



Monterey County

Planning Commission

Agenda Item #2

Legistar File Number: PC 16-074

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November 09, 2016

Introduced: 11/1/2016

Version: 1

Current Status: Agenda Ready

Matter Type: Planning Item

PLN160233 - HILL (CONTINUED FROM OCTOBER 26, 2016)

Public hearing to consider action on an Administrative Permit to allow transient use (short-term rental) of an existing single-family dwelling.

Proposed CEQA Action: Statutorily Exempt from CEQA per Section 15270 of the CEQA Guidelines.

3097 Sloat Road, Pebble Beach, Greater Monterey Peninsula Area Plan

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Find the project statutorily exempt per Section 15270 of the CEQA Guidelines; and
- b. Deny an Administrative Permit to allow transient use (short-term rental) of an existing single-family dwelling pursuant to Monterey County Code 21.64.280 (**Exhibit B**).

PROJECT INFORMATION:

Planning File Number: PLN160233

Owner: Jeremy and Leah Hill

Project Location: 3097 Sloat Road, Pebble Beach

APN: 007-431-014-000

Zoning: MDR/B-6-D-RES (Medium Density Residential)

Parcel Size: approximately 10,800 square feet

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: Not required - change of use within an existing structure

SUMMARY:

The applicant requests approval of an Administrative Permit to allow the use of an existing 1,812 square foot single-family dwelling for transient use (short-term rental), consistent with the requirements of Monterey County Code (MCC) Section 21.64.280 (**Exhibit F**).

The Planning Commission continued this item from the public hearings on August 31 and October 26, 2016. At the hearing on August 31, 2016, a Pebble Beach Company (PBC) representative asked the County to temporarily halt issuance of new Administrative Permits for transient use (i.e., short-term rentals) pending adoption of new County regulations for short-term rentals. The Planning Commission requested confirmation of the organization responsible to act as the homeowner's association within the Del Monte Forest or Pebble Beach area. Based on this request, County staff requested and received correspondence (**Exhibits G and H**) from both PBC and the Del Monte Forest Property Owners (DMFPO). DMFPO stated that it is a voluntary organization (i.e., not a homeowners' association) that has no authority to enforce conditions, covenants, and restrictions (CC&Rs). PBC submitted substantial evidence demonstrating that PBC is the de facto homeowners' association for the Del Monte Forest

(DMF) area, and asserted that it be deemed the affected homeowners' association for the purposes of ordinance implementation. In addition, PBC also objected to the issuance of additional permits for transient (i.e., short-term rental) use in the DMF pending County adoption of a new ordinance and analysis of the circumstances in the DMF. Upon review of the PBC letter (**Exhibit G**), County staff has determined that substantial evidence demonstrates that PBC is the de facto and/or functional equivalent of a homeowners' association for the Pebble Beach/Del Monte Forest area, and recognizes PBC as the affected homeowners' association for the purposes of ordinance implementation. Pursuant to MCC Section 21.64.280.D.2.g, the County shall not approve the requested permit or entitlement until the homeowners' association's objection has been withdrawn. Since Section 21.64.280.g.2 states that the county shall not approve the issuance of a permit where the HOA objects, staff recommends denial of this Administrative Permit.

DISCUSSION:

See **Exhibit A** for a detailed project discussion.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15270 statutorily exempts projects which a public agency rejects or disapproves.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

- Resource Management Agency (RMA)-Public Works
- RMA-Environmental Services
- Environmental Health Bureau
- Water Resources Agency
- Pebble Beach Community Services District
- Monterey County Treasurer/Tax Collector

The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting on June 16, 2016, voted unanimously (7 - 0) not to make a recommendation on the project.

Prepared by: Joe Sidor, Associate Planner, x5262
Reviewed by: Jacqueline R. Onciano, RMA Services Manager x 5158
Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the RMA:

- Exhibit A - Discussion
- Exhibit B - Resolution
- Exhibit C - Vicinity Map
- Exhibit D - Public Hearing Request
- Exhibit E - Map of Approved Short-Term Rentals in the Inland Area of the Del Monte Forest
- Exhibit F - Monterey County Code Section 21.64.280 - Administrative permits for transient use of residential property for remuneration
- Exhibit G - Pebble Beach Company Letter, dated October 18, 2016
- Exhibit H - Del Monte Forest Property Owners email, dated September 22, 2016

- Exhibit I - Noland Hamerly Etienne & Hoss Letter (Applicant's Representative), dated October 6, 2016, including the attachment Architectural Standards and Residential Guidelines for Del Monte Forest
- Exhibit J - Hill (Applicant) Letter, dated September 13, 2016, including attachments from Sanctuary Vacation Rentals
- Exhibit K - Noland Hamerly Etienne & Hoss Letter (Applicant's Representative), dated October 25, 2016, including selected pages from the Architectural Standards and Residential Guidelines for Del Monte Forest

cc: Front Counter Copy; Pebble Beach Community Service District; RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Monterey County Treasurer/Tax Collector; Joseph Sidor, Associate Planner; Jacqueline R. Onciano, RMA Services Manager; Jeremy & Leah Hill, Property Owner; Mike Leach, Robert & Betty Jetter, Mary Sue Woolcock, Jean Stumbo, Andrea Tweedt, Noreen & Don Miraco, Maria Sammone, Del Monte Forest Property Owners, and Pebble Beach Company, Interested Parties; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director), Project File PLN160233