

## MONTEREY COUNTY ZONING ADMINISTRATOR

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|---|--|
| <b>Meeting:</b> October 30, 2014  | <b>Agenda Item No.:</b> 4  |
| <b>Project Description:</b> Consider an Administrative Permit to allow the transient use (short-term rental) of an existing single family dwelling.     |  |
| <b>Project Location:</b> 2849 Sloat Road, Pebble Beach  | <b>APN:</b> 007-191-009-000  |
| <b>Planning File Number:</b> PLN140486  | <b>Owner/Applicant:</b> H&C Ventures LTD<br><b>Agent:</b> Robert Destefano |
| <b>Planning Area:</b> Greater Monterey Peninsula  | <b>Flagged and staked:</b> No  |
| <b>Zoning Designation:</b> : “MDR/B-6-D-RES” [Medium Density Residential with Building Site, Design Control, and Recreation Equipment Storage Overlays] |  |
| <b>CEQA Action:</b> Categorically Exempt  |  |
| <b>Department:</b> RMA-Planning   |  |

### RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Find the project Categorically Exempt per Section 15301 of the CEQA Guidelines; and
- 2) Approve PLN140032, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

### PROJECT DISCUSSION:

The project consists of an Administrative Permit to allow the transient use (short-term rental) of an existing 2,228 square foot, single family dwelling. The transient use of residential property is permitted in all zoning districts upon issuance of an Administrative Permit (Section 21.64.280.D.1, Zoning Ordinance). The regulations for transient use, Section 21.64.280.D.2 of the Zoning Ordinance, have been applied as conditions of approval. Regulations include minimum rental period of seven consecutive days, number of occupants based on number of bedrooms (8 persons), no on-site advertising, local contact person information (which will be the owner), and payment of transient occupancy tax.

Pursuant to Section 21.70.060 of the Zoning Ordinance, the Administrative Permit requires a public hearing before the Zoning Administrator due to public opposition to the proposed short-term rental use. On September 18, 2014, the Del Monte Forest Land Use Advisory Committee (LUAC) considered the proposal and recommended denial of the use. The meeting was attended by neighbors opposing the use, and a letter of opposition to the LUAC was submitted by a neighbor not in attendance (**Exhibit D**). Additionally, between September 22 and September 30, 2014, 17 letters of opposition were received (**Exhibit E**). The main concerns raised in the letters were:

1. The short-term rental use will impact the established neighborhood;
2. A short-term rental is a business, not a residential use; and
3. The County does not have the resources to ensure that approved short-term rentals will remain in compliance with the regulations concerning their operation.

The neighbors stated that the use is inappropriate for the neighborhood and, therefore, request that short-term rental uses be permanently denied in the area, or that a final decision on the proposal be tabled until the ordinance is revised. The County is currently working on an update to the Transient Occupancy (Short-Term Rental) Ordinance.

The Transient-Use regulations were adopted with the purpose of allowing transient uses in residential districts while preserving the neighborhood character. The regulations, if followed, should not negatively affect neighborhood character. IF the Administrative Permit is approved,

the applicant is responsible for following all regulations of Section 21.64.280 of the Zoning Ordinance and violation of the regulations could lead to revocation of the use. Based on the transient use regulations, as implemented by the Administrative Permit, the use will not constitute a substantial change in the environment or any substantive change in the intensity of use of the existing single family dwelling (Section 21.64.280.F, Zoning Ordinance). Therefore, the proposed use, as conditioned, is consistent with Section 21.64.280 of the Zoning Ordinance and staff recommends that the Zoning Administrator approve the use.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- RMA-Public Works Department
- RMA-Environmental Services
- Environmental Health Bureau
- Water Resources Agency
- Pebble Beach Community Services District

No conditions were recommended by the above listed agencies.

The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because of public controversy. On September 18, 2014, the LUAC recommended denial of the project, based on neighborhood opposition to the proposal.

Note: The decision on this project is appealable to the Planning Commission.

  
\_\_\_\_\_  
Dan Lister, Assistant Planner  
(831) 759-6617, [listerdm@co.monterey.ca.us](mailto:listerdm@co.monterey.ca.us)  
October 16, 2014

cc: Front Counter Copy; Zoning Administrator; Pebble Beach Community Services District - Fire; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Monterey County Sheriff's Department; Monterey County Treasurer; Luke Connolly, RMA Services Manager; Dan Lister, Project Planner; David Benoit (H&C Ventures), Owner; Robert Destefano, Agent; Pebble Beach Company; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Interested Neighbors: Bob Rowland, Dean & Helen Turner, Sandie Green, Robert Hood, Ralph & Twyla Thompson, Karen Katz, Shirley Hoffmann, Peter Mathews, Dennis & Sherrill Meaney, Peter Boulais, Susan Flynn, Edward Monteith, Herbert Hansen, Barbara McCardle, Betty Cureton; Planning File PLN140486

Attachments: Exhibit A      Project Data Sheet  
                  Exhibit B      Draft Resolution, including:  
                                    • Conditions of Approval  
                  Exhibit C      Vicinity Map  
                  Exhibit D      Advisory Committee Minutes (September 23, 2014)  
                  Exhibit E      17 Letters of Opposition

This report was reviewed by , RMA Services Manager.

**EXHIBIT A**  
**PROJECT INFORMATION FOR PLN140486**

|  |   |
|--|---|
| <b>Project Title:</b> H&C Ventures LTD             | <b>Primary APN:</b> 007-322-017         |
| <b>Location:</b> 2849 Sloat Road, Pebble Beach     | <b>Coastal Zone:</b> No                 |
| <b>Applicable Plan:</b> Greater Monterey Peninsula | <b>Zoning:</b> MDR/B-6-D-RES            |
| <b>Permit Type:</b> Administrative Permit          | <b>Plan Designation:</b> Residential    |
| <b>Environmental Status:</b> Exempt                | <b>Final Action Deadline:</b> 11/3/2014 |
| <b>Advisory Committee:</b> Del Monte Forest        |   |

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**Project Site Data:**

**Lot Size:** 0.27ac  
**Dwelling:** 2,228 sq.ft.

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**Resource Zones and Reports:**

**Geologic Hazard Zone:** III  
**Erosion Hazard Zone:** Moderate  
**Archaeological Sensitivity Zone:** High  
**Fire Hazard Zone:** High

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**Other Information:**

|  |  |
|--|--|
| <b>Water Source:</b> Public            | <b>Sewage Disposal:</b> Sewer                |
| <b>Water District/Company:</b> Cal-AM  | <b>Sewer District Name:</b> Pebble Beach CSD |
| <b>Fire District:</b> Pebble Beach CSD | <b>Grading (cubic yards):</b> None           |
| <b>Tree Removal (Count/Type):</b> None |  |



**EXHIBIT B  
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**H&C Ventures LTD (PLN140486)**

**RESOLUTION NO. \_\_\_\_\_**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Finding the project Categorically Exempt per Section 15301 (a) of the CEQA Guidelines ;  
and
- 2) Approving an Administrative Permit to allow the transient use (short-term rental) of an existing single family dwelling.

[PLN140486, H&C Ventures, 2849 Sloat Road,  
Pebble Beach, Greater Monterey Peninsula Area Plan  
(APN: 007-191-009-000)]

**The H&C Ventures LTD application (PLN140486) had a for public hearing before the Monterey County Zoning Administrator on October 30, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1.       **FINDING:**       **PROJECT DESCRIPTION** – The proposed project consists of an Administrative Permit to allow the transient use (short-term rental) of an existing 2,228 square foot single family dwelling.  
**EVIDENCE:**       The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140486.
  
2.       **FINDING:**       **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:**       a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the 2010 Monterey County General Plan;
  - Greater Monterey Peninsula Area Plan;
  - Monterey County Zoning Ordinance (Title 21);  
b) The property is located at 2849 Sloat Road, Pebble Beach (Assessor’s Parcel Number 007-191-009-000), Greater Monterey Peninsula Area Plan. The parcel is zoned “MDR/B-6-D-RES” [Medium Density Residential with Building Site, Design Control, and Recreation Equipment Storage Overlays], which allows transient uses in residentially zoned districts with an Administrative Permit (Section

21.64.280, Zoning Ordinance). Therefore, with the approval of an Administrative Permit, the project is an allowed land use for this site (see Finding No. 5 for consistency with Transient Use regulations).

- c) The project planner conducted a site inspection on July 30, 2014 to verify that the project on the subject parcel conforms to the plans listed above and to verify that the site is suitable for this use.
- d) Transient Use (Short-Time Rentals): The project is consistent with the Transient Use regulations in Section 21.64.280 of the Monterey County Zoning Ordinance (Title 21) and is conditioned to comply with short-term rental regulations (See Finding No. 7 for information).
- e) The project was referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC due to potential controversy regarding short-term rentals in the surrounding neighborhood. On September 18, 2014, the LUAC voted 4-0 (3 absent) recommending denial of the short-term rental use, due to neighborhood opposition.

3. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

**EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Pebble Beach Community Services District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

4. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** a) The project was reviewed by the RMA - Planning, Pebble Beach Community Services District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

b) Necessary public facilities exist for the single family dwelling. Wastewater services are provided and managed by the Pebble Beach Community Services District. Water services come from Cal-Am, managed by the Monterey Peninsula Water Management District. The Environmental Health Bureau and Water Resources Agency reviewed the applicant, and did not find any reason why the project cannot be supported.

5. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all

rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on July 30, 2014 to verify that the site has no violations. There are no known violations on the subject parcel.

6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts existing facilities.
  - b) The applicant wishes to use their dwelling for transient uses. Section 21.64.280.F of the Monterey County Zoning Ordinance (Regulations for Transient Use of Residential Property for Remuneration) states that the Board of Supervisors finds the transient use, as regulated, will not constitute a substantial adverse physical change to the environment or any substantive change in the intensity of use of existing single family dwellings.
  - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.

7. **FINDING:** **TRANSIENT USE (SHORT-TERM RENTAL)** – The project is consistent with the regulations for transient use of residential property for remuneration, Section 21.64.280 of the Monterey County Zoning Ordinance (Title 21).

- EVIDENCE:**
- a) The project is located within a Medium Density Residential Zoning District, in which transient uses are allowed with an Administrative Permit (21.64.280.D.1.a, Zoning Ordinance).
  - b) Pursuant to Section 21.70.060 of the Zoning Ordinance, the Administrative Permit requires a public hearing before the Zoning Administrator due to public opposition. On September 18, 2014, the Del Monte Forest Land Use Advisory Committee (LUAC) recommended denial of the use. The meeting was attended by neighbors opposing the use, as well as a letter of opposition to the LUAC submitted from a neighbor. Additionally, between September 22<sup>nd</sup> and September 30, 2014, 17 letters of opposition were received. The main concerns:
    - 1. The short-term rental use will impact the established neighborhood;
    - 2. A short-term rental is a business, not a residential use; and
    - 3. The County does not have the resources to ensure that the short-term rental use will remain in compliance.

The neighbors state that the use is inappropriate for the neighborhood; and therefore, request that the short-term use be permanently denied in the area.

- c) The Transient-Use regulations were adopted with the purpose to allow transient uses in residential districts while preserving the neighborhood character. The regulations, if followed, should not negatively affect the neighborhood character. The applicant is responsible for following all

regulations of Section 21.64.280 of the Zoning Ordinance. Violation of the regulations could lead to revocation of the use.

- d) The residential area does not have a Homeowner's Association or Covenants, Conditions & Restrictions that would prohibit transient uses (21.64.280.D.2.g, Zoning Ordinance).
- e) The local contact person, as required in Section 21.64.280.D.2.d of the Zoning Ordinance, is the property owner. The owner's contact information is on file.
- f) Consistent with Section 21.64.280.D.2.e of the Zoning Ordinance, a copy of this resolution will be provided to the Monterey County Sheriff's Department and Monterey County Treasurer.
- g) The regulations for transient uses, Section 21.64.280.D.2 of the Zoning Ordinance, have been applied as a condition of approval. Regulations include minimum and maximum rental periods (a minimum of 7 days, no more than 30), maximum number of occupants based on bedrooms (8 persons), no on-site advertising, local contact information on file in case of emergency, and payment of transient occupancy tax.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.

**EVIDENCE:** h) Section 21.80.040.B of the Monterey County Zoning (Planning Commission).

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project Categorically Exempt per Section 15301 of the CEQA Guidelines; and
2. Approve an Administrative Permit to allow the transient use (short-term rental) of an existing single family dwelling. The project is in general conformance with the attached sketch and subject to the attached conditions all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 30th day of October, 2014.

\_\_\_\_\_  
Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

### NOTES

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



# Monterey County RMA Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140486

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Administrative Permit (PLN140486) allows the transient use (short-term rental) of an existing single family dwelling. The property is located at 2849 Sloat Road, Pebble Beach (Assessor's Parcel Number 007-191-009-000), Del Monte Forest Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"An Administrative permit (Resolution Number \_\_\_\_\_) was approved by the Zoning Administrator for Assessor's Parcel Number 007-191-009-000 on October 30, 2014. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.



### 3. PDSP001 - NUMBER OF OCCUPANTS

Responsible Department: RMA-Planning

**Condition/Mitigation Monitoring Measure:** The number of occupants for the transient use allowed by this Administrative Permit (PLN140032) shall not exceed eight (8) persons, pursuant to the California Uniform Housing Code and other applicable State and County housing regulations for residential structures. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** On an on-going basis, the number of occupants for the transient use allowed by this Administrative Permit (PLN140032) shall not exceed eight (8) persons.

### 4. PDSP002 - TRANSIENT USE RENTAL PERIOD

Responsible Department: RMA-Planning

**Condition/Mitigation Monitoring Measure:** The minimum rental period for all transient use of residential property shall be the greater of seven (7) consecutive calendar days or the minimum rental period set forth in enforceable, recorded conditions, covenants, and restrictions encumbering the property rented. Transient use of residential property for a term less than provided herein is hereby expressly prohibited.

**Compliance or Monitoring Action to be Performed:** On an on-going basis, the minimum rental period for all transient use of residential property shall be the greater of seven (7) consecutive calendar days. Transient use of residential property for a term less than provided herein is hereby expressly prohibited.

### 5. PDSP003 - TRANSIENT USE: ONSITE ADVERTISING

Responsible Department: RMA-Planning

**Condition/Mitigation Monitoring Measure:** Availability of the transient rental unit to the public shall not be advertised on-site.

**Compliance or Monitoring Action to be Performed:** On an on-going basis, availability of the transient rental unit to the public shall not be advertised on-site.

### 6. PDSP004 - LOCAL CONTACT PERSON

Responsible Department: RMA-Planning

**Condition/Mitigation Monitoring Measure:** If the Owner/Applicant does not reside within a five-mile radius of the residences being rented, the Owner/Applicant must designate a person, located within a twenty-five (25) mile radius of the rental unit, as a local contact person who will be available twenty-four (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 the administrative permit issued and the provisions of this Section and other applicable provisions of Title 21. The local contact person is designated by the owner which all contact information is filed with RMA - Planning. The permit holder shall promptly notify the Director of RMA - Planning of any change in the local contact person's address or telephone number.

**Compliance or Monitoring Action to be Performed:** On an on-going basis, the Owner/Applicant must notify the Director of RMA - Planning of any change in the local contact person's address or telephone number.

**7. PDSP005 - TRANSIENT OCCUPANCY TAX**

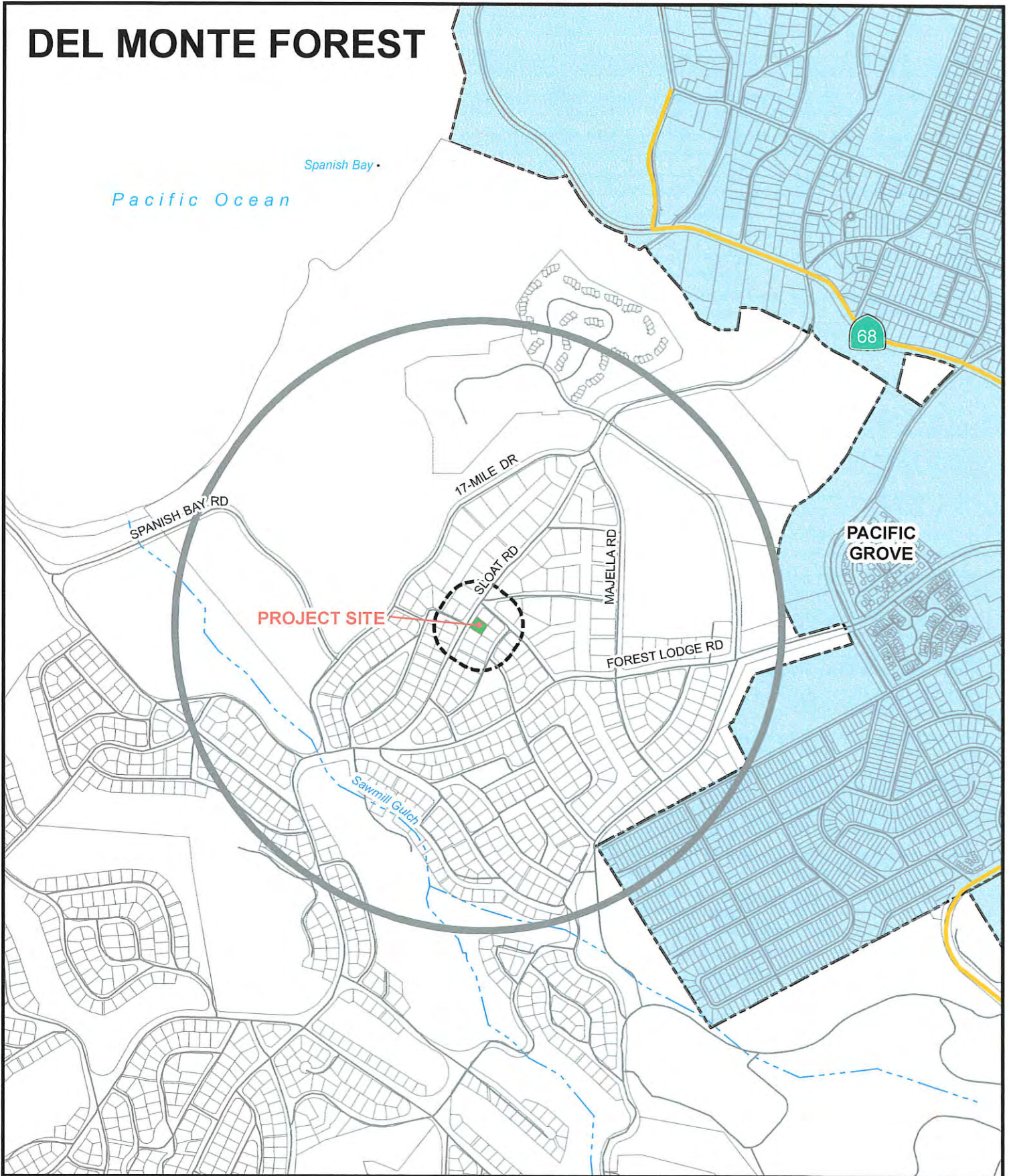
**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant or registrant shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit pursuant to Chapter 5.40 of the Monterey County Code.

**Compliance or Monitoring Action to be Performed:** On an on-going basis, the Owner/Applicant or registrant shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit pursuant to Chapter 5.40 of the Monterey County Code.







# DEL MONTE FOREST

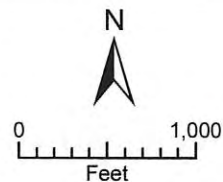


**APPLICANT:** H & C VENTURES LTD

**APN:** 007-191-009-000

**FILE #** PLN140486

 2500' Limit  300' Limit  Water  City Limits



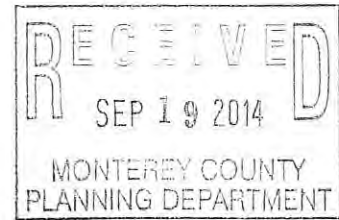
## EXHIBIT C

PLANNER: LISTER



# Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025



Advisory Committee: **Del Monte Forest**

Please submit your recommendations for this application by: **September <sup>18</sup> 2014**

**Project Title:** H & C VENTURES LTD

Item continued from 8/21/14 meeting

**File Number:** PLN140486

**File Type:** DIRECTOR OF RMA PLANNING

**Planner:** LISTER

**Location:** 2849 SLOAT RD PEBBLE BEACH

**Project Description:**

Administrative Permit to allow the short-term transient use rental of an existing single family dwelling. The property is located at 2849 Sloat Road, Pebble Beach (Assessor's Parcel Number 007-191-009-000), Greater Monterey Peninsula Area Plan.

Was the Owner/Applicant/Representative Present at Meeting? Yes \_\_\_\_\_ No X

Was a County Staff/Representative present at meeting? Liz Gonzales (Name)

**PUBLIC COMMENT:**

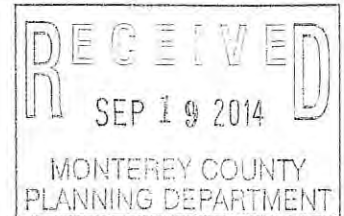
| Name                                      | Site Neighbor? |    | Issues / Concerns<br>(suggested changes)                          |
|---|----------------|----|---|
|   | YES            | NO |   |
| Peter Boulais<br>1025 Los Baranco Rd.     | X              |    | - Requested definition of short term rental<br>- would be opposed |
| Michael Logan<br>Bird Rock Rd.            | X              |    | - opposed   |
| Douglas Bardenquest<br>3029 Cormorant Rd. | X              |    | - opposed   |
| Kathy Bardenquest<br>3029 Cormorant Rd.   | X              |    | - opposed   |

**LUAC AREAS OF CONCERN**

| Concerns / Issues<br>(e.g. site layout, neighborhood compatibility; visual impact, etc) | Policy/Ordinance Reference<br>(If Known) | Suggested Changes -<br>to address concerns<br>(e.g. relocate; reduce height; move road access, etc) |
|---|--|---|
|   |  |   |
|   |  |   |
|   |  |   |
|   |  |   |

**ADDITIONAL LUAC COMMENTS**

- Code enforcement would be difficult.
- Attached letter written by Rich Verbanec.



**RECOMMENDATION:**

Motion by Szabo (LUAC Member's Name)

Second by Getreu (LUAC Member's Name)

Support Project as proposed       Recommend Denial

Support Project with changes

Continue the Item

Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

AYES: Letzler, Szabo, Getreu, Caneer

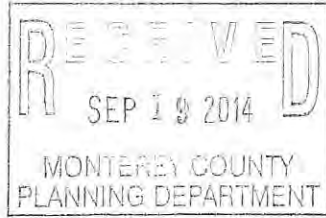
NOES: none

ABSENT: Verbanec, Stock, Dewar

ABSTAIN: none



Received by  
DMF LUAC 9/18/14  
at meeting



To: DMF LUAC  
From: Rick Verbanec

18 September 2014

Re: Short Term Rentals in Del Monte Forest

Short term rentals (STRs) have been an issue in the Country Club Area of Del Monte Forest for at least the 15 years I've lived here. Many homes are rented without permits through internet sites and without paying Transient Occupancy Tax. Most of them don't normally cause significant problems and stay "under the radar" by screening for good renters. However, there are occasions in which renters behave in a stereotypical fashion which everyone abhors; treating the rental as if it were a hotel, showing little or no regard for neighborhood tranquility or character, and other rude behavior. The complaints are usually for trash left out, late night noise and lights, too many cars for the available parking, etc. While occasional disruptions in any suburban neighborhood are inevitable, the turnover resulting from short term rentals is liable to increase the frequency of neighborhood conflict, despite the best efforts of property managers, accessible points of contact, etc.

The Del Monte Forest Property Owners tried in the mid-2000's to have the County enforce an ordinance limiting the number of STRs (7-30 days) at a property in any given year to limit the problem. It was structured in a way so as not to hamstring owners wanting to rent during special events in the Forest. Unfortunately, it never was enforced, to my knowledge, because the Coastal Commission would not approve it in the Coastal Zone and the County was reluctant to enforce it in the non-Coastal Zone, not wanting to risk a potential violation of the equal protection clause of the Constitution. (As related to me, this opinion was attributed to Charles McKee.) The muddy situation has not, to date, been cleared up.

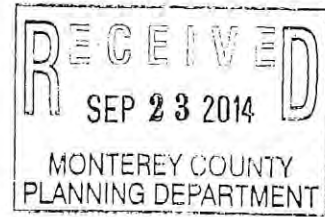
The status of STR regulation may be about to change since the issue has surfaced again, particularly in Big Sur. There is a draft ordinance under consideration that will more strictly limit STRs in both Coastal and non-Coastal Zones and impose significant fees and tax collection responsibilities, but I am not aware of the specific provisions at this time.

It is rational to recognize that good renters do not cause problems and bring economic benefit to the area. It is also understandable that, countywide, some rental of residential property may be necessary for some owners to keep their property. But some means of protecting neighbors from bad renters is also necessary. Most property owners bought their property under the reasonable expectation that their neighbors would also be owners (behaving with the long term economic incentive of the property in mind). Temporary variances for occasional rentals, vacation swaps, and the like might also be reasonable, but an action which advances a change from a neighborhood of owners to a neighborhood of renters is unreasonable. Currently, County staff has indicated STR permits legally "run with the land," on a permanent basis rather than being tied to specific owners or specific time periods, thus permitting undesirable neighborhood character change over time as requests accumulate.

Unless and until the irreversible nature of the permitting changes, I believe it is inappropriate to allow STRs in the Country Club Area residential neighborhoods. It institutionalizes neighborhood character creep away from residential use and flies in the face of the planning objective of protecting neighborhood integrity. Residential and commercial are two different land uses and, in my opinion, should be physically separated as the baseline land use approach as a matter of fairness to the many neighbors who bought homes expecting residential conditions to prevail.

*RD Verbanec*





September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

Dear Director,

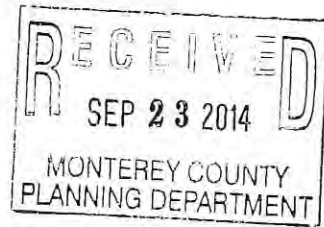
My name is Sandie Green and I live at 1035 Ortega Rd.  
Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property.

I ask the Planning Department to deny the subject request for a permit to allow a short-term use permit for this property.

I also ask that the Planning Department make permanent the denial of any future requests for this type of request for properties in the "forest area" of Pebble Beach. Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Sandie Green". The signature is written in dark ink and is positioned above a horizontal line.



September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

Dear Director,

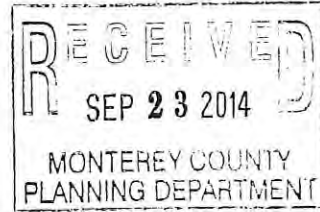
My name is Betty A. CURETON and I live at 2852 Elk Run Rd  
Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property.

I ask the Planning Department to deny the subject request for a permit to allow a short-term use permit for this property.

I also ask that the Planning Department make permanent the denial of any future requests for this type of request for properties in the "forest area" of Pebble Beach. Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

*Betty A. Cureton*  
*Betty A. Cureton*



September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

Dear Director,

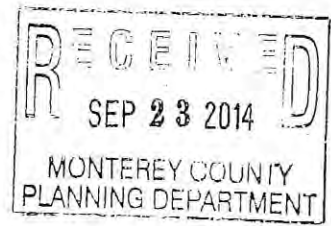
My name is Barbara McCardle and I live at 2860 Coyote Rd. Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property. I ask the Planning Department to deny the subject request for a permit to allow a short-term use permit for this property. CA

I also ask that the Planning Department make permanent the denial of any future requests for this type of request for properties in the "forest area" of Pebble Beach. Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

Barbara McCardle





September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

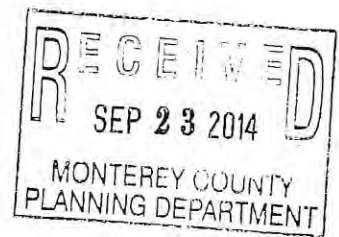
Dear Director,

My name is Herbert Hansen and I live at 2845 Coyote Rd,  
Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property.  
I ask the Planning Department to deny the subject request for a permit to allow a short-  
term use permit for this property.

I also ask that the Planning Department make permanent the denial of any future  
requests for this type of request for properties in the "forest area" of Pebble Beach.  
Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

Herbert L. Hansen



September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

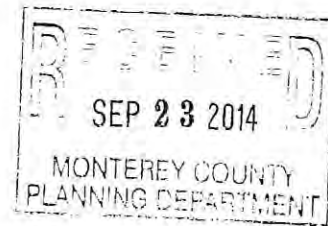
Dear Director,

My name is EDWARD MONTEITH and I live at 2853 FOREST LODGE RD.  
Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property.  
I ask the Planning Department to deny the subject request for a permit to allow a short-  
term use permit for this property.  
I also ask that the Planning Department make permanent the denial of any future  
requests for this type of request for properties in the "forest area" of Pebble Beach.  
Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

E. Monteith

SUSAN L. FLYNN  
27849 COYOTE ROAD  
PEBBLE BEACH, CALIFORNIA 93953



September 22, 2014

Monterey County Resource Management  
Planning Department  
168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, California 93901

Regarding: H & C Ventures Ltd - Request for Transient Use (Short-Term Rental)  
Permit for 2849 Sloat Road, Pebble Beach 93953  
Hearing Date October 1, 2014

Dear Director:

My husband and I, Kevin and Susan Flynn, live within one block of the above-referenced property. Our residence is 2849 Coyote Road, Pebble Beach, California 93953. I ask that the Planning Department deny the subject request to allow a short-term use permit for this property.

I also ask the Planning Department make permanent the denial of any future requests for this type of request for properties in Pebble Beach.

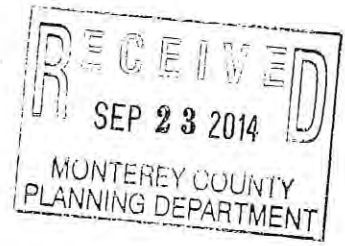
This is a sore subject and comes up frequently. Short-term rentals are an inappropriate use of property in a residential area. Many people buy second homes on the Monterey Peninsula thinking they can use them as rental units when they are not "visiting" their property. This should not be allowed. The desires of homeowners who actually make their full-time residences should take precedence over second home owners since we would have to live with the fall out of having strangers coming and going on a regular basis. In addition, zoning does not allow residents to convert their properties into a business.

Please take this into consideration and deny this request.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Flynn".

Susan L. Flynn



September 22, 2014  
Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

Dear Director,

My name is Peter Boulais and I live at 1035 Lost Barranca Road, Pebble Beach, CA.,  
93953. My home is located within 1/4 mile of subject property.

I ask the Planning Department to deny the subject request for a permit to allow a short-  
term use permit for this property.

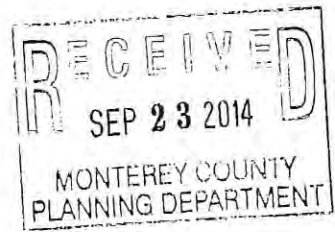
I also ask that the Planning Department make permanent the denial of any future  
requests for this type of request for properties in the "forest area" of Pebble Beach.  
Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Peter Boulais".

Peter Boulais





September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

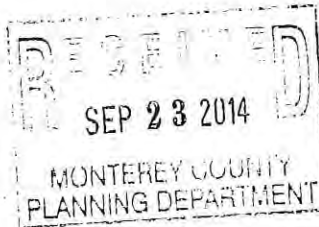
Dear Director,

My name is Dennis & Sherrill Meaney and I live at 2853 Coyote Rd,  
Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property.  
I ask the Planning Department to deny the subject request for a permit to allow a short-  
term use permit for this property.  
I also ask that the Planning Department make permanent the denial of any future  
requests for this type of request for properties in the "forest area" of Pebble Beach.  
Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

D. Meaney & Sherrill Meaney

Monterey County Resource Management Agency  
Planning Dept.  
168 W. Alisal St.  
Salinas, CA 93901



9/22/14

Attn: Dan Lister, Assistant Planner

Re: PLN140486 (Short-term rental permit application, H&C Ventures)

Dear Mr. Lister:

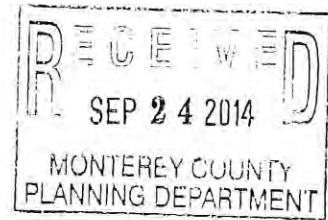
I am writing to voice my objection to the establishment of a business in a residential area. While I am not against an owner-occupied home being occasionally rented out, what H&C Ventures is proposing is an ongoing high-traffic, strictly for-profit business at the expense of the neighbors' quality of life. It represents a potential nuisance and a radical departure from the semi-rural character of the neighborhood. Our CC&R's specifically prohibit any business that generates traffic. I cannot operate, for instance, a hair salon, chiropractic office, massage therapy spa, or retail outlet. A permanent short-term rental is akin to running a motel. It is not in keeping with the quiet, residential character of our neighborhood, and would significantly erode the quiet enjoyment of neighboring property owners.

In addition, the establishment of a permanent short-term rental facility will encourage others to create the same sort of business. Rental guests who are here only for a specific event will not care much if the neighbors are disturbed. I have lived in other resort areas where this has happened, and I have experienced it first-hand.

For these reasons, I strongly urge the Planning Department to deny this permit, and any others like it in the Del Monte Forest.

Thank you for your consideration in this matter,

Peter Mathews  
2864 Coyote Rd.  
Pebble Beach, CA 93953



September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

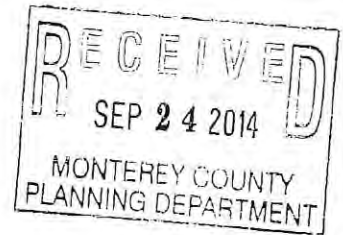
Dear Director,

My name is SHIRLEY N. HOFFMANN and I live at 2840 SLOAT RD,  
Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property.  
I ask the Planning Department to deny the subject request for a permit to allow a short-  
term use permit for this property.  
I also ask that the Planning Department make permanent the denial of any future  
requests for this type of request for properties in the "forest area" of Pebble Beach.  
Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

Shirley N. Hoffmann





September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

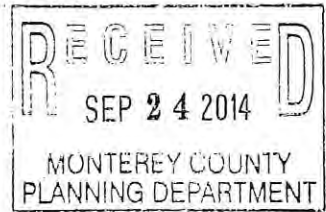
Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

Dear Director,

My name is Karen Katz and I live at 1019 Elk Run Rd,  
Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property.  
I ask the Planning Department to deny the subject request for a permit to allow a short-  
term use permit for this property.  
I also ask that the Planning Department make permanent the denial of any future  
requests for this type of request for properties in the "forest area" of Pebble Beach.  
Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

Karen R. Katz



September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901


Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.


Dear Director,

My name is Ralph & Twyla Thompson and I live at 2856 Coyote Rd,  
Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property.  
I ask the Planning Department to deny the subject request for a permit to allow a short-  
term use permit for this property.

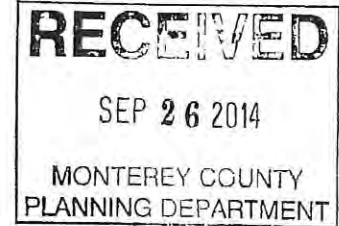
I also ask that the Planning Department make permanent the denial of any future  
requests for this type of request for properties in the "forest area" of Pebble Beach.  
Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

  
RALPH W. THOMPSON III  
2856 COYOTE ROAD  
PEBBLE BEACH, CA 93953

  
TWYLA A. THOMPSON  
2856 COYOTE ROAD  
PEBBLE BEACH, CA 93953

**Robert C. Hood**  
1031 Lost Barranca Rd.  
Pebble Beach, CA 93953  
831 915-6133



September 23, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA 93901

Subject:

H&C Ventures Ltd. Request for Transient Use (short-term rental) at 2849 Sloat Road, Pebble Beach, CA 93953.

Hearing Date: October 1, 2014

Dear Sirs:

My home is located very near the property subject to the permit request and hearing referenced above. I am vehemently against allowing any property in this area to be allowed short-term rental status, either now or in the future.

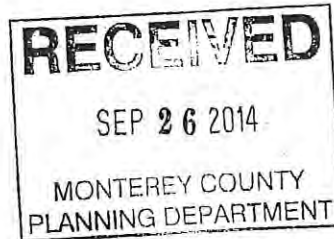
This commercial use of private residential property is contrary to the status all current property owners in the area relied upon when we invested heavily in our private residences and therefore undermines our current property rights. It exposes current residents to renters with no long-term interest in the property or neighborhood adjacent to the rental property. We all share a concern over potential noise, fire, landscape damage, theft risks to name a few.

Short-term rentals of permanent residential property in the "forest area" of Pebble Beach is utterly inappropriate and should be declared illegal. I am shocked that it isn't illegal now!

Sincerely,

A handwritten signature in black ink that reads "Robert C. Hood". The signature is written in a cursive style with some capital letters.

Robert C. Hood



September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

Dear Director,

My name is DEAN E. HELEN TURNER and I live at 1044 Coast BARRANCA, P.B.  
Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property.  
I ask the Planning Department to deny the subject request for a permit to allow a short-  
term use permit for this property.  
I also ask that the Planning Department make permanent the denial of any future  
requests for this type of request for properties in the "forest area" of Pebble Beach.  
Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

Dean E. Helen Turner



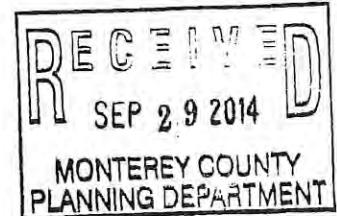
Michael W. Stamp  
Molly Erickson  
Olga Mikheeva  
Jennifer McNary

**STAMP | ERICKSON**  
Attorneys at Law

479 Pacific Street, Suite One  
Monterey, California 93940  
T: (831) 373-1214  
F: (831) 373-0242

March 25, 2014

Mike Novo, Planning Director  
John Ford, Planning Manager  
County of Monterey  
168 W. Alisal Street, 2nd Floor  
Salinas, CA 93901



Subject: PLN140032 Administrative Permit to allow new transient use (short-term rental) of an existing six-bathroom dwelling; REF130043/REF100042 proposed County ordinances to allow short-term rentals in the inland and coastal zones

Dear Mr. Novo and Mr. Ford:

This Office represents The Open Monterey Project (TOMP), which is active in land use and water issues. Our clients are concerned about the proposed new transient rental use of residences and the County's inadequate review of the water impacts of the new uses. The County should prepare initial studies for each project.

Every major groundwater basin in Monterey County is overdrafted. In an overdrafted area, where the water situation is already severely impacted, any additional demand is considered a significant impact. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718-721.) The Monterey Peninsula, Carmel and Carmel Valley areas are supplied by Cal-Am Water. Cal-Am's supply is severely restricted due to the Cease and Desist Order from the State Water Resources Control Board and the adjudication of the Seaside Basin.

The Cease and Desist Order (CDO) condition 2 states in key part as follows:

Cal-Am shall not divert water from the Carmel River for new service connections or for any increased use of water at existing service addresses resulting from a change in zoning or use.

The County proposes to approve a permit for the proposed transient (short-term) rental use of a six-bathroom house in Pebble Beach (PLN140032). The house has an existing Cal-Am service connection (County staff report, Ex. A).<sup>1</sup> The County also has

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<sup>1</sup> As an existing Cal-Am service connection, the property does not benefit from the CDO term that allows for a special water allocation for "new service connections" in Del Monte Forest (CDO, p. 50 [§19.1], emphasis added; see pp. 57-58 [§ 3.a(6)]). If the property intends to purchase Pebble Beach water entitlements to enable the new transient use, that should be evaluated in the County's environmental review document.

proposed ordinances that would enable new transient rental uses in the Cal-Am service area and other water-short areas.

As the Monterey Peninsula Water Management District has found, based on its own research and studies, there is a correlation between the number of water fixtures and the amount of water demand. The correlation is logical: the more bathrooms a house has, the more water use there can be at the site. The increased water use that can be created by transient rental use is potentially significant, especially when cumulative effects are considered.

Short-term rental properties are likely to cause increased water use, for several reasons including: the occupants do not tend to be local residents, and therefore they may not be educated about and sensitized to our local water situation; the occupants typically have paid many thousands of dollars for the rental, and due to their sizeable investment they are unlikely to want to limit their water use; the number of short-term occupants of the property tends to be higher than the number of long-term residents of the same property.<sup>2</sup> In fact, a reason frequently stated by the County for drafting the short-term rental ordinances is the increasing complaints that the County has received about short-term rental use of large houses, which tend to be used as special event venues, which then cause significant impacts on the neighbors and the neighborhood. These important concerns have been echoed numerous times by residents in newspaper articles in the last few months.

The proposed new transient rental use is subject to a discretionary permit from the County. The new use would be a commercial use of a residential unit. The proposed new short-term rental use may foreseeably cause the increased use of water at the dwelling. This implicates the CDO condition 2. This proposed use is of concern, as is the precedential nature of the use. Given the increasing prevalence of short-term rental use through the internet, and the other similar uses that could occur, especially under the proposed draft ordinances, the cumulative effect on water demand could be potentially significant, especially in our water-short area.

The likely rental frequency may be high due to internet exposure at sites such as airbnb.com. There likely would be high occupancy of the PLN140032 house given its desirable location near the beach and golf course in Pebble Beach. High occupancy and frequent rentals likely would mean increased water use at the site that could be potentially significant. These impacts are reasonably foreseeable.

---

<sup>2</sup> The County's proposed condition for PLN140032 – to limit the occupants to ten – is not enforceable and not reliable. Even if the County could enforce it, which the County would not, the water use of ten persons likely would be higher than the previous residential use. A special event use would cause even higher water demand.

The cumulative effects of increased demand are also potentially significant. The cumulative impacts also are reasonably foreseeable because Pebble Beach is a desirable place for short-term rentals, as are other locations in the Cal Am service district such as the Carmel Highlands, the Aguajito/Jacks Peak, Carmel Valley, and unincorporated Carmel areas. It is reasonably foreseeable that there will be additional applications for County permits to allow these short term rental units, and that other properties will apply for permits from the County for short-term rentals, in addition to the PLN140032 application. There is at least one other application currently in process, according to Mr. Ford this morning, and the County's proposed short-term rental ordinances (REF130043/REF100042) are likely to result in additional applications for short-term rental uses because the intent behind the ordinances is to facilitate such uses in the coastal and inland zones.

Each of the proposed projects likely would cause "increased use of water at existing service addresses resulting from a change in . . . use." That is prohibited by the CDO. The County analysis of the project does not mention water or the CDO against Cal-Am.

There is no evidence that the County has considered the increased water use that could result from the new transient rental use at the Pebble Beach site, on a cumulative basis, resulting from the proposed ordinances. The County has not presented to the public the past two years' water use, as shown by Cal-Am bills, at the PLN140032 site. The County has not conditioned the proposed transient rental use on a "no net water use" increase over the past average use.

Here is just one way of looking at the potential increased use: According to the 2012 Pebble Beach Company project Final EIR certified by Monterey County, the estimated use of a single family residence is 0.8 AFY/unit. (Ex. A to this letter.) The estimated use of visitor-serving units (hotel rooms) is 0.21 AFY/unit. (*Ibid.*) The PLN140032 house in Pebble Beach has five or six rooms available for sleeping (four bedrooms plus an "office" with a closet, plus a studio with a full bathroom). Using the visitor-serving water use factor of 0.21 AFY/hotel room, five bedrooms would have a water use of 1.05 AFY, and six bedrooms would have a water use of 1.26 AFY. The short-term rental use of 1.05 AFY to 1.26 AFY is 125% to 150% of the average residential use of 0.8 AFY. (The actual historic use at the property may be less than 0.8 AFY, in which case the impacts would be even greater.)

A CEQA Exemption Is Not Appropriate. An Initial Study Is Required.

Under the circumstances, a CEQA exemption is not appropriate for PLN140032 and the short-term rental ordinances. For each project, the County should prepare an initial study, prepare the appropriate environmental document, and hold a public hearing. The initial study should include an investigation and evaluation of impacts on traffic, noise, land use, and water.

Mike Novo and John Ford  
County of Monterey  
March 25, 2014  
Page 4

The County's environmental review should address the following questions:

1. How has the County considered, evaluated and quantified the potential increased water use as a result of the new use?
2. How has Cal-Am justified the potential increased water use to the SWRCB, in light of the Cease and Desist Order against Cal-Am?
3. Given the potential increased water use, is the proposed project consistent with the SWRCB Cease and Desist Order?
4. What enforceable and verifiable mitigations does the County propose?
5. Have the mitigations been tested for similar uses, with verified results that demonstrate no net water use increase?
6. Will the County and the public have access to pre-approval and post-approval water use records, for accountability?

Request for Notice

We request that this Office be provided notice of all agendas, hearings, staff reports, meetings, actions and events regarding PLN140032, other administrative permits under County Code section 21.64.280 and the two proposed ordinances. We ask to be on the distribution list for all information regarding this item. We ask that the staff reports be emailed to us, or that we be notified promptly by email when the staff reports are available. Please email the documents to [erickson@stamplaw.us](mailto:erickson@stamplaw.us). We also ask that documents be mailed to this Office at the address listed above. We also request notice under Public Resources Code section 21092.2.

Thank you.

Very truly yours,

STAMP | ERICKSON



Molly Erickson

cc: Monterey County Board of Supervisors  
California American Water (president Rob MacLean, legal counsel Lori Girard)



1 Page 3.12-38, Table 3.12-11 is revised as follows:

2 Table 3.12-11. Other Future Entitlement Demand

|  | Units | Use factor (AFY/unit) | Demand AFY | Factor (AFY/unit) | Notes   |
|--|-------|-----------------------|------------|-------------------|---|
| <u>Del Monte Forest Buildout (other than the Project)</u>                        |       |                       |            |                   |   |
| Existing Vacant Lots   |       |                       |            |                   |   |
| Future SFD Development   | 96(1) | 0.8                   | 76.8       | 0.8               | DMF Average based on pre-2001 non-rationing year use (2). Approximately the same as average actual use of McComber Estates (2).   |
| <u>Area X and Y</u>  |       |                       |            |                   |   |
| Future SFD Development   | 9 (1) | 0.8                   | 7.2        | 0.8               | DMF Average based on pre-2001 non-rationing year use (2). Approximately the same as average actual use of McComber Estates (2).   |
| <u>Visitor-Serving Units</u>   |       |                       |            |                   |   |
| The Lodge at Pebble Beach and The Inn at Spanish Bay                             | 45    | 0.21                  | 9.5        | 0.21              | Additional VSC units allowed by proposed LCP Amendment beyond the VSC units included in the proposed project.   |
| Total  |       |                       | 93.5       |                   | Assumed that such properties would either purchase PBC entitlement or would have to be served by future expansions of the Regional Project (for an alternative to the Regional Project).  |
| <u>PBC Entitlement Allocations</u>   |       |                       |            |                   |   |
| Total entitlement  |       |                       | 365        |                   |   |
| Amount sold to others or dedicated for PBC use as of 2011                        |       |                       | 127        |                   | 10 AF - PBC, 11730 AF - others (MPWMD 2011)   |
| Remaining unused entitlement available for PBC use                               |       |                       | 40         |                   | (MPWMD 2011)  |
| Entitlement used for project   |       |                       | 237        |                   | Based on critically dry year estimate   |
| Remaining unsold entitlement outside of project for future other residential use |       |                       | 325        |                   | MPWMD Ordinance 109 allows up to 175 AF to be sold to DMF benefited properties. As of September 2011, PBC had sold 117 AF, leaving 58 AF more that could be sold. (3) Of the 175 AF, only 30 AF is being used as of 2011 leaving 145 AF that could be used in future. |
| Unused entitlement   |       |                       | 145        |                   | Remaining entitlement not currently being used minus amount to be used for project minus remaining amount that can be used for unused DMF benefited properties. (Note numbers do not precisely add due to rounding).  |
|  |       |                       | 58         |                   |   |
|  |       |                       | 145        |                   |   |
|  |       |                       | 34         |                   |   |

EXHIBIT A p. 1

| Units   | Use factor (AFY/unit) | Demand AFY | Factor (AFY/unit) | Notes  |
|---|-----------------------|------------|-------------------|--|
| <b>Other Entitlement Demand</b>                           |                       |            |                   |  |
| Amount of entitlement allowed to be transferred to others | 175                   |            |                   | MPWMD Ordinance 109 allows up to 175 AF to be sold to DMF benefited properties. (3)  |
| Amount of entitlement actually used by others in 2011     | 30                    |            |                   | (MPWMD, 2011)  |
| Remaining amount that can be used by others               | 145                   |            |                   |  |
| Applicant's entitlement used for 45 additional VSC units  | 2.5                   |            |                   |  |
| <b>Total Other Entitlement Use</b>                        | <b>154</b>            |            |                   | Equals 145 AF that can be used by current and future entitlement holders that is not used as of fall 2011 and 9.5 AF used by the Applicant (for the additional 45 units at the Inn and Lodge or other uses). |

Sources:

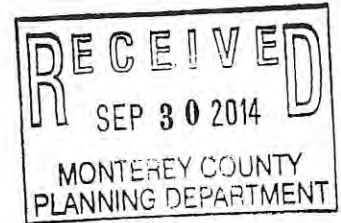
- (1) DMF residential development calculations - ICF estimated vacant lots and buildout of X and Y based on Table 3-2 in Chapter 3 of the DEIR.
- (2) DMF Average from DEIR for the DMF/PDP (Monterey County, 2004), Macomber Estates average actual use from Revised Water Demand Analysis for the September Ranch Project (Monterey County, 2009)
- (3) Entitlement information: MPWMD, 2011, Monthly Entitlement Report, October 17, 2011 (for September 2011).

EXHIBIT A p. 2

Lister, Daniel M. x6617

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**From:** Robert Rowland [rmland@gmail.com]  
**Sent:** Tuesday, September 30, 2014 2:51 PM  
**To:** Lister, Daniel M. x6617  
**Subject:** PLN140486 short term rental-- comments



Dan Lister

What is approved for one should be approved for all. If approved it should be approved for the whole area and all homes--not just one. Also, if approve alone it should have a drop dead date of 2-3 years.

If it is a hardship claim that is false as the market is good and the applicant could sell the home easily if put on the market at a reasonable market price.

I am contemplating selling next year but if I could turn the house into a high revenue short tem rental I might do so. My preference is not to approve the application unless all are granted this variance to the deed restrictions (CC&R's).

Note: email address left out the m in your address at the bottom of the notice.

Thank you,  
Bob Rowland  
1036 Lost Barranca Rd  
Pebble Beach, CA  
(925) 984-1409 cell



September 22, 2014

Monterey County Resource Management Agency  
Planning Department  
168 West Alisal St., Second Floor  
Salinas, CA. 93901

Subject: H & C Ventures LTD Request for Transient Use (short-term rental) permit at  
2849 Sloat Road, Pebble Beach, CA. 93953. Hearing Date October 1, 2014.

Dear Director,

My name is Chris Pappageorgis and I live at 2852 Coyote Rd,  
Pebble Beach, CA., 93953. My home is located within 1/4 mile of subject property.  
I ask the Planning Department to deny the subject request for a permit to allow a short-  
term use permit for this property.  
I also ask that the Planning Department make permanent the denial of any future  
requests for this type of request for properties in the "forest area" of Pebble Beach.  
Short-term rentals are inappropriate use of property in this residential area.

Thank you for your consideration.

Chris Pappageorgis