



# Monterey County

Monterey County Planning  
Commission  
Monterey County  
Government Center -  
Board of Supervisors  
Chambers  
168 W. Alisal St.  
Salinas, CA 93901

## Action Minutes Monterey County Planning Commission

*Cosme Padilla, Chair*  
*Don Rochester, Vice-Chair*  
*Carl P. Holm, Secretary*

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Wednesday, July 13, 2016

9:00 AM

Board Chamber

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Final - Revised/Supplemental Agenda - July 8, 2016 at 5:00 p.m.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Rochester.

### ROLL CALL

**Present:**

Ana Ambriz	Jose Mendez
Martha Diehl	Cosme Padilla
Melissa Duflock	Amy Roberts
Paul C. Getzelman	Don Rochester
Luther Hert	

**Absent:**

Keith Vandever (Present during the afternoon session)

Resource Management Agency Services Manager Mr. John Ford was acting as Secretary to the Planning Commission.

### PUBLIC COMMENT

There was no public comment.

### AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Commission Clerk Jackie Nickerson informed the Commissioners of documents distributed on the Dias:

- Packet of Additional Correspondence submitted prior to July 12, 2016 5:00 p.m. regarding Agenda Item #2 (Short Term Rental Ordinances), also provided via e-mail;
- New correspondence received from the public received the morning of July 13, 2016 regarding Agenda Item #2 (Short Term Rental Ordinances);
- Attachment A for Rancho Canada Subdivision Village Project that will be subject to a hearing at a later date.

### COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

There were no Commissioner comments, requests and referrals.

## **APPROVAL OF MINUTES**

There were no minutes to approve.

## **9:00 A.M. SCHEDULED MATTERS**

1

REF160032 - GENERAL PLAN CONSISTENCY  
DETERMINATION FOR THE COUNTY OF MONTEREY  
CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL  
YEAR 2016/2017

Receive, review and report to the Board of Supervisors regarding  
conformity of major public improvement projects for Fiscal Year  
(FY) 2016/2017 (Attachment 1 to Exhibit A) with the 2010  
General Plan or the Local Coastal Program and 1982 General Plan,  
as applicable.

Proposed CEQA Action: Not a project per CEQA Section 21065

**Attachments:** [Staff Report](#)

[Memorandum to Planning Commission - July 7, 2016](#)

[Exhibit A - Draft Planning Commission Resolution](#)

[Attachment 1 to Exhibit A](#)

[Exhibit B Link to Draft County of Monterey Capital Improvement  
Program Five-Year Plan 2016-17 through 2020-21](#)

[Exhibit C - List of Level of Services \(LOS\) Deficient Roadways as  
identified in the EIR for the 2010 Monterey County General Plan  
Resolution 16-017](#)

Mrs. Jacqueline Onciano, RMA Services Manager, and Mr. Enriquee Saavedra  
and Mr. Don Searle with RMA Public Works Division presented the report with  
the information requested at the Planning Commission hearing June 8, 2016.

Commissioner Diehl requested that Exhibit C of the staff report have projects  
broken down and identify anything deficient from 1982 General Plan to the list.  
These items should be priority items in respect to the General Plan. The  
reports should show how the County adopted the priorities consistent with the  
General Plan.

Commissioner Getzelman requested the exit off Highway 101 onto Jolone  
Road near Bradley to be placed on the list for improvement.

Public Comment: None

Mrs. Onciano made a correction on page 10 of Attachment A, referenced on  
Item No. 57 which should state Toro Area Plan.

Commissioner Getzelman questioned if the section of road off Jolon Road on  
Highway 101, was a part of the TAMC project which will be funded by the sales  
tax and whether the two projects would conflict.

Mr. Benny Young, Interim Public Works Director, provided clarification that the off ramp would be worked on further with the TAMC sales tax to pass in November, but improvements to Jolon Road were adopted as part of this year's budget. This should be viewed as a one year definite commitment. If the TAMC sales tax passes additional needs can be addressed.

It was moved by Commissioner Diehl, seconded by Commissioner Getzelman and passed by the following vote to adopt the resolution reporting to the Board of Supervisors that the CIP is consistent with the General Plan with the amendments as stated:

AYES: Ambriz, Diehl, Duflock, Getzelman, Hert, Mendez, Padilla, Roberts, Rochester  
NOES: None  
ABSENT: Vandever  
ABSTAIN: None

2

REF100042 - INLAND/REF130043 - COASTAL SHORT-TERM RENTAL ORDINANCES

- a. Conduct a public workshop to receive information on developing regulations for short-term rental (STR) for overnight accommodations in residential areas; and
- b. Provide direction to staff regarding the primary issue "if/where STRs should be allowed" in order to help staff frame discussion for a second workshop.

(Countywide, coastal and non-coastal)

Proposed CEQA Action: To be determined based on regulations developed.

Attachments: [Staff Report](#)  
[Exhibit A - Short Term Rental Ordinance Discussion](#)  
[Hearing Submittal](#)

Mrs. Melanie Beretti, RMA Special Programs Manager, Mrs. Jacqueline Onciano, RMA Services Manager and Mrs. Cynthia Hasson, Deputy County Counsel presented an overview of the issues related to Short Term Rentals (STRs). Mrs. Beretti presented the policy question of whether STRs should be allowed, and if they were allowed, where they should be allowed. Further presentation included economic and housing considerations, health, safety and wellbeing concerns and the difference between current inland and coastal regulations. In addition, Mrs. Beretti proposed the following timeline:

- Planning Commission workshop in September/October to consider framework for developing the ordinances;
- Planning Commission hearing in December/January to consider CEQA Action and Draft Ordinances; and
- Board of Supervisors hearing in February/March 2017 to consider the recommended ordinances.

Commissioner Diehl questioned at what point the CEQA action will be initiated within the process and Mrs. Beretti responded that the CEQA process would begin after a draft of the ordinance is prepared.

Commissioner Roberts inquired if this will be going before the Land Use Advisory Committee (LUAC) and Mrs. Onciano stated they plan on reaching out to all LUACs.

Chair Padilla reiterated that the public was limited to three (3) minutes per speaker and this time may be reduced down to two (2) minutes.

Public Comment:

1) Steve Beck; 2) Coy Wade; 3) Lorrie Kempf; 4) Doug Adams; 5) Arden Handshy; 6) Maren Elwood; 7) Jack Britton; 8) Rak Kumar 9) Jerri Masten Hansen; 10) James Betts;

Break 10:15 a.m. – Reconvene at 10:35 a.m.

Continued Public Comment:

11) Alan Perlmutter; 12) Rick Aldinger; 13) Harry Harris; 14) Charlotte Hallom; 15) Deberra O'Brien; 16) Mark O'Shea; 17) Lorraine O'Shea; 18) Pam Gillooly; 19) Bonnie Gillooly; 20) Bill Debolt; 21) Robin Selvig; 22) Michelle Alway; 23) Anima Marcus; 24) Iain Lamb; 25) Adrienne Berry; 26) Gwyn De Amaral; 27) Laura Parloff; 28) Melvin E. Kleb II; 29) Barbara Booker; 30) Marcus Foster;

Chair Padilla reduced the time to two (2) minutes.

31) Scott Bogen; 32) Stillman Sprague; 33) Jan Leasure; 34) Dick Matthews; 35) Tim Green; 36) Lynette Tolentino; 37) Paul James; 38) Beatrice Tagg;

Commissioner Mendez left at 11:45 a.m.

The meeting was called to order by Chair Padilla at 1:34 p.m.

### **Recess to Lunch 11:54 a.m. – Reconvene at 1:34 p.m.**

The meeting was called to order by Chair Padilla at 1:34 p.m.

#### **ROLL CALL**

Present:

Ana Ambriz	Cosme Padilla
Marth Diehl	Amy Roberts
Melissa Duflock	Don Rochester
Paul C. Getzelman	Keith Vandevere
Luther Hert	

Absent:

Jose Mendez

Continued Public Comment:

40) Marty Margenrath; 41) Yesenia Scott; 42) Tara Evans; 43) Dale Diesel; 44) Lynda Maria; 45) Alan Laschiver; 46) Kirk Gafill; 47) Ken Wright; 48) Eduardo Eisner; 49) Ray Sanborn; 50) Michael Emmett; 51) Magnus Tor; 52) Heidi Hybl; 53) Bruce Smith; 54) Lisa Leidig; 55) Glenn Berry; 56) Sophana; 57) Robert

Davis; 58) Aaron White; 59) NCW Freedman; 60) Linda Jones

A majority of the public showed concerns for enforcement, events, safety, traffic, noise, density, trash and changes relative to the Land Use Plan. There were comments made that were opposed to allowing STRs mainly in the Big Sur Land Use Area and Carmel Highlands. In addition, there were comments made that supported STRs in all of Monterey County and how it provides income for many.

Comments were also made on the letter received from the Coastal Commission on June 23, 2016 indicated that STR's could be permitted in the Coastal Zone.

Mrs. Onciano addressed one issue of STRs in the coastal zone. The existing zoning ordinance is permissive. There is not a term "Short Term Rental" in the coastal zone Ordinance. It is referred as transient uses. Mrs. Onciano recited title 20.02.010 that allows any member of the public to make an application in the County in the coastal zone for transient use or other similar uses as listed within the recited chapter.

Deputy County Counsel Jesse Avila clarified about the function of the County and the Coastal Commission specific to STRs. The County may adopt a plan regulating uses in the Coastal Zone which is certified by the Coastal Commission, if the Coastal Commission finds it consistent with the purpose of the Coastal Act. Once the plan is certified, the County reviews requests for use of land within that plan for consistency. At this point, there is no record from the Coastal Commission that says the County is prohibited from disallowing STRs in the coastal zone. So far, all the County has on record is the letter discussing that the Coastal Commission is ready to work with the County specific to STRs.

The Commissioners deliberated further on concerns and issues of affordable housing, services provided by Air BnB, enforcement and how to structure the regulations. The decision must be made whether the County will or will not have STRs and be able to build an ordinance around it. The direction provided to staff was to draft an ordinance to cover the concerns of the public starting with the current inland ordinance, carefully looking at the Land Use Plans and Area plans, considering the affordable housing, traffic and enforcement. A letter submitted by Mr. Arden Handshy would be a good area to begin. Once the draft ordinance is complete, then discuss it further before the Land Use Advisory Committees.

## **OTHER MATTERS**

Mr. John Ford informed the Commission that the July 27th Planning Commission hearing will be cancelled due to lack of items being scheduled. In addition, the August 10th Planning Commission hearing will also be a joint Land Use Advisory (LUAC) Workshop. Commissioner Diehl will not be here for that hearing.

## **ADJOURNMENT**

The meeting was adjourned by Chair Padilla at 3:16 p.m.

**APPROVED:**

\_\_\_\_\_  
**JOHN FORD**  
**PLANNING COMMISSION SECRETARY**

**ATTEST:**

**BY: \_\_\_\_\_**  
**JACQUELYN NICKERSON**  
**PLANNING COMMISSION CLERK**

**APPROVED ON: \_\_\_\_\_**