



County of Monterey

Item No.1

Zoning Administrator

Legistar File Number: ZA 25-004

January 30, 2025

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Current Status: Agenda Ready

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Matter Type: Zoning Administrator

PLN240090 - RUSSELL ANNA TR

Public hearing to consider a Commercial Vacation Rental to allow the use of residential property for transient lodging for a period of 30 calendar days or fewer.

Project Location: 2 Paseo de Vaqueros, Salinas

Proposed CEQA Action: Find the project Categorical Exempt pursuant to Section 15301 of the CEQA Guidelines and none of the exceptions to the exemptions listed in Section 15300.2 can be made.

RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a Resolution:

- a. Finding the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines section 15301 and none of the exceptions to the exemptions listed in Section 15300.2 can be made; and
- b. Approving a Use Permit for a Commercial Vacation Rental to allow the use of a residential property for transient lodging for a period of 30 calendar days or fewer.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to ten conditions of approval.

PROJECT INFORMATION

Agent: Anna Russell

Property Owner: The Anna Russell Weavers Needle Trust

APN: 161-071-001-000 and 161-071-009-000

Parcel Size: 0.26 and 0.03

Zoning: Low Density Residential, 1 acres per unit with Design Control zoning overlays, or "LDR/1-D"

Plan Area: Toro Area Plan

Flagged and Staked: No

Project Planner: Taylor Price, Senior Planner WOC

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SUMMARY:

The project is located at 2 Paseo De Vaqueros, Salinas, and is subject to the policies and regulations of the 2010 County of Monterey General Plan, Toro Area Plan, Monterey County Code Title 7 Chapter 7.120, and the Monterey County Zoning Ordinance - Title 21. The proposed project includes the use of a pre-existing single-family dwelling as a vacation rental.

On August 27, 2024, the Owner, Anna Russell submitted an application seeking to use their developed property as a vacation rental, under PLN240090. The residence is 2,161 square feet in size, with four bedrooms, two bathrooms, and a kitchen. The Applicant/Owner is proposing a maximum of 9 people overnight and 14 people during daytime at the property at a time. The property will retain its domestic water connections to California American Water, a public water provider, and the onsite septic system will be sufficient to provide sewer treatment for the dwelling. The property will retain its solid waste services to Waste Management, a waste management company. The property is on Paseo de Vaqueros Road, a County owned and maintained road.

Presently, no short-term vacation rental has been permitted under the County's prior regulations pursuant to Title 21 Section 21.64.280. If approved, the granting of this Use Permit would allow the establishment of the 1st permitted vacation rental in the Toro Area Plan out of 173 Use Permits permitted pursuant to Title 21 Section 21.64.290.F.3.d.

DISCUSSION:

The proposed project is subject to the policies and regulations of the 2010 County of Monterey General Plan, Toro Area Plan, Monterey County Code Title 7 Chapter 7.120, Monterey County Code Chapter 16.80, and the Monterey County Zoning Ordinance (Title 21).

Land Use

Based on staff's 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 County of Monterey General Plan, Toro Area Plan, the Monterey County Code Title 7 Chapter 7.120, and applicable sections of the Inland County of Monterey Zoning Ordinance. The parcel is zoned Low Density Residential, 1 acre per unit with Design Control overlay (LDR/1-D). Title 21 Section 21.64.290 allows for the Commercial Vacation Rental use of a residential property for transient lodging for a period of 30 calendar days or fewer, subject to the granting of a Use Permit. Title 21 Section 21.64.290.F establishes the regulations that a property operating as a Commercial Vacation Rental must satisfy.

The property complies with Title 21 Section 21.64.290.F.5 in that it has been demonstrated that the response time for County emergency services for fire and emergency medical are adequate pursuant to the requirements of the 2010 County of Monterey General Plan Safety Element PS-1.1 and Table PS-1. The subject property is within 5-8 minutes of the Monterey County Regional Fire District Laureles Station and Salinas Valley Health Medical Center, which provides 24-hour emergency medical and fire response services for structural coverage. Condition of Approval No. 5 - Signage for Adequate Emergency Response Time has been incorporated. The purpose of this condition is to ensure that the guests are provided with information on the response time for emergency medical and fire services and that contact information for these services is provided to all guests as a part of the informational notice posted within six feet of the front door.

Adequate parking spaces will be provided (5 guest parking), which exceeds the minimum requirements of Title 21 Section 21.64.290.F.6. The requirements of aforementioned Section require compliance with Title 21 Section 21.58.040, which requires that a Single-Family Detached residential

dwelling unit have 2 spaces/unit.

The subject property complies with the limitation on the number of Commercial Vacation Rentals per legal lot requirements of Title 21 Section 21.64.290.F.7, which only allows one Commercial Vacation Rental per legal lot of record. The subject property will be the only Commercial Vacation Rental on the legal lot of record. The owner of the subject property complies with the ownership requirements of Title 21 Section 21.64.290.F.10, wherein the owner of the subject property is only allowed to have an ownership interest in one Commercial Vacation Rental within unincorporated Monterey County. The owners of the property do not have an ownership interest in other already operating Commercial Vacation Rentals in unincorporated Monterey County, and this would be their first and only Commercial Vacation Rental in unincorporated Monterey County.

As detailed in the draft resolution (**Exhibit A**), the Applicant/Owner has provided evidence of compliance with the applicable requirements. The designated Property Manager for the Commercial Vacation Rental, Ann Russell, resides at 100 Robley Rd Salinas, 93908, approximately a four-mile drive from the subject property. Ms. Russell's contact information will be provided to the guests of the property, and Ms. Russell will be available 24/7 to respond to guest or neighborhood questions or concerns. Ms. Russell will also ensure that any neighbor or guest complaints are resolved within thirty minutes. Ms. Russell's contact information will be provided to guests as a part of the informational notice posted within six feet of the front door as required pursuant to Title 7 Section 7.120.040.L.

The property has a maximum occupancy of 9 overnight guests and 14 daytime guests. The proposed occupancy does not exceed the limits set forth in the California Uniform Housing Code and the requirements enumerated in Title 7 Section 7.120.070.C, which limit the maximum overnight occupancy to two persons per bedroom plus one and not counting infants (zero to twelve months), with a not to exceed total maximum overnight occupancy of 10 overnight guests, regardless of the number of bedrooms in the property.

To ensure the proposed use will not affect the residential character of the neighborhood the following two conditions have been incorporated. Condition of Approval No. 3 - No Events Allowed, has been incorporated. The purpose of this condition is to ensure that the property will only be used as a Commercial Vacation Rental and not an event venue. Condition of Approval No. 4 - Permit Limitation of the Use of the Residential Property as a Commercial Vacation Rental, has been incorporated. The purpose of this condition is to ensure that the property will remain in compliance with the regulations for Vacation Rentals in Title 7 Chapter 7.120 and Title 21 Section 21.64.290 and to ensure that the Conditions of Approval for this project continue to be satisfied. Additionally, the proposed Commercial Vacation 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. In accordance with Title 21 section 21.64.280.D.2.h, if the property is found to be in violation of the approved operations plan or conditions of approval attached to this Use Permit, the permit may be revoked for non-compliance.

CEQA:

The project qualifies as a categorical exemption from environmental review pursuant to CEQA Guidelines section 15301. This exemption applies to the operation of existing private structures, involving negligible or no expansion of an existing use. The Applicant/Owner proposes to use a residential single-family dwelling for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 30 consecutive calendar days or fewer. This project does not propose or authorize any additional exterior development and/or expansion of the existing structure currently on the project site.

The subject property will be limited to one rental contract at any given time. All facilities, as planned and approved, have been confirmed by County agencies to be adequate for this use. 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. Additionally, there will be no significant effect on the environment due to unusual circumstances. Further, there is no evidence that “the cumulative impact of successive projects of the same type in the same place, over time is significant.” Additionally, an action is a “project” only when it is either “directly undertaken by any public agency,” “supported, in whole or in part” by financial or other forms of assistance from a public agency or involves the issuance of an entitlement by a public agency (Public Resources Code, § 21065).

The County prepared a FEIR for the Vacation Rental Ordinances project, which was certified by the Board on August 27, 2024 (SCH# 2022080643). The FEIR did not identify any significant impacts of Commercial Vacation Rentals up to the Commercial Vacation Rental cap set for each County of Monterey Planning Area. This Commercial Vacation Rental does not exceed the cap on Commercial Vacation Rentals in the Toro Area Plan. It would be the 1st Commercial Vacation Rental in the Toro Area Plan.

OTHER AGENCY INVOLVEMENT

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

- Environmental Health Bureau
- HCD-Engineering Services
- HCD-Environmental Services
- Monterey County Regional Fire District

Prepared by: Taylor Price, Senior Planner WOC, 831-784-5730
Reviewed/Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans and Floor Plans
- Operations Plan
- Home Inspection Checklist

Exhibit B - Vicinity Map

cc: Front Counter Copy; HCD-Environmental Services; Environmental Health Bureau; Taylor Price, Planner; Anna Ginette Quenga, AICP, Chief of Planning; Anna Russell, Property Owners; Interested Party List.