



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: PC 24-047, **Version:** 1

PLN220057 - GIOVINO PAUL & STACI B TRS

Public hearing to consider establishment of the transient use of a residential property (single-family dwelling together with a guesthouse) for remuneration, commonly known as a short term rental.

Project Location: 2826 Congress Rd, Pebble Beach, Greater Monterey Peninsula Area Plan, (Assessor's Parcel Number 007-152-008-000)

Proposed CEQA action: Find the project categorically exempt pursuant to Section 15301, Existing Structures, of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a Resolution:

1. Finding that the project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
2. Approving an Administrative Permit to allow transient use of an existing single-family dwelling together with an attached guesthouse for remuneration.

PROJECT INFORMATION:

Property Owner: Giovino Paul & Staci Trs

APN: 007-152-008-000

Parcel Size: 130,680 square feet (0.3 Acres)

Zoning: Low Density Residential, with Design Control, Site Plan Review and Residential Allocation Zoning overlay districts or "MDR/B-6-D-RES"

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: No

SUMMARY:

The property is located at 2826 Congress Road, Pebble Beach, within the resubdivision of Block 316 within Monterey Peninsula Country Club Subdivision No. 3. It is subject to the policies and regulations of the 2010 Monterey County General Plan, Greater Monterey Peninsula Area Plan and the Monterey County Zoning Ordinance Title 21. The proposed project includes the use of an existing single-family dwelling as a short term rental. Water and sewage services are provided by Pebble Beach Community Services District and will continue to support the residence as it operates as a short term rental. Solid waste and recycling services are provided by Greenwaste and will also continue to operate while the home is being rented out.

An operations plan submitted with the application addresses the requirements contained in the zoning code for the proposed use. The occupancy limitation of two individuals per contact, rental duration period, parking availability, local property management, and restriction of onsite advertisement and other provisions are all addressed in the operations plan.

An Administrative Permit is required for the transient use of residential properties for remuneration. Following direction from the Board of Supervisors, the Planning Commission shall consider each short term rental permit

applied for in District 5, including the subject application. This application has been reviewed by County HCD staff and the Environmental Health Bureau and is in compliance with the County's policies and regulations for obtaining an administrative permit for transient use for remuneration.

During the course of review of this application, staff received five letters of support for the proposed short term rental. One was from Pebble Beach Company expressing their support of the project and stating, as proposed, the project as conditioned does not conflict with existing Pebble Beach Covenants, Conditions and Restrictions. The other four were from adjacent neighbors of the subject property.

DISCUSSION:

Land Use

Based on staff review of the planning application materials, the property complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 2010 Monterey County General Plan, Greater Monterey Peninsula Plan, and applicable sections of the Monterey County Zoning Ordinance (Title 21). The parcel is zoned Medium Density Residential with B-6, Design Control, and Regulations for Recreation Equipment Storage Zoning overlay districts (MDR/B-6-D-RES) which allows for transient use of a residential property for remuneration, subject to an Administrative Permit.

Pursuant to section 21.64.280.D.2.g, the use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions (CC&Rs) on real property. On October 18th, 2016, Pebble Beach Company submitted a letter to the County explaining how STR operations violate the property's applicable CC&Rs. This letter did mention there are exceptions to the CC&Rs, but that their general stance is in opposition of STR permits. The 2016 letter also states "PBC has the discretion to determine, in its judgment, whether a violation of the CCRs is occurring, based on all of the circumstances surrounding the particular use". Pursuant to the previous statement, PBC reviewed the Giovino's request for a short term rental permit and submitted a letter stating in this particular case, they do not believe the subject application is in violation of their CC&Rs. They made it clear their letter is only applicable to the Giovino's proposed operation and shall not be used for future STR applications. In this particular case, PBC has submitted in writing that the subject application does not conflict with the property's CC&Rs and they do not object to the permit; therefore, there is no issue with section 21.64.280.D.2.g of Title 21.

Monterey County Code (MCC) Section 21.64.280.D.2 establishes the requirements and regulations for which a property operating as a transient use for remuneration must abide by. As detailed in the draft resolution (**Exhibit B**), the applicant has provided evidence of compliance with the applicable requirements. The Operations Plan, as attached to the draft resolution, limits the subject property to one rental contract with rental periods with no less than a seven night consecutive stay and no greater than a 30 night consecutive stay, and a maximum occupancy of two individuals per contract. The proposed occupancy does not exceed the limits set forth in the California Housing Code which requires 70 square feet of space for the first individual in a bedroom and 50 square feet of space for each additional individual in that room. One parking spot is available to the guests, no street parking is proposed. The property owner (Giovino Paul & Staci Trs) will be staying within 25 miles of the property and will be available 24/7 to respond to questions or complaints regarding the rental.

To ensure the proposed use will not affect the residential character of the neighborhood, Condition of Approval No. 8, No Events Allowed, has been incorporated. This will ensure the property will only be used as a short term rental, and not an event space. Additionally, the rental is subject to Monterey County's Noise Ordinance

(Chapter 10.60), which prohibits loud or unreasonable noise between the hours of 9:00PM and 7:00AM. If the property is found to be in violation of the approved operations plan or conditions of approval attached to this administrative permit, the permit can be revoked for non-compliance.

Public Comment

Staff received five letters of support during the course of review. One was from Pebble Beach Company, it expressed their support of the project and stated as proposed the project as conditioned does not conflict with existing Pebble Beach Covenants, Conditions and Restrictions. The four other letters were submitted by the four adjacent neighbors to the Giovino property, they all expressed their support of the proposed short term rental.

Health and Safety

The property receives water, wastewater and solid waste and recycling services via public utilities:

- The property currently receives sewage and potable water services from
- The property currently receives solid waste and recycling service from GreenWaste and will continue to do so following the issuance of this permit.

No health and safety concerns were identified during the County's review by any of the respective agencies or departments.

CEQA:

The project qualifies as a categorical exemption from environmental review pursuant to Section 15301 of the CEQA Guidelines. This exemption applies to the 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 for transient use for remuneration and does not propose any additional exterior development and/or expansion of the existing structure. The main dwelling in question is existing and has been confirmed by County agencies to be adequate for this use. The use of the single family residence for short term rental will not substantially change the intensity of use of the property and the existing structure. The potential impact of short term rentals on long term housing is not a unique circumstance that would disqualify the use of a categorical exemption. Potential social and economic impacts of short term rentals are not required to be addressed in CEQA. Therefore, the proposed use is consistent with the CEQA Guidelines Section 15301. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and Pebble Beach Community Services District. 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.

LUAC:

The project was referred to the Del Monte Forest Land Use Advisory (LUAC) for review. The LUAC reviewed the project at a duly noticed public meeting on October 19, 2023, and unanimously recommended approval of the project as proposed by a vote of 4-0. No public comment was made at this meeting.

Prepared by: Zoe Zepp, Assistant Planner x5198

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

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans, Floor Plans
- Operations Plan

Exhibit B - Public Comment

Exhibit C - LUAC Recommendation

Exhibit D - Vicinity Map

cc: Front Counter Copy; Planning Commission, Pebble Beach Community Services District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Planner; Anna Ginette Quenga, AICP, Principal Planner; Giovino Paul & Staci Trs, Property Owner; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis; Project File PLN220057