



Legislation Details (With Board Report)

File #: PC 24-046 **Name:** PLN220352 - MA CHUN-TAO & NING ZHANG TRS
Type: Planning Item **Status:** Agenda Ready
File created: 4/23/2024 **In control:** County of Monterey Planning Commission
On agenda: 5/8/2024 **Final action:**
Title: PLN220352 - MA CHUN-TAO & NING ZHANG TRS
Continued from February 28, 2024 and March 27, 2024, public hearing to consider establishment of the transient use of a residential property (single family dwelling) for remuneration, commonly known as a short term rental.
Project Location: 26132 Carmel Knolls Drive, Carmel
Proposed CEQA Action: Find the project statutorily exempt pursuant to CEQA Guidelines Section 15270.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Draft Resolution, 3. Exhibit B - Draft Operations Plan & Project Plans, 4. Exhibit C - Public Comment, 5. Exhibit D - LUAC Recommendation, 6. Exhibit E - Vicinity Map

Date	Ver.	Action By	Action	Result
5/8/2024	2	County of Monterey Planning Commission		

PLN220352 - MA CHUN-TAO & NING ZHANG TRS

Continued from February 28, 2024 and March 27, 2024, public hearing to consider establishment of the transient use of a residential property (single family dwelling) for remuneration, commonly known as a short term rental.

Project Location: 26132 Carmel Knolls Drive, Carmel

Proposed CEQA Action: Find the project statutorily exempt pursuant to CEQA Guidelines Section 15270.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution:

- 1) Finding the project statutorily exempt pursuant to CEQA Guidelines Section 15270; and
- 2) Denying an Administrative Permit to allow transient use of residential property (existing single-family dwelling), commonly known as a short-term rental.

A draft resolution with findings and evidence supporting this recommendation is attached for consideration (**Exhibit A**).

PROJECT INFORMATION:

Agent: Aaron Gannage

Property Owner: Chun-Tao Ma & Ning Zhang Trs

APN: 015-293-010-000

Parcel Size: 74,052 square feet (1.7 Acres)

Zoning: Low Density Residential, with Design Control, Site Plan Review and Residential Allocation Zoning overlay districts or "LDR/D-S-RAZ"

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No

Project Planner: Zoe Zepp, Assistant Planner

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SUMMARY:

On February 28, 2024, the applicant requested to continue the hearing on this project to March 27th to allow the property owners to attend and participate in the hearing. The Commission approved the request and continued the hearing to March 27, 2024.

On March 27, 2024, the proposed short term rental came before the Planning Commission with a recommendation of approval from staff. At this hearing, the Planning Commission considered the project and found the location to be inappropriate for the proposed use, made a recommendation of intent to deny the project, continued the hearing to May 8, 2024 and directed staff to return with a resolution of denial for the project for the Commission to consider.

The applicant requests approval of an Administrative Permit to allow use of the property's existing single-family dwelling for transient use (short-term rental). The subject property is within the Carmel Knolls subdivision and is subject to the regulations of the County's 2010 General Plan, Carmel Valley Master Plan, and Inland Zoning Ordinance (Title 21).

Title 21 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. A copy of the proposed operations plan is attached as **Exhibit B**. The operations plan is inconsistent with Title 21, section 21.64.280 as it does not include a property manager that resides within 25 miles of the subject property. Since the applicants are not currently operating, they have not hired a property manager. They requested to defer this to the condition compliance phase but that is inconsistent with the County's policies. Additionally, it was determined the site is not suitable for the proposed use. The existing single family dwelling utilizes a shared driveway that serves three units, including the subject property. Based on oral testimony at the March 27th hearing, it was determined that a short term rental would have a negative impact on the other units that utilize this driveway. Finally, the commissioner's agreed on having a desire to reserve housing for local residents in an area with a high density of jobs to maintain a job-housing balance.

PUBLIC COMMENT

Staff received multiple letters from neighbors and residents of the Carmel Knolls subdivision expressing their opposition of the proposed short term rental (see **Exhibit C**). These comments mainly revolved around concerns of traffic impacts and safety, consistency with neighborhood character and safety and security of the existing residents.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15270 statutorily exempts projects that a public agency rejects or disapproves and the Planning Commission's action to deny the project fits within this exemption. Statutory exemptions from CEQA are not subject to the exceptions applicable to categorical exemptions set forth in CEQA Guidelines section 15300.2.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

- HCD-Engineering Services
- HCD-Environmental Services
- Environmental Health Bureau

Cypress Fire Protection District

LAND USE ADVISORY COMMITTEE

The project was referred to the Carmel Valley Land Use Advisory (LUAC) for review (see **Exhibit D**). The LUAC reviewed the project at a duly noticed public meeting on September 18, 2023, and voted to recommend denial of the project as proposed. Their reasons for denial included uncertainty if a driveway easement exists for the shared driveway, traffic and safety hazards and the entry from Carmel Valley Road being unsafe. Many members of the public attended this meeting and expressed their concerns regarding the proposal and stated their opposition.

Prepared by: Zoe Zepp, Assistant Planner x5198

Reviewed by: Anna Ginette Quenga, AICP, Principal Planner

Approved by: Melanie Beretti, AICP, HCD Acting Chief of Planning

The following exhibits are on file with HCD:

Exhibit A - Draft Resolution

Exhibit B - Draft Operations Plan & Project Plans

Exhibit C - Public Comment

Exhibit D - LUAC Recommendation

Exhibit E - Vicinity Map

cc: Front Counter Copy; Planning Commission, Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Planner; Anna Ginette Quenga, AICP, Principal Planner; Chun-Tao Ma & Ning Zhang TRS, Property Owner; Aaron Gannage, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis; Project File PLN220352.