

RESOLUTION NO. 010102

A.P.# 007-342-015-000

In the matter of the application of
Gary and Jane Balleisen (PLN010102)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to allow use of a short term rental unit; located at 1078 Marcheta Lane, Pebble Beach, on the corner of Hacienda Drive and Marcheta Lane, Del Monte Forest area, came on regularly for meeting before the Zoning Administrator on October 11, 2001.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The proposed project and/or use, as described in condition #1, is consistent with the policies of the Monterey County General Plan, the applicable Area Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21).
EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.
2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: The State CEQA Guidelines categorically exempts this project from environmental review pursuant to CEQA Guideline Section 15301. No factors described in Section 15300.2 exist. No potentially adverse environmental impacts were identified during review of the proposed project.
3. **FINDING:** The project has been referred to public hearing before the Zoning Administrator as a result of numerous written requests made by neighbors for a hearing as described in Section 21.70.060A.5, and the existence of a zoning violation as described in Section 21.70.060A.4 Title 21, Monterey County Code (Zoning) was found to exist.
EVIDENCE: Materials in project file and Monterey County Code Enforcement file CE000359.
4. **FINDING:** Public notice of the pending Administrative Permit was provided pursuant to Section 21.70.040, Title 21, Monterey County Code (Zoning).
EVIDENCE: Materials in project file.
5. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21, that no violations exist on the property, and that all zoning violation abatement costs have been paid.
EVIDENCE: Sections 21.36, 21.44 and 21.45 of the Monterey County Code (Zoning). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

6. **FINDING:** The establishment, maintenance, or operation of the use or building 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 or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

DECISION

THEREFORE, it is the decision of said Zoning Administrator, that said application for an Administrative Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. This permit allows for the Short Term Rental of an existing single-family dwelling. The project is located at 1078 Marcheta Lane (Assessor's Parcel Number 007-342-015-000), Greater Monterey Peninsula Area Plan. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**
2. 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 of 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; 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. The applicant shall record a notice which states: "A permit (Resolution 010102) was approved by the Zoning Administrator for Assessor's Parcel Number 007-342-015-000 on October 11, 2001. The permit was granted subject to 14 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)**

4. All exterior lighting shall be unobtrusive, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
5. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with background color of the sign. Addresses shall be posted and visible from both Marcheta Lane and Hacienda Drive **(Pebble Beach CSD)**
6. The minimum rental period for all transient use of the residential property shall be the greater of seven (7) consecutive calendar days or the minimum rental period set forth in enforceable, recorded conditions, covenants, and restrictions encumbering the property. **(Planning and Building Inspection)**
7. No more than five (5) vehicles may be parked on site (two (2) in the garage and three (3) on the street) at any given time. No recreational vehicles will be permitted to be parked on the street for an extended period of time. The property manager is responsible for having the recreational vehicle removed from the premises if it has been parked for over 72 hours. **(Planning and Building Inspection)**
8. The number of occupants in any residential unit for transient use shall not exceed 10. Section 503.2 of the 1994 Edition of the Uniform Housing Code provides that habitable rooms shall not be less than 70 square feet in size. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet per person in excess of two people. **(Planning and Building Inspection)**
9. Availability of the rental unit to the public shall not be advertised on site. **(Planning and Building Inspection)**
10. If the property owner or applicant does not reside within a five-mile radius of the rental unit covered by this permit, the owner/applicant shall designate a person located within a 25-mile radius of the rental unit, as a local contact person. That person shall be available 24 hours a day to respond to tenant and neighborhood question or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of this Permit and other applicable provisions of Title 21. The name, address, and telephone numbers(s) of such a designated person shall be furnished to the Director of Planning and Building Inspection. The permit holder shall promptly notify the Director of Planning and Building Inspection of any change in the local contact person's address or telephone number. **(Planning and Building Inspection)**
The current designated local contact person:
Jan Leasure
Monterey Bay Property Management
816 Wave St., Monterey, CA 93940
(831) 655-7840 x143
11. The administrative permit holder shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit per Ch. 5.40 of the Monterey County Code. **(Planning and Building Inspection)**

12. Prior to commencement of use a deed restriction shall be recorded with the Monterey County Recorder which states: "An Administrative Permit has been granted for the transient residential use of this parcel, and subject to the conditions in File PLN010102 of the Monterey County Planning and Building Inspection Department." **(Planning and Building Inspection)**
13. The property shall not be rented for transient residential use more than 20 times per calendar year, not to exceed a total of 151 days per calendar year. **(Planning and Building Inspection)**
14. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 11th day of October, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **OCT 16 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **OCT 26 2001**

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.

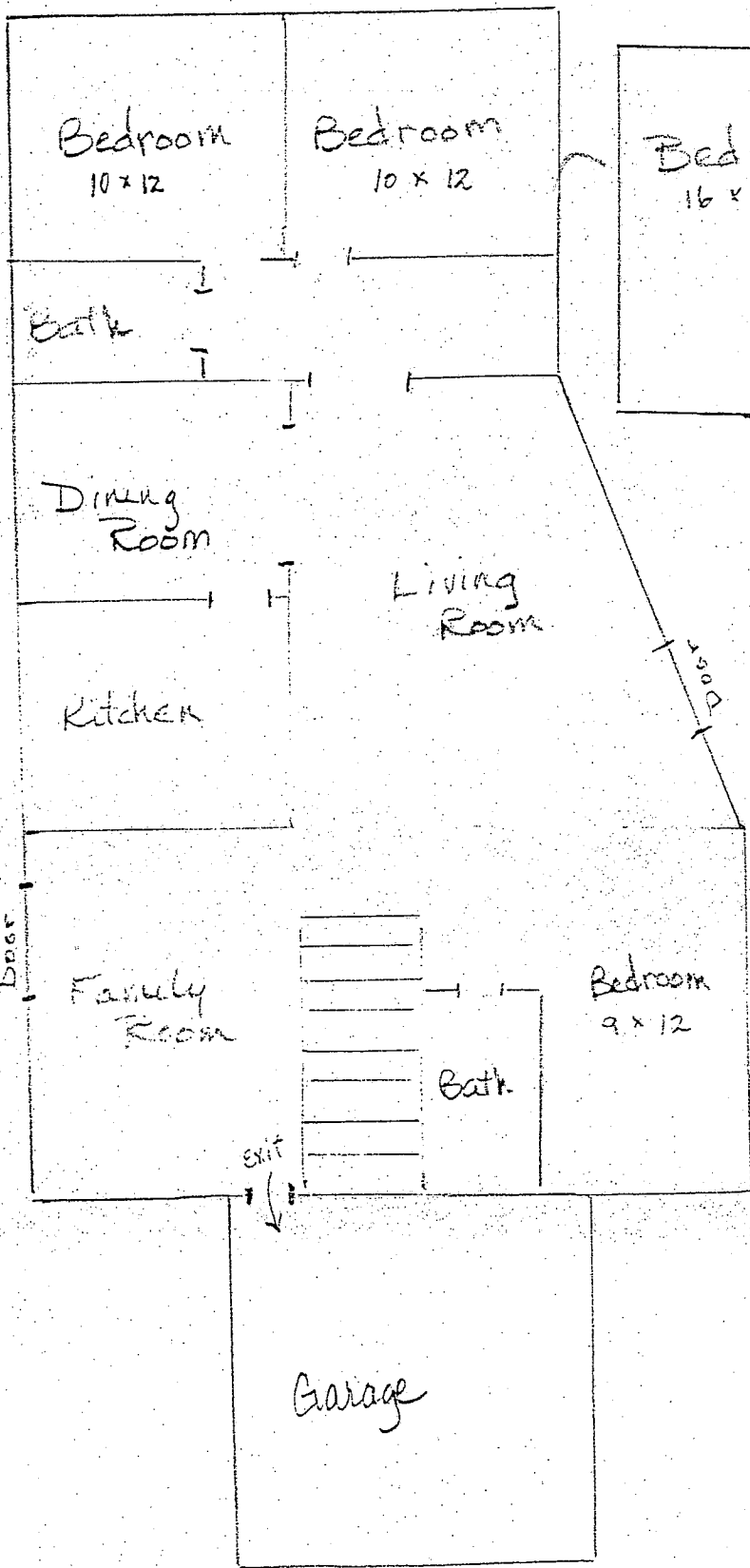
NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

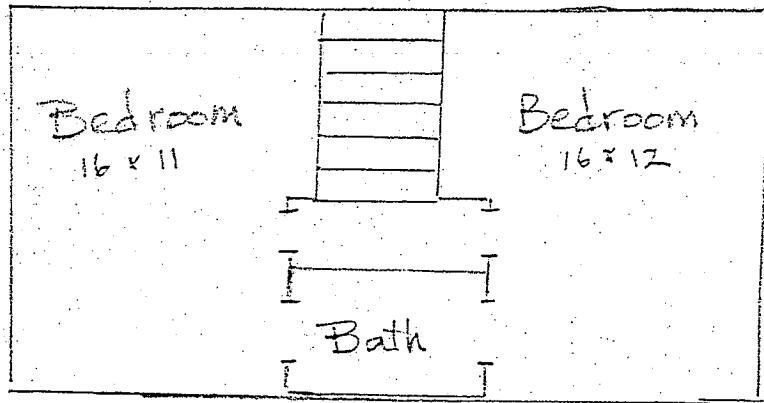
Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after 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. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.



Second floor



1078 Marcheta Lane
 Pebble Beach
 007-342-015