



**STAFF REPORT**  
**Monterey County Coastal Administrative Permit**  
**Resource Management Agency - Planning Department**  
168 W. Alisal St. 2<sup>nd</sup> Floor, Salinas, CA 93901  
(831) 755-5025; FAX (831) 757-9516

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Date: June 11, 2012

To: Timothy A. Mallery, Property Owner  
Bill Vasilovich, Applicant

From: Fernando Vargas (831) 755-5229  
vargasf@co.Email name @co.monterey.ca.us *FV.*

cc: Front Counter Copy; Dan Carl, California Coastal Commission; Mark Mondragon, Carmel Highland Fire Protection District; Juan Hernandez, Public Works; Roger Van Horn, Environmental Health; Mike Logsdon, Water Resources Agency; Fernando Vargas, Planner; Wanda Hickman, Planning Services Manager; Timothy A. Mallery, Property Owner; Bill Vasilovich, Agent/Representative; The Open Monterey Project; LandWatch; Project File PLN120190

Re: Timothy A. Mallery (PLN120190) Coastal Administrative and Design Approval Permit to allow the conversion of 184 square foot detached storage and garden shed to a guesthouse.

Location: Assessor's Parcel Number: 009-322-010-000  
3241 Taylor Road, Carmel CA 93923, Carmel Area Land Use Plan, Coastal Zone.

Staff is recommending approval of the Design Approval and Coastal Administrative Permit subject to the findings, evidence and conditions in **Exhibit B**. Please read these carefully and contact the planner if you have any questions. Unless otherwise noted in the conditions, the applicant will be required to satisfy all permit conditions prior to the issuance of a building/grading permits and/or commencement of the approved use.

On June 20, 2012 an administrative decision will be made. A public notice has been distributed for this project. The deadline for submittal of written comments in opposition to the project, its findings, or conditions, based on a substantive issue, is 5:00 p.m. on Tuesday, June 19, 2012. The permit will be administratively approved the following day, if we do not receive any written comments by the deadline. You will receive a copy of your approved permit in the mail. We will notify you as soon as possible in the event that we receive correspondence in opposition to your project or if the application is referred to a public hearing.

Note: This project will be referred to the Monterey County Zoning Administrator, if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

- Attachments: Exhibit A Project Data Sheet  
Exhibit B Resolution
- Recommended Conditions of Approval
  - Site Plan, Floor Plans, and Elevations
- Exhibit C Vicinity Map

This report was reviewed by Wanda Hickman, Planning Services Manager *wah*

# EXHIBIT A

## Project Information for PLN120190

### Project Information:

<b>Project Name:</b>	MALLERY TIMOTHY A		
<b>Location:</b>	3241 TAYLOR RD CARMEL		
<b>Permit Type:</b>	Coastal Administrative Permit		
<b>Environmental Status:</b>	Exempt	<b>Final Action Deadline (884):</b>	7/15/2012
<b>Existing Structures (sf):</b>	2426	<b>Coverage Allowed:</b>	35%
<b>Proposed Structures (sf):</b>	0	<b>Coverage Proposed:</b>	14.8%
<b>Total Sq. Ft.:</b>	2426	<b>Height Allowed:</b>	30 FEET
<b>Tree Removal:</b>	0	<b>Height Proposed:</b>	10.75 FEET
<b>Water Source:</b>	PUBLIC	<b>FAR Allowed:</b>	45%
<b>Water Purveyor:</b>	CAL-AM	<b>FAR Proposed:</b>	14.8%
<b>Sewage Disposal (method):</b>	SEWER	<b>Lot Size:</b>	16350
<b>Sewer District:</b>	CAWD	<b>Grading (cubic yds.):</b>	0

### Parcel Information:

<b>Primary APN:</b>	009-322-010-000	<b>Seismic Hazard Zone:</b>	UNDETERMINED
<b>Applicable Plan:</b>	CARMEL LAND USE AREA	<b>Erosion Hazard Zone:</b>	NO
<b>Advisory Committee:</b>	CARMEL HIGHLANDS	<b>Fire Hazard Zone:</b>	NO
<b>Zoning:</b>	MDR-2 D(CZ)	<b>Flood Hazard Zone:</b>	NO
<b>Land Use Designation:</b>	MEDIUM DENSITY RESIDENTIAL	<b>Archaeological Sensitivity:</b>	HIGH
<b>Coastal Zone:</b>	YES	<b>Viewshed:</b>	NO
<b>Fire District:</b>	CARMEL CYPRESS FPD	<b>Special Setbacks on Parcel:</b>	NO

### Reports on Project Parcel:

<b>Soils Report #:</b>	UNDET
<b>Biological Report #:</b>	NO
<b>Geologic Report #:</b>	NO
<b>Forest Management Rpt. #:</b>	NO
<b>Archaeological Report #:</b>	WAIVER
<b>Traffic Report #:</b>	NO APPLICABLE

**EXHIBIT B  
DRAFT RESOLUTION**

**Before the Director of the RMA-Planning Department  
in and for the County of Monterey, State of California**

In the matter of the application of:

**Timothy A. Mallery (PLN120190)**

**RESOLUTION NO.**

Resolution by the Monterey County Director of the RMA-Planning Department:

- 1) Finding the project exempt from CEQA per CEQA Guidelines Section 15303 (e)
- 2) Approving a Coastal Administrative Permit and Design Approval to allow the conversion of a 184 square foot detached storage and garden shed to a guesthouse. The property is located at 3241 Taylor Rd, Carmel (Assessor's Parcel Number 009-322-010-000) Carmel Area Land Use Plan, Coastal Zone.

**The application (PLN120190) came on for an Administrative hearing before the Monterey County Director of the RMA-Planning Department on June 20, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Director of the RMA-Planning Department 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 Monterey County General Plan;
    - Carmel Area Land Use Plan;
    - Monterey County 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.
  - b) The property is located at 3241 Taylor Road, Carmel (Assessor's Parcel Number 009-322-010-000), Carmel Area Land Use Plan. The parcel is zoned MDR 2-D(CZ) Medium Density Residential two units per acre; Design Control, Coastal Zone which allows guesthouses subject of a Coastal Administrative Permit and Design Approval. Therefore, the project is an allowed land use for this site.
  - c) The parcel has a Design Control zoning overlay. This chapter regulates the location, size; configuration materials and colors.
  - d) The project planner conducted a site inspection on March 21, 2012 to

verify that the project on the subject parcel conforms to the plans listed above.

- e) Per procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338. The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC). The project was approved in the meeting held on May 7, 2012.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120190.

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: RMA - Planning Department, Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. No conditions were imposed by any agency.
  - b) The proposed project is located in a high archaeological zone. Per Section 20.66 Standards for Archaeological Site and 2.8.3 (2) of the Carmel Area Land Use Plan an archaeological survey is required. However, because the characteristics of the proposed project and because there is no “land disturbance” the applicant was granted an archaeological waiver on April 16, 2012.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this 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 was reviewed by the RMA - Planning Department, Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Necessary public facilities are available at 3241 Taylor Road, Carmel and adequacy of existing water and sewer meet standards.
  - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120190.

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 Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

- b) Staff conducted a site inspection on March 21, 2012 and researched County records to assess if any violation exists on the subject property.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120190.
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 (e) categorically exempts new construction or conversion of small structures.
- b) The project consist of an existing 184 square foot engineered storage and garden shed, the owner is proposing to convert this into a guesthouse by converting the garden shed into a bathroom, storage space into a bedroom/office, and covered seating area. The project will have one new door and two new windows and will not increase floor area.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on March 21, 2012.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120190.
6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120190
- e) The project planner conducted a site inspection on March 21, 2012.
- f) That the proposed guesthouse will not adversely impact traffic conditions in the area. The project is an existing structure and has been reviewed and approved by the Monterey County Public Works Department.
- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for proposed development are found in Project File PLN120190

7. **FINDING:** **GUESTHOUSE** – With the issuance of a Coastal Administrative Permit and Design Approval permit, the subject project meets the regulations, standards and circumstances for a guesthouse in accordance with the applicable goals, policies, and regulations of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The establishment of the guesthouse will not, under any circumstances of the particular application, 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 (see Finding 3).
  - b) The subject property upon which the guesthouse is built is in compliance with all the rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this title. The project meet regulations applicable per section 20.12.060 Site Development Standards (2) (a) (b), D, E, for an accessory structure (Habitable) by meeting require setbacks; 50 feet front, 6 feet side setback, 6 feet rear setback, height 15 feet, and building site coverage at MDR 2 (Carmel) 35%. Also, project met Development Standards of 35% Section 20.64.020 applicable to guesthouses.
  - c) That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the director of Environmental Health (see Finding 3). The project is currently serving by the California American water company and the Carmel Area Wastewater District.
  - d) That the proposed guesthouse will not adversely impact traffic conditions in the area. The structure is been used as storage/shed garden and been reviewed by the Monterey County Public Works Department.
  - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120190.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

- EVIDENCE:**
- a) Section 20.86.030 Monterey County Zoning Ordinance.
  - b) Section 20.86.080 Monterey County Zoning Ordinance (Coastal Commission). The project is not subject to appeal to the California Coastal Commission because is a principal use.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Director of the RMA-Planning Department does hereby:

1. Find the project exempt from CEQA per CEQA Guidelines Section 15303(e).
2. Approve a Coastal Administrative Permit and Design Approval Permit to allow the conversion of a 184 Square foot detached storage and garden shed to a guesthouse in general conformance with the attached sketch and subject to the conditions, both exhibits being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 20 day of June, 2012.

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Mike Novo,  
Director of the RMA-Planning Department

COPY OF THIS DECISION MAILED TO APPLICANT ON JUNE xxx , 2012

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 JUNE xxx, 2012

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 Department and 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.



**Monterey County Planning Department**  
**DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan**  
PLN120190

**1. PD001 - SPECIFIC USES ONLY**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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 the RMA - Planning Department. 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 Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

**2. PD002 - NOTICE PERMIT APPROVAL**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Coastal Administrative and Design Approval to allow the conversion of a 184 square foot detached storage and garden shed to a guesthouse. (Resolution Number 12-029) was approved by the Monterey County RMA-Director of Planning for Assessor's Parcel Number 009-322-010-000 on June, 20 2012. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."  
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

**3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT**

**Responsible Department:** Planning Department

**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. The Monterey County RMA - Planning Department 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 Department)

**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, 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 the Monterey County RMA - Planning Department 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 Department

**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 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 the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)

**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 the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

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

**5. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)**

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) as follows:

- \* Only 1 guesthouse shall be allowed per lot.
  - \* Detached guesthouses shall be located in close proximity to the principal residence.
  - \* Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
  - \* The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
  - \* The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
  - \* The guesthouse shall not exceed 425 square feet of livable floor area.
  - \* The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
  - \* Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
  - \* The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
  - \* The guesthouse height shall not exceed 12 feet nor be more than one story.
- (RMA - Planning Department)

**Compliance or  
Monitoring  
Action to be Performed:**

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA-Planning Department for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the Director of the RMA-Planning Department.

**6. WR049 - WATER AVAILABILITY CERTIFICATION**

**Responsible Department:** Water Resources Agency

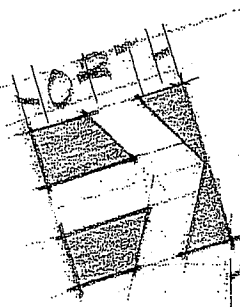
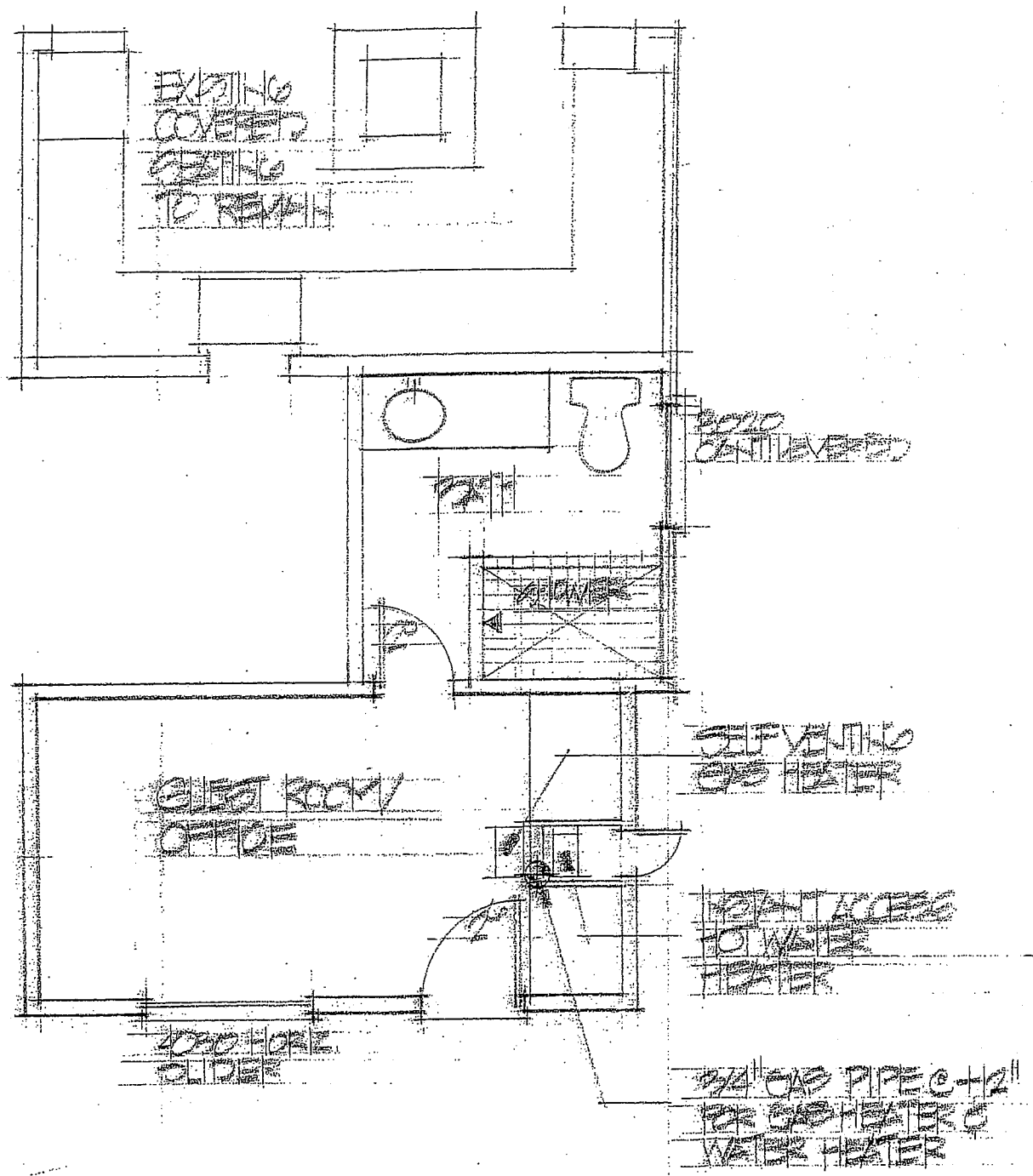
**Condition/Mitigation  
Monitoring Measure:**

The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

**Compliance or  
Monitoring  
Action to be Performed:**

Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

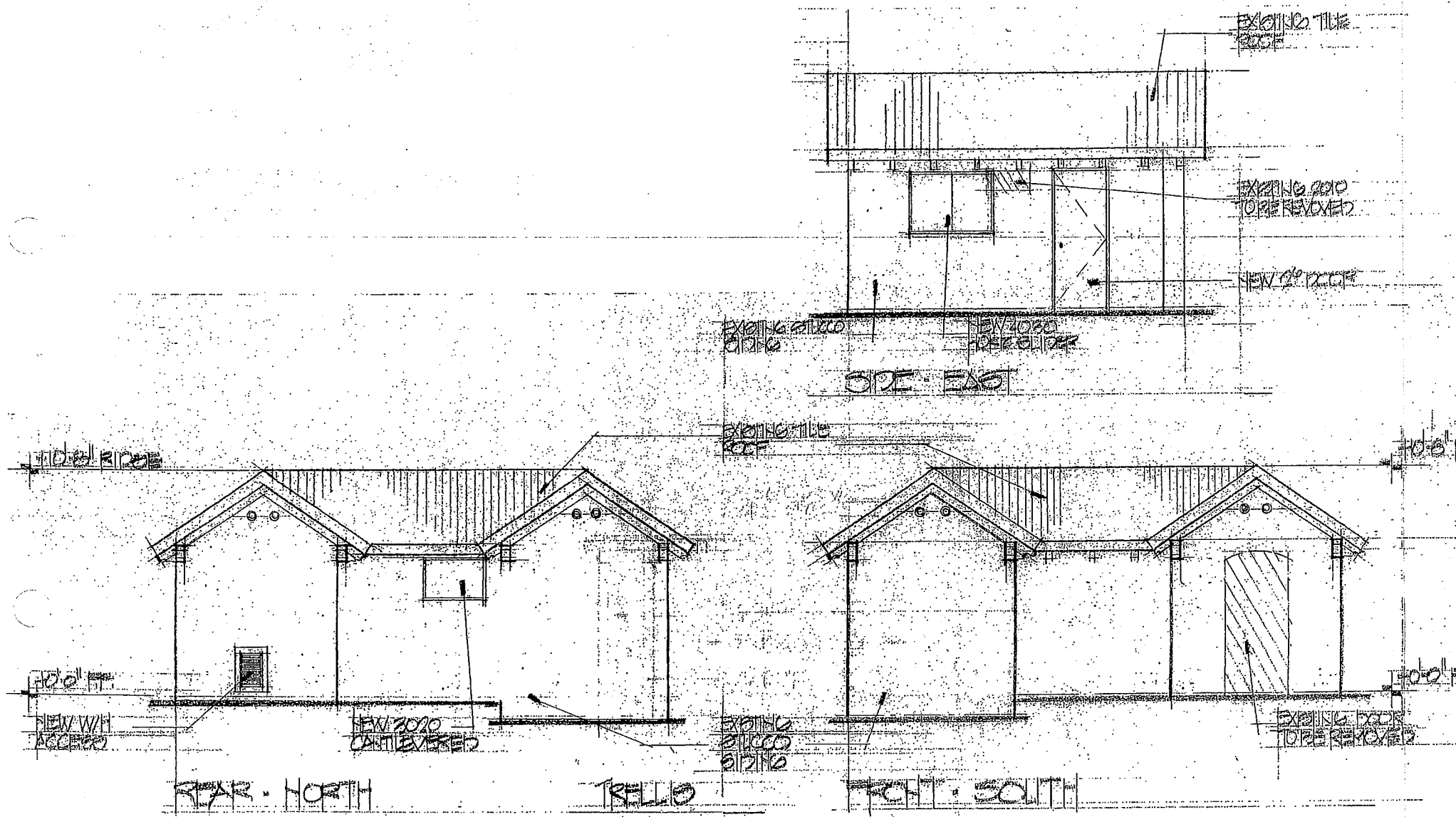
A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:  
[www.mcwra.co.monterey.ca.us](http://www.mcwra.co.monterey.ca.us).



# PROPOSED FLOOR PLAN

SCALE 1/4" = 1'-0"

NOTE:  
APPROXIMATELY 10% EXISTING WALLS TO BE REMOVED



EXTERIOR ELEVATIONS

SCALE 1/4" = 1'-0"

Exhibit C





# CARMEL AREA

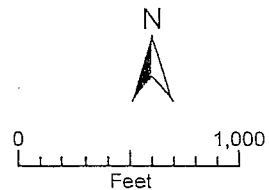


APPLICANT: MALLERY

APN: 009-322-010-000

FILE # PLN120190

 Water 
  2500' Limit 
  300' Limit 
  City Limits



PLANNER: VARGAS