

Exhibit A

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**EXHIBIT A
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:

HILL (PLN160233)

RESOLUTION NO.

Resolution by the Monterey County Planning
Commission:

- 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, subject to 12 conditions of approval.

3097 Sloat Road, Pebble Beach, Greater Monterey Peninsula Area Plan (APN: 007-431-014-000)

The Hill application (PLN160233) came on for public hearing before the Monterey County Planning Commission on August 31, 2016. 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:** **CONSISTENCY / SITE SUITABILITY / NO VIOLATIONS / HEALTH AND SAFETY** - 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 applicable zoning ordinance (Title 21), to include Monterey County Code (MCC) Chapter 21.70 (Administrative Permits) and Chapter 21.64.280, and other County health, safety, and welfare ordinances related to land use development. The site is physically suitable for the use proposed, and no violations exist on the property.
- EVIDENCE:**
 - a) The applicant requested approval to use an existing single-family dwelling for transient use (short-term rental), consistent with the requirements of MCC Section 21.64.280. No conflicts were found to exist. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the MCC. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and/or regulations of the MCC.
 - b) The property is located at 3097 Sloat Road, Pebble Beach (Assessor's Parcel Number 007-431-014-000), 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). Condition No. 8 limits the maximum number of transient use occupants to nine (9).
- d) 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, as well as the residential character of the neighborhood, the County has also applied conditions of approval regarding quiet hours, residential-related use (i.e., no events), 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.
- e) 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, Environmental Health Bureau, 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 use. 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. Conditions recommended have been incorporated.
- f) 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 size of the existing structure is consistent with the residences in the surrounding neighborhood, and has sufficient parking per County standards.
- g) 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 applied conditions of approval, the residential character and use of the property would be maintained.

- h) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any violations existing on subject property.
- i) 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.
- j) 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 PLN160233.

2. **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 applicant 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. Therefore, the proposed use is consistent with CEQA Guidelines Section 15301.
 - c) 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.
 - d) No adverse environmental effects were identified during staff review of the development application.

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

EVIDENCE: Pursuant to Section 21.80.050.A of the Monterey County Zoning Ordinance (Title 21), an appeal may be made to the Appeal Authority by any person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors. Pursuant to Section 21.80.040.D of Title 21, 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:

- 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 site plan and subject to the twelve conditions of approval, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 31st day of August, 2016, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Carl P. Holm, AICP, 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.

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

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

PLN160233

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Administrative Permit (PLN160233) allows transient use (short-term rental) of an existing single-family dwelling. The property is located at 3097 Sloat Road, Pebble Beach (Assessor's Parcel Number 007-431-014-000), 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 -) was approved by the Planning Commission for Assessor's Parcel Number 007-431-014-000 on August 31, 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 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 3097 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 owner/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, transient or 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 transient or short-term occupants for the purpose of holding a corporate or private event, unless the County approves a separate entitlement to allow

such events on the property.

9) Transient or short-term rental occupants shall only use the available off-street parking located on the property. At no time shall transient or 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 three (3) years, to expire on August 31, 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 obtain a valid grading or building permit and/or 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. PDSP001 - DESIGNATION OF CONTACT PERSON (NON-STANDARD)

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) REGISTRATIION (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 3097 Sloat Road, Pebble Beach, has three (3) bedrooms with approximately 650 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, transient or 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 transient or short-term occupants for the purpose of holding a corporate or private event, unless the County approves a separate entitlement to allow such 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, transient or short-term rental occupants shall only use the available off-street parking located on the property. At no time shall transient or 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.

