

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> May 30, 2007	<b>Time:</b> 9:00 AM	<b>Agenda Item No.:</b> 2
<b>Project Description:</b> Continued public hearing from April 25, 2007 consider resolution to acknowledge abandonment of a Use Permit and Design Approval (Planning Commission Resolution No. 05029, PLN040720/Williams) for the conversion of a single-family residence to a Bed And Breakfast, commonly known as Las Fuentes.		
<b>Project Location:</b> 350 Calle de los Agrinemsors Road, Carmel Valley		<b>APN:</b> 189-531-004-000
<b>Planning File Number:</b> PLN070128		<b>Name:</b> Williams Tim Arthur et al, Property Owner
<b>Plan Area:</b> Carmel Valley Master Plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> "LDR/B-6-D-S" [Low Density Residential with Building Site, Design Control, and Site Plan Review zoning district overlays]		
<b>CEQA Action:</b> Exempt per Section 15061.b.3		
<b>Department:</b> RMA – Planning Department		

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt the Resolution to acknowledge the abandonment of Use Permit (Resolution No. 05029) for a Bed and Breakfast Facility and direct staff to pursue an amendment of the January 9, 2007 Traffic Impact Fee Agreement.

### PROJECT OVERVIEW:

On June 29, 2005, the Planning Commission approved a Use Permit for Tim Arthur Williams et al (Resolution No. 05029/PLN040720) for a Bed and Breakfast Facility. On December 13, 2006, the Planning Commission directed Planning staff to prepare a report on of condition compliance. Planning staff presented the status report on January 31, 2007. At the January 31, 2007 meeting, the Planning Commission directed staff to set a public hearing before the Planning Commission on March 28, 2007 to modify or revoke the Use Permit, and, at applicant's request, the Planning Commission subsequently changed the hearing date to April 25, 2007. A duly noticed hearing was held on April 25, 2007 with staff recommendation to modify the approved Use Permit. At the hearing, the applicants submitted a letter stating that they were abandoning their Use Permit for a Bed and Breakfast Facility and testified that the abandonment was effective immediately. The Planning Commission directed staff to prepare a resolution to acknowledge abandonment of the Bed and Breakfast Facility Use Permit (Resolution No. 05029) to recommend an appropriate reduction in the traffic impact fee, and the Planning Commission continued the hearing to May 30, 2007 to consider the resolution.

Note: The decision on this project is appealable to the Monterey County Board of Supervisors.

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 May 17, 2007

cc: Planning Commission Members (10); County Counsel; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Assessor's Office; Treasurer-Tax Collector; Sheriff's Office; Laura Lawrence, Planning & Building Services Manager; Bill Dunn, Code Enforcement Branch Chief; Elisa Manuguerra, Project Planner; Cami Pelletier, Code Enforcement Officer; Carol Allen, Hearing Secretary; Kimberly Pearson Williams, Owner; Fred Peters, Owner; Tim Williams, Applicant; Frank & Sandra Dobrante, Applicant; Todd Bessire, Attorney; Carmel Valley Property Owners Association, Neighbors; David Barish, Citizen; Richard Rosenthal, Citizen/Attorney; Carmel Valley LUAC; File No. PLN070128.

Attachments: Resolution to withdrawal the Bed and Breakfast Facility Use Permit, Resolution No. 05029  
 This report was reviewed by Laura Lawrence, Planning and Building Services Manager

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

Resolution No. \_\_\_\_\_  
Resolution to withdrawal the Bed and Breakfast Facility Use Permit, Resolution No. 05029  
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This resolution is made with reference the following facts:

- A. On June 29, 2005, the Planning Commission approved a Use Permit and Design Approval for Tim Arthur Williams et al to allow the conversion of an existing single-family residence to a Bed and Breakfast (Resolution No. 050029) [hereafter "Use Permit"]. The property is located at 350 Calle de los Agrinensors, Carmel Valley (Assessor's Parcel Number 189-531-004-000), Carmel Valley area.
- B. On December 13, 2006, the Planning Commission directed Planning staff to prepare a report on condition compliance.
- C. On January 7, 2007, to fulfill condition of approval number 11 of the Use Permit, the Board of Supervisors approved a Traffic Impact Fee Agreement with the owners requiring that the owners pay to the County a fee of \$77,432.00 based on an assessment of the impacts of the permitted use.
- D. Planning staff presented a status report to the Planning Commission on January 31, 2007. The Planning Commission directed staff to set a public hearing to modify or revoke the Use Permit.
- E. On April 25, 2007, the Planning Commission held a duly noticed public hearing to modify or revoke the permit.
- F. On April 25, 2007, the owners provided the County with a letter withdrawing the permit (see attached), and the owner testified at the Planning Commission hearing that the owners were abandoning the permit effective immediately. The Planning Commission continued the hearing to May 30, 2007 with direction to staff to prepare and present a resolution acknowledging the owners' abandonment of the Use Permit and recommending an appropriate reduction in the traffic impact fee.

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY:

- 1. Acknowledges that the Use Permit for a Bed and Breakfast Facility (Resolution No. 05029) is abandoned and as of April 25, 2007 wais of no further force and effect; and
- 2. Directs staff to pursue an amendment of the Traffic Impact Fee Agreement to reduce and prorate the traffic impact fee to reflect the applicant's fee proportional to the reduced time in which the Use Permit was in effect.

PASSED AND ADOPTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:

I, Mike Novo, Secretary of the Planning Commission of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Planning Commission duly made and entered in the minutes thereof at page \_\_\_\_\_ of Minute Book \_\_\_\_\_, on \_\_\_\_\_, 2007.

Dated: \_\_\_\_\_, 2007

Mike Novo, Secretary of the Planning Commission, County of Monterey, and State of California.

By \_\_\_\_\_