



County of Monterey

Item No.4

Zoning Administrator

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February 27, 2025

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Current Status: Agenda Ready

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Matter Type: Zoning Administrator

PLN220215 - DUERR DANIEL B & SMITH-DUERR AUBREY M

Public hearing to consider a Commercial Vacation Rental to allow the use of residential property for transient lodging for a period of 30 calendar days or fewer.

Project Location: 20451 Cachagua Road, Carmel Valley

Proposed CEQA Action: Find the project Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines and none of the exceptions to the exemptions listed in Section 15300.2 can be made.

RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a Resolution:

- a. Finding the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines section 15301 and none of the exceptions to the exemptions listed in Section 15300.2 can be made; and
- b. Approving a Use Permit for a Commercial Vacation Rental to allow the use of a residential property for transient lodging for a period of 30 calendar days or fewer.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to nine conditions of approval.

PROJECT INFORMATION

Agent: Daniel Duerr

Property Owner: Duerr Daniel B & Smith-Duerr Aubrey M

APN: 418-241-015-000

Parcel Size: 5.06 acres

Zoning: Resource Conservation, 40 acres per unit, or "RC/40"

Plan Area: Cachagua Area Plan

Flagged and Staked: No

Project Planner: Taylor Price, Senior Planner (Working out of Class)

(831) 755-5730 or pricetl@countyofmonterey.gov

SUMMARY:

The project is located at 20451 Cachagua Road, Carmel Valley and is subject to the policies and regulations of the 2010 County of Monterey General Plan, Cachagua Area Plan, Monterey County Code Title 7 Chapter 7.120, Monterey County Code Chapter 16.80, and the Monterey County Zoning Ordinance - Title 21. The proposed project includes the use of a pre-existing single-family dwelling as a vacation rental.

On December 13, 2024, the Owner, Daniel Duerr submitted an application seeking to use their developed property as a vacation rental under PLN220215. The residence is 2,100 square feet in size, with three bedrooms, two bathrooms, and a kitchen. The Applicant/Owner is proposing a maximum of 7 people overnight and 11 people during daytime at the property at a time. The property is served by a private well, which has been verified by the County of Monterey Health Bureau Environmental Health Division to satisfy the bacteriological and acute inorganic primary drinking water standards, and the onsite septic system will be sufficient to provide sewer treatment for the dwelling. The property will retain its solid waste services to Waste Management, a waste management company.

If approved, the granting of this Use Permit would allow the establishment of the 1st permitted vacation rental in the Cachagua Area Plan out of 20 Use Permits permitted pursuant to Title 21 Section 21.64.290.F.3.b.

DISCUSSION:

The proposed project is subject to the policies and regulations of the 2010 County of Monterey General Plan, Cachagua Area Plan, Monterey County Code Title 7 Chapter 7.120, Monterey County Code Chapter 16.80, and the Monterey County Zoning Ordinance (Title 21).

Land Use

Based on staff's review of the planning application materials, the property complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 2010 County of Monterey General Plan, Cachagua Area Plan, the Monterey County Code Title 7 Chapter 7.120, Monterey County Code Chapter 16.80, and applicable sections of the Inland County of Monterey Zoning Ordinance. The parcel is zoned Resource Conservation, 40 acres per unit (RC/40). Title 21 Section 21.64.290 allows for the Commercial Vacation Rental use of a residential property for transient lodging for a period of 30 calendar days or fewer, subject to the granting of a Use Permit. Title 21 Section 21.64.290.F establishes the regulations that a property operating as a Commercial Vacation Rental must satisfy.

The property is on a private road, and pursuant to Title 21 Section 21.64.290.F.4, the subject property must comply with Title 16 Chapter 16.80, which regulates private roads in Monterey County. The private road that grants access to the property is subject to a private road agreement but not subject to a private road maintenance agreement. Therefore, the project is classified as a Tier 3 category pursuant to Title 16 Chapter 16.80. Staff mailed notices of the project to all parties to the private road on December 23, 2024. Staff has not received any information indicating that there is a substantial dispute regarding the proposed use as a Commercial Vacation Rental from any parties to the private road.

The property complies with Title 21 Section 21.64.290.F.5 in that it has been demonstrated that the response time for County emergency services for fire and emergency medical are adequate pursuant to the requirements of the 2010 County of Monterey General Plan Safety Element PS-1.1 and Table PS-1. The subject property is within 45 minutes of structural coverage from the Community Hospital of Monterey Peninsula, the Cachagua Fire Protection District, which provides 24-hour emergency

medical and fire response services. Condition of Approval No. 5 - Signage for Adequate Emergency Response Time has been incorporated. The purpose of this condition is to ensure that the guests are provided with information on the response time for emergency medical and fire services and that contact information for these services is provided to all guests as a part of the informational notice posted within six feet of the front door.

Adequate parking spaces will be provided (4 guest parking), which exceeds the minimum requirements of Title 21 Section 21.64.290.F.6. The requirements of aforementioned Section require compliance with Title 21 Section 21.58.040, which requires that a Single-Family Detached residential dwelling unit have 2 spaces/unit.

The subject property complies with the limitation on the number of Commercial Vacation Rentals per legal lot requirements of Title 21 Section 21.64.290.F.7, which only allows one Commercial Vacation Rental per legal lot of record. The subject property will be the only Commercial Vacation Rental on the legal lot of record. The owner of the subject property complies with the ownership requirements of Title 21 Section 21.64.290.F.10, wherein the owner of the subject property is only allowed to have an ownership interest in one Commercial Vacation Rental within unincorporated Monterey County. The owners of the property do not have an ownership interest in other already operating Commercial Vacation Rentals in unincorporated Monterey County, and this would be their first and only Commercial Vacation Rental in unincorporated Monterey County.

As detailed in the draft resolution (**Exhibit A**), the Applicant/Owner has provided evidence of compliance with the applicable requirements. The designated Property Manager for the Commercial Vacation Rental, Kathie Weston, resides at 19872 Cachagua Road, less than one mile from the subject property. Ms. Weston will be available 24/7 to respond to guest or neighborhood questions or concerns and will also ensure that any neighbor or guest complaints are resolved within thirty minutes. Mr. Weston's contact information will be provided to guests as a part of the informational notice posted within six feet of the front door as required pursuant to Title 7 Section 7.120.040.L.

The property has a maximum occupancy of 7 overnight guests and 11 daytime guests. The proposed occupancy does not exceed the limits set forth in the California Uniform Housing Code and the requirements enumerated in Title 7 Section 7.120.070.C, which limits the maximum overnight occupancy to two persons per bedroom plus one and not counting infants (zero to twelve months), with a not to exceed total maximum overnight occupancy of 10 overnight guests, regardless of the number of bedrooms in the property.

To ensure the proposed use will not affect the residential character of the neighborhood the following two conditions have been incorporated: Condition of Approval No. 3 - No Events Allowed, to ensure that the property will not an event venue and Condition of Approval No. 4 - Permit Limitation of the Use of the Residential Property as a Commercial Vacation Rental, to ensure that the property will remain in compliance with the regulations for Vacation Rentals in Title 7 Chapter 7.120, Title 21 Section 21.64.290 and the Conditions of Approval. Additionally, the proposed Commercial Vacation Rental is subject to Monterey County's Noise Ordinance (Chapter 10.60), which prohibits loud or unreasonable noise between the hours of 9:00PM and 7:00AM. In accordance with Title 21 section 21.64.280.D.2.h, if the property is found to be in violation of the approved operations plan or

conditions of approval attached to this Use Permit, the permit may be revoked for non-compliance.

CEQA:

The project qualifies as a categorical exemption from environmental review pursuant to CEQA Guidelines section 15301. This exemption applies to the operation of existing private structures, involving negligible or no expansion of an existing use. The Applicant/Owner proposes to use a residential single-family dwelling for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 30 consecutive calendar days or fewer. This project does not propose or authorize any additional exterior development and/or expansion of the existing structure currently on the project site.

The subject property will be limited to one rental contract at any given time. All facilities, as planned and approved, have been confirmed by County agencies to be adequate for this use. Therefore, the proposed use is consistent with the CEQA Guidelines Section 15301. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. Additionally, there would be no significant effect on the environment due to unusual circumstances. Further, there is no evidence that “the cumulative impact of successive projects of the same type in the same place, over time is significant.” Additionally, an action is a “project” only when it is either “directly undertaken by any public agency,” “supported, in whole or in part” by financial or other forms of assistance from a public agency, or involves the issuance of an entitlement by a public agency (Public Resources Code, § 21065).

The County prepared a FEIR for the Vacation Rental Ordinances project, which was certified by the Board on August 27, 2024 (SCH# 2022080643). The FEIR did not identify any significant impacts of Commercial Vacation Rentals up to the Commercial Vacation Rental cap set for each County of Monterey Planning Area. This Commercial Vacation Rental does not exceed the cap on Commercial Vacation Rentals in the Cachagua Area Plan. It would be the 1st Commercial Vacation Rental in the Cachagua Area Plan.

OTHER AGENCY INVOLVEMENT

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau

Prepared by: Taylor Price, Senior Planner (Working out of Class), 831-784-5730

Reviewed/Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans and Floor Plans
- Operations Plan
- Home Inspection Checklist

Exhibit B - Vicinity Map

cc: Front Counter Copy; Environmental Health Bureau; Taylor Price, Planner; Daniel Duerr, Property Owners; Interested Party List; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN220215.