



County of Monterey

Item No.5

Board Report

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

Legistar File Number: ZA 25-025

March 13, 2025

Introduced: 3/6/2025

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Matter Type: Zoning Administrator

PLN240020 - POSS ROY JAMES JR & DEBRA ANN

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: 1138 Chaparral Road, Pebble Beach, CA 93953

Proposed CEQA Action: Find the project Categorically 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: Roy Poss

Property Owner: POSS ROY JAMES JR & DEBRA ANN

APN: 007-543-004-000

Parcel Size: 0.26 acres

Zoning: Medium Density Residential, 4 units per acre with B-6, Design Control, and Parking Restrictions on Recreational Vehicles zoning overlays or "MDR/B--6--D--RES"

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: No

Project Planner: Taylor Price, Senior Planner (Working out of Class)
(831) 755-5730 or pricet1@countyofmonterey.gov

SUMMARY:

The project is located at 1138 Chaparral Road, Pebble Beach, and is subject to the policies and regulations of the 2010 County of Monterey General Plan, Greater Monterey Peninsula Area Plan, Monterey County Code Title 7 Chapter 7.120, Monterey County Code Chapter 16.80, 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 January 14, 2024, the Owner, Roy Poss, submitted an application seeking to use their developed property as a vacation rental under PLN240020. The residence is 2,638 square feet in size, with three bedrooms, two and a half bathrooms, and a kitchen. The Applicant/Owner is proposing a maximum of 7 people overnight and 11 people during daytime at the property at a time. The property is served by California American Water and has sewer services provided by the Pebble Beach Community Services District. The property will retain its solid waste services to GreenWaste Management, a waste management company.

Presently, 20 short-term vacation rentals have been permitted under the County's prior regulations pursuant to Title 21 section 21.64.280, and 1 short-term vacation rental has been permitted under the County's current regulations pursuant to Title 21 section 21.64.290. If approved, the granting of this Use Permit would allow the establishment of the 22nd permitted short-term vacation rental in the Greater Monterey Peninsula Area Plan out of 155 Use Permits permitted pursuant to Title 21 section 21.64.290.F.3.f.

DISCUSSION:

The proposed project is subject to the policies and regulations of the 2010 County of Monterey General Plan, Greater Monterey Peninsula 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, Greater Monterey Peninsula Area Plan, the Monterey County Code Title 7 Chapter 7.120, Monterey County Code Chapter 16.80, and applicable sections of the Inland County of Monterey Zoning Ordinance. The parcel is zoned Medium Density Residential with Design Control, B-6, and Parking Restrictions on Recreational Vehicles overlays 4 units per acre (MDR/B--6--D--RES). 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.

Private Road/Access

The property is within the Pebble Beach Company, the legally established governing structure for the private roads used to access the subject parcel. Pebble Beach Company is authorized to make determinations regarding the use, maintenance, and related matters regarding the private road. Pursuant to Title 21 section 21.64.290.F.4, the subject property must comply with Title 16 Chapter 16.80, which regulates private roads in Monterey County. The private road accessing the property is subject to a private road agreement and a private road maintenance agreement, which is recorded as a deed restriction for the subject property. The deed restriction for the subject property was recorded as Deed Number 1458 in Reel 297, Pages 160-162 of the County of Monterey Assessor-County Clerk/Recorder's Office, recorded on March 16, 1964, attached as **Exhibit A.6**. The deed contains two restrictions: one related to the "Use of Roads and Bridle Paths" and the second related to

“Covenants and Conditions.” The first restriction states that the property owner is “*subject to the provisions hereof, is hereby granted a license for the use, by himself, his family, servants, tenants and guests occupying or visiting said premises, of all roads and bridle paths now or hereafter owned by the Grantor in Del Monte Forest, and to free access to Del Monte Forest; in consideration of which the owner of said premises shall be obligated to pay the Grantor the sum of One Hundred (\$100) on each January 1st hereafter, the payment of which sum is and shall be secured by a lien and charge on said premises.*” The plain language of this deed restriction gives the property owner access to their property as long as they pay \$100 each January 1st. The second deed restriction restricts the usage of the property subject to the listed conditions and covenants. This condition restricts the usage of the property and states that “*no trade, business or profession of any of any description shall be conducted on said premises. Said premises shall not be used for any purpose whatever except solely and exclusively for the purpose of construction and maintenance of not more than one private single family residence with appurtenant detached guest and servants’ cottages (without cooking facilities), greenhouse, garage, and, if approved in writing by the Grantor, a stable for saddle horses.*” Therefore, the project is classified as a Tier 4 category pursuant to Title 16 Chapter 16.80, which means this deed restriction language constitutes the private road agreement and the private road maintenance agreement.

On October 9, 2024, the Pebble Beach Company submitted a letter to the County stating that they have a blanket objection to the use of residential property in Pebble Beach as commercial vacation rentals. This letter further stated that Pebble Beach Company believes that “*...the plain meaning of the CC&R language bans short-term vacation rentals in the Del Monte Forest [Pebble Beach Company managed portion of the Greater Monterey Peninsula].*” On February 12, 2025, the applicant, Roy Poss, submitted via email an email that stated that the applicant believes that they “*...see no restrictions for commercial rental or use of the roads in Del Monte Forest [Pebble Beach Company managed portion of the Greater Monterey Peninsula] to access our home in any way.*” The Pebble Beach Company and the applicant, therefore, have a substantial dispute as to the plain language and meaning of the deed restrictions. Documentation of the substantial dispute can be found in **Exhibit A.5**.

The County of Monterey’s regulations for private roads, pursuant to Title 16 section 16.80.060.A, state that if the Appropriate Authority finds, based on substantial evidence in the record, that a substantive dispute exists regarding the use of a private road for a project, the Appropriate Authority “*may approve the project but shall require as a condition of project approval that the applicant provide the County with proof of access demonstrating that the dispute has been satisfactorily resolved*”. The legally established private road governing structure, the Pebble Beach Company, and the applicant have a substantial dispute regarding the deed restriction language contained in Deed Number 1458 in Reel 297, Pages 160-162 of the County of Monterey Assessor-County Clerk/Recorder’s Office, recorded on March 16, 1964 (included as **Exhibit A.6**). Therefore, staff recommends that Condition of Approval (Condition) Number 9 to ensure that the substantial dispute regarding the plain language of the private road agreement is resolved prior to the applicant commencing the use of their property as a commercial vacation rental. This Condition requires that the applicant provide County of Monterey Housing and Community Development (HCD) staff with adequate documentation that the private road dispute has been satisfactorily resolved and the use of

the property as a commercial vacation rental is allowed and does not violate the plain language of any deed restrictions and/or private road agreement.

Additionally, HCD recommends that applicants contact Pebble Beach Company to obtain all necessary approvals before obtaining County approvals. The applicant requested permission from the Pebble Beach Company in an email on February 11, 2025, to use the roads for commercial vacation rental occupants. In the same email, the applicant stated that the deed restrictions do not prohibit commercial vacation rental use. As of the date of this staff report, the applicant and HCD have not received a response from Pebble Beach Company. Documentation of the substantial dispute can be found in **Exhibit A.5**.

Vacation Rental Regulations

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 from the Community Hospital of Monterey Peninsula and within 5-8 minutes of structural coverage of the Pebble Beach Fire Station, which provides 24-hour emergency medical and fire response services. 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 (6 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.

The applicant submitted a Vacation Rental Operation License application for a Limited Vacation Rental, which was approved on December 18, 2024. If this Use Permit for a Commercial Vacation Rental is approved, the applicant's previously approved Vacation Rental Operation License issued on December 18, 2024, would be revoked and deemed invalid.

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, Roy Poss, resides at 26934 Laureles Grade Road, 18 miles from the subject property. Mr. Poss will be available 24/7 to respond to guest or neighborhood questions or concerns and will also ensure that any neighbor or guest complaints are resolved within thirty minutes. Mr. Poss' 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 7 overnight guests and 11 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 limits 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, to ensure that the property will not be used as an event venue, and Condition of Approval No. 4 - Permit Limitation of the Use of the Residential Property as a commercial vacation rental, to ensure that the property will remain in compliance with the regulations for Vacation Rentals in Title 7 Chapter 7.120, Title 21 section 21.64.290 and the Conditions of Approval. 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 would 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 Greater Monterey Peninsula Area Plan. It would be the 22nd approved commercial vacation rental in the Greater Monterey Peninsula Area Plan.

OTHER AGENCY INVOLVEMENT

None.

Prepared by: Taylor Price, Senior Planner (Working out of Class), 831-784-5730

Reviewed/Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

Attachments

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans and Floor Plans
- Operations Plan
- Home Inspection Checklist
- Private Road Substantial Dispute Documentation
- Original Grant Deed

Exhibit B - Vicinity Map

cc: Front Counter Copy; Environmental Health Bureau; Taylor Price, Planner; Roy Poss, Property Owners; Interested Party List; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN240020.