



County of Monterey Planning Commission

Item No.5

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

Agenda Item No.5

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PLN230133 - WINKLEBLACK ROBERT & TRACY

Public hearing to consider establishing transient use of a residential property [single-family dwelling] for remuneration (Short-Term Rental).

Project Location: 9700 Venado Drive, Carmel Valley

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 Planning Commission adopt a Resolution to:

- a. Find 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. Approve an Administrative Permit to allow transient use of a residential property [single-family dwelling] for remuneration (Short-Term Rental).

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 10 conditions of approval.

PROJECT INFORMATION

Agent: Tracy Winkleblack

Property Owner: WINKLEBLACK ROBERT & TRACY

APN: 169-021-009-000

Parcel Size: 111.69 acres

Zoning: Low Density Residential, 1 acre per unit with Design Control, Site Plan Review, and Residential Allocation zoning overlays, or "LDR/1-D-S-RAZ"

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No

Project Planner: Benjamin Moulton, Assistant Planner

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SUMMARY:

The project is located at 9700 Venado Drive, Carmel Valley, and is subject to the policies and regulations of the 2010 Monterey County General Plan, Carmel Valley Master Plan and the Monterey County Zoning Ordinance - Title 21. The proposed project includes the use of a single-family dwelling, currently under construction, as a short-term rental.

On May 12, 2023, the Owner, Tracy Winkleblack submitted an application seeking short-term rental of a residence, approved under PLN200286 and 21CP03672 and currently in development, located at 9700 Venado Drive, Carmel Valley. The residence is 3,456 square feet in size with three bedrooms, two bathrooms, and a kitchen. The Applicant/Owner is proposing a maximum of 8 people overnight and 10 people during daytime at the property at a time. The Operations Plan specifies that only one contract will be allowed at a time. The property will retain its domestic water connections to a nearby small water system and the onsite septic system in development will be sufficient to provide sewer treatment for the dwelling.

Presently, there are 5,033 residential dwellings in the Carmel Valley Master Plan area. There are 163 vacation rental dwelling units currently being advertised. 37 short-term rental applications have been received by the County. Ten applications have been approved. If approved, the granting of this Administrative Permit would allow the establishment of the 11th permitted short-term rental in the Carmel Valley Master Plan Area.

DISCUSSION:

The Proposed Project is subject to the policies and regulations of the 2010 Monterey County General Plan, Carmel Valley Master Plan, and the Monterey County Inland 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 Monterey County General Plan, Carmel Valley Master Plan, and applicable sections of the Monterey County Zoning Ordinance. The parcel is zoned Low Density Residential, 1 acre per unit with Design Control, Site Plan review, and Residential Allocation Zoning overlays (LDR/1-D-S-RAZ). Title 21 section 21.64.280 allows for the transient use of a residential property for remuneration in all zoning districts which allow residential uses subject to the granting of an Administrative Permit.

Title 21 section 21.64.280.D.2 establishes the requirements and regulations for which a property operating as a transient use for remuneration must abide. As detailed in the draft resolution (**Exhibit A**), the Applicant/Owner has provided evidence of compliance with the applicable requirements. The Operations Plan, attachment 3 of the Draft Resolution (**Exhibit A**), limits the subject property to one rental contract with rental periods with no less than a 7-night consecutive stay and no greater than a 30-night consecutive stay, and a maximum overnight occupancy of 8 individuals. The proposed occupancy does not exceed the limits set forth in the California Uniform Housing Code and is within the capacity of the septic system being developed. Adequate parking spaces will be provided (2 guest parking). The property owner (Robert and Tracy Winkleblack) does not reside within 5 miles of the property and has therefore designated a local contact/property manager, Jared Bickel, who resides at 36010 Robinson Canyon Rd, Carmel, within 30 minutes drive of the property and will be available 24/7 to respond to tenant and neighborhood questions or concerns.

To ensure the proposed use will not affect the residential character of the neighborhood, Condition of Approval No. 4 - No Events Allowed, has been incorporated. The purpose of this condition is to ensure that the property will only be used as a short-term rental, and not an event

venue. Additionally, the proposed short-term 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 Administrative Permit, the permit may be revoked for non-compliance.

Public Comment

Members of the public have submitted letters and made public comment in support of and opposition to the project (see **Exhibit D**). Letters of support from neighbors speak to the character of the applicant and their stewardship of the property, which includes reducing fire loads by mowing tall grasses and thinning the vegetation.

Although no correspondence opposing the project has been received, members of the public expressed concerns during the LUAC meeting for the project (see **Exhibit B**). Raised concerns relate to the noise that the proposed project could potentially cause based upon the topography, potential for vegetation fires by negligent guests, use of the property as an event venue with large numbers of attendees, and response time from emergency services in case of fire.

The number of occupancy will not exceed the limits set forth in the California Uniform Housing Code. The proposed use will have a comparable intensity and nature of a single-family dwelling and will not create an adverse environmental impact. Carmel Valley Road is identified as an evacuation route in the 2010 General Plan. Given that the project would not intensify the existing land use (one single-family residence), the project would not impair or interfere with the adopted emergency response or evacuation plan. HCD-Engineering Services has reviewed the proposed project and the nearby roadways and determined that the road is suitable for this use. The Monterey County Regional Fire Protection District has reviewed the application, made no comments, and raised no concerns about access to the property. Condition No. 4 has been applied to specify that no parties or events are allowed. Additionally, the rental is subject to Monterey County's Noise Ordinance. The Operations Plan identifies utilizing a local property manager, located within a 25-mile radius of the rental unit, as a 24-hour point of contact. Finally, the project is subject to the current short-term rental regulations contained in Monterey County Code section 21.64.280.

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 (lease) a residential single-family dwelling - approved under PLN200286 and 21CP03672 and currently under development - as a transient use for remuneration and does not propose any additional exterior development and/or expansion of the approved building plans.

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.” Under CEQA, 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 surrounding area includes numerous unpermitted short-term rentals. By definition, these short-term rentals are not “projects” under CEQA, and therefore are not considered for purposes of this cumulative impact analysis.

OTHER AGENCY INVOLVEMENT

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

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

LUAC:

The project was referred to the Carmel Valley Land Use Advisory (LUAC) for review. The LUAC reviewed the project at a duly noticed public meeting on July 15, 2024, and voted 4-0 to support the project with recommendations to continue discussion with neighbors to address concerns. Public comments included concerns over noise, potential for vegetation fires, special events, proximity of a property manager, and emergency services response time.

Prepared by: Benjamin Moulton, Assistant Planner, x5240
Reviewed by: Anna Ginette Quenga, AICP, Principal Planner
Approved by: Melanie Beretti, AICP, Acting 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
- Operation Plan

Exhibit B - LUAC Minutes

Exhibit C - Vicinity Map

Exhibit D - Public Comment Letters

Exhibit E - Traffic Study

cc: Front Counter Copy; Monterey County Regional Fire Protection District;
HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau;
Benjamin Moulton, Planner; Anna Ginette Quenga, AICP, Principal Planner; Robert and Tracy
Winkleblack, Property Owners; Interested Party List; The Open Monterey Project; LandWatch
(Executive Director); Laborers International Union of North America (Lozeau Drury LLP);
Christina McGinnis, Keep Big Sur Wild; Planning File PLN230133.