

PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

REVISED
1-30-07

RESOLUTION NO. 05029

APN# 189-531-004-000
FINDINGS & DECISION

In the matter of the application of
WILLIAMS TIM ARTHUR ET AL (PLN040720)

Use Permit to allow the conversion of an existing single family residence to a bed and breakfast and Design Approval. The project is located at 350 Calle de Los Agrinemsors Road, Carmel Valley Area. The project came on regularly for hearing before the Planning Commission on June 29, 2005.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto;

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** - The Project, as conditioned, is consistent with applicable plans and policies, the Carmel Valley Land Use Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for a bed and breakfast facility. Specifically, the proposed addition complies with all applicable requirements of Section 21.64.100.

- EVIDENCE:** (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency and conformity with the Carmel Valley Land Area Plan and the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent, and conforms with, said Area Plan and Ordinance.
- (b) Project planner conducted an on-site to verify that the project on the subject parcel conforms to the plans listed above.
- (c) The applicant is proposing a four-room bed and breakfast, which is less than the maximum allowed by code of ten rooms.
- (d) The facility shall be owner occupied and managed.
- (e) Long-term rental shall be prohibited.
- (f) Verification of appropriate State and Local Permits shall be required relating to food preparation.

2. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

- EVIDENCE:** (a) Planning and Building Inspection, Public Works, Environmental Health, Carmel Valley Fire Protection District, and Water Resources have reviewed the proposal for suitability. Conditions recommended have been incorporated.
- (b) Staff conducted an on-site visit to verify that the site is suitable for this use.
- (c) The Planning Commission conducted an on-site visit to verify that the site is suitable for this use on June 22, 2005.
- (d) Necessary public facilities are available and will be provided.

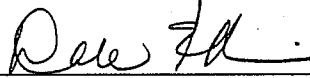
3. **FINDING: CARMEL VALLEY MASTER PLAN BUILDOUT AND MONITORING SYSTEM** – The proposal is consistent with the Carmel Valley Master Plan Buildout and Monitoring System.
- EVIDENCE:** (a) The last report prepared for the Carmel Valley Property Owners Association by staff, dated August 12, 1998, indicated 140 Visitor Units had been approved 110 Units remaining in the quota.
- (b) Review of Planning and Building Inspection records since 1998 indicate 24 Visit Units have been approved with 86 Units remaining in the quota.
4. **FINDING: CEQA** - The project is exempt from environmental review.
- EVIDENCE:** (a) CEQA Guidelines Section 15301 Class categorically exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of use.
- (b) No adverse environmental effects were identified during staff review of the development application or during a site visit.
- (c) No structural changes or significant expansion of use is proposed.
5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will, under the circumstances of this particular case, will not 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) Preceding findings and supporting evidence.
6. **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. Zoning violation abatement cost, if any, have been paid.
- EVIDENCE:** (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.
7. **FINDING: SEWAGE DISPOSAL AND WATER SUPPLY** – Adequate sewage disposal and water supply facilities exist for the lot.
- EVIDENCE:** (a) Preceding findings and supporting evidence.
8. **FINDING: TRAFFIC CONDITIONS** - The establishment, maintenance or operation of the project applied for will not, under the circumstances of this particular case, adversely impact traffic conditions in the area.
- EVIDENCE:** (a) Preceding findings and supporting evidence.
9. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.
- EVIDENCE:** (a) Monterey County Zoning Ordinance Title 21, Chapter 21.80.

DECISION

THEREFORE, it is the decision of said Planning Commission ~~that said~~ application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 29TH day of June, 2005 by the following vote:

AYES: Errea, Hawkins, Sanchez, Salazar, Rochester, Wilmot
NOES: Diehl, Parsons, Vandever
ABSTAIN: None
ABSENT: Padilla



DALE ELLIS, SECRETARY

Copy of this decision mailed to the applicant on **FEB 15 2007**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **AUG 05 2005**

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 the Monterey County Planning and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

**Planning and Building Inspection Department
Condition Compliance & Mitigation Monitoring and/or
Reporting Plan**

Project Name: Williams
File No: PLN040720 **APNs:** 189-531-004-000
Approval by: Planning Commission **Date:** June 29, 2005

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 05029) was approved by the Planning Commission for Assessor's Parcel Number 189-531-004-000 on June 29, 2005. The permit was granted subject to 11 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of building permits	
2		<p>PBD016 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the 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. County may, at its sole discretion, participate in the defense of such action;</p>	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, which-ever occurs first and as applicable	

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		but such participation shall not relieve applicant of his 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 the property, filing of the final map, 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. (Planning and Building Inspection)				
3		PBDNON-STANDARD - BED AND BREAKFAST FACILITY The property owner shall occupy and manage the bed and breakfast facility and shall not be affiliated with hotels or motels operating anywhere in the County of Monterey. No long-term rental of rooms shall be permitted (maximum stay guests shall not exceed 29 consecutive days in a 30-day period.) (Planning and Building Inspection)	Continuous condition requirement of the Monterey County Planning and Building Inspection Department	Owner/ Applicant	Continuous	
4		PBDNON-STANDARD - EVENTS Hosting of on-site events is prohibited as an accessory use to the bed and breakfast facility. (Planning and Building Inspection)	Continuous condition requirement of the Monterey County Planning and Building Inspection Department	Owner/ Applicant	Continuous	
5		EHSP01 All bed and breakfast operations and any improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. (Environmental Health)	Contact the Consumer Protection Section of the Monterey County Health Department, Division of Environmental Health	Owner/ Applicant	Prior to commencement of use/ Continuous	

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6		<p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Valley Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to commencement of use/ Final</p>	
7		<p>FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to commencement of use/ Final</p>	

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		wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Carmel Valley Fire Protection District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to commencement of use/ Final	
8		FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING) Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. (Carmel Valley Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to commencement of use/ Final	
9		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to commencement of use/ Final	

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		driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Carmel Valley FPD)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to commencement of use/ Final	
10		WR43 - WATER AVAILABILITY CERTIFICATION (NON-STANDARD WORDING) The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to commencement of use/ Final	
11		PW0006 – CARMEL VALLEY The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI). (Public Works)	Applicant shall pay to PBI the required traffic mitigation fee.	Owner/ Applicant	Prior to Building Permits Issuance	

END OF CONDITIONS