES:	2		
PROJECT SCOPE:	CONVERT EXISTING SINGLE FAMILY RESIDENCE TO BED AND BREAKFAST		
BUILDING AREA:			
1ST FLOOR			1911.0 SF
2ND FLOOR			146.0 SF
TOTAL FLOOR AREA			2117.0 SF
GROUND FLOOR DECKS			993.0 SF
TOTAL SITE COVERAGE:			
ALLOWED	BUILDING FOOTPRINT	6731.4 SF (15%)	
PROVIDED	WOOD DECKS	1911.0 SF	
	TOTAL STRUCTURAL COVERAGE	2964.0 SF (6.6%)	
	DRIVEWAY & PARKING (IMPERVIOUS)	5021.0 SF	
	TOTAL STRUCTURE & IMPERVIOUS	1991.0 SF	
	DG WALKWAYS	266.0 SF	
TREE REMOVAL			NONE
GRADING	CUT	NONE	
	FILL	NONE	
WATER SUPPLY BY CAL AM			
SEWAGE DISPOSAL BY SEPTIC			
PARKING SUMMARY:			
REQUIRED: 2 FOR OWNER, 4 FOR BEDROOMS			6 TOTAL
PROVIDED			6 TOTAL

DRAWING INDEX

- A-1 SITE PLANS, VICINITY MAP, PROJECT DATA  
A-2 FLOOR PLANS



VICINITY MAP

NTS



REVISIONS

NO. DATE

WILLIAM C. MEFFORD

ARCHITECT

P.O. BOX 1072, PACIFIC GROVE, CA 93950  
(831) 373-4567 LICENSE # C-22893

BED AND BREAKFAST CONVERSION FOR:

Mr. & Mrs. John Rodgers

CARMEL, CA

29152 HIGHWAY 1  
APN 241-061-006

DATE: 11/14/2018

PROJECT NO. 18020

DRAWN BY:

CHECKED BY:

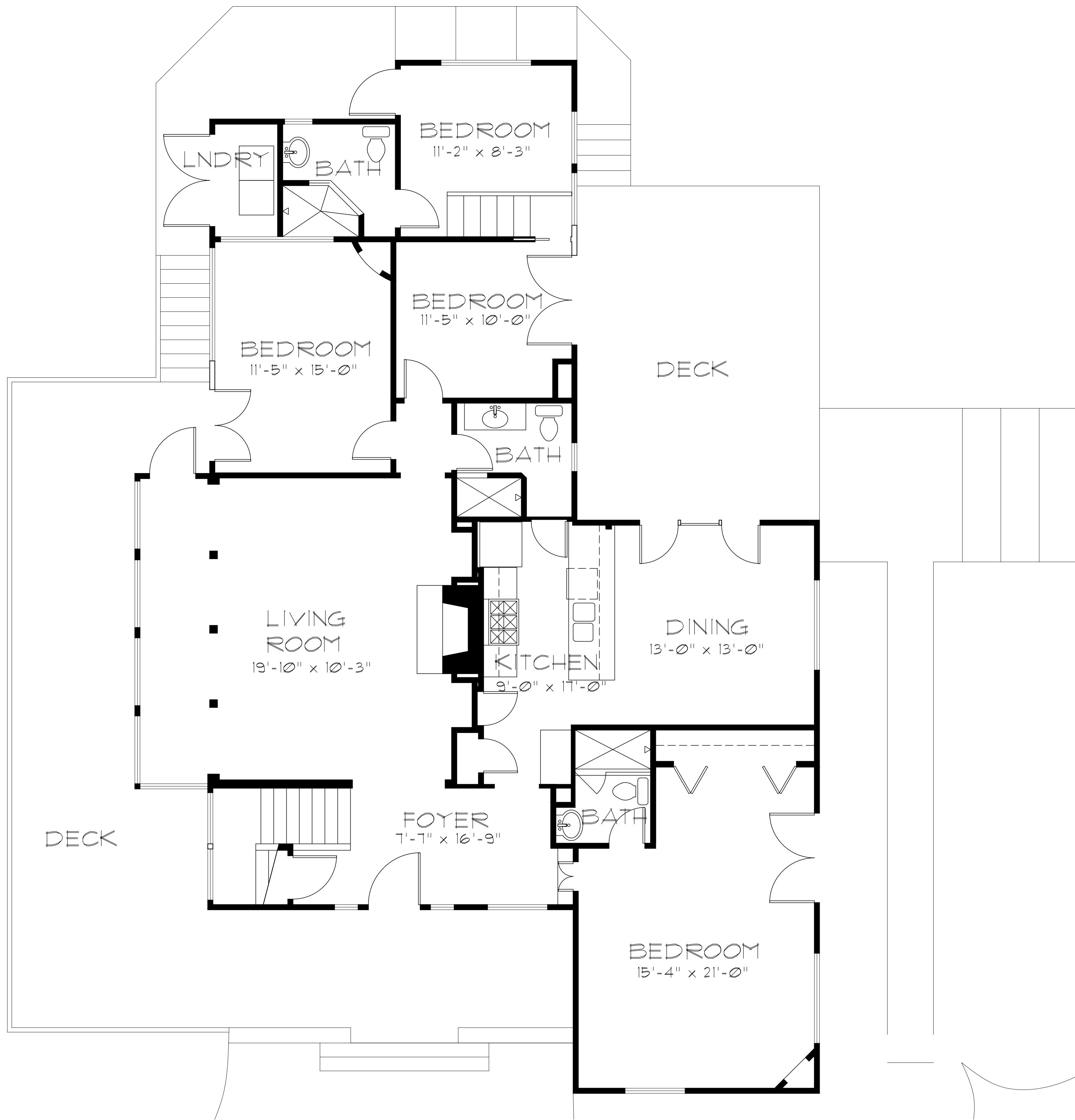
SHEET TITLE:  
SITE PLAN

SHEET NO.

A-1

OF TWO

SHEETS

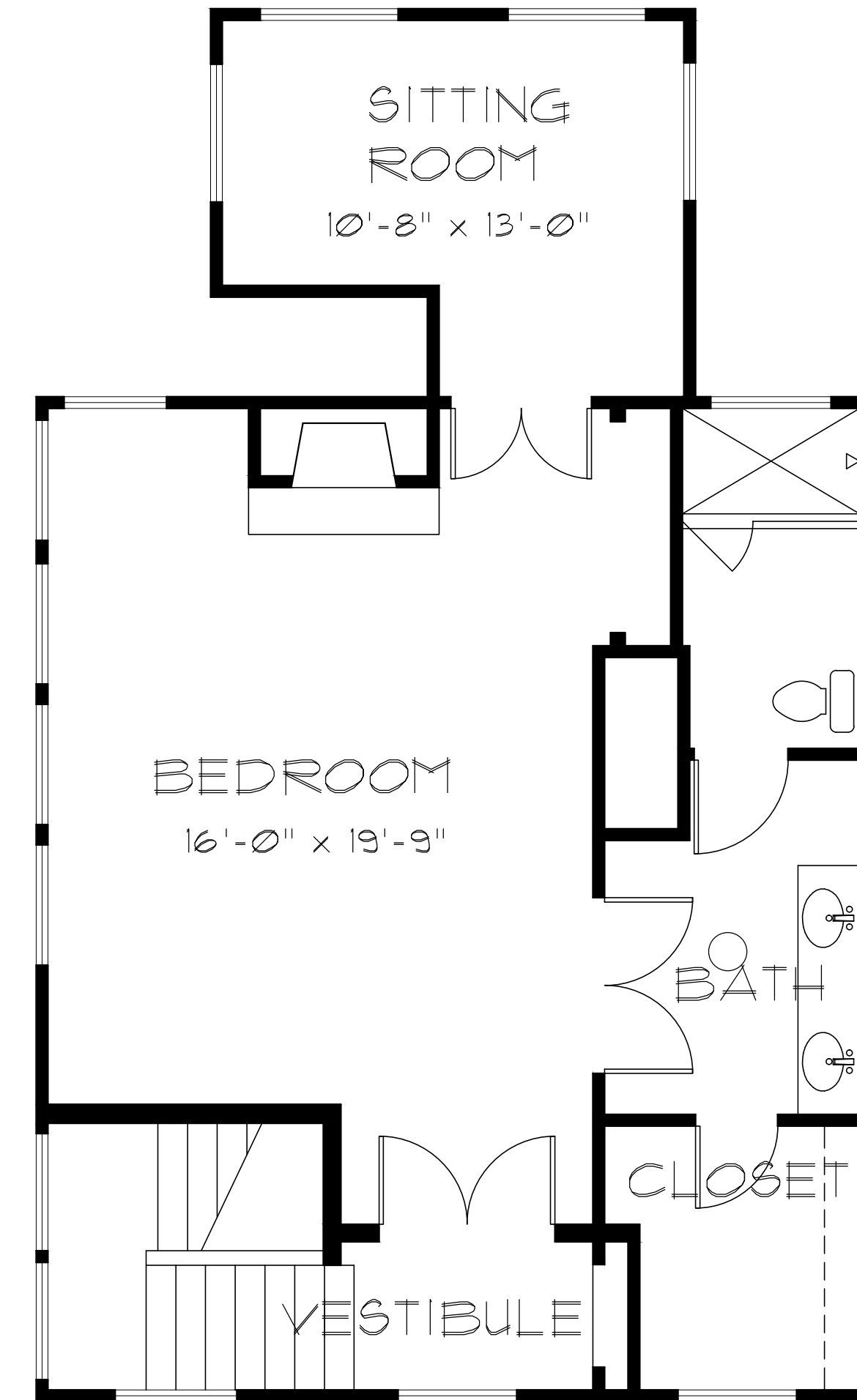


1ST FLOOR PLAN

1/4" = 1'-0"



NOTE: NO REMODELING TO TAKE PLACE



2ND FLOOR PLAN

1/4" = 1'-0"



REVISIONS

NO. DATE

WILLIAM C. MEFFORD

ARCHITECT

P.O. BOX 1072, PACIFIC GROVE, CA 93950  
(831) 373-4567 LICENSE # C-22883

BED AND BREAKFAST CONVERSION FOR:

Mr. & Mrs. John Rodgers  
29152 HIGHWAY 1  
CARPENTEL, CA 94001

DATE: 11/14/2018

PROJECT NO. 18020

DRAWN BY:

CHECKED BY:

SHEET TITLE:

FLOOR PLANS

SHEET NO.

A-1

OF TWO

SHEETS