

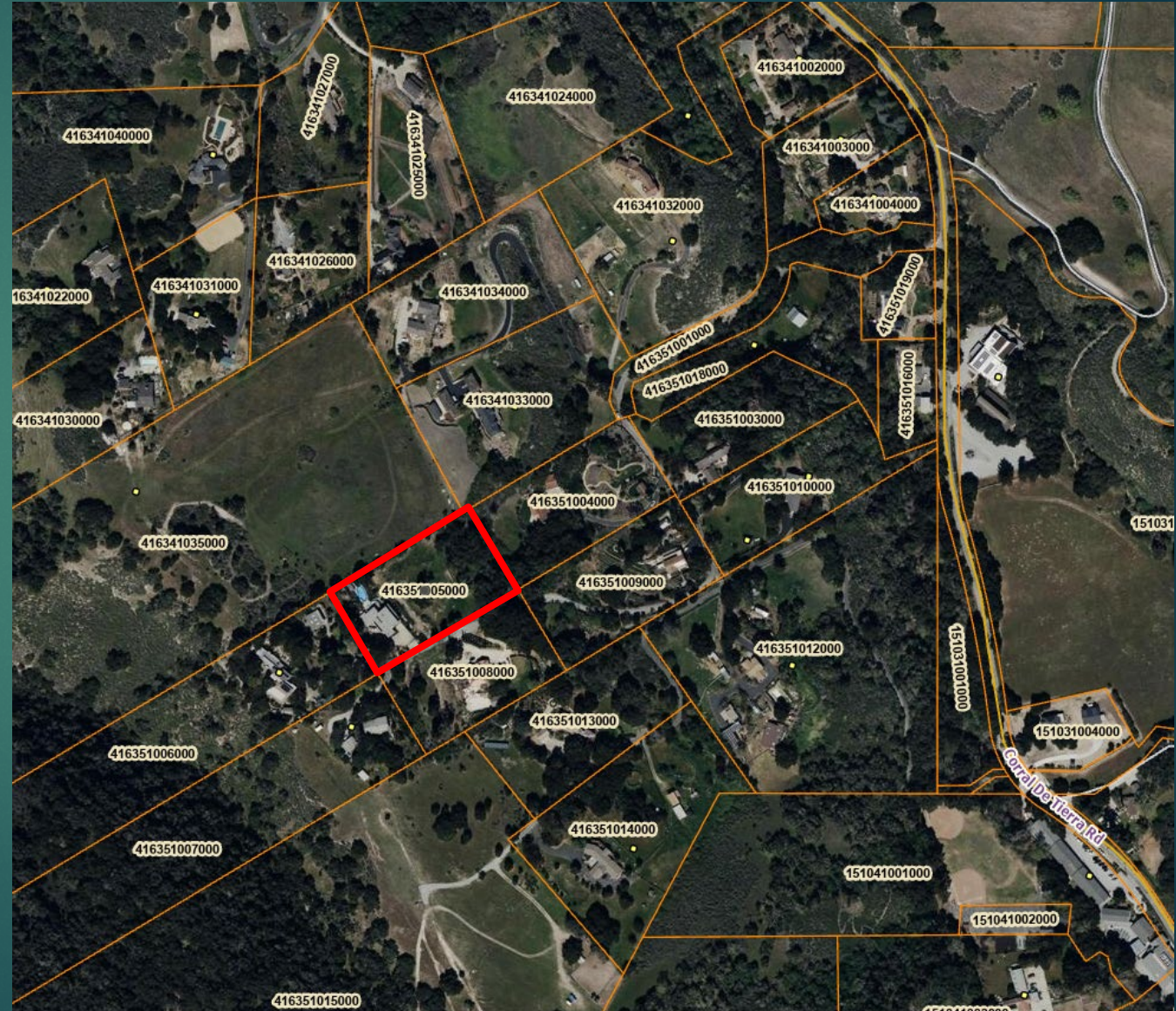
# ROSSEEL GEERT & POWELL TRACY TRS PLN220054

BOARD OF SUPERVISORS

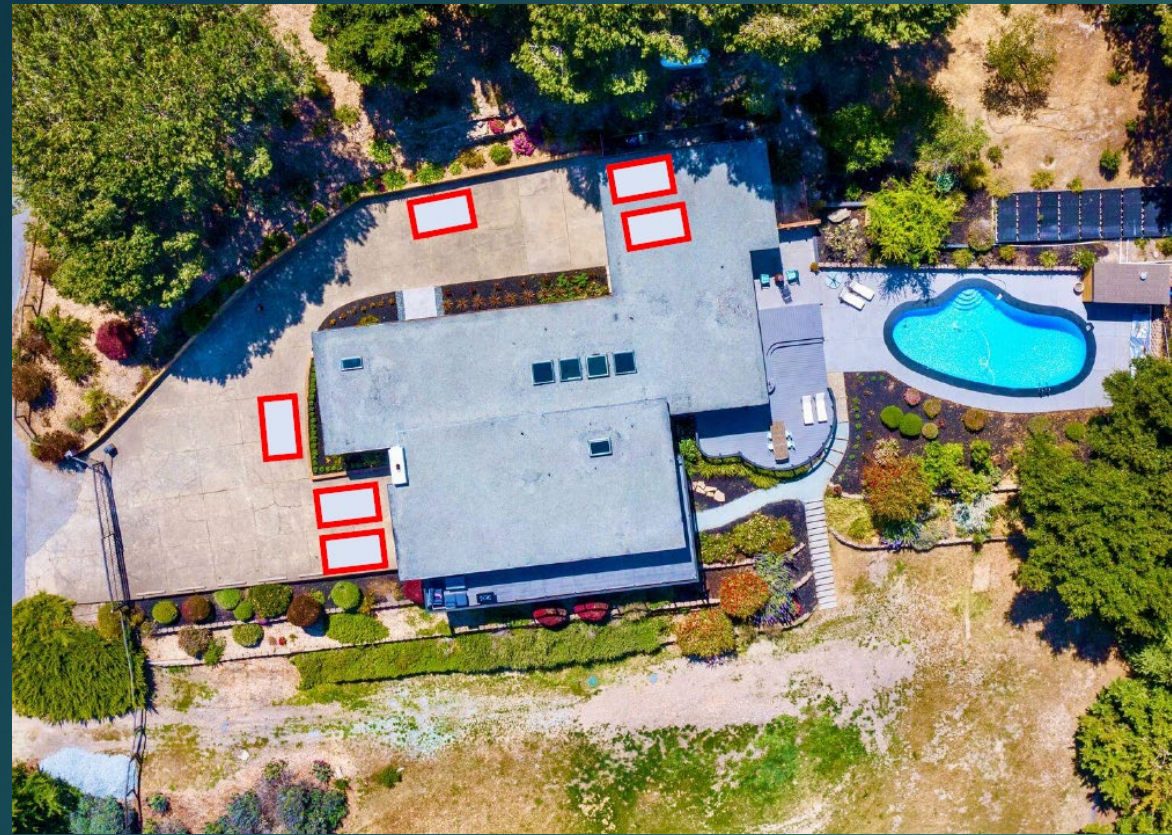
SEPTEMBER 19, 2023



- ▶ **Scope:** Allow transient use of a residential property for remuneration
- ▶ **Location:** 282 Corral De Tierra, Toro Area Plan
- ▶ **Zoning:** RDR/5.1-D







Site Photos



# Transient Use for Remuneration

- ▶ Allowed on properties which allow residential use subject to an Administrative Permit
- ▶ Operations Plan consistent with Title 21 section 21.64.280
- ▶ Recommending a condition to limit the use to three (3) years, after which the applicant would be required to file an extension and be subject to the provisions in Title 21 in place at the time of the extension



# Transient Use for Remuneration

*“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to the issuance of the permit, the permit shall not be approved until the homeowners' association's objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved, or otherwise ordered by a Court,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.” (Monterey County Code section 21.64.280.D.2.g)*

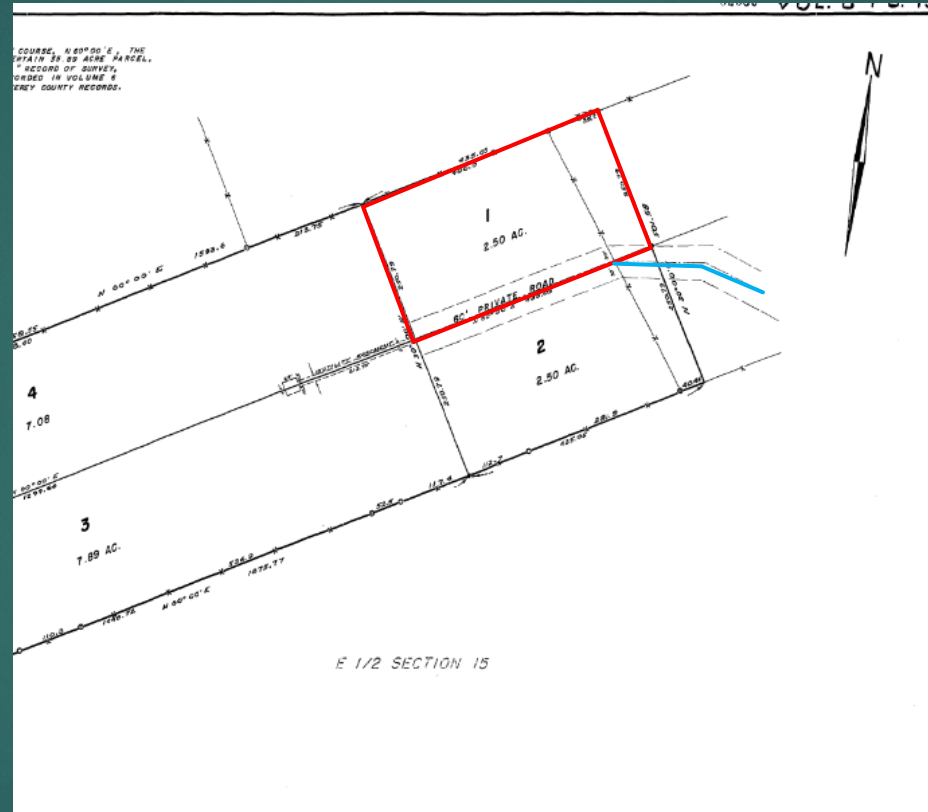


# Planning Commission Decision

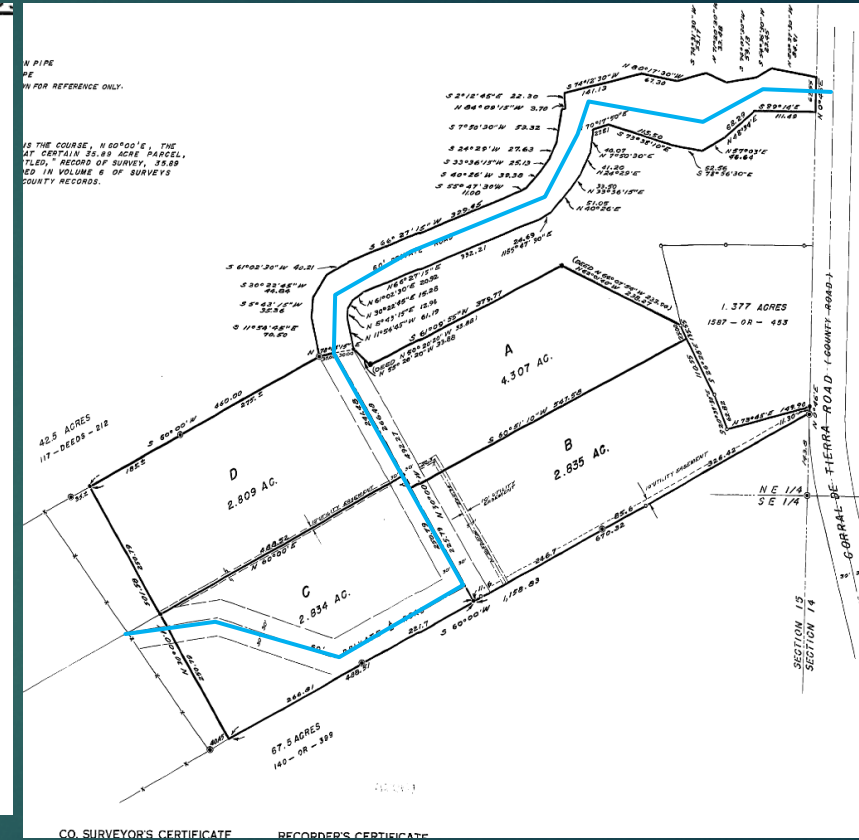
- ▶ A request for Public Hearing was Received
- ▶ Continued from April 12, 2023 Planning Commission
- ▶ Denied at May 31, 2023 Planning Commission
- ▶ Appealed by Applicant on June 16, 2023

# Homeowner's Association

- ▶ “Alta Tierra Association” objected to the use of water
- ▶ No “common area” to be considered a common interest development



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Vol 6 Surveys Pg 194



# Appeal Contentions

- ▶ The Alta Tierra Association is not a homeowner's association
- ▶ The actions of the Alta Tierra Association are beyond their authority
- ▶ The duration of the permit was shortened



# Recommendation:

1. Grant an Appeal by Geert Rosseel challenging the Planning Commission's denial of an Administrative Permit
2. Find that the project, allowing transient occupancy for remuneration at an existing residential property, qualifies for a Class 1 categorical exemption pursuant to CEQA Guidelines section 15301, and that none of the exceptions from section 15300.2 apply; and
3. Approve an Administrative Permit to allow transient use of a residential property for remuneration