



# County of Monterey Planning Commission

**Item No.4**

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

## Agenda Item No. 4

April 12, 2023

Legistar File Number: PC 23-034

**Introduced:** 4/5/2023

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

### **PLN220054 - ROSSEEL GEERT & POWELL TRACY TRS**

Administrative hearing to consider allowing transient use of an existing residential property for remuneration.

**Project Location:** 282 Corral De Tierra, Salinas, CA 93908

**Proposed CEQA action:** Find that the project, allowing transient occupancy for remuneration at an existing residential property, qualifies for a Class 1 categorical exemption pursuant to CEQA Guidelines section 15301, and that none of the exceptions from section 15300.2 apply.

### RECOMMENDATIONS

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

- a. Find that the project, allowing transient occupancy for remuneration at an existing residential property, qualifies for a Class 1 categorical exemption pursuant to CEQA Guidelines section 15301, and that none of the exceptions from section 15300.2 apply; and
- b. Approve an Administrative Permit to allow transient use of a residential property for remuneration.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 8 conditions of approval.

### PROJECT INFORMATION

**Applicant:** Geert Rosseel

**APN:** 416-351-005-000

**Parcel Size:** 2.5 acres

**Zoning:** Rural Density Residential, 5.1 acres per unit with a Design Control overlay district or "RDR/5.1-D"

**Plan Area:** Toro Area Plan

**Flagged and Staked:** No

### SUMMARY

This Administrative Permit was scheduled for an administrative decision hearing on March 15, 2023. After distribution of the notice, eight public comment letters on the project were received, which are attached to this report as **Exhibit C**. Two of the comment letters were supportive of short term rental applications. The other six were opposed to the project, and one included a request for a public hearing. Therefore, in accordance with Title 21 section 21.70.060, this Administrative Permit is being referred to a public hearing, as there is substantial evidence of public controversy or opposition to the

proposed use.

When a public hearing is required pursuant to section 21.70.060, it designates the Zoning Administrator as the appropriate authority to consider the project. However, at any point in the review process for a project, if the Director of Planning determines the project involves a significant public policy issue or establishment of precedents or standards by which other projects will be measured, they can elevate the hearing authority to the Planning Commission (Title 21 section 21.04.030.F). In this case, given the policy uncertainty of how short term rental applications will be processed in the immediate future, the Director has elevated the project to the Planning Commission for review.

Issues raised in the comment letters include:

- whether this is the appropriate zoning for a short term rental use;
- nuisance concerns caused by short term rental uses;
- opposition by two homeowners associations; and
- use of the common private road and mutual water system which serves the property.

Addressing each of these:

- Title 21 section 21.64.280.D.1.a allows transient occupancy for remuneration (or short term rentals between 7 and 30 calendar days) in all zoning districts which allow residential use;
- staff believes that the nuisance issues are appropriately addressed through the regulatory process and the project as proposed and conditioned;
- the property does not appear to be within a homeowner's association; and
- the common private road and water system do not appear to preclude transient use for remuneration on the property.

## DISCUSSION

See the attached **Exhibit A** for a detailed discussion.

## OTHER DEPARTMENT/AGENCY INVOLVEMENT

The following County departments and other agencies have reviewed the project, with the Environmental Bureau and HCD-Planning recommending conditions:

HCD-Planning Services;  
HCD-Engineering Services;  
Environmental Health Bureau;  
HCD-Environmental Services; and  
the Monterey County Regional Fire Protection District.

Prepared by: Phil Angelo, Associate Planner, x5731  
Reviewed by: Anna Ginette Quenga, AICP, Principal Planner  
Approved by: Craig Spencer, Working out of class as Director of HCD

The following attachments are on file with HCD:

Exhibit A - Discussion

Exhibit B - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, and Exterior Photos
- Operations Plan

Exhibit C - Public Comments

Exhibit D - Water Agreement

Exhibit E - Vicinity Map

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Phil Angelo, Associate Planner, x5731; Anna Quenga, AICP, Principal Planner; Geert Rosseel and Tracy Powell, Property Owners/Applicants; The Open Monterey Project; Susan Brownlie, Interested Party; Wendy Fields, Interested Party; Catherine Goode, Interested Party; Scott Hennessy, Interested Party; Kevin Kennedy, Interested Party; Janine Lewis, Interested Party; LandWatch (Executive Director); Planning File PLN220054