



Monterey County

Planning Commission

Agenda Item #7

Legistar File Number: PC 16-031

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Salinas, CA 93901
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Matter Type: Planning Item

PLN160233/Hill

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.

3097 Sloat Road, Pebble Beach, Greater Monterey Peninsula Area Plan

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Find the project Categorically Exempt per Section 15301 (Class 1) 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 21.64.280.

PROJECT INFORMATION:

Planning File Number: PLN160233

Owner: Jeremy and Leah Hill

Project Location: 3097 Sloat Road, Pebble Beach

APN: 007-431-014-000

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

Parcel Size: approximately 10,800 square feet

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: Not required - change of use within an existing structure

SUMMARY:

The applicant requests approval to use an existing 1,812 square foot single-family dwelling for transient use (short-term rental), consistent with the requirements of Monterey County Code (MCC) Section 21.64.280. This request was scheduled for Administrative Review on August 3, 2016; however, a member of the public requested a public hearing.

Administrative Permits are determined by the Chief of Planning, unless they are referred to the Zoning Administrator for consideration. Two Administrative Permits requesting short-term rentals have resulted in a request for public hearing, citing concerns being discussed related to new regulations for short-term rentals within the County. This application was set for a hearing before the Zoning Administrator on August 25, 2016.

If the Director (Chief) of Planning or the Zoning Administrator (appointed by the Director) finds that an application involves significant policy issues or has the potential to cause significant changes in the nature of a community, the matter shall be referred to the Planning

Commission. The Director (Chief) of Planning determined this application involves a significant policy determination that could impact community nature. Therefore, this application was referred to the Planning Commission.

Staff is recommending conditions of approval to address the concerns expressed regarding noise, parking, trash, and neighborhood character. Staff recommends approval of this Administrative Permit, subject to 12 conditions.

DISCUSSION:

The subject site is within the Greater Monterey Peninsula Area Plan, which is in the inland area of the County and subject to MCC Title 21 (Zoning Ordinance). 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 Section 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 supervision of transient occupants, and maximum number of occupants allowed during transient use (Condition Nos. 4, 6, 7, and 8). Condition No. 8 limits this residence to a maximum of nine (9) occupants for transient use based on site conditions.

The existing three bedroom 1,812 square foot residence is located in a Medium Density Residential zoning district within the Del Monte Forest Country Club planning area. Other residences in the neighborhood are of similar size and design. Adequate off-street parking is required under the Zoning Ordinance. The existing driveway is long and can accommodate up to four (4) vehicles (two of which are outside the front setback), which is consistent with County parking standards in the Zoning Ordinance. This does not include the potential for parking within the garage. In addition, necessary public facilities are available and adequate, including public utility connections for both water and sewer. This request does not involve any additional structural development 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 proof of access ordinance (Zoning Ordinance Section 21.64.320) does not apply. As conditioned, the residential character and use of the property would be maintained.

Pursuant to Zoning Ordinance Section 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 concerns related to:

- short-term rentals having an adverse impact on neighborhood character;
- owners not adequately supervising short-term occupants;
- noise, inadequate parking, and traffic; and
- short-term occupants not respecting residential quiet hours.

These issues raised by area residents have the potential to change the character of a neighborhood if not addressed. A potential impact can be related to concentration of short-term

rentals in a particular neighborhood, and/or separately to flagrant disregard for area residents. Zoning Ordinance Section 21.64.280, *Administrative permits for transient use of residential property for remuneration*, does not specifically set forth regulations to address some of the concerns cited above, but it does state the following in the Findings and Declarations:

4. *Allowing transient use of residential property will provide an administrative procedure to legalize existing visitor serving opportunities and increase and enhance public access to areas of the County and other visitor destinations.*
5. *If not properly regulated, such use of residential property may create adverse impacts on surrounding residential uses including, but not limited to, increased levels of commercial and residential vehicle traffic, parking demand, light and glare, and noise detrimental to surrounding residential uses and the general welfare of the County. Moreover, such use may increase demand for public services, including, but not limited to, police, fire, and medical emergency services, and neighborhood watch programs.*
6. *Requiring administrative permits for such use of residential property enables the County of Monterey to address any adverse impacts of such use, is consistent with and declaratory of existing regulations under Title 21, and necessary to maintain the integrity of the various zoning districts.*
7. *This ordinance is necessary in order to protect the public health, safety, and welfare.*

On prior applications, staff has interpreted these findings to provide the basis to apply conditions 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. Consistent with this, 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 related to neighborhood character such as noise, on-street parking/traffic, and utility services (i.e., excess trash). Also, the requested entitlement would not allow rental of this residentially-zoned parcel for a private or corporate event. This would be considered a commercial activity, and would require a separate entitlement from the County. The Zoning Ordinance requires a Deed Restriction to identify the property owner's obligations under the Zoning Ordinance in a recorded document (Condition 4).

Often the public asks how these uses can be approved when the CC&R's do not allow these uses to occur. The Zoning Ordinance states that an Administrative Permit is not allowed to violate the CC&R's, but places the responsibility on the applicant and the homeowners association to work this out. Section 21.64.280.D.1.g states: *The use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property. The applicant shall provide notice to any affected homeowners' association in a manner consistent with the notice requirements for a use permit. In the event the homeowners' association objects to the issuance of the permit, the permit shall not be approved until the homeowners' association's objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved, or otherwise ordered by a Court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use of the action of the homeowners' association.* To date, Pebble Beach Company (the organization responsible for enforcement of CC&Rs within the Del Monte Forest) has not objected to the County's approval of short-term rentals in the Del Monte Forest.

One of the issues that continue to come up is proliferation, or concentration of these transient uses. To date, the County has approved seventeen (17) short-term rentals, or 1.1 percent of the 1,551 residential lots, in the Country Club area of the Del Monte Forest (see **Exhibit D**). This only includes short-term Rentals which have approved permits. It is unknown how many more may be operating without permits.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts leasing of existing private structures, involving negligible or no expansion of an existing use. 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. Additionally, as conditioned, the proposed use would remain within the limits of typical residential uses. Therefore, the proposed use is consistent with CEQA Guidelines Section 15301.

OTHER AGENCY INVOLVEMENT:

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

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

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.

Prepared by: Joe Sidor, Associate Planner, x5262
Reviewed by: John H. Ford, RMA Services Manager x 5158
Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

Exhibit A	Resolution <ul style="list-style-type: none">• Recommended Conditions of Approval• Site Plan
Exhibit B	Vicinity Map
Exhibit C	Public Hearing Request
Exhibit D	Map of Approved Short-Term Rentals
Exhibit E	Monterey County Code Section 21.64.280 - Administrative permits for transient use of residential property for remuneration

cc: Front Counter Copy; Pebble Beach Community Service District; RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Monterey County Treasurer/Tax Collector; Joseph Sidor, Associate Planner; John H. Ford, RMA Services Manager; Jeremy & Leah Hill, Property Owner; Mike Leach, Robert & Betty Jetter, Mary Sue Woolcock, Jean Stumbo, Andrea Tweedt, Noreen & Don Miraco, Maria

Sammon, and Pebble Beach Company, Interested Parties; The Open Monterey Project (Molly Erickson); LandWatch, Project File PLN160233