

## Exhibit B

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## **DRAFT RESOLUTION**

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

In the matter of the application of:

**LARA EDWARD & VIDAL ROSA G HERNANDEZ (PLN210270)**

**RESOLUTION NO. 24-**

Resolution by the County of Monterey Zoning  
Administrator:

- 1) Finding the project qualifies for a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA guidelines, and that there are no exceptions pursuant to Section 15300.2 of the CEQA guidelines; and
- 2) Approving Combined Development Permit consisting of:
  - a. Coastal Administrative Permit to allow conversion of an existing detached structure into a 425 square foot guesthouse and a 775 square foot attached workshop; and
  - b. Coastal Development Permit to allow guesthouse to exceed 12 feet in height.

[PLN210270, LARA EDWARD & VIDAL ROSA G HERNANDEZ, 49 Hillcrest Rd, Royal Oaks, North County Coastal Land Use Plan, (APN: 117-081-017-000)]

**The LARA EDWARD & VIDAL ROSA G HERNANDEZ application (PLN210270) came on for public hearing before the County of Monterey Zoning Administrator on November 14, 2024. 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 1982 County of Monterey General Plan;
  - North County Coastal Land Use Plan ;
  - County of Monterey Coastal Implementation Plan Part 2;
  - County of Monterey Zoning Ordinance (Title 20).

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. The subject property is located within the Coastal Zone; therefore, the 2010 County of Monterey General Plan does not apply.

- b) Allowed Use. The subject property is located at 49 Hillcrest Road, Royal Oaks (Assessor's Parcel Number 117-081-017-000), North County Land Use Plan, and is within the Coastal Zone. The subject property is zoned Medium Density Residential with a maximum gross density of four units per acre in the Coastal Zone or "MDR/4(CZ)". MDR zoning allows for the establishment of a guesthouse meeting the development standards of Title 20 Section 20.64.020, subject to the granting of a Coastal Administrative Permit. Pursuant to Title 20 Section 20.64.020, guesthouses may exceed the 12-foot height limit subject to the granting of a Coastal Development Permit. In this case, the project involves the conversion of an existing 17-foot-tall structure to a guesthouse and thus requires the granting of a Coastal Development Permit. Therefore, the project is an allowed land use for this site.
- c) Lot Legality. The subject property was approved for development by County of Monterey HCD through the issuance of a Building Permit (18CP03113), which showed the subject parcel in its current configuration pursuant the Subdivision Map Act section 66499.34. Therefore, the County recognizes the subject property as a legal lot of record.
- d) Review of Development Standards. The project meets all required development standards for Medium Density Residential or "MDR" zoning, which are identified in Title 20, Section 20.14.060. The required minimum setbacks for accessory habitable structures are 50 feet (front), 6 feet (side), 6 feet (rear), and a distance of 6 feet between accessory and main structures. MDR zoning allows a height of 15 feet for accessory habitable structures, however Title 20 Section 20.64.020.C.11 establishes a maximum height of 12 feet for guesthouses which may be exceeded subject to the granting of a Coastal Development Permit to be considered by the Zoning Administrator. The proposed project involves the conversion of an existing structure into a guesthouse which will have setbacks of 117 feet (front), 8 feet 5 inches (side), 140 feet (rear), and will be 56 feet 6 inches from the existing main structure. The proposed guesthouse has a height of 17 feet 10 inches.
- e) Land Use Advisory Committee (LUAC) Review. The project was not referred to the North County Land Use Advisory Committee (LUAC) for review because it does not involve a public hearing Design Approval, a Lot Line Adjustment, preparation of an Initial study, or a Variance.
- f) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN210270.

**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: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and North County Fire Protection District. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
- b) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD - Planning for the proposed development found in Project File PLN210270.

**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: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and North County Fire Protection District County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
- b) All necessary public facilities will be provided. Potable water and sewer service are currently provided by the Pajaro/Sunny Mesa Community Services District (PSMCSD) and will continue to be provided to the subject property.
- c) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD - Planning for the proposed development found in Project File PLN210270.

**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 County of Monterey HCD Planning and Building Services Department records and is not aware of any violations existing on subject property and there are no known violations on the subject parcel.
- b) The application, plans and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN210207.

**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 categorically exempts the conversion of small structures from one use to another where only minor modifications are made in the exterior of the structure.
- b) As proposed, the project involves the conversion of an existing small structure into a guesthouse with minor exterior alterations including a small stairway. Therefore, the project meets the Class 3 Categorical Exemption requirements.
- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There is no significant effect on the environment due to unusual circumstances. No trees are proposed for removal and the proposed development is not visible from any scenic corridor or scenic highway. There is no cumulative impact without any prior successive projects of the same type in the same place, over time and no new land use is proposed. The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code to be considered on a hazardous waste site. No known biological, historical or archaeological resources are present.
- d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN210270.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission.

**EVIDENCE:**

- a) Board of Supervisors. Pursuant to Title 20, Section 20.86.030, an appeal may be made to the Board of Supervisors 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 Finding the project qualifies for a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA guidelines, and that there are no exceptions pursuant to Section 15300.2 of the CEQA guidelines; and
2. Approve a Combined Development Permit consisting of:
  - a. Coastal Administrative Permit to allow conversion of an existing detached structure into a 425 square foot guesthouse and a 775 square foot attached workshop; and
  - b. Coastal Development Permit to allow guesthouse to exceed 12 feet in height.

**PASSED AND ADOPTED** this 14th day of November, 2024:

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Mike Novo, AICP  
Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE.

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 DATE.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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 County of Monterey 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 County of Monterey HCD-Planning and HCD-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.

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# County of Monterey HCD Planning

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

PLN210270

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development permit (PLN210270) allows the conversion of an existing workshop into a Guesthouse that exceed 12 feet in height. The property is located at 49 Hillcrest Road, Royal Oaks (Assessor's Parcel Number 117-081-017-000), North County 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 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 on-going basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** 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 117-081-017-000 on November 14, 2024. 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 HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD- 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. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** 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 grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and 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. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of HCD - Planning, prior to the issuance of building permits.  
(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to HCD - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

## 5. PW0005 – DRIVEWAY IMPROVEMENTS

**Responsible Department:** Public Works

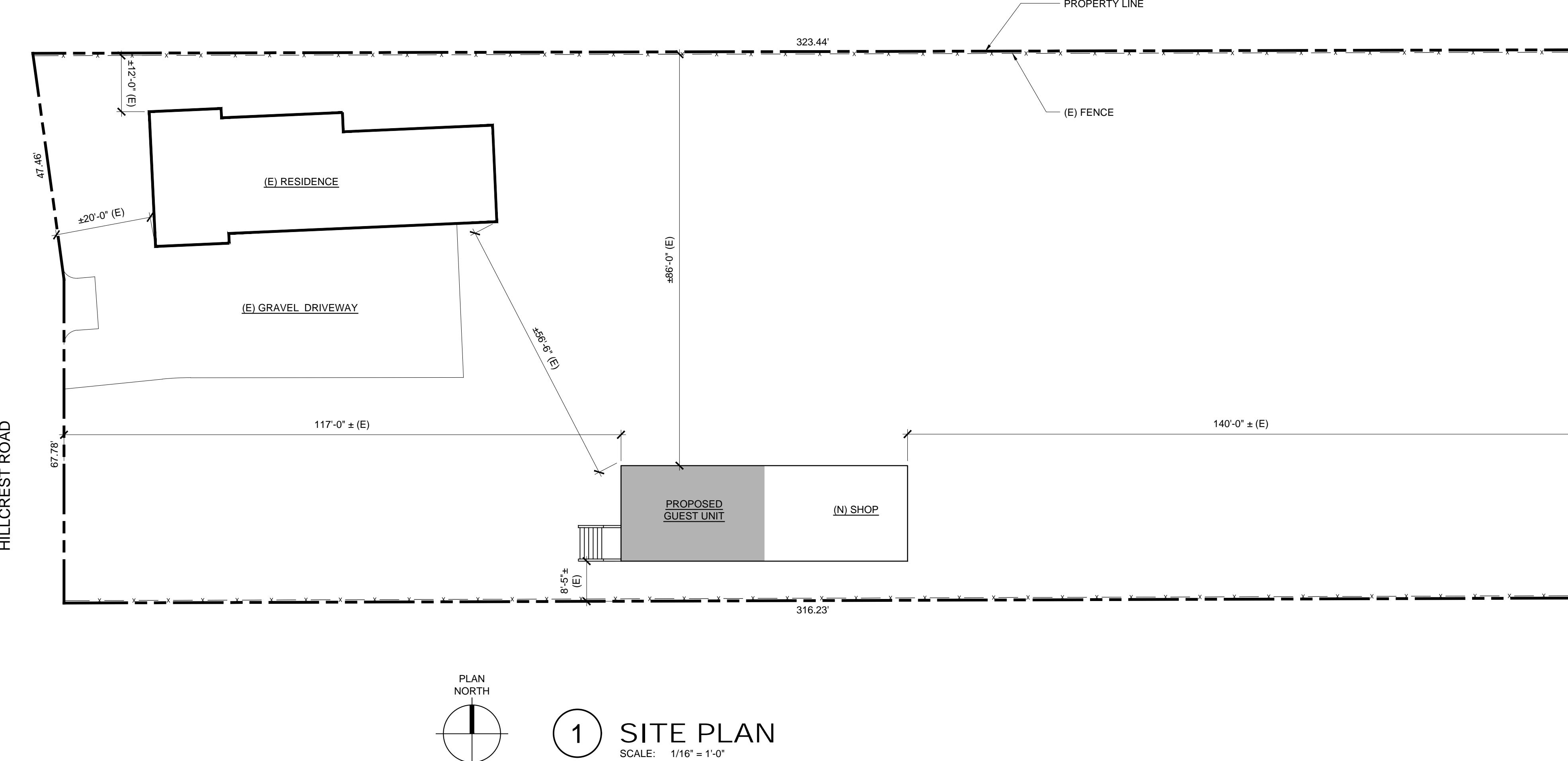
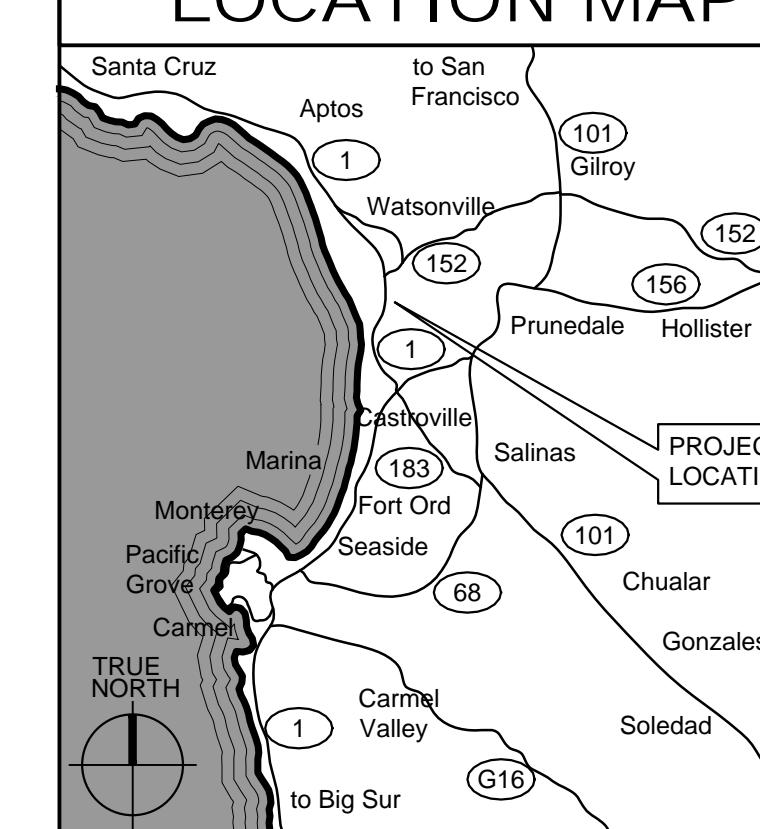
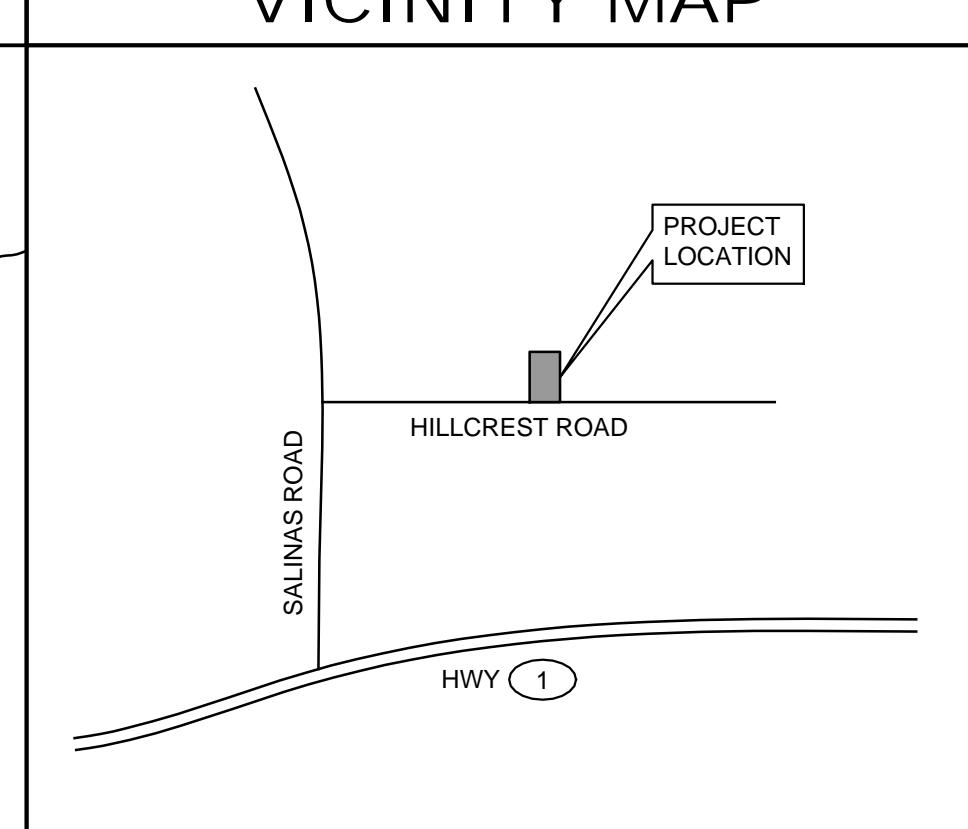
**Condition/Mitigation Monitoring Measure:** Construct an asphalt driveway connection to Hillcrest. The design and construction are subject to the approval of the HCD -PWFP. Encroachment Permits are required for all work within the public right-of-way.

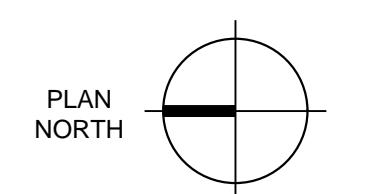
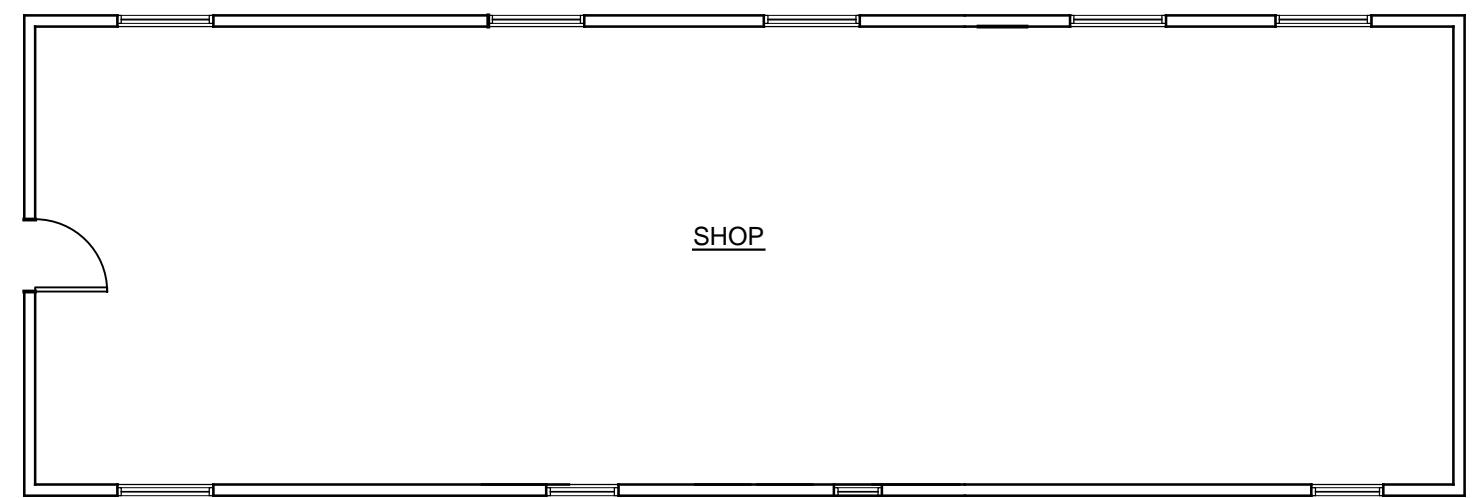
**Compliance or Monitoring Action to be Performed:** Owner/Applicant shall submit the design for review and approval of the HCD-PWFP, obtain an encroachment permit from the HCD -PWFP prior to issuance of building or grading permits, and construct and complete improvements prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

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# GUEST UNIT

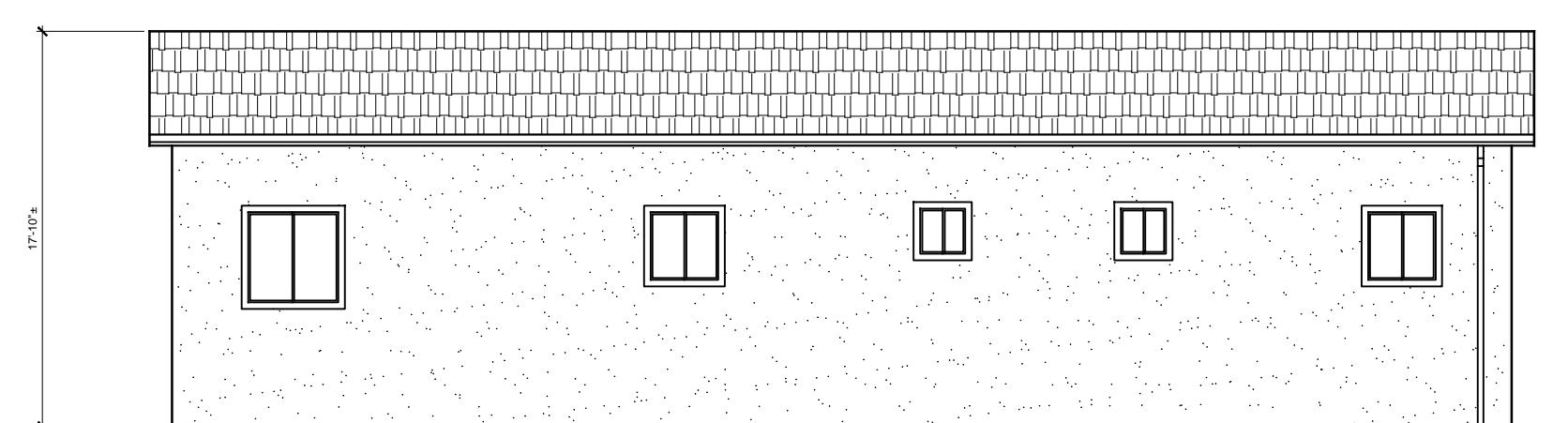
49 HILLCREST  
ROYAL OAKS, CA 95076

PROJECT INFO.		SHEET INDEX									
 <p><b>1 SITE PLAN</b> SCALE: 1/16" = 1'-0"</p>		<p><b>SHT. #</b> <b>SHEET TITLE</b>  <b>TITLE</b> T1 TITLE SHEET / SITE PLAN  <b>ARCHITECTURAL</b>          A1 EXISTING PLAN / ELEVATIONS          A2 PROPOSED FLOOR PLAN          A3 PROPOSED EXTERIOR ELEVATION</p> <p><b>PROJECT:</b> CONVERT PORTION OF EXISTING SHOP TO A GUEST UNIT</p> <p><b>LOCATION:</b> 49 HILLCREST RD, ROYAL OAKS, CA 95076</p> <p><b>APN:</b> 117-081-017</p> <p><b>LOT SIZE:</b> 36,536 S.F.</p> <p><b>OCCUPANCY:</b> R-3</p> <p><b>EXISTING RESIDENCE:</b> 1,674 S.F.</p> <p><b>EXISTING SHOP:</b> 1,200 S.F.</p> <p><b>PROPOSED GUEST UNIT:</b> 425 S.F.</p> <p><b>SHOP:</b> 425 S.F.</p> <p><b>CONSTRUCTION TYPE:</b> V-B NON-SPINKLERED</p> <p><b>OWNER</b>          EDUARDO LARA          2750 GOLF CIRCLE          WATSONVILLE, CA 95076          ph: (831) 419-5108          Email: barriovejo11@gmail.com          Contact: EDUARDO LARA</p>									
<p><b>LOCATION MAP</b></p> 		<p><b>VICINITY MAP</b></p> 									
<p>REVISION SCHEDULE</p> <table border="1"> <tr> <td>NO.</td> <td>DESCRIPTION</td> <td>DATE</td> </tr> <tr> <td>MARCH 08, 2023</td> <td></td> <td></td> </tr> <tr> <td>MARCH 21, 2023</td> <td></td> <td></td> </tr> </table> <p>RELEASE DATE</p> <p><b>TITLE SHEET &amp; SITE</b></p> <p><b>T1</b></p>			NO.	DESCRIPTION	DATE	MARCH 08, 2023			MARCH 21, 2023		
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MARCH 21, 2023											

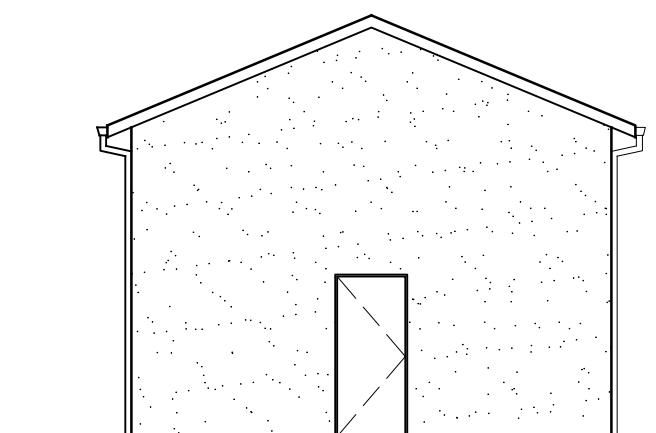


1 EXISTING FLOOR PLAN

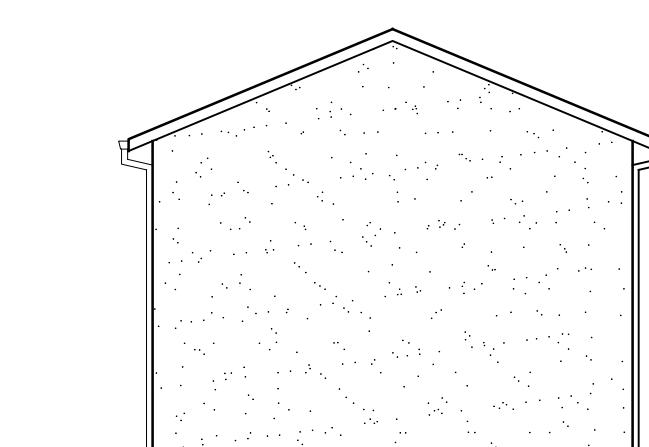
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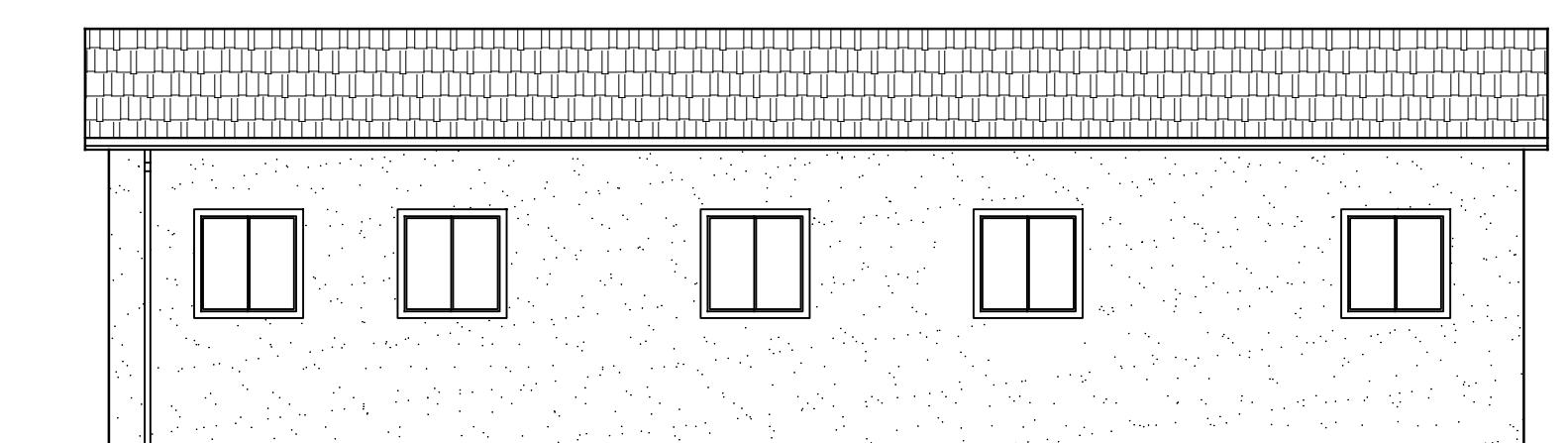
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

2 EXISTING EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

GUEST UNIT  
49 HILLCREST RD, ROYAL OAKS, CA

REVISION SCHEDULE

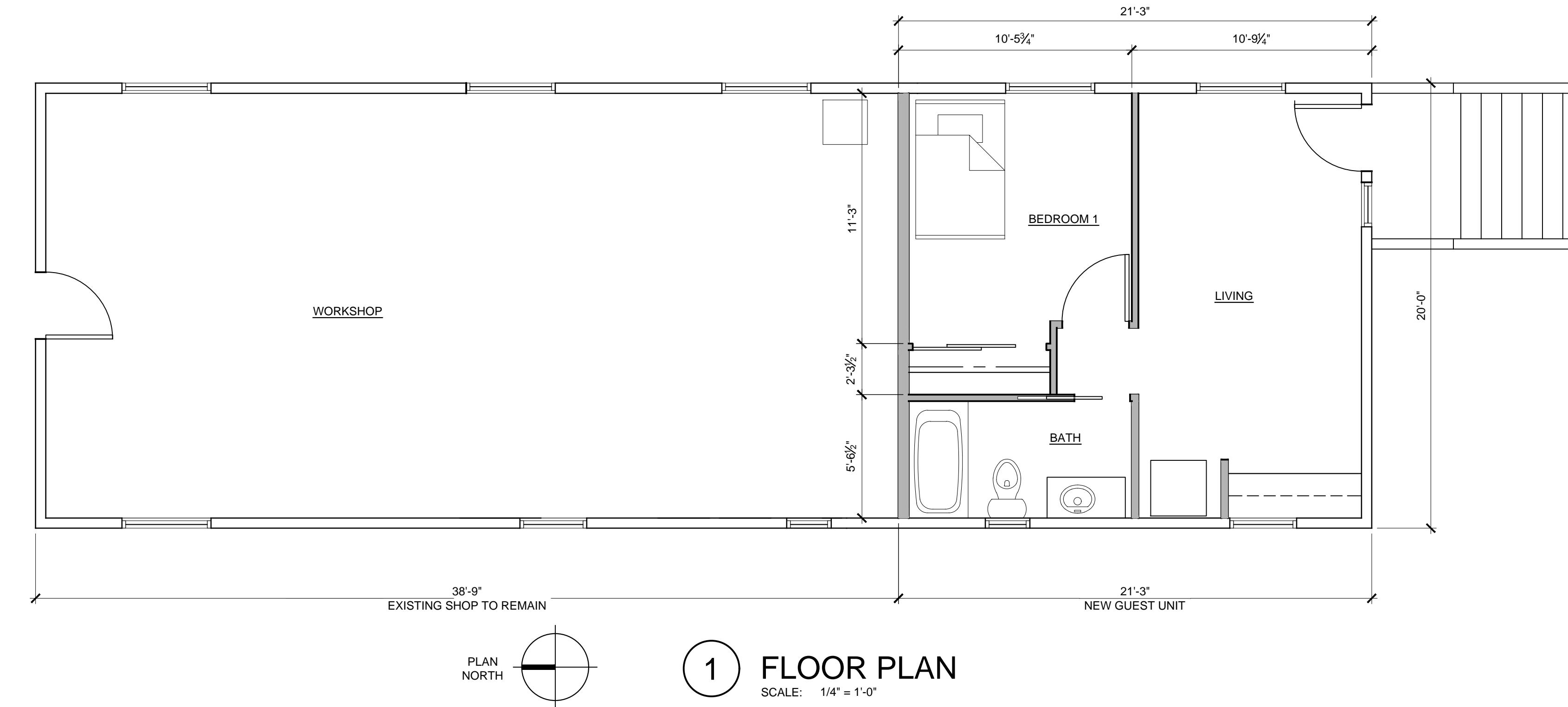
NO. DESCRIPTION DATE

MARCH 08, 2023

MARCH 21, 2023

RELEASE DATE

EXISTING FLOOR  
PLAN & EXTERIOR  
ELEVATIONS

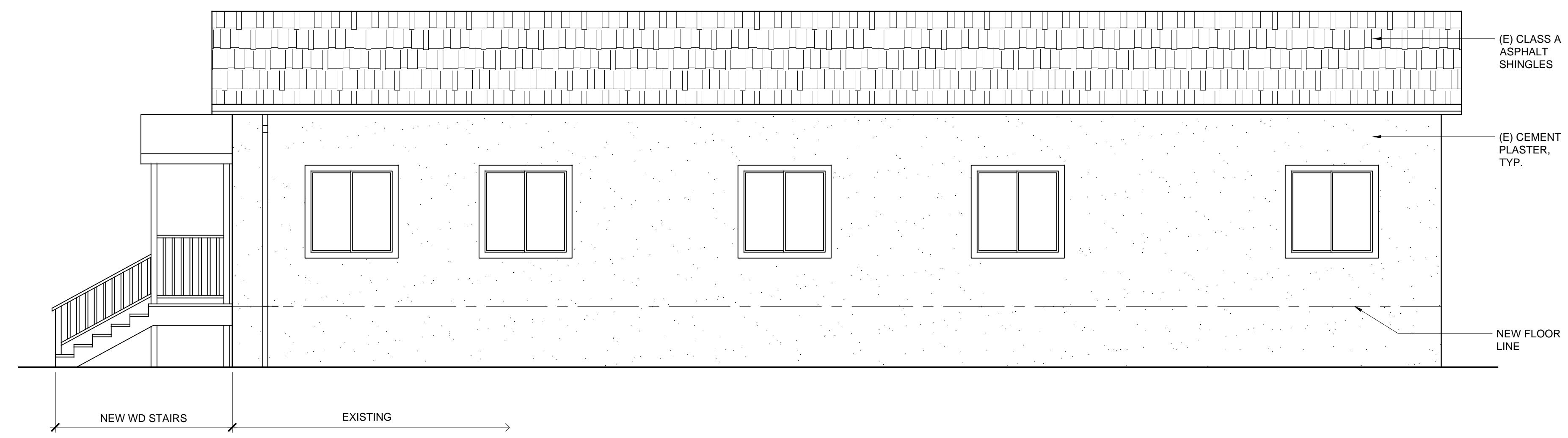
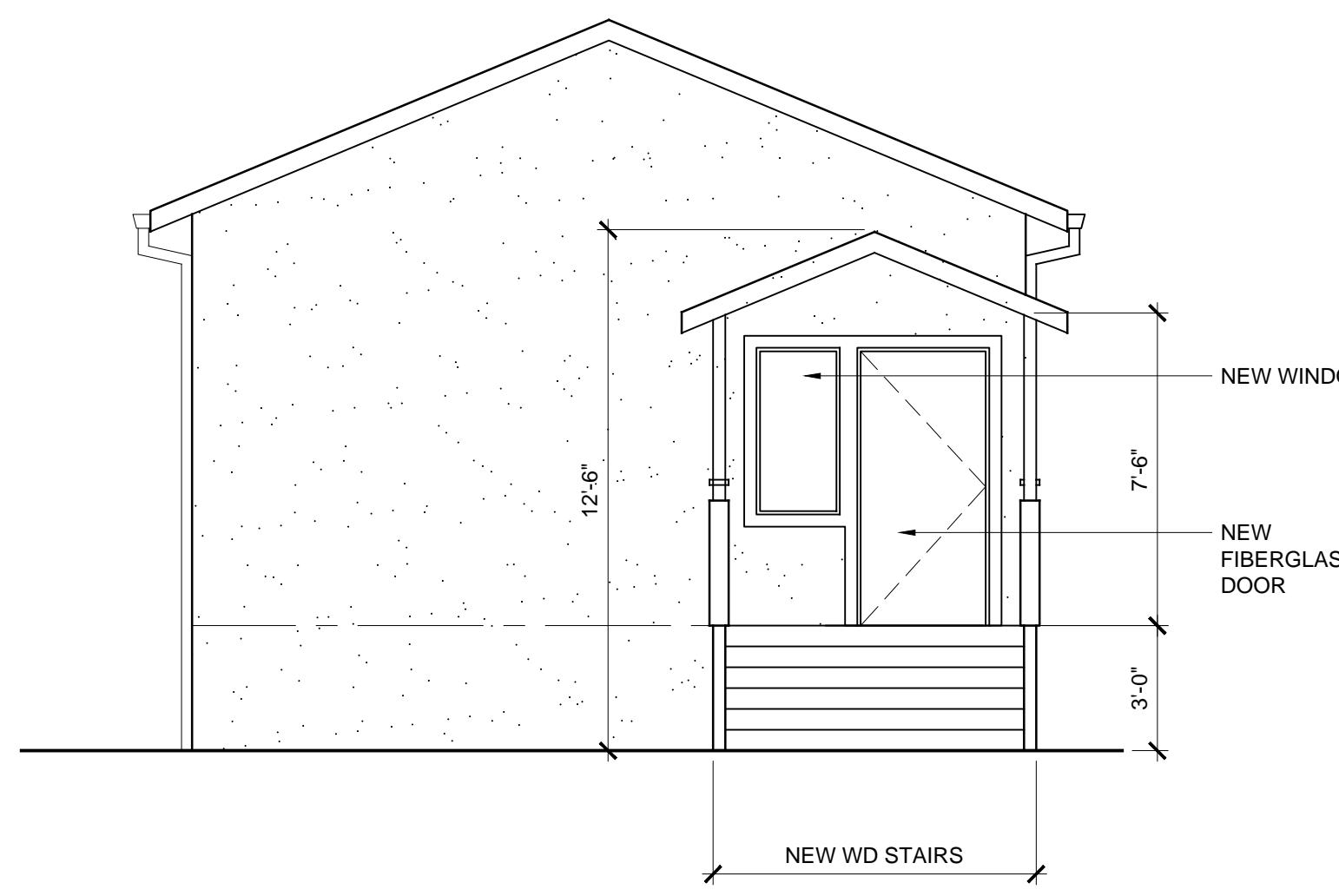
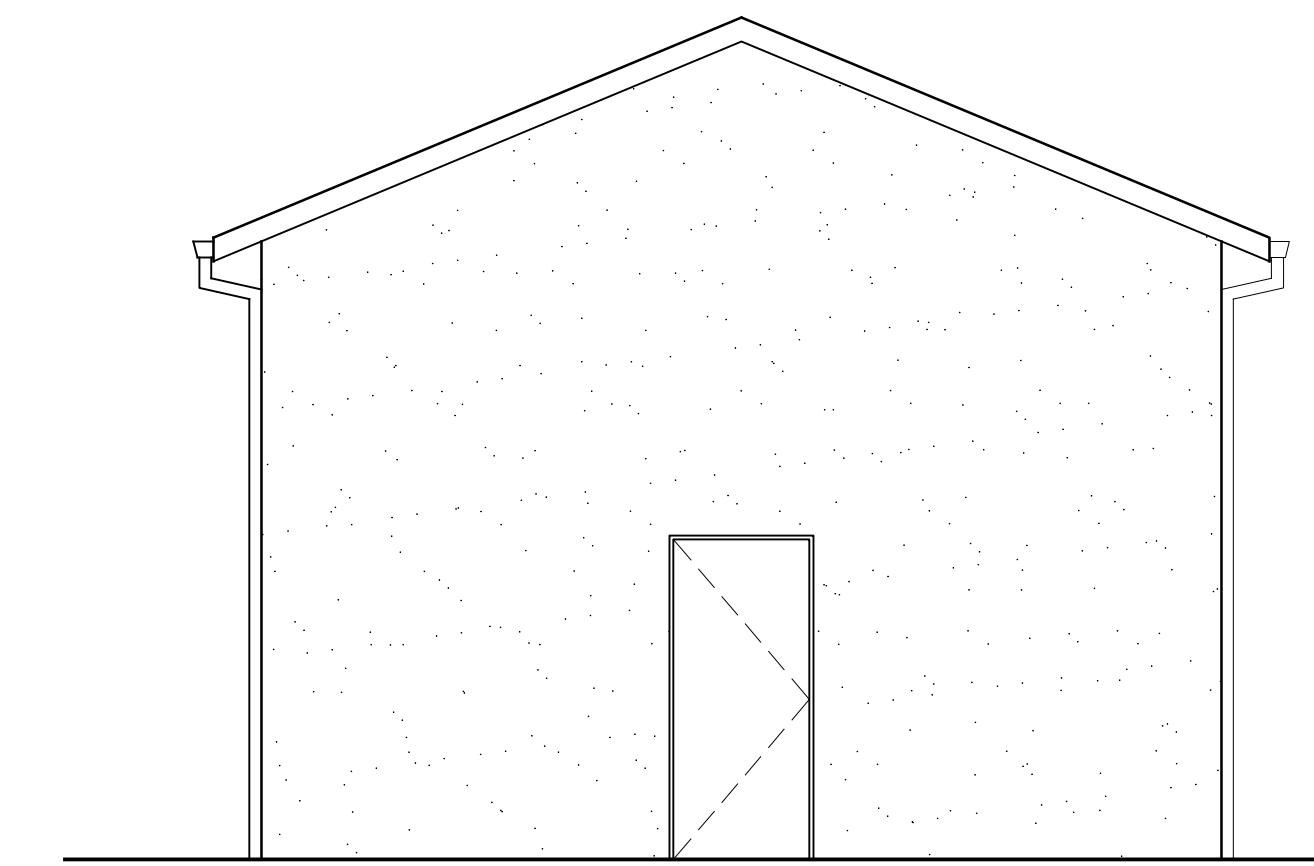
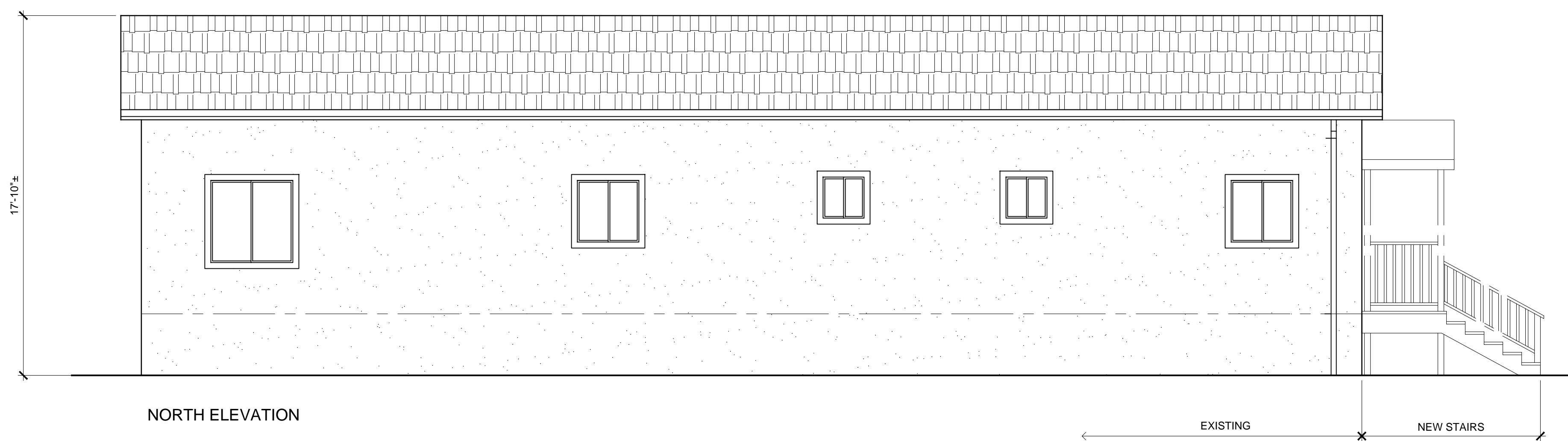


REVISION SCHEDULE		
NO.	DESCRIPTION	DATE
	MARCH 08, 2023	
	MARCH 21, 2023	

RELEASE DATE

FLOOR PLAN

A2



① EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

RELEASE DATE

ELEVATIONS

A3