



County of Monterey

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

Board Report

File #: PC 17-081, **Version:** 1

PLN120587 - HUGO, H AND LINDA TRS (CONTINUED FROM AUGUST 30, 2017)

Public hearing to deny the application for an Administrative Permit for the Transient Use of an existing two-story, 8 bedroom/8 bathroom single family residential property for remuneration (aka Short Term Rental).

Project Location: 583 Viejo Road, Carmel (Assessor's Parcel Number 103-031-004-000), Greater Monterey Peninsula Area Plan.

CEQA Action: Statutorily Exempt per Section 15270 of CEQA Guidelines

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- Find the project Statutorily Exempt per Section 15270 of CEQA Guidelines; and
- Deny an Administrative Permit application to allow the Transient Use of Residential Property for Remuneration of an existing single family dwelling.

PROJECT INFORMATION:

Agent: Michael Harrington

Property Owner: Hugo, H and Linda TRS

APN: 103-031-004-000

Parcel Size: 5.3 acres

Zoning: "RDR/5.1-UR-D-S "Rural Density Residential/5.1 acres per unit-Urban Reserve-Design Control-Site Plan Review

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: No

SUMMARY:

The applicant, Hugo, H and Linda, TRS, has applied for Transient Use of an existing two-story, 8 bedroom/8 bathroom single family residential property for remuneration (aka Short Term Rental). On June 29, 2017, this project was referred by the Zoning Administrator to the Planning Commission because the application involved policy issues relative to short-term rentals. The current zoning ordinance allows the Transient Use of a residential property for remuneration with an Administrative Permit; however, this short term rental is a 10,384 square foot home with 8 bedrooms and 8 bathrooms. Due to ongoing discussions regarding short term rentals with the Planning Commission, and, pursuant to Chapter 21.04, of Monterey County Code, the Zoning Administrator referred the project to the Planning Commission because the code requires projects which may establish precedence or standards by which other projects will be measured be heard by the Planning Commission. A key policy question was if there should be a limitation on the number of rooms or occupants in a Short Term Rental.

At the Planning Commission public hearing on August 30, 2017, discussions related to the size of the structure and number of bedrooms were a key factor in the Commission's motion of intent to deny the project. The basis was the size of the structure. Specifically, Section 21.64.280.D.2.b of Monterey County Code, "*The number of occupants in any residential unit for transient use shall not exceed the limits set forth in the California Uniform Housing Code and other applicable State and County housing regulations for residential structures based on the number of bedrooms within the unit. Each permit shall specify the maximum number of occupants*

allowed.” The California Building Code limits the maximum number of guestrooms that can be permitted for “lodging houses” in dwellings with the R-3 (residential) building classification to five (5) guestrooms. More than five (5) guestrooms changes the building occupancy from R-3 to R-1, which changes the nature of use from residential to commercial (e.g.; hotel/motel/bed & breakfast).” The Planning Commission adopted a motion of intent to deny the project because the house exceeds the five guestroom limit and limiting the approval to partial use of a single family dwelling would not be feasible to enforce. There was also a concern that this size of a structure with 8 bedrooms could set a precedent for purchasing large homes and using them as short term rentals. The Planning Commission determined that the application was more similar to a bed and breakfast, which requires a Use Permit and should be analyzed as such rather than an Administrative Permit.

The Planning Commission approved a Motion of Intent to Deny the application for an Administrative Permit without prejudice so the applicant could apply for a Use Permit and continued the hearing project to September 27, 2017 to have the planner bring back a resolution of denial.

CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15270 statutorily exempts projects which a public agency rejects or disapproves.

OTHER AGENCY INVOLVEMENT:

None

Prepared by: Elizabeth Gonzales, Associate Planner x5102

Reviewed by: Brandon Swanson, RMA Planning Services Manager x5334

Approved by: Carl Holm, AICP, RMA Director

The following attachments are on file with the RMA:

Exhibit A - Draft Resolution

cc: Front Counter Copy; Zoning Administrator; Cypress Fire PD; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Jacqueline R. Onciano, Chief of RMA-Planning; Brandon Swanson, RMA Services Manager; Elizabeth Gonzales, Project Planner; H and Linda Hugo, Owner; Michael Harrington, Agent; The Open Monterey Project; LandWatch; Pam Butler, interested party; Planning File PLN120587.