

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030156

A.P. # 007-281-001-000

In the matter of the application of
Sven & Katrin Nauckhoff (PLN030156)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to allow for the transient use (short term rental) of an existing single family residence. The property is located at 1017 San Carlos Road, Pebble Beach, southerly of the intersection of San Carlos and Sombrero Roads, Greater Monterey Peninsula area, came regularly for hearing before the Zoning Administrator on March 25, 2004.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY** - The Ciesinski Administrative Permit (PLN030156), as described in Condition No. 1 and as conditioned, is consistent with the plans, policies, requirements, and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 1017 San Carlos Road, Pebble Beach, in the Monterey Peninsula Country Club (non-coastal area). The parcel is zoned "MDR/B-6-D-RES" (Medium Density Residential, B-6 overlay, Design Control and Recreational Equipment Storage regulations). The site is physically suitable for the use proposed. No new development is proposed.

EVIDENCE: (a) The application and plans submitted for the Administrative Permit in Project file PLN030156 at the Monterey County Planning and Building Inspection Department.
(b) The project planner conducted a site visit to verify that the proposed project complies with zoning regulations in Title 21 and policies in the Greater Monterey Peninsula Area Plan.
(c) The project was referred to the Pebble Beach Company for review and comment. No comment was received during the inter-departmental review process from the Pebble Beach Company, however, a position statement was provided by the Pebble Beach Company on November 25, 2003.
(d) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Pebble Beach Community Services District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, Monterey County Health Department and the Pebble Beach Company. There has been no indication from these agencies that the site is not suitable, although the position statement of the Pebble Beach Company expresses opposition to transient use in the Del Monte Forest. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

- 2. FINDING: AUTHORITY OF ASSOCIATIONS** – The Del Monte Forest Property Owners, Inc. is not

a homeowners association for the purpose of implementing the short-term rental ordinance. Upon review by Planning Staff and County Counsel, only the homeowners association or the Pebble Beach Company has the authority to enforce the Conditions, Covenants, and Restrictions.

EVIDENCE: (a) Materials and correspondence in file PLN030408.
 (b) Section 21.64.280.D.2.g requires the homeowner's association approval for transient uses.
 (c) The Pebble Beach Company has submitted correspondence that the permit should be approved for only two weeks per year.

3. **FINDING: CEQA (Exempt)** - The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15301 of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

4. **FINDING: NO ADVERSE IMPACTS** - The proposed project will not create adverse impacts on surrounding residential uses including, but not limited to, increased levels of commercial and residential vehicle traffic, parking demand, light and glare, and noise detrimental to surrounding residential uses and the general welfare of the County.

EVIDENCE: (a) One other transient use application (at 1004 San Carlos Road) has been approved in the immediate vicinity (within the residential area including Broncho, Sombrero, and San Carlos Roads). A total of thirteen transient use or short-term rental applications have been approved in the Monterey Peninsula Country Club area, all of which are subject to the same regulations as this application.
 (b) Staff reviewed the application and plans and determined that there would not be a substantive change in the intensity of use of the existing single family dwelling at 1017 San Carlos Road.
 (c) The Zoning Administrator has conditioned the project, where appropriate, to reduce potential adverse impacts on surrounding residential uses to an insignificant level. The name and phone number of an appropriate contact person is identified in condition 10 in the event of misuse of the short-term rental of the property.

5. **FINDING: APPROPRIATE AUTHORITY** - The project has been referred to a public hearing before the Zoning Administrator as a result of public controversy surrounding this and similar projects in the area.

EVIDENCE: (a) Administrative record and public testimony; correspondence in file PLN030136 (Lopez); and minutes of the Del Monte Forest Land Use Advisory Committee meeting.
 (b) The Del Monte Forest Land Use Advisory Committee (LUAC) reviewed the project on August 28, 2003, and recommended denial (vote 7 to 0) stating, "The Committee is continuing its long standing denial of short term rentals until such time as a firm policy is mandated in the Del Monte Forest."

6. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Sections 21.12.020, 21.42.020, 21.44.020, 21.57.020, and 21.64.280 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

7. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, and operation of the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
EVIDENCE: Preceding findings and supporting evidence.
8. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
EVIDENCE: Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for an Administrative Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The Ciesinski Administrative Permit (PLN030156) allows for the transient use (short-term rental) of an existing one-story single-family residence. The property is located at 1017 San Carlos Road, Pebble Beach (Assessor's Parcel Number 007-281-001-000), Monterey Peninsula Country Club, Greater Monterey Peninsula (non-coastal area). The use allowed by this permit shall not commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to Commencement of Use:

2. The applicant shall record a notice that states: "A permit (Resolution No. 030156) was approved by the Zoning Administrator for Assessor's Parcel Number 007-281-001-000 on March 25, 2004. The permit was granted subject to 12 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. Prior to commencement of use, a deed restriction shall be recorded with the Monterey County Recorder that states: "An Administrative Permit has been granted for the transient residential use of this parcel subject to the conditions in Resolution No. 030156 of the Monterey County Zoning Administrator. A copy of this Resolution can be found in File No. PLN030156 of the Monterey County Planning and Building Inspection Department. The use of the property as a short-term rental is limited to two weeks per calendar year." Proof of recordation of this deed restriction shall be furnished to the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
4. Prior to commencement of use, the applicant shall install a smoke detector in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on each story and in the basement. Portable fire extinguishers shall be installed in occupancies and locations as set forth in Section 1002 of the 1998 Uniform Fire Code and as required by the Chief. **(Pebble Beach Community Services District)**

5. Prior to commencement of use, the applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. **(Water Resources Agency)**

Continuous Permit Conditions:

6. The minimum rental period for all transient use of the residential property shall be not less than seven (7) nor more than thirty (30) consecutive calendar days or the rental period set forth in the enforceable, recorded conditions, covenants and restrictions encumbering the property rented, insofar as such encumbrances would not result in a rental period of less than seven (7) nor more than thirty (30) consecutive calendar days. **(Planning and Building Inspection)**
7. No more than five (5) vehicles may be parked on site, two (2) in the garage and three (3) in the driveway, at any given time. No recreational vehicles will be permitted to be parked on the street for an extended period of time. The property manager is responsible for having the recreational vehicle towed from the premises if it has been parked for over 72 hours. **(Planning and Building Inspection)**
8. The number of occupants for the transient use allowed by this permit shall not exceed 11 pursuant to Section 503.2 of the 1997 Uniform House Code and Table 10(a) of the 2001 California Building Code. **(Planning and Building Inspection)**
9. Availability of the rental unit to the public shall not be advertised on site. **(Planning and Building Inspection)**
10. The Administrative Permit holder shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit per Ch. 5.40 of the Monterey County Code. **(Planning and Building Inspection)**
11. If the property owner or applicant does not reside within a five-mile radius of the rental unit covered by this permit, the owner/applicant shall designate a person located within a 25-mile radius of the rental unit, as a local contact person. That person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of this permit and other applicable provisions of Title 21. The name, address, and telephone number(s) of such a designated person shall be furnished to the Director of Planning and Building Inspection. The permit holder shall promptly notify the Director of Planning and Building Inspection of any change in the local contact person's address or telephone number, to ensure that the information is up-to-date. The current designated contact person is: Michelle Larkin, Monterey Bay Property Management, 816 Wave Street, Monterey, CA 93940 (831.655.7840, ext. 141). **(Planning and Building Inspection)**
12. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 25th day of March, 2004.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Planning Commission in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.