

Attachment C

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220 Bentley Street
Pacific Grove

31 May 2023

Monterey County Planning Commission
Monterey County, California

Agenda item 4: 282 Corral de Tierra Road

Chair Monsalve and Planning Commissioners,

You have before you an opportunity to deliberate on a universally fraught issue relatively new to our streets, neighborhoods, communities, one that postdates, certainly, most governing ordinances everywhere and, in particular, the 1963 home owner agreement for Monterey County's Alta Tierra Association: That is the commercialization of a traditional use, HOME, by those choosing to treat as part of their business portfolio what was once a home serving long-term residents. Those who arbitrarily change residential use to that of motel or hotel.

Could this be de facto spot zoning without benefit of vote of the electorate?

You have before you an opportunity to protect the good of the many threatened by the good of one. You have an opportunity to comply with the well-established tenet of governing institutions everywhere: **the peaceful enjoyment of one's home**. Home, a place of respite, a place of private comfort.

Neighborhood residents should not have to worry about 1) who will be my weekend neighbor, or 2) who will be my neighbor this week, or 3) will this weekend's or week's neighbor be noisy, or 4) will I have to call the police or try to find the property manager (typically impossible in the middle of the night) to report the disturbance, or 5) will I need to put unattended trash bins away, or 6) will parking and road use and, if applicable, water use again be an issue, and so on and on and on. . .

The state has mandated solutions to what is deemed a dire housing situation. Do short term rentals foster solution? No. Short term rentals **remove** long term rentals from the housing pool.

Is collection of TOT by governing institutions worth the damage it does to the peaceful enjoyment of one's home, neighborhood?

Is allowing motel / hotel use of properties in residential neighborhoods fair competition for motel / hotel owners governed by the same entities?

What **NON-GREED** based argument can be put forth to support short term rentals in residential neighborhoods?

Thank you.

Robin Aeschliman
Property owner
293 Corral de Tierra Road

BALCHLAW

22 Soledad Street 831-809-5262 (cell)
Salinas, CA 93901 davidbalch@gmail.com

May 30, 2023

Phil Angelo
Associate Planner
Monterey County – Housing & Community Development
1441 Schilling Place, South 2nd Floor
AngeloP@co.monterey.ca.us

PLN220054 - ROSSEEL GEERT & POWELL TRACY TRS

Dear Mr. Angelo:

I represent the Alta Tierra Association, and I write in support of County staff's recommendation to DENY the above-named permit application.

The project consists of transient use for remuneration (or a short term rental) in an existing single-family home at 282 Corral De Tierra. Under the Monterey County Code, transient use of residential property is permitted in all zoning districts which allow residential use upon the issuance of an administrative permit pursuant to Title 21 section 21.64.280.D.1.a. The property has base zoning of Rural Density Residential (RDR), which principally allows the first single-family dwelling per lot, among other similar residential uses, and the site is developed with a single-family residence.

Any administrative permit is discretionary and subject to a number of factors applicable here, but one exception in particular requires that this request for permit be denied:

The use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property. The applicant shall provide notice to any affected homeowners' association in a manner consistent with the notice requirements for a use permit. **In the event the homeowners' association objects to the issuance of the permit, the permit shall not be approved** until the homeowners' association's objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved, or otherwise ordered by a Court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use of the action of the homeowners' association. (MCC 21.64.280.D.2.g.)

In short, if (i) there is an applicable HOA, and (ii) that HOA objects to the project, the application must be denied.

A. The Alta Tierra Association is an Applicable Homeowner's Association

In this case, County staff has determined that the Alta Tierra Association is an applicable homeowner's association. The Alta Tierra Association was established by a mutual water and road agreement recorded on October 26, 1963 in County Recorder's Reel 245 Pg. 326 and re-recorded as more properties were added to the water and road system. The purpose of the Association is to "provide for the maintenance of roads, well, pumping equipment, water line, storage tank, and to provide water for each of the parcels" covered by the Agreement. Page 3 of the agreement provides that it shall "have the force and effect of a covenant running to and with the land of each of the owners, and that this agreement shall be binding upon their heirs, assigns, and successors in interest."

Members of the Association met with County Staff and provided a history of various meetings and expenses of the Association. The Association has met to maintain the common road and water system, and discuss other matters of neighborhood concern for years. Applicants knew of the Alta Tierra Association when they purchased their property and have paid dues to the Alta Tierra Association.

Based on the foregoing, County staff rightfully determined that the Alta Tierra Association is a homeowner's association within the meaning of Monterey County Code section MCC 21.64.280.D.2.g.

B. The HOA Objects to the Issuance of The Permit

Under section 21.64.280.D.2.g., once an applicable HOA objects to a short-term rental application, the application must be denied. The County is not legally authorized to rule on the merits of any such objection, but instead must await a ruling from a "Court, arbitrator, or other appropriate entity."

As staff noted, on May 4, 2023, the Association met and voted to object to the project. Based on this objection, County staff has recommended denial of the project. Even though the Applicant disagrees with the denial, County staff noted that "the County need not decide these issues; they are the subject of a private dispute, that, under section 21.64.280.D.2.g, must be resolved by an 'appropriate entity' before the County may approve the permit. Therefore, staff recommends that the Planning Commission deny the permit."

C. Merits of the HOA's Objection

Although the County is not allowed to rule on the merits of the HOA's objection, the HOA wants to address this issue to give the County decision-makers peace of mind.

Under the Alta Tierra Association Agreement, the parties shall be entitled to "water for *domestic purposes*, landscaping, swimming pools, and such additional uses as may be determined

by the ownership of a majority of said parcels.” The question under the Agreement is whether water for a short term rental is use for a *domestic purpose*. (It is undisputed that Applicants have not requested that the Association grant them the use of water for an “additional purpose.” The HOA determined at its May 4th meeting that use of water for transient occupancy is not a “domestic” use of water.

The Agreement does not define the term “domestic.” To determine the meaning of contractual terms, there are well established rules of construction. The mutual intention of the parties at the time the contract is formed governs interpretation. (Civ. Code, § 1636.) Such intent is to be inferred, if possible, solely from the written provisions of the contract. (Id., § 1639.) The “clear and explicit” meaning of these provisions, interpreted in their “ordinary and popular sense,” unless “used by the parties in a technical sense or a special meaning is given to them by usage.” (Civ. Code, § 1644), controls judicial interpretation. (Civ. Code, § 1638, 1644); *see also Storm v. Standard Fire Ins. Co.* (2020) 52 Cal.App.5th 636, 644-645.

The Oxford dictionary defines “domestic” as relating to the running of a home or family relations. Within this context, MCC section 21.06.450 defines a “family” as one or more non-transient, related, or unrelated persons living together in a dwelling unit. This definition shows short-term rental water use is more properly viewed as a commercial, rather than domestic, use.

The Monterey County Code makes clear that “transient occupancy” is a commercial venture and not a residential or family use. MCC 21.06.1310 defines “transient occupancy” to mean the “occupying for consideration a structure designed, intended or used for temporary dwelling, lodging or sleeping purposes by non-family members; any commercial use of a structure or portion thereof which subjects the owner or occupant to the Uniform Transient Occupancy Tax Ordinance of Monterey County.” In this case, it is undisputed that short term rentals trigger the requirement to pay the Occupancy Tax. This is a commercial use.

Furthermore, MCC 21.64.280, in its findings and declarations underlying transient occupancy, acknowledged that “certain residential and commercial zoning districts to accommodate a wide range of commercial uses compatible with residential and other surrounding land uses.”

Applicants contend that “domestic use” of water includes commercial uses because the California Water Board, for purposes of water diversion applications, includes water for resorts, motels, and campgrounds under the heading of “domestic use.” 23 CCR §§ 659, 660; *see also* Water Code §§ 1254, 1260.

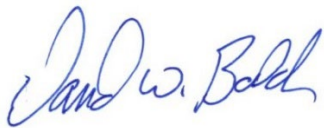
This argument is misleading. First, as noted above, contractual terms are given their common sense definition – not a technical definition – where possible. How the Water Board defines “domestic” for purposes of diversion applications is simply not applicable to how a group of local landowners in a residential area define “domestic water use” for a personal well. Moreover, the Water Board provision only adopted in 1979 – 14 years after the Water Use Agreement was adopted. Similarly, the Monterey ordinances allowing for transient uses of residential properties as adopted nearly 50 years after the Water Agreement.

Second, the Water Board does not appear to be concerned with the distinctions between “residential” and “commercial” use – they are lumped together under “domestic” use. The distinctions that the Water Board draws is between human use, on the one hand, and irrigation, municipal ,mining, industrial, aquaculture, recreational, water quality, and stockwatering use, on the other hand. 23 CCR §§ 660-69.

The present application, however, concerns the difference between residential and commercial use. They have different characters and concerns. The Monterey County Code is clear to draw distinctions between “family” use and “transient” or “commercial use.” The overbroad Water Board definition – which does not address the core issue here – should not be shoehorned into the parties’ Water Agreement.

Third, the restriction of “domestic water” to include water for residential, non-transient family purposes, and not to commercial purposes, makes sense in this case. The property has base zoning of Rural Density Residential (RDR), which principally allows the first single-family dwelling per lot, among other similar residential uses, and the site is developed with a single-family residence. The Association covers 10 rural neighbors sharing a well system. These properties already have certain development restrictions under Toro Area Plan T-1.7, including because of water concerns. Due to water concerns, and due to the rural residential nature of the neighborhood, it makes sense that the Association would be concerned about limiting water use to family and not commercial needs.

Respectfully submitted,



David W. Balch

Cc:

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May 22, 2023

By Electronic Mail

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Re: PLN220054-ROSSEEL - May 31, 2023 Hearing

Dear Mr. Angelo:

My office has been retained by Geert Rosseel and Tracy Powell, the owners of the home that is the subject of application PLN220054-ROSSEEL (“**Owners**”). I write to dispel some of the confusion that has arisen about the ostensible homeowner’s association and some of the points that were raised at the last Planning Commission meeting. In short, their arguments are without merit, the association has no authority to act as an association in this manner, and you and the Planning Commission should approve the Owners’ application as a fair and impartial review of it will demonstrate that it meets all the requirements. We look forward to working with you on this application and we are available to answer any questions you may have after reviewing this letter.

As an initial matter, we disagree that a “transient use” of the Owners’ property would be in violation of the October 29, 1963 agreement (“**Agreement**”), and thus the Owners would “not violate any applicable conditions, covenants, or other restrictions.” (Monterey County Code, 21 § 21.64.280D.2.g.) While we appreciate the time and thought that went into your careful review of the Agreement, your conclusion that a transient use would fall under “additional uses as may be determined by the ownership of a majority of said parcels” is incorrect. Water used in a short-term rental is a “domestic use.” There is no such thing as a “transient use” of water.

As you know, the state of California regulates water appropriation and usage stringently. Its regulations covering these subjects can be found in the California Code of Regulations Title 23. This comprehensive set of regulations is very clear that:

Domestic use means the use of water in homes, resorts, motels, organization camps, camp grounds, etc., including the incidental watering of domestic stock for family sustenance or enjoyment and the irrigation of not to exceed one-half acre in lawn, ornamental shrubbery, or gardens at any single establishments. The use of water at a camp ground or resort for human consumption, cooking or sanitary purposes is a domestic use.

(CCR 23 § 660.) In contrast, other beneficial uses of water delineated in California’s regulations include irrigation use, power use, mining use, and industrial uses. As you can see, “domestic use” of water explicitly includes all uses for human consumption, cooking, and sanitary purposes. Such uses certainly include use by humans temporarily occupying a residential property. Furthermore, use by short-term renters would not be greater than use by a family residing in the home full time. The use as a short-term rental would arguably use less water, as occupancy would not reach 100%.

Secondly, at the last meeting, the Alta Tierra Association also raised the issue of its well levels, implying that the water supply was low, and that the use of the Owners’ property by short-term renters would somehow detrimentally affect the well levels. This is nonsensical. They did not, and cannot, identify any sources that state that transient uses increase water use as opposed to a family living in a home full time. As noted above, a family occupying the residence full time would arguably use more water than short-term renters. Moreover, to the Owners’ knowledge, this issue has not been raised before with any of the homeowners, and no action has been taken to address it.

Similarly, the Alta Tierra Association claimed that the road it is responsible for maintaining is too dangerous to allow the Owners to use their property as a short-term rental. Again, this does not make any sense. First, if the road is too dangerous for routine traffic use, it is incumbent upon the Alta Tierra Association and its members to make it safe—not to restrict property owners from legal uses of their property. Second, again, they did not, and cannot, identify any sources that state that road use would be different due to use as a short-term rental as opposed to use by a full-time resident.

The sudden flurry of Alta Tierra Association activity raises the question of what its role is regarding its members. When the Owners closed on the purchase of their property, they were made aware of various reciprocal easements, as well as the Agreement. They know the Agreement is a recorded covenant that runs with the land and agreed to abide by it. This was part of the bargain they made when they purchased their home. The Owners did not, however, consent to being part of a homeowner’s association that purports to have any sort of power to restrict the usage of their property beyond the restrictions found in the Agreement.

The Alta Tierra Association exists *only* for the purpose of “maintenance of roads, well, pumping equipment, water line, storage tank, and to provide water for each of the parcels” (Agreement at p.2.)

(3) The parties hereto intend by this Agreement to provide for the maintenance of roads, well, pumping equipment, water line, storage tank, and to provide water for each of the parcels described in Paragraph 1 herein.

(4) For the purposes of this Agreement, the parties hereto will be referred to collectively as the ALTA TIERRA ASSOCIATION.

Pursuant to the Agreement, meetings of the Alta Tierra Association were to be held “for the purpose of establishing charges for water and the maintenance of the roadway and water system.” (*Id.*)

A meeting of the Alta Tierra Association shall be held on the 15th day of November, 1963, and at times thereafter as determined by the Association, for the purpose of establishing charges for water and the maintenance of the roadway and water system. It shall be the intention of the Association to establish charges sufficient to provide for maintenance of the road and water system in a good and serviceable condition at all times.

The resolution passed on May 4, 2023 and sent to you as part of the Alta Tierra Association’s plan to “object” to the Owners’ application, is invalid because it is *ultra vires*. The Alta Tierra Association has no authority to restrict the Owners’ use of their land for short-term rental use, nor does it have the authority to pass resolutions to take any sort of position on a member’s application to a County Commission. No such authority is conferred by the Governing Documents, *i.e.* the Agreement. No other such document conferring any authority to do so has been recorded or shared with the Owners. Actions taken outside the scope of an association’s authority are unenforceable and courts can and will intervene and grant injunctive relief. (*McDermott v. Bear Film Co.* (1963) 219 Ca.App.2d 607, 610-11 (“In its true sense the phrase *ultra vires* describes action which is beyond the purpose or power of the corporation.”)) This resolution should be disregarded.

The Meadowlark Association’s appearance at the last meeting to object to the Owners’ application should also be disregarded. The Owners’ property is not a part of the neighborhood the Meadowlark Association says it represents. While the public has every right to participate at Planning Commission meetings, the opinion of the Alta Tierra Association and the Meadowlark Association about this application should be given no more weight than that of any other members of the public. And these objections in no way may be used to justify a denial of the Owners’ application under title 21, section 21.64.280D.2.g of the Monterey County Code.

This attempt by the Alta Tierra Association, and apparently the Meadowlark Association, to confuse these issues and mislead you and the Planning Commission must fail. The Owners respectfully decline your suggestion to “coordinate a vote” with the Alta Tierra Association because the Alta Tierra Association has no power or authority to vote on anything except to establish charges for and provide maintenance to the water system and the roadway.

In a March 22, 2023 email to Mr. Rosseel you agreed that “the plain language of the water agreement doesn’t restrict this use.” It is not clear what changed your mind between your March 22 email and your April 18 email regarding the interpretation of the Agreement. We are given to believe you may have come under some pressure regarding this application. I urge you and the Planning Commission to consider the Owners’ application fairly and impartially. It is meritorious and should be granted.

In the meantime, please preserve all electronic and paper files related to this matter, and any communications with members of the Alta Tierra Association and the Meadowlark Association. Any correspondence, other action, response, or lack of any thereof is not intended to waive, nor should it be construed as a waiver, of any legal or equitable rights or remedies, all of which are expressly and unconditionally reserved.

Please contact me at the email or phone number above to discuss if you have any questions.

Sincerely,



Melissa H.D. Balough

cc:
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Ramon Gomez
cualrmg@gmail.com
Christine Shaw
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Monterey County Planning Commission
1441 Schilling Place, 1st Floor
Salinas, CA 93901



April 12, 2023
Re: PLN220054

Dear Chair Monsalve and Planning Commission Members:

We are writing to you in opposition to a Short-Term Rental (STR) permit in PLN 220054 for APN 416-351-005 located at 282 Corral de Tierra Road in the Rural Density Residential Zoning District of the Toro Area Plan in the Corral de Tierra region. The project neighborhood is governed by two home owner associations named the Alta Tierra Association (formed in 1963) and Meadow Lark(1970s). **The majority of Alta Tierra and all of Meadow Lark are in opposition to any level of this commercial use of the property for the following reasons:**

1. Monterey County is working on a STR ordinance that will require environmental review and public comment before adoption. We believe the granting of STR permits in advance of the final adoption of the STR ordinance is a de facto change to our zoning district without due process by allowing commercial use of residential property. Exempting this project from CEQA by citing CEQA section 15301 as the County has done for many STR permits is piecemeal development because the magnitude of the STR permits being granted (or in process+80) by the county is resulting in re-zoning in areas of the county without due process. Section 15355 of the State CEQA Guidelines defines a cumulative impact as the condition under which “two or more individual effects (project approvals) which, when considered together, are considerable or which compound or increase other environmental impacts. The county has and will consider additional STR permits and needs to conduct environmental review of such projects before additional approvals.

The 4-23-2018 minutes of the Toro Area Land Use Project Referral Sheet has an in-depth discussion of the STR issue with the comment that this intensification of use could be a major problem for the Toro Area Plan with significant issues regarding inadequate water, unsafe roads, septic issues

which would be greatly impacted by intensification of use resulting from use of homes as STRs. To date none of these infrastructure issues have been addressed by the county.

STRs have been banned in Peninsula cities and other areas of the county. Why should our area zoned as residential be subject to a high- volume rental activity that has been banned in other areas?

Title 21.64.280 regulates STRs. The findings and Declarations of this regulation include these two prime sections:

21.64.280

A.1. Title 21 provides for zoning districts to accommodate development where adequate services and facilities exist to support such development.

B. The purpose of this section is to:

1. Preserve and enhance the residential character of the zoning districts established in Title 21 and the sense of security and safety in stable neighborhoods of **owner- occupied residences**.

For the following reasons the granting of a STR permit in this neighborhood clearly violates the above sections of Title 21.

Please see attached map and road photographs

2. The property is located at the end of a private narrow one lane road 0.4 miles long with a single lane bridge and limited locations for two cars to pass, is steep in places and with limited sight distance and blind spots when sun angle is low. The road services 12 residences and a yet to be developed lot. The maintenance and repair of the road is shared equally by each family. **The residence at 282 has 5 bedrooms and is advertised for up to 10 adults.** The traffic generation potential is significant with renters arriving and departing and attending local events creating 10-30 trips a day and late into the nights. A family living at this location would not generate such traffic..
3. Children, senior residents, pets, cyclists, wildlife, horseback rider and walkers use the road and vehicle drivers unfamiliar with these conditions can pose a threat to their safety. Speeding vehicles on the road present a substantial hazard.

4. Water service to both Associations is provided by private wells that have recently experienced record low water levels and the water use in both Associations is allocated on the number of residents at each home.
5. Based upon the 11-2023 state fire map the project is in the High Fire Risk Zone. Short term renters not familiar with the fire risk of the area may not understand the high fire danger of the locale. With careless actions associated with smoking, barbequing, fire-works, car parking and other fire related activity the safety of the community could be at risk.
6. The neighborhood is a peaceful, remote and very quiet. It is also a **Neighborhood Watch Area** where residents are familiar with neighbors and their vehicles. How can a neighborhood watch work when we would have a continual turnover of visitors at all hours of the day/night? The location is currently advertised on VRBO as a perfect place for events. To have frequent and high-volume non-residents entering the neighborhood creates unnecessary safety concern for those living here.
The maintenance workers required to service the STR also add additional non-resident traffic. The instability and constantly changing of rental occupants with no ties to the neighborhood may create inappropriate level of noise and other disturbing activities and security issues. Simply put, STR use does not contribute to peaceful use of one's home.
7. The Sheriff's department is at least 30 minutes away and calls made by residents to address STR renter issues may be slowly responded to or of low priority creating an untenable situation for residents. We understand that current County code enforcement of STR conditions is on the third level (Lowest). The absentee owner may have an agent available within the required time limit but that will not address the immediate impact on the neighborhood of a disturbance at the STR residence.
8. Property values of homes adjacent to a short- term rental may be negatively impacted as potential buyers could consider such use unfavorable and a responsible real estate sales person would disclose the fact of the STR permit.
9. The previous owner of this property may have operated a STR at this location. We were not informed of this activity. The current applicant has not presented the project nor asked for comments with either affected home owner's association other than the limited posting performed at the property.

10. The current STR regulations state the minimum stay is 7 days but this residence is advertised at \$1030 per night. How is this enforced and in one 7 day period can the residence be rented to more than one party if the first party departs after a stay less than 7 days?

The attached list of resident names from the two home owner's associations directly impacted by the project and are in opposition to granting this permit. Submitted by Scott Hennessy, hennessyst@comcast.net, 831-601-1119

Signatories to the April 2023 letter to the Monterey County Planning commission in opposition to Short Term Rental Permit PLN220054, APN 416-351-005-000

Address Numbers are all for Corral de Tierra Road

Alta Tierra Association

Robin Aeschliman *robin j aeschliman* 293

Michael & Sandy Cohon *Michael Cohon* 276

Scott & Tamara Hennessy *Scott Hennessy* 294
Tamara Hennessy

Song Kim *Song Kim* 278

Dennis & Jean Powell *Dennis Powell* 298
Jean Powell

Matthew & Molly Ronconi *Matthew Ronconi* 296
Molly Ronconi

Paula Taylor *Paula Taylor* 280

Greg & Jennifer Wolf *Jennifer Wolf* 284

Meadow Lark Association

Michael & Mary James *Michael James* 272A

Scott & Susan Naylor *Susan Naylor* 272
Scott Naylor

Gerry & Patti Wiley *Patricia Wiley* 274

of the Good Shepherd

Little Free

Corral de Tierra Road

293 Aeschliman

298 Powell

Private Road

276 Cohon

274 Willey

Alta Tierra

294 Hennessy

Meadow Lark

284 Wolf

272 Naylor

280 Taylor

272A James

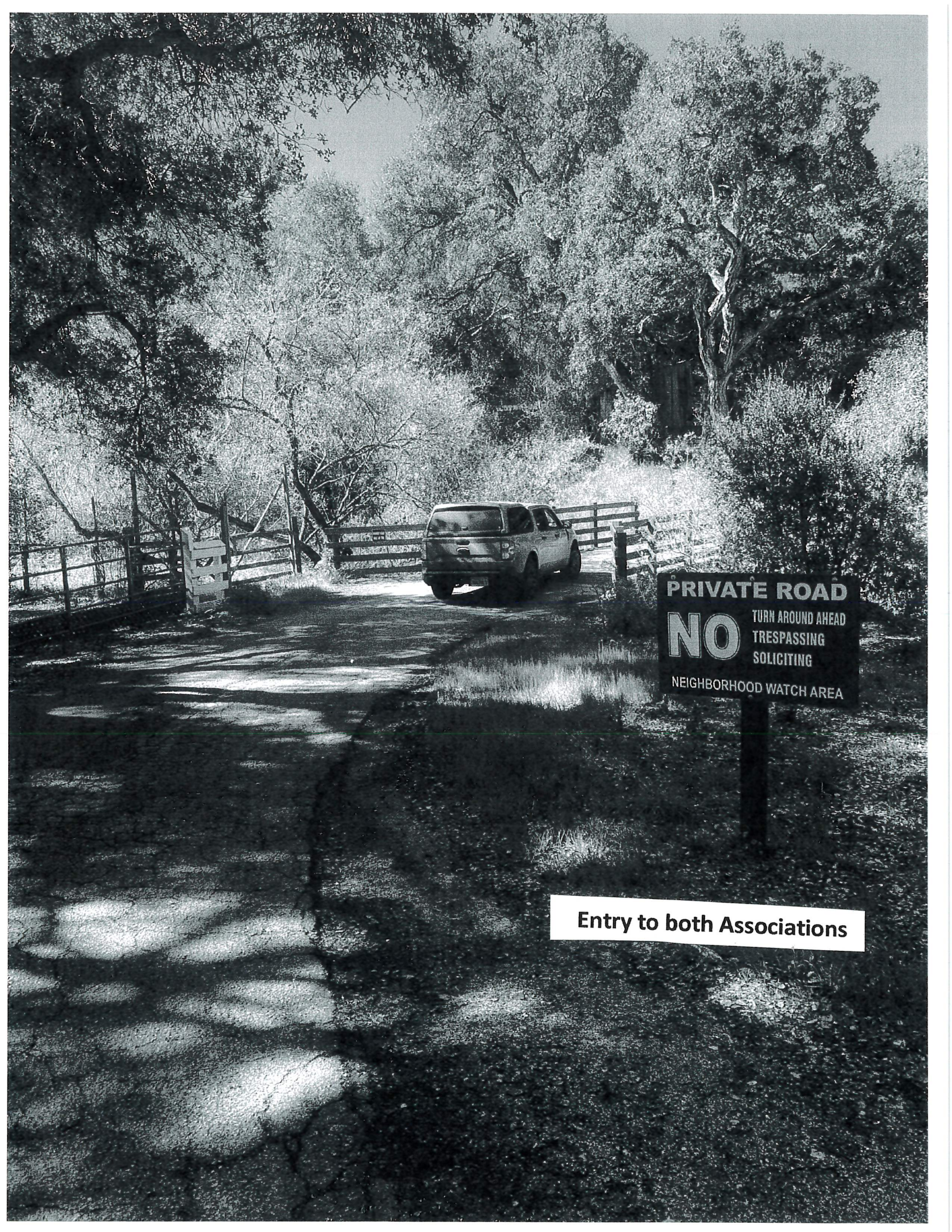
STR

282 Rosseel

296 Ronconi

36°32'23"N 121°43'54"W

278 Kim



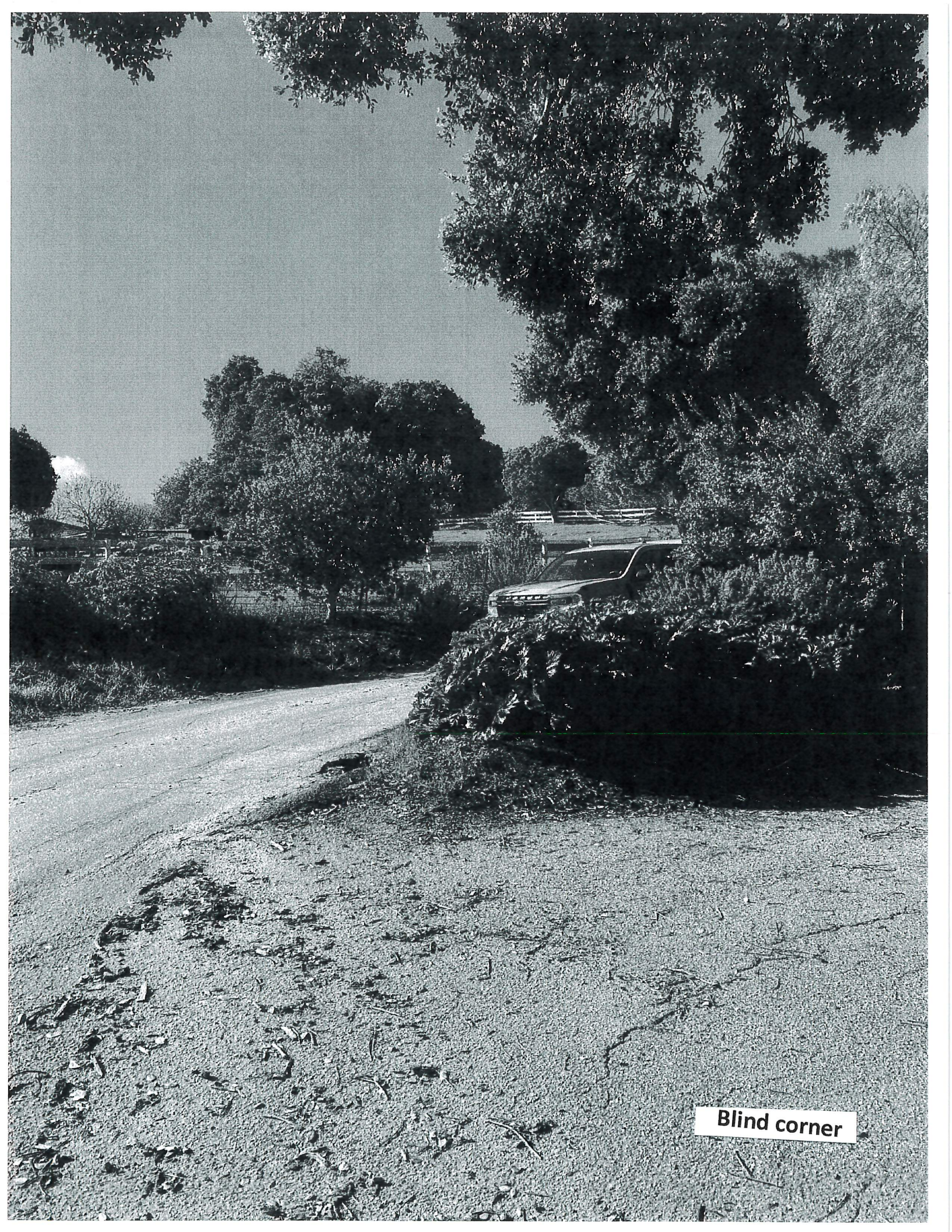
PRIVATE ROAD
NO TURN AROUND AHEAD
TRESPASSING
SOLICITING
NEIGHBORHOOD WATCH AREA

Entry to both Associations



Steep hill, narrow road





Blind corner

From: [SUSAN BROWNLIE](#)
To: [Angelo, Philip](#)
Subject: PLN220054- Short Term Rental Permit
Date: Tuesday, March 7, 2023 11:11:03 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Angelo,

I am emailing regarding the potential approval of a short-term rental permit located in Corral de Tierra.

This permit should not be approved for this area. Corral de Tierra is a rural residential community not a commercial area.

STR should be only be allowed in an area where this type of a rental would be more common and to be expected, close to commercially zoned areas.

Due to the ruralness of the community, it could attract large parties & events that are not suitable for the surrounding areas. Only to potentially invite potential criminal type of activities & noise issues.

I hope you take this into consideration before you approve a STR in this area. It will set a precedence for other types of homeowners to apply for permits.

Thank you so much,

Susan

Susan Brownlie
Coldwell Banker/Gay Dales Inc.
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Wire Fraud is Real

Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

From: [Wendy Fields](#)
To: [Angelo, Philip](#)
Subject: project number is PLN220054
Date: Wednesday, March 8, 2023 10:35:07 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

PLN220054

I saw on NextDoor some efforts to get a groundswell of resistance to the county permitting an STR (project #: PLN220054) so I am compelled to write in.

We live in the county and our neighbors sold their house to a Texan family six or eight years ago. We tried to talk to them a year or two ago about a fence issue between us, and only then learned that the people we saw in their yard were short-term renters. We were surprised because we had no idea the new owners were renting out the house as a STR.

It has been no trouble, no noise and no inconvenience whatsoever. It has caused us to question all those sky-is-going-to-fall hysterical cries about STRs. I'd say it's much ado about nothing, and if our experience can be used as an example, an STR in any residential neighborhood is likely not going to be disruptive.

Wendy Jordan

From: [Catherine Goode](#)
To: [Angelo, Philip](#)
Subject: NO Short term rentals in residential areas!
Date: Tuesday, March 7, 2023 11:48:40 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Mr. Angelo,

I do NOT want short term rentals to be permitted as it is being discussed by the County of Monterey. It degrades a neighborhood to have a stream of strangers inhabiting nearby houses. It will not solve the housing crisis in this area to encourage more landlords to turn to the short term rental approach. Do the right thing for the people who live and pay taxes here!

Sincerely,
Cathy Goode
118 El Dorado St.
Monterey, CA 93940

Craig Spencer, Chief of Planning
Monterey Housing and Community Development
1441 Schilling Place, Second Floor
Salinas, CA 93901 March 6, 2023

Dear Sir:

We are requesting the County of Monterey to hold a public hearing on the request for a Short Term Renta (STR) permit in PLN 220054 for APN 416-351-005 located at 282 Corral de Tierra Road in the Rural Density Residential Zoning District of Corral de Tierra. The neighborhood is governed by two home owner associations named the Alta Tierra Association and Meadow Lark. The majority of Alta Tierra and all of Meadow Lark are in opposition to any level of this commercial use of the property for the following reasons:

1. Monterey County is working on a STR ordinance that will require environmental review and public comment before adoption. We believe the granting of STR permits in advance of the final adoption of the STR ordinance is a de facto change to our zoning district without due process by allowing commercial use of residential property. Exempting this project from CEQA by citing CEQA section 15301 as the County has done for many STR permits is piecemeal development because the magnitude of the STR permits being granted by the county is resulting in re-zoning throughout the county without due process.

The 4-23-18 minutes of the Toro Area Land Use Project Referral Sheet has an in-depth discussion of the STR issue with the comment that this intensification of use could be a major problem for the Toro Area Plan with significant issues regarding inadequate water, unsafe roads, septic issues which would be greatly impacted by intensification of use resulting from use of homes as STRs. To date none of these infrastructure issues have been addressed by the county.

STRs have been banned in Peninsula cities and other areas of the county. Why should our area be subject to a rental activity that has been banned in other areas?

2. The property is located at the end of a private narrow one lane road 0.4 miles long with a single lane bridge and limited locations for two cars to pass, is steep in places and with limited sight distance and blind spots when

sun angle is low. The road services 12 residences and a yet to be developed lot. The maintenance and repair of the road is shared equally by each family.

3. Children, senior residents, pets, cyclists, wildlife, horseback rider and walkers use the road and vehicle drivers unfamiliar with these conditions can pose a threat to their safety. Speeding vehicles on the road present a substantial hazard.
4. Water service to both Associations is provided by private wells that have recently experienced record low water levels and the water use in both Associations is allocated on the number of residents at each home.
5. Based upon the 11-23 state fire map the project is in the High Fire Risk Zone. Short term renters not familiar with the fire risk of the area may not understand the high fire danger of the locale. With careless actions associated with smoking, barbequing, fire-works, car parking and other fire related activity the safety of the community could be at risk.
6. The neighborhood is a peaceful, remote and very quiet. It is also a neighborhood watch area where residents are familiar with neighbors and their vehicles. To have frequent and high-volume non-residents entering the neighborhood creates unnecessary safety concern for those living here. The maintenance workers required to service the STR also add additional non-resident traffic. The instability and constantly changing of rental occupants with no ties to the neighborhood may create inappropriate level of noise and other disturbing activities and security issues. Simply put, STR use does not contribute to peaceful use of one's home.
7. The Sheriff's department is at least 30 minutes away and calls made by residents to address STR renter issues may be slowly responded to or of low priority creating an untenable situation for residents. We understand that current County code enforcement of STR conditions is on the third level (Lowest).
8. Property values of homes adjacent to a short term rental may be negatively impacted as potential buyers could consider such use unfavorable and a responsible real estate sales person would disclose the fact of the STR permit.

The attached list of resident names are from the two home owner's associations directly impacted by the project and are in opposition to granting this permit.

Submitted by Scott Hennessy, hennessyst@comcast.net, 831-601-1119

Signatories to March 6, 2023 letter to Craig Spencer, Chief of Planning in opposition to Short Term Rental Permit PLN220054, APN 416-351-005-000

Address Numbers are all for Corral de Tierra Road

Alta Tierra Association

| | |
|-------------------------|------|
| Robin Aeschliman | 293 |
| Michael & Sandy Cohon | 276 |
| Scott & Tamara Hennessy | 294 |
| Song Kim | 278 |
| Dennis & Jean Powell | 298 |
| Matthew & Molly Ronconi | 296 |
| Paula Taylor | 280 |
| Greg & Jennifer Wolf | 284 |
| Meadow Lark Association | |
| Michael & Mary James | 272A |
| Scott & Susan Naylor | 272 |
| Gerry & Patti Wiley | 274 |

From: [Kevin Christine Kennedy](#)
To: [Angelo, Philip](#)
Subject: Permits for Short-Term Rentals and Home-stays when Owners are Onsite
Date: Thursday, March 9, 2023 9:19:18 AM

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Please cast a vote in favor of granting short-term rental\homestay permits...

In particular to responsible homeowners who live onsite and therefore make sure every guest is person vetted before reservation is granted and who take responsibility for guests and their impact on their neighborhood.

Thank you.

Sincerely,

Kevin Kennedy

From: [JANINE LEWIS](#)
To: [Angelo, Philip](#)
Cc: [100-District 5 \(831\) 647-7755](#)
Subject: March 15 Short Term Rental Administrative Hearing
Date: Tuesday, March 7, 2023 1:31:53 PM
Attachments: [favicon-32x32.ico](#)
[NBC@3x.png](#)

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Dear Mr. Angelo

I am writing to you today as a life long member of the Carmel Valley Village Community. My family and I contribute to this community in many ways. We are professionals who have worked hard to achieve homeownership and work locally.

I would like to voice my concern about the possibility of the County Board of Supervisors voting to approve short term rentals in Rural Monterey County specifically Coral De Tierra.

We would all rather see property rented long term to members of our community that would otherwise not be able to find housing. We would all like to avoid conflict and possible danger due to the limited police presence in Carmel Valley.

I can assure you and the Board Members the majority of homeowners in Carmel Valley, Coral De Tierra, San Benancio and Big Sur do not want anything to do with an open STR market. I'm sure you are all aware of how hard we have been fighting this.

The majority of the people of our community are against approving short term rentals, we elect you to be our representatives, we can also choose at election time to elect Board Members to represent us who will actually listen to what we have to say.

Here is but one story of a member of my community and their experience as an STR owner.

"Even the most attentive management of str's can't weed out every bad apple and if you're in a rural area that doesn't have dedicated police coverage you're a magnet for them because they look for places like that. Mine was in a beautiful area too and I was there 24/7 during guests stays and vetted them rigorously but matter how vigilant you are, stuff happens. I rented to a credentialed high clearance Caucasian government agent...who tried to sneak in 5 extra guests into a place that only slept 2 during a local wine festival. It was hard to tell how many there were until extra cars showed up. I had to handle that one very carefully.

Another owner rented to a couple who alleged it was just a romantic weekend getaway then hosted their wedding with over 200 guests. Neighbors have to live with it all too, and people who are just there to party really don't give a crap. There are str's dotted all over in suburban Carmel and The surrounding area.

The rate of police calls for str's exceeds the norm for very predictable stuff that takes a lot of the taxpayers \$\$ & time: parties, drugs, cars blocking residential streets, noise, dui's, accidents and more.

The Bay Area and other places have had fatal shootings at more than one str including one that made international news at a posh home in another well to do area.

LA has enacted strict laws around str for this reason, and the resulting housing shortage created by every available space being converted to str. absentee owners have a much higher rate of police calls at their properties, but it can happen even if you're vigilant host, putting an additional burden on the municipalities.

I'm not 100% against str; The only way to avoid most problems and not alienate your neighbors is to be there as an attentive inn keeper the whole time, because despite the automated platforms, that's what you are; it's your property, the "100% insurance coverage" promised by the online booking platforms are full of loophole, and Airbnb doesn't do background checks. No insurance covers felonies or any illegal behavior including murder, , so you are responsible and it will cost you plenty. I've had far better luck, dependable profit, and far fewer headaches by returning my unit into a long term rental to people in the community who care and contribute to it every day who now have a secure, affordable place to live in a market where they'd all become str in recent years."

Sourced legitimate news paper articles on the perils and community impacts of short term rentals.

'Horrific tragedy': five dead at Halloween party in California Airbnb rental | California | The Guardian
amp.theguardian.com



Numbers Shed Light on Violence at Short-Term Rentals: Report
nbcbayarea.com

From: [Jean Rasch](#)
To: [Angelo, Philip](#)
Subject: Short term rentals
Date: Thursday, March 9, 2023 6:06:15 AM

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I own a home in unincorporated Carmel. I oppose expansion of the number of short term rentals. Residential areas should not be offering commercial services. Rentals should be long term for workers.

Thank you.

Jean Rasch

Sent from my iPhone