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MINUTES
Del Monte Land Use Advisory Committee
Thursday, October 19, 2023

1. Meeting called to order by Lori Lietzke at 3:05 pm

2. Roll Call

Members Present:

Carol Church, Lori Lietzke, Maureen Lyon, Kim Caneer, Rick Verbanec, Ned Van Roekel (6)

Members Absent:

Kamlesh Parikh, Bart Bruno (2)

3. Approval of Minutes:

A. October 5, 2023 minutes

Motion: Rick Verbanec (LUAC Member's Name)

Second: Maureen Lyon (LUAC Member's Name)

Ayes: Lietzke, Church, Lyon, Van Roekel, Verbanec, Caneer (6)

Noes: 0

Absent: Parikh, Bruno (2)

Abstain: 0

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

5. Scheduled Item(s)

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

B) Announcements

Planning Commission and LUAC's Joint meeting/training October 25, 2023, 1:30
at 168W. Alisal, Board Chambers

7. Meeting Adjourned: 3:30 pm

Minutes taken by: Carol Church, Secretary

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Housing & Community Development
1441 Schilling Place 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: Del Monte Forest

1. **Project Name:** GIOVINO PAUL & STACI B TRS
File Number: PLN220057
Project Location: 2826 CONGRESS RD, PEBBLE BEACH, CA 93953
Assessor's Parcel Number(s): 007-152-008-000
Project Planner: Zoe Zepp
Area Plan: Greater Monterey Peninsula Area Plan
Project Description: An Administrative Permit to allow transient use for remuneration at the existing residence.

Was the Owner/Applicant/Representative present at meeting? YES X NO

(Please include the names of the those present)

Paul Giovino, Trustee

Was a County Staff/Representative present at meeting? Zoe Zepp, Hya Honorato (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

Chris Johnson	yes		Letter Supporting Project
James & Judith Hemphill	Yes		Letter Supporting Project
Charles Mcelvany	Yes		Letter objecting to any'permits given out for transient enumeration"

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
500 ft rule		Need clarification form County DMFLU Advisory Committee recommends reaching out to neighbor who objects .

ADDITIONAL LUAC COMMENTS

RECOMMENDATION:

Motion by: Rick Verbanec

(LUAC Member's Name)

Second by: Ned Van Roekel (LUAC Member's Name)

Support Project as proposed

Support Project with changes

Continue the Item

Reason for Continuance: _____

Continue to what date: _____

Ayes: Church, Lyon, Venbanec, Lietzke, Van Roekel (5)

Noes: 0

Absent: Bruno, Parikh (2)

Abstain: Caneer (1)



Staci Giovino <staci.giovino@gmail.com>

STR Support for 2826 Congress Rd.

1 message

Chris Johnson <corbindale@gmail.com>

Tue, Jul 25, 2023 at 12:52 PM

To: "staci.giovino@gmail.com" <staci.giovino@gmail.com>

The Chris Johnson Family
[2830 Congress Rd](#)
[Pebble Beach CA 93953](#)

To Whom it May Concern:

As residents of [2830 Congress Rd](#) in Pebble Beach, we are aware, and in support of, the Short Term Rental application being submitted by our adjacent neighbors Paul and Staci Giovino for their property at 2826 Congress Rd.

Thank you,

Chris, Pia, and Jett Johnson

James and Judith Hemphill
2822 Congress Rd
Pebble Beach CA 93953

To Whom it May Concern:

As residents of 2822 Congress Rd in Pebble Beach, we are aware, and in support of, the Short Term Rental application being submitted by our adjacent neighbors Paul and Staci Giovino for their property at 2826 Congress Rd.

Thank you,

Jim Hemphill

Jim & Judy Hemphill

Judi Hemphill

From: Charles mcelvany <charlie.charlie@sbcglobal.net>
Sent: Wednesday, October 18, 2023 10:01 AM
To: Honorato, Hya <HonoratoH@co.monterey.ca.us>
Subject: 2826 Congress Road Pebble Beach

[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.]

Good morning.

I am responding to a letter I received, regarding public comments related to this above address.

I am concerned with what I am seeing lately in Pebble Beach. I have noticed several strangers in the neighborhoods and I believe people are renting out their homes for Airbnb's. These homes are very unkept. There are people coming and going leaving cars ,and other items outside as well as trash from parties.

I believe the decisions should be made to keep the Pebble Beach community and its owners as safe as possible. I do not believe we should be giving out permits for transient remuneration or Airbnb use.

We have lived in Pebble for over nine years. I have seen other communities in Santa Cruz and Aptos that have rented out homes turn into completely different living communities. I do not want that for our community and I am against the remuneration.

Please take our statements under consideration before you make a decision.

Thank you for your time.

Respectfully,
Charles and Holli McElvany
2833 Congress Road
Pebble Beach, Ca 93953

Sent from my iPad



**PEBBLE BEACH
COMPANY**

May 11, 2023

Craig Spencer
Chief of Planning Services
County of Monterey
1441 Schilling Place, 2nd Floor, South
Salinas, CA 93901

RE: Application for Transient Use of Residential Property for Renumeration at 2826 Congress Road, Pebble Beach, CA 93953

Dear Craig:

We understand that Paul Giovino has submitted an application to Monterey County to operate a short-term rental (STR) at 2826 Congress Road, Pebble Beach, CA 93953 (the "Property"), located in the inland (non-coastal) portion of Del Monte Forest. Monterey County has asked Pebble Beach Company ("PBC") to confirm that it does not object to this use for the Property.

The County's Transient Rental Ordinance for the inland area (Monterey County Code Section 21.64.280.D.2.g) states that "use of a residential unit for a transient use [7-30 days] shall not violate any applicable conditions, covenants, or other restrictions on real property" in order to be approvable. On April 25, 2023, the Board of Supervisors adopted a policy that applications for STRs in the inland portion of the greater Monterey Peninsula planning area must go to a public hearing before the Planning Commission.

With respect to residential properties in Del Monte Forest ("DMF"), PBC is the entity that enforces the covenants, conditions, and restrictions ("CCRs"). The precise language of the CCRs in deeds has varied over the years, but the typical deed restriction for residential lots in DMF prohibits the conduct of a "trade, business or profession of any description," and limits the use "solely and exclusively" to not more than "one private single family residence," with or without appurtenant facilities.

As a general proposition, PBC considers STRs (i.e., rentals for less than 30 days) to be a violation of our deed restrictions. We have, however, in very limited circumstances allowed some STRs in the past. One key purpose of the CCRs is to maintain the character and quietude of residential neighborhoods. PBC has the discretion to determine, in its judgment, whether a violation of the CCRs is likely to occur, based on all of the circumstances surrounding the particular use.

In considering a proposed STR, the questions for PBC are 1) whether the rental is consistent with use as a "single family residence;" 2) whether the rental is not so extensive as to constitute a "trade business, or profession"; and, most importantly, 3) whether the rental will impact the character and quietude of the residential community.

We have considered the proposed STR at the Property, and it appears to meet our criteria for a

STR. Consequently, PBC will not object to the issuance of a transient use permit, so long as Monterey County imposes the following permit conditions to ensure the STR operates as represented in our discussions and consistent with the CCRs:

- The permit shall not run with the land and shall be of a limited term, not to exceed 3 years
- 4-day minimum stay
- Maximum 15 rental weeks per year
- Maximum occupancy 2 people/bedroom, not to exceed 10 people total
- STR owner to have local 24/7 representative available to respond to complaints
- The STR owner must obtain signed consent from all neighbors immediately adjacent to and across the street from the proposed STR prior to issuance of the permit
- If any neighbors within 500' of the STR object to the STR, no permit shall be issued
- The permit will be revoked in the event three verifiable complaints are received by the County concerning the operation of the STR
- Commercial and private events (e.g. weddings and parties) are prohibited

This letter is specific to the property at 2825 Congress Road and shall not be considered precedential with respect to future STR applications. PBC reserves the right to object to this or any future STR at any time. If you have any questions, I can be reached by email at GoldmanD@pebblebeach.com or by phone at (831) 625-8468.

Sincerely,

PEBBLE BEACH COMPANY



Diane Goldman
General Counsel

cc: Paul Giovino

LEGAL DEPARTMENT

4005 Sunridge Road, Pebble Beach, California 93953