

**Before the Monterey County Zoning Administrator
in and for the County of Monterey, State of California**

In the matter of the application of:

Jon & Janet Brosseau (PLN160110)

RESOLUTION NO. 16-024

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project exempt from CEQA per Section 15301 of the CEQA Guidelines; and
- 2) Approving an Administrative Permit to allow transient use (short-term rental) of an existing single-family dwelling pursuant to Monterey County Code Section 21.64.280.

2856 Sloat Road, Pebble Beach, Greater Monterey Peninsula Area Plan (APN: 007-203-016-000)

The Jon & Janet Brosseau application (PLN160110) came on for public hearing before the Monterey County Zoning Administrator on July 14, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY / SITE SUITABILITY** - The proposed project and/or use, as conditioned, is consistent with the 2010 Monterey County General Plan, the applicable area plan, and the requirements of the Title 21 Zoning Ordinance to include Chapter 21.70 (Administrative Permits) and other County health, safety, and welfare ordinances related to land use development. The site is physically suitable for the use proposed.
EVIDENCE:
 - a) The applicant requested 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. The applicant intends to occupy the property as a primary residence, and rent the property on a periodic basis just a few times per year for residential-related use. 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 2856 Sloat Road, Pebble Beach (Assessor's Parcel Number 007-203-016-000), Greater Monterey Peninsula Area Plan. The parcel is zoned "MDR/B-6-D-RES" or Medium Density Residential, with Building Site, Design Control, and Recreation Equipment Storage Overlays. The MDR portion of the zoning allows residential development, and the site has existing residential

- development.
- c) 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. 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 the minimum rental period(s), on-site advertising, payment of transient occupancy taxes (TOT), designation of a local contact person, and maximum number of allowed occupants (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).
 - d) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Pebble Beach Community Services District, RMA-Public Works, RMA-Environmental Services, Monterey County Treasurer/Tax Collector, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - e) The project planner conducted a site inspection on April 29, 2016 to verify that the project on the subject parcel conforms to the plans listed above and to verify that the site is suitable for this use.
 - f) 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 (Res No. 15-043), this application did not warrant referral to the LUAC because the project does not involve any of the following: development requiring CEQA review, a lot line adjustment involving conflicts, a variance, or a Design Approval subject to review by the Zoning Administrator or Planning Commission.
 - g) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN160110.

2. **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 RMA-Planning, Pebble Beach Community Services District, RMA-Public Works, RMA-Environmental Services, Monterey County Treasurer/Tax Collector,

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 and adequate. The property has existing public utility connections for both water and sewer. The project does not involve any additional structural development to the existing residence, and no additional facilities are required. The property is accessed via Sloat Road and the larger private road system in the Del Monte Forest. The size of the existing structure is consistent with the residences in the surrounding neighborhood, and has sufficient parking per County standards.
- c) Pursuant to MCC Section 21.64.280, the County may apply conditions of approval as required to ensure 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. To protect the public health, safety, and welfare, the County has applied conditions of approval regarding the minimum rental period(s), on-site advertising, designation of a local contact person, and maximum number of allowed occupants (Condition Nos. 4, 6, and 8). To further protect the residential character of the neighborhood, the County has applied 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 will address concerns related to neighborhood character such as noise, on-street parking/traffic, and utility services.
- d) The size of the existing structure is consistent with the residences in the surrounding neighborhood, and has sufficient parking per County standards.
- e) Access to the residence is from a private street within the Del Monte Forest (DMF). The property is accessed via Sloat Road and the larger private road system in the DMF, which is owned and maintained by the Pebble Beach Company for use by residents and commercial entities within the DMF. In this case, the County finds that the County's private road ordinance (MCC Section 21.64.320) does not apply. Based on the stated intention of the property owner, as well as the applied conditions of approval, the residential character and use of the property would be maintained.
- f) See preceding and followings Findings and Evidence.

3. **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 and RMA-Building Services records and is not aware of any violations existing on subject property.

- b) There are no known violations on the subject parcel.
- c) See preceding and followings Findings and Evidence.

4. **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 15301 categorically exempts leasing of existing private structures, involving negligible or no expansion of an existing use.
 - b) The application proposes to use (lease) an existing residential single-family dwelling as a transient use (short-term rental) facility and does not propose any additional development and/or expansion of the existing structure.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on April 29, 2016.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
 - e) See preceding and followings Findings and Evidence.

5. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Monterey County Planning Commission.

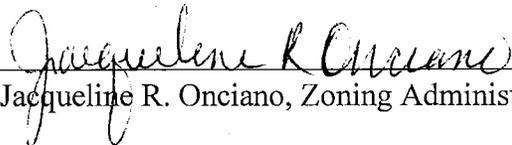
EVIDENCE: Section 21.80.040.B of the Monterey County Zoning Ordinance (Planning Commission).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Monterey County Zoning Administrator does hereby:

- A. Find the project exempt from CEQA per Section 15301 of the CEQA Guidelines; and
- B. Approve an Administrative Permit to allow transient use (short-term rental) of an existing single-family dwelling pursuant to Monterey County Code Section 21.64.280, in general conformance with the attached sketch and subject to the twelve conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 14th day of July 2016, upon the motion of:


Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON JULY 21, 2016.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE **ON OR BEFORE AUGUST 1, 2016.**

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. This permit expires 3 years after the above date of granting thereof unless use is started within this period.

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN160110

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Administrative Permit (PLN160110) allows transient use (short-term rental) of an existing single-family dwelling. The property is located at 2856 Sloat Road, Pebble Beach (Assessor's Parcel Number 007-203-016-000), Greater Monterey Peninsula Area Plan. 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 RMA - Planning. 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)

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: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "An Administrative Permit (Resolution Number 16-024) was approved by the Zoning Administrator for Assessor's Parcel Number 007-203-016-000 on July 14, 2016. The permit was granted subject to twelve (12) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to commencement of use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

4. PD017 - DEED RESTRICTION-USE

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

Prior to commencement of use, the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the requested transient use. The Deed Restriction shall state the following language:

- "1) The minimum rental period for all transient use of residential property shall be the greater of seven consecutive calendar days or the minimum rental period set forth in enforceable, recorded conditions, covenants, and restrictions encumbering the property rented. Transient use of residential property for a term less than provided herein is hereby expressly prohibited. Any residential property the rezoning of which is being proposed or considered by the Planning Commission or the Board of Supervisors so as to be exempted from the provisions of this Section, shall be exempted from the permit and/or registration requirements of this Section pending consideration and final decision on said rezoning by the Planning Commission and the Board of Supervisors. Such exemption shall terminate immediately in the event the Board of Supervisors reaches a final decision not to adopt the above-described rezoning proposed for any such property.
- 2) The maximum number of allowed occupants in any residential unit for transient use shall be specified. For the property located at 2856 Sloat Road, Pebble Beach, the maximum number of allowed occupants shall not exceed nine (9) persons.
- 3) Availability of the rental unit to the public shall not be advertised on site.
- 4) An applicant who does not reside within a five-mile radius of the residence being rented, shall 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 and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued and the provisions of this Section and other applicable provisions of Title 21. 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. The permit holder shall promptly notify the Director of Planning of any change in the local contact person's address or telephone number.
- 5) A copy of any administrative permit and/or registration issued pursuant to this Section shall be furnished by the Director of Planning to the Treasurer of the County of Monterey and the Sheriff of the County of Monterey.
- 6) The administrative permit holder and/or registrant shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit pursuant to Chapter 5.40 of the Monterey County Code.
- 7) To protect the residential character of the neighborhood on an ongoing basis, short-term rental occupants shall respect residential quiet hours from 9:00 pm to 8:00 am.
- 8) The property shall only be rented for residential-related use(s). The property shall not be rented to short-term occupants for the purpose of holding a corporate or private event, unless the County approves a separate entitlement to allow events on the

property.

9) Short-term rental occupants shall only use the available off-street parking located on the property. At no time shall short-term rental occupant vehicle parking overflow onto the adjacent street.

10) The owner shall ensure trash in excess of normal residential use is disposed of within 24 hours."
(RMA - Planning)

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

Prior to the commencement of use, the Owner/Applicant shall submit the signed and notarized document to the Director of RMA-Planning for review and signature by the County.

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

5. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

The permit shall be granted for a time period of 3 years, to expire on June 30, 2019, unless use of the property has begun within this period. (RMA-Planning)

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

Prior to the expiration date stated in the condition, the Owner/Applicant shall commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

6. PSDP001 - DESIGNATION OF CONTACT PERSON

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

An applicant who does not reside within a five-mile radius of the residence being rented, shall 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 and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued and the provisions of this Section and other applicable provisions of Title 21. The name, address, and telephone number(s) of such a designated person shall be furnished to the Director of Planning prior to commencement of use. This information shall be available for public review. The permit holder shall promptly notify the Director of Planning of any change in the local contact person's address or telephone number. (RMA-Planning)

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

Prior to commencement of use, the Owner/Applicant shall provide appropriate information, on whom shall be the designated local contact person. The name, address, and telephone number of the appropriate person(s) shall be provide to the Director of Planning.

7. PDSP002 - TRANSIENT OCCUPANCY TAX (TOT) REGISTRATION (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Chapter 5.40.070- Registration-Certification: "Within thirty (30) days after commencing business, each operator of any establishment renting occupancy to transients shall register said establishment with the tax collector and obtain the Tax Collector occupancy registration certificate, to be at all time posted in a conspicuous place on the premises."

Refer to County's website for Transient Occupancy Tax (TOT) FAQ's, forms, and ordinance: www.co.monterey.ca.us/taxcollector

Compliance or Monitoring Action to be Performed: Within 30 days of commencement of use, the Owner/Applicant shall provide proof that the property and transient use has been registered with the Monterey County Tax Collector.

8. PDSP003 - MAXIMUM NUMBER OF OCCUPANTS ALLOWED (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Section 21.64.280.D.2.b, the permit shall specify the maximum number of occupants allowed. The single-family dwelling at 2856 Sloat Road, Pebble Beach, has three (3) bedrooms with approximately 600 total square feet; therefore, the maximum number of allowed occupants shall not exceed nine (9) persons. (RMA-Planning and Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: On an ongoing basis, the number of occupants shall not exceed nine (9) persons during transient use of the property.

9. PDSP004 - RESIDENTIAL QUIET HOURS (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Sections 21.64.280.A and B, to protect the residential character of the neighborhood on an ongoing basis, short-term rental occupants shall respect residential quiet hours from 9:00 pm to 8:00 am. (RMA-Planning)

Compliance or Monitoring Action to be Performed: On an ongoing basis, short-term rental occupants shall respect residential quiet hours from 9:00 pm to 8:00 am.

10. PDSP005 - NO EVENTS ALLOWED (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Sections 21.64.280.A and B, to protect the residential character of the neighborhood on an ongoing basis, the property shall only be rented for residential-related use. The property shall not be rented to short-term occupants for the purpose of holding a corporate or private event, unless the County approves a separate entitlement to allow events on the property. (RMA-Planning)

Compliance or Monitoring Action to be Performed: On an ongoing basis, the property shall only be rented for residential-related use.

11. PDSP006 - ON-STREET PARKING NOT ALLOWED (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Sections 21.64.280.A and B, to protect the residential character of the neighborhood on an ongoing basis, short-term rental occupants shall only use the available off-street parking located on the property. At no time shall short-term rental occupant vehicle parking overflow onto the adjacent street. (RMA-Planning)

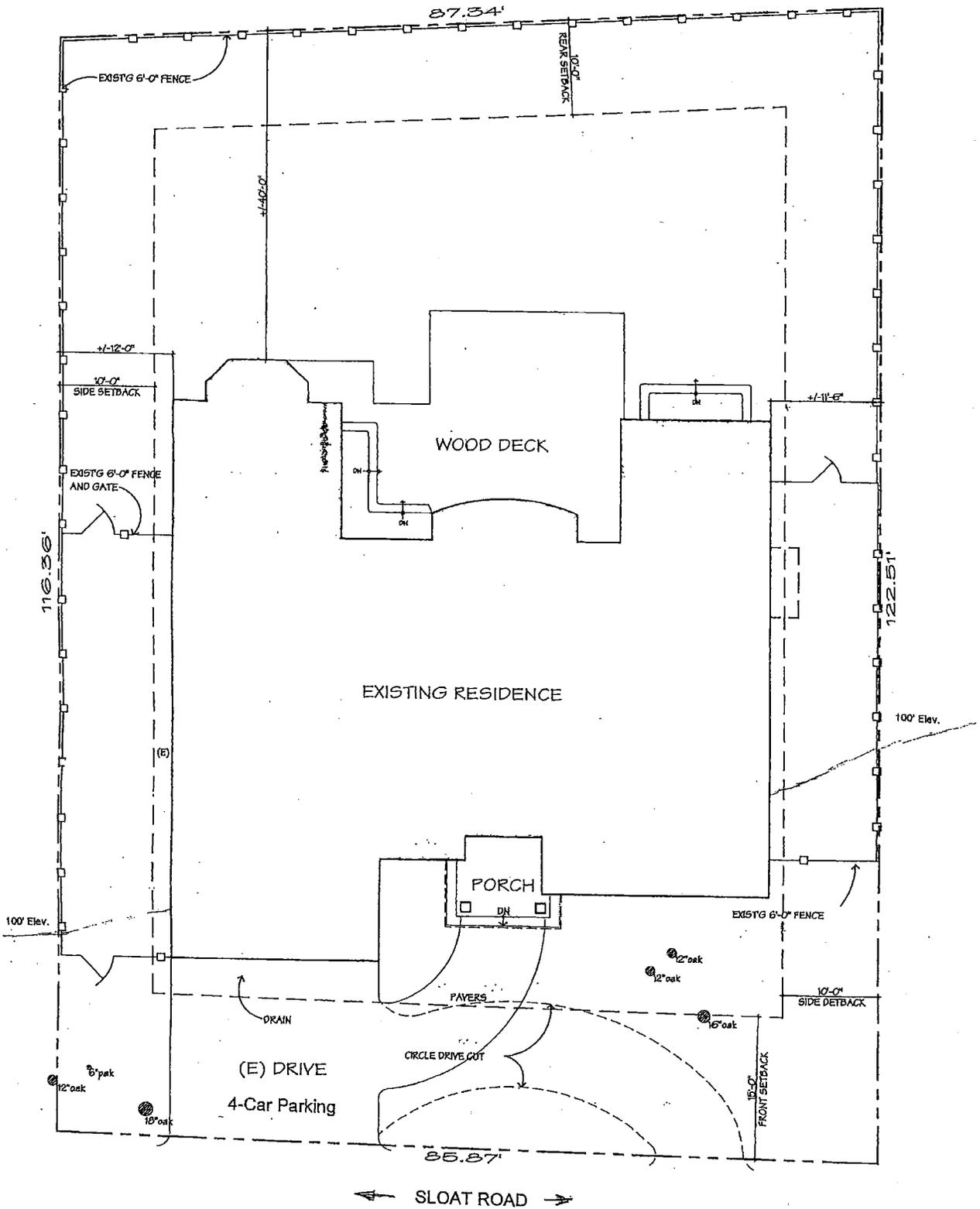
Compliance or Monitoring Action to be Performed: On an ongoing basis, short-term rental occupants shall only use the available off-street parking on the property.

12. PDSP007 - DISPOSAL OF EXCESS TRASH (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Sections 21.64.280.A and B, to protect the residential character of the neighborhood on an ongoing basis, the owner shall ensure trash in excess of normal residential use is disposed of within 24 hours. (RMA-Planning)

Compliance or Monitoring Action to be Performed: On an ongoing basis, the owner shall ensure trash in excess of normal residential use is disposed of within 24 hours.



Plans on file, legally permitted structure. Existing residence. No proposed changes or additions to residence.
 Grade less than 1 percent.

SITE PLAN

2856 SLOAT ROAD, PEBBLE BEACH, CA.

MAR 21 2016

PEBBLE BEACH CITY

1/8" = 1'-0"

