



## Board Report

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**File #:** ZA 20-008, **Version:** 1

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### **PLN190214 - RUBIN**

Public hearing to consider a new guesthouse (600 square feet) and an addition to an existing main residence (250 square feet).

Project Location: 27120 Meadows Road, Carmel, CA

Proposed CEQA action: Categorically Exempt per Section 15303 of the CEQA Guidelines

#### **RECOMMENDATION:**

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

- a) Find the project involves a small accessory structure and small addition to a residence in a residential zone and therefore qualifies as a Class 3 Categorical Exemption pursuant to section 15303 of the California Environmental Quality Act Guidelines and that none of the exceptions under Section 15300.2 apply; and
- b) Approve an Administrative Permit and Design Approval to allow the conversion of an existing 544 square foot detached workshop to a 600 square foot guesthouse with an attached 480 square foot carport and 760 square foot deck, and to allow an addition of a 250 square foot sunroom to the main house.

The attached draft resolution includes findings and evidence for consideration (Exhibit A). Staff recommends approval subject to 4 conditions of approval.

#### **PROJECT INFORMATION:**

Agent: Catalina Szalay

Owner: Ruth Rubin

APN: 169-201-018-000

Parcel Size: 1.46 acres

Zoning: LDR/2.5-D-S-RAZ

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No

Application Submitted: November 4, 2019

Related Permit: PLN170578 (Submitted July 2017)

Application Complete: December 4, 2019

#### **SUMMARY:**

The applicant proposes to convert an existing storage building to a guesthouse with a new carport and deck, and to construct a sunroom as an addition to the main house. The addition of the sunroom will create internal circulation between an existing permitted family room/bedroom addition and the rest of the house. The property is located 27120 Meadows Road, south of Carmel Valley Road less than a mile west of Carmel Valley Village. The property is developed with a single family dwelling that has a family room attached by a carport to the main dwelling and a 544 square foot workshop in the rear yard. The proposal includes adding a sunroom to the main house that will attach the family room with the main dwelling without the need to go through the carport. It also includes conversion of the rear yard wood shed to a guesthouse with its own attached carport and deck.

This project has been referred to the Zoning Administrator because a written request for a hearing was submitted during consideration of the project.

**DISCUSSION:**

The project site is a residential parcel zoned Low Density Residential with Design Control, Site Plan, and Residential Allocation Zoning overlays. The parcel is currently developed with an existing single-family dwelling, a workshop, and a small shed. The project would add a deck, carport, and a small addition to the workshop building and convert it to a guesthouse. Additionally, the project would add a sunroom to the main house.

A Design Approval was previously submitted for this property under PLN170578. During the 10-day notification period, staff received a request for public hearing from a neighboring property owner. Before the project was taken to a public hearing, Code Enforcement case 19CE00243 was opened due to concerns regarding an unpermitted short-term rental and alleging that two guesthouses existed on the property without proper permits. The Case was closed in July 2019 after all violations had been corrected and full compliance had been achieved. See below for additional discussion related to the neighbors' concerns. While a guesthouse had never been permitted on the property, staff found that a permitted 1969 "family room" addition was found to meet the definition of a guesthouse under Title 21. Following discussions with staff the project was resubmitted under PLN190214 to add the addition of the sunroom. The project was referred to the Land Use Advisory Committee and later scheduled for public hearing.

**Proposed Guesthouse:**

An additional 56 square feet would be added to the existing workshop building to form a 600 square foot guesthouse. A 480 square foot carport and 760 square foot deck would also be added. Consistent with Title 21.64.020 the guesthouse is not proposed to have a kitchen or cooking facilities. A standard Condition of Approval (Condition 4) has been added to require a deed restriction be placed on the property stating that the guesthouse cannot be separately rented. Materials and colors for the guesthouse are proposed to match those of the existing house, including blue wood siding, white trim, and asphalt roofing.

The guesthouse will meet all setback requirements for a habitable accessory structure in the LDR zoning category:

	Required	Proposed
Front:	50ft	222ft
Side:	6ft	10ft
Rear:	6ft	144ft

**Proposed Addition to Main House:**

In 1969 an addition was constructed 21 feet west of the main house consisting of a bedroom, family room, and bathroom (Building Permit number 21855). The addition is connected to the main house via a carport, and a 108 square foot laundry room is located between the two buildings. Although the addition was not considered a guesthouse in the original permit, the structure could meet the definition of a guesthouse (21.06.620) because it is a bedroom/living area that does not share internal circulation with the main house. The project proposes to construct a new 250 square foot sunroom in the existing courtyard between the main house and the addition. An existing wall and door will be removed to connect the kitchen of the main house to the new sunroom. This will result in internal circulation between the main house and the addition. Pursuant to Section 21.06.690 Internal circulation means a structural connection between two portions of a structure designed to provide for

circulation between habitable portions of a structure without circulation out of doors or through non-habitable areas such as a garage, or through areas not normally utilized for interior circulation such as laundry rooms, bathrooms, and mechanical rooms. The addition will not change the setbacks of the main house and the home will continue to comply with all development standards for the LDR zoning category.

The sunroom roof will match the existing roof and will not increase the height of the house. New windows and doors are proposed to match those of the existing house. The sunroom is located behind the existing carport and laundry room and thus will change the view of the house from the street.

#### Neighbor Concerns

Staff received correspondence from a neighboring property owner requesting a public hearing and listing the following concerns about the project:

1. The applicant has misrepresented the property as a 4 bedroom, 3 bath home in order to justify the application to add a new guest house on the property. The following records identify the property as a 3 bedroom, 2 bath home with a Guest House: (1) The MLS profile of the property when it was sold in 2016, (2) the County Tax Assessor's current record, and (3) the Water Management District's current record. Since the property already has a Guest House, the owners wrongly have applied to add what would be a second guest house on the lot. By way of history, the main house was built by the Miyamoto family in the 1950s as a 3 bedroom, 2 bath home. In 1969 a permit was issued to add a "family room" with a living room, bedroom, bath and laundry (no kitchen). The structure was built shortly thereafter as a "Granny Unit" to allow the Miyamoto's grandfather to live with the family. The so-called "family room" addition fits the regulation for guesthouses (21.64.020), particularly C: "The guesthouse shall be permanent detached structure or an attached structure lacking internal circulation with the main residence. The guesthouse may include living and sleeping area but shall be without kitchen or cooking facilities. The guesthouse shall be clearly subordinate and incidental to main residence on the same building site." The Guest House was built as a sperate structure, standing apart from the main house. You still have to walk outside to go from the main house to the guest house. Concern: No regulatory basis is found for claiming the "family room" addition (described as such on the 1969 building permit) as another bedroom and bath for the main house. The term "family room" is not defined in County ordinances.

County Response: - County staff investigated the property and determined that although the family room/bedroom addition was legally permitted and was not described as a guesthouse in the permit, it did meet the definition of a guesthouse in Title 21, making it the only guesthouse on the property. With the current configuration of structures on the property, the family room/bedroom area does meet the definition of a guesthouse (21.06.620). With the proposed addition of the sunroom, this area will have internal circulation with the main house, and will no longer meet the definition of a guesthouse. With this change, the proposed guesthouse will become the only guesthouse on the property.

2. Concern: Recent California legislation would allow conversion of the existing guest house to Accessory Dwelling Unit, with addition of a kitchen and approval for unlimited residential use and rental. If such an ADU conversion is considered for this property, we would object to any application to build to third living unit on the lot, a new guest house, as creating density beyond the purpose of the legislation and current residential zoning.

County Response: - The County's current Land Use regulations do not allow Accessory Dwelling Units in Carmel Valley on properties under 5 acres (21.64.030); however, pursuant to new state regulations,

development standards for Accessory Dwelling Units cannot include requirements on minimum lot size, and accessory structures such as guesthouses may be converted to an Accessory Dwelling Unit. Accessory Dwelling Units may still be denied for health and safety reasons. Any future application for an ADU conversion would be required to evaluate adequacy of water supply and septic system capacity as well as comply with state and local ordinances in place at the time.

3. Concern: Although we understand that the owner is an experienced real estate investor, the record in complying with regulations for this property exhibits disregard for local ordinances. In several instances, the owner has been caught with code violations: (1) The owner illegally plumbed and added new water fixtures in the shed structure known by the Miyamoto family as the dojo. (2) The owner also illegally installed new water fixtures in the home after buying the property in 2016. (3) The Water Management District recently found that the owner had installed fixtures post-sale and then filed an exaggerated water fixture inventory, falsifying the fixture count. (4) The owner improperly rented the property short-term during the U.S. Open and registered with the County after neighbors complained. Although we understand that the owner is an experienced real estate investor, the record in complying with regulations for this property exhibits disregard for local ordinances.

County Response: - There are currently no code violations on the subject property. Building Permit 19CP00367, completed in February 2019 removed an unpermitted kitchen and legalized an existing laundry room. Case 19CE00243 was opened June 6, 2019 and closed on July 1, 2019. Unpermitted water fixtures on the property have been removed. Monterey Peninsula Water Management District has confirmed that the property generated enough water credits for the proposed guesthouse by improving water efficiency of existing appliances. Records of County emails show that the owners originally sought approval for a Short Term Rental in May of 2019 preparation for renting the property for the U.S. Open. The Short Term Rental Ordinance is currently under development, and the owners have withdrawn their application. The property is in compliance with local ordinances and there are no open Code Enforcement cases on the property.

#### CEQA:

Section 15303 Categorically exempts small structures in a residential zone. The project is an addition to a single-family residence and a guesthouse in a residential zone. 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.

#### OTHER AGENCY INVOLVEMENT:

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

#### LUAC

The proposed project was reviewed by the Carmel Valley Land Use Advisory Committee on November 19, 2019. The LUAC approved the project with recommended changes to include opaque windows on the north side of the guesthouse and to remove a door to eliminate access to the family room area from the carport. The applicant agreed to use opaque windows. After further discussion, the door is proposed to remain due to emergency access concerns. Removal of the door is not required by County code.

Prepared by: Cheryl Ku, Senior Planner, ext. 6049

Reviewed by: Craig Spencer, RMA Services Manager

Approved by: John M Dugan, FAICP, RMA Deputy Director of Land use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution including:

- Site Plan
- Conditions of approval

Exhibit B - Vicinity Map

Exhibit C - Carmel Valley LUAC Minutes

Exhibit D - Project Data Sheet

cc: Front Counter Copy; Zoning Administrator, Brandon Swanson, RMA Chief of Planning; Ruth Rubin, Applicant/Owner; Catalina Szalay, Architect; Alex Lorca, Attorney; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN190214.