

# Exhibit A

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# DRAFT RESOLUTION

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

In the matter of the application of:

**MA CHUN-TAO & NING ZHANG TRS (PLN220352)**

**RESOLUTION NO. 24 -**

Resolution by the Monterey County Planning Commission:

- 1) Finding the project statutorily exempt pursuant to CEQA Guidelines Section 15270; and
- 2) Denying an Administrative Permit to allow transient use of residential property (existing single-family dwelling), commonly known as a short-term rental.

[Ma Chun-Tao & Ning Zhang TRS, 26132 Carmel Knolls Drive, Carmel, Carmel Valley Master Plan, (Assessor's Parcel Number 015-293-010-000)]

**The MA CHUN-TAO & NING ZHANG TRS application (PLN220352) came before the Monterey Planning Commission on February 28, 2024, March 27, 2024, and May 8, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

### FINDINGS

1. **FINDING:** **PROCESS** - The County has received and processed an Administrative Permit (PLN220352) in compliance with applicable procedural requirements.  
**EVIDENCE:**
  - a) On May 11, 2023, Aaron Gannage on behalf of the subject property owner, Ma Chun-Tao (Applicant), submitted an application for an Administrative Permit to allow transient use of a residential property containing a single-family dwelling for remuneration.
  - b) On March 16, 2023, County Housing and Community Development staff deemed the application complete pursuant to the Permit Streamlining Act and informed the Applicant/Owner that the application, as submitted, was consistent with the requirements of Title 21 section 21.64.280.D(2)(g) of the County's Municipal Code.
  - c) The Monterey County Planning Commission held a duly-noticed public hearing on the Ma Chun-Tao and Ning Zhang TRS application on February 28, 2024, at which all persons had the opportunity to be heard. This item was continued to March 27, 2024 at the request of the applicant as the property owners were unexpectedly unable to attend the February hearing.

- d) On March 27, 2024, the Planning Commission opened the hearing and considered the application. After staff’s presentation, public comment and Commission deliberation, the Planning Commission found the project location inappropriate to support the transient use of a residential property and continued the hearing to May 8, 2024 with an intent to deny the applicants request for a permit
- e) On May 8, 2024, the Planning Commission was presented with a draft resolution of denial for consideration.
- f) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File No. PLN220352.

2. **FINDING:** **INCONSISTENT** - The proposed project and/or use is inconsistent with the requirements of the applicable zoning ordinance Title 21 section 21.64.280..

- EVIDENCE:**
- a) Allowed Use. The property is located at 26132 Carmel Knolls Drive, Carmel, (Assessor's Parcel Number 015-293-010-000), Carmel Valley Master Plan area. The parcel is zoned Low Density Residential with a density of 1 unit per acre, Design Control, Site Plan and Residential Allocation Zoning overlay districts (LDR/1-D-S-RAZ). The regulations of the “D”, “S” and “RAZ” overlays do not apply to this project since there is no additional development being proposed. Per the requirements of Title 21 Section 21.64.280, an Administrative Permit is required to use an existing single-family dwelling for transient use (short-term rental).
  - b) Local Property Manager. Title 21 section 21.64.280.D(2)(d) states that *"Any administrative permit issued pursuant to this Section shall require, as a condition of approval, that applicant who does not reside within a five-mile radius of the residence being rented, designate a person located within a twenty-five (25) mile radius of the rental unit, as a local contact person who will be available twenty-four (24) hours a day to respond to tenant and neighborhood questions or concerns...The name, address, and telephone number(s) of such a designated person shall be furnished to the Director of Planning prior to issuance of the administrative permit and made available for public review."* Although this requirement was incorporated as a condition of approval, the applicants did not provide the name and contact information of their local property manager with their submittal nor was a property manager identified in the short-term rental operations plan. Since this information has not been made available to the planning department and public, the Commission found the project inconsistent for the use as proposed.
  - c) Job-Housing Balance. Through oral testimony at the March 27, 2024 Planning Commission hearing, it was stated that the subject property should be retained for long term housing to provide a jobs-housing balance. The Carmel Knolls subdivision as it is within 1 mile of

multiple high density employment areas including the Carmel Barnyard Shopping Village, the Crossroads Shopping Center, the Carmel Rancho Shopping Center, multiple schools including the Carmel Middle School and High School, the Carmel River Inn and the Carmel Mission Inn. Additionally, the multiple hotels/inns at the mouth of Carmel Valley provide overnight accommodations for visitors to the area. There is a housing shortage in the County which would support the need for additional long term housing for locals who live and work in the area. Consistent with section 21.02.030.B of Title 21, it would be prudent to retain the subject single family dwelling for long term housing to protect the character and the social and economic stability of residential and commercial areas near Carmel Knolls.

- d) Shared Driveway. The subject residence utilizes a shared driveway off of Carmel Knolls Drive that serves three dwellings, including the subject property. According to oral testimony at the March 27, 2024 hearing, a short term rental at this location would negatively impact the other two dwellings that utilize this driveway. Due to concerns of renters not following the parking instructions detailed in the operations plan and parking on the street, it was determined that the shared driveway makes the existing dwelling unsuitable for use as a short term rental. Additional oral testimony at the March 27<sup>th</sup> hearing identified the shared driveway as an area where children often play. Allowing the subject property to be used as a short term rental could potentially make the driveway an unsafe area for children and/or pedestrians. Retaining the existing single family dwelling as long term housing may offer the neighboring residents a sense of security given the close proximity of the homes and shared driveway to the subject parcel.
- e) Violations. Monterey County HCD-Planning and HCD-Building Services records were reviewed, and the County is not aware of any current or active violations existing on the subject property. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21.
- f) Land Use Advisory. This project was referred to the Carmel Valley LUAC for review. On September 18, 2023, the Carmel Valley LUAC reviewed this project and unanimously recommended denial of the project as proposed by a vote of 4-0. Their reasons for denial included uncertainty if a driveway easement exists for the shared driveway, traffic and safety hazards and the entry from Carmel Valley Road being unsafe. Public comment was made at this meeting and mirrored the comments made by the LUAC members. Most of the public members were neighbors who opposed the project due to concerns of potential traffic accidents, loud parties and general opposition of having tourists in their neighborhood.

- g) Public Comment. Staff received multiple letters of opposition from neighbors and residents of the Carmel Knolls subdivision related to traffic concerns of the area, site suitability and neighborhood character as well previous experience with illegal short term rentals in the neighborhood. Public members described access into the subdivision as a complicated, steep, curvy street with no sidewalks. It was stated in multiple letters that the residents of this neighborhood are known to walk in the street which can be hazardous due to the conditions of the road. Public members are concerned that transient residents will not be expecting people to walk on the road, which may cause accidents. Relative to the existing neighborhood character, a few of the neighbors stated their opposition to transient tenants in the neighborhood as they believe it could be a safety and security issue. A few of the letters mention the nearby schools and stated a short term rental in the neighborhood could pose a danger to children who live nearby. One neighbor mentioned he would prefer more families with children using the streets and schools than have tourists visit for a few days. Other concerns included potential loud noises that the rental may generate and excessive trash that may be piled in the street instead of disposed of properly. Oral testimony was made by multiple neighbors at the March 27, 2024 Planning Commission hearing, the comments made at this hearing reflected those in the letters submitted to the County throughout review of the project.
- h) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN220352.

- 3. **FINDING:** **CEQA (Exempt):** - The project is statutorily exempt from environmental review.  
**EVIDENCE:**
  - a) California Environmental Quality Act (CEQA) Guidelines Section 15270 statutorily exempts projects that a public agency rejects or disapproves.
  - b) This project was disapproved due to inconsistency with the applicable plans and policies as described in Finding 2.
- 4. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Monterey County Board of Supervisors.  
**EVIDENCE:**
  - a) Pursuant to Title 21 section 21.80.040.D, the Board of Supervisors shall consider appeals from the discretionary decisions of the Planning Commission.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Monterey County Planning Commission does hereby:

- 1) Find the project statutorily exempt pursuant to CEQA Guidelines Section 15270; and
- 2) Deny an Administrative Permit to allow transient use of residential property (existing single-family dwelling), commonly known as a short-term rental.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of May, 2024, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Melanie Beretti, AICP, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

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 OF THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

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.

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