



# Monterey County

## Zoning Administrator

### Agenda Item #4

Legistar File Number: ZA 16-016

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

July 14, 2016

Introduced: 7/6/2016

Version: 1

Current Status: Agenda Ready

Matter Type: ZA

#### **PLN160110/BROSSEAU**

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:** Exempt from CEQA per Section 15301 (Class 1) of the CEQA Guidelines.

2856 Sloat Road, Pebble Beach, Greater Monterey Peninsula Area Plan

#### **RECOMMENDATION:**

It is recommended that the Zoning Administrator adopt a resolution to:

- a. Find the project Categorically Exempt per Section 15301 (Class 1) of the CEQA Guidelines.
- b. Approve an Administrative Permit to allow transient use (short-term rental) of an existing single-family dwelling pursuant to Monterey County Code 21.64.280.

#### **PROJECT INFORMATION:**

Planning File Number: PLN160110

Owner: Jon & Janet Brosseau

APN: 007-203-016-000

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

Parcel Size: approximately 10,200 square feet

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: No

#### **SUMMARY:**

The applicant requests approval to use an existing single-family dwelling for transient use (short-term rental), consistent with the requirements of Monterey County Code (MCC) Section 21.64.280. This would continue to be the applicant's intended primary residence, with the property being rented on a periodic basis a few times per year for transient use (i.e., not for events). Rental of a residentially-zoned parcel for a private or corporate event is considered a commercial activity, and would require a separate entitlement from the County. This request was scheduled for administrative approval by the Director of RMA-Planning on June 1, 2016; however, a member of the public requested a public hearing, and the item has been scheduled for consideration before the Zoning Administrator. Staff is recommending conditions of approval be applied to address the requirements of the Zoning Ordinance and also concerns raised by neighbors. Conditions of approval have been written to address concerns regarding noise, parking, trash, and neighborhood character. Based upon the ability to condition the request and protect neighborhood character, staff recommends the Zoning Administrator approve this Administrative Permit.

**DISCUSSION:**

MCC Section 21.64.280.D.1 allows transient use of residential property for remuneration in all zoning designations which allow residential use upon issuance of an Administrative Permit, and where adequate services and facilities exist to support the use. The project applicant has applied for the appropriate permit to allow transient use of their residential property, and the project has been conditioned to comply with the restrictions/requirements found in MCC 21.64.280.D.2 pertaining to minimum rental period(s), on-site advertising, payment of transient occupancy taxes (TOT), designation of a local contact person, supervision of transient occupants, and maximum number of occupants allowed during transient use (Condition Nos. 4, 6, 7, and 8). Per Condition No. 8, the maximum number of transient use occupants shall be limited to no more than nine (9).

The existing 2,554 square foot residence is located in a Medium Density Residential zoning district within the Del Monte Forest Country Club planning area. Most other structures in the neighborhood are of similar size and design to the subject structure. Parking would be provided by an existing driveway which can accommodate four (4) off-street vehicle parking spaces. In addition, necessary public facilities are available and adequate, including public utility connections for both water and sewer. This request does not involve any structural additions to the existing residence, and no additional facilities are required. Access is from Sloat Road and the larger private road system in the Del Monte Forest (DMF), which is owned and maintained by the Pebble Beach Company for use by residents and commercial entities within the DMF. In this case, County staff has determined that the County's private road ordinance (MCC Section 21.64.320) does not apply.

Pursuant to MCC 21.70.060.A.5, an area resident objected to allowing use of the property as a short-term rental, and requested a public hearing. Several other area residents also objected to permitting a short-term rental, but did not request a public hearing. The residents expressed similar concerns related to:

- short-term rentals having an adverse impact on neighborhood character;
- owners not adequately supervising short-term occupants;
- noise, inadequate parking, traffic, and over-flowing trash receptacles caused by large groups; and
- short-term occupants not respecting residential quiet hours.

Monterey County Code Section 21.64.280, provides that conditions of approval may be implemented as required to ensure the use of a single-family dwelling for transient use does not result in adverse impacts to the neighborhood and to maintain the integrity of the zoning district. These regulations were adopted because of past issues caused by the unregulated operation of short-term rentals that negatively impacted the residential character of neighborhoods. Condition No. 4 (Deed Restriction,) requires the property owner's obligations under the zoning ordinance to be stated in a recorded document. To further protect the residential character of the neighborhood, staff is recommending conditions of approval regarding quiet hours, residential-related use, off-street parking, and disposal of excess trash (Condition Nos. 9, 10, 11, and 12). These conditions of approval would address concerns raised by the neighbors related to neighborhood character related to noise, on-street parking/traffic, and utility services (i.e., excess trash). Based on the ability to structure the

permit to protect neighborhood character through conditions of approval, the residential character of the neighborhood would be maintained.

**OTHER AGENCY INVOLVEMENT:**

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

- ✓ RMA - Planning
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- Pebble Beach Community Services District
- Monterey County Treasurer/Tax Collector

Departments/Agencies with a ✓ have added conditions to the resolution.

The project was not referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors (Resolution No. 15-043), this application did not warrant referral to the LUAC because Administrative Permits are not normally subject to review by the Zoning Administrator. In this particular case, the project application was scheduled for Administrative Review by the Director of RMA-Planning on June 1, 2016; however, a member of the public requested a public hearing, and the item has been scheduled for consideration before the Zoning Administrator.

Prepared by: Joe Sidor, Associate Planner, x5096

Reviewed by: John H. Ford, RMA Services Manager x5158

Approved by: Carl P. Holm, Resource Management Agency Director

**Attachments:**

- Exhibit A Resolution
  - Recommended Conditions of Approval
  - Site Plan
- Exhibit B Vicinity Map
- Exhibit C Request for public hearing
- Exhibit D Letter of Intent from Owner

cc: Front Counter Copy; Pebble Beach Community Service District; RMA-Public Works; RMA-Environmental Services; Water Resources Agency; Monterey County Treasurer/Tax Collector; Joseph Sidor, Associate Planner; David J. R. Mack, AICP, Senior Planner; John H. Ford, RMA Services Manager; Jon & Janet Brosseau, Property Owner; Kim Brosseau, Representative; Peter Mathews, Judith Findeisen, James Lo, David & Paula MacAlpine, Susan Wright, Steve & Kathy McNichols, and Pebble Beach Company, Interested Parties; The Open Monterey Project (Molly Erickson); Land Watch (Amy White); John H. Farrow; Janet Brennan; District 5 Board of Supervisors; Project File PLN160110.