

# Exhibit A

This page intentionally left blank.

# DRAFT RESOLUTION

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

In the matter of the application of:

**POSS ROY JAMES JR & DEBRA ANN (PLN240020)**

**RESOLUTION NO. ----**

Resolution by the County of Monterey Zoning  
Administrator:

- 1) Finding that the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 and no exceptions under section 15300.2 apply; and
- 2) Approving a Use Permit for a commercial vacation rental to allow the use of a residential property for transient lodging for a period of 30 calendar days or fewer.

[PLN240020 POSS ROY JAMES JR & DEBRA ANN, 1138 CHAPPARAL ROAD, PEBBLE BEACH, CA 93953, GREATER MONTEREY PENINSULA AREA PLAN (APN: 007-543-004-000)]

**The POSS ROY JAMES JR & DEBRA ANN application (PLN240020) came on for a public hearing before the County of Monterey Zoning Administrator on March 13, 2025. 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:** **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 County of Monterey General Plan;
    - Greater Monterey Peninsula Area Plan;
    - Monterey County Code Chapter 7.120;
    - Roads (Monterey County Code Chapter 16.80); and
    - Monterey County Zoning Ordinance (Title 21).No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
  - b) Allowed Use. The property is located at 1138 Chaparral Road, Pebble Beach, within the Greater Monterey Peninsula Area Plan (APN: 007-543-004-000). The parcel is zoned Medium Density Residential, 4 units per acre with a B-6, Design Control and Parking Restrictions on

Recreational Vehicles overlays or “MDR/B-6-D-RES”. The MDR zoning allows the use of Residential Property as a commercial vacation rental, subject to the granting of a Use Permit pursuant to Title 21 section 21.12.050.Y. Therefore, the proposed use is allowable.

- c) Lot Legality. The subject property (0.26 acres in size), APN: 007-543-004-000, is identified as Lot 7 of Club Lot 3, as shown in its current size and configuration and described under separate ownership on the 1972 Assessor’s Parcel Map Book 7, page 54. The subject property (0.26 acres in size), APN: 007-543-004-000, is identified as Lot 7 of Block 48, as shown in its current size and configuration and described on the 1964 Assessor’s Parcel Map Book 7, page 37. Therefore, the County recognizes the property as a legal lot of record.
- d) Land Use Advisory Committee (LUAC) Review. This project was not referred to the Del Monte Forest Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 15-043, this application did not warrant referral to the LUAC as it does not fall within the LUAC review guidelines.
- e) Vacation Rental Operation License. Condition No. 7 requires that the applicant obtain a Vacation Rental Operation License and provide documentation to prove that they comply with all of the requirements of the Vacation Rental Operation License pursuant to Title 7 Chapter 7.120. The subject property is required as conditioned to ensure that they always have an active Vacation Rental Operation License.
- f) Business License. Condition No. 6 requires that the applicant obtain a Business License and provide documentation to prove that they comply with all of the requirements of the Business License pursuant to Title 7 section 7.02.060. The subject property is required as conditioned to ensure that they always have an active Business License.
- g) Transient Occupancy Tax. Condition No. 8 requires that the applicant register with the County of Monterey Treasurer-Tax Collector to pay Transient Occupancy Tax pursuant to Title 5 Chapter 5.40 and must pay Transient Occupancy Tax on all applicable rent received from transient occupancy of their residential property as a commercial vacation rental. The subject property is required as conditioned to ensure payment of Transient Occupancy Tax to the County of Monterey Treasurer-Tax Collector is made pursuant to Title 5 Chapter 5.40.
- h) Adequate Emergency Response Time. Condition No. 5 requires that the applicants notify the guests of the average response time for emergency fire and medical services and the address and phone number of those services. The subject property complies with Title 21 section 21.64.290.F.5, adequate emergency response times for fire and emergency medical. The submitted Operations Plan includes contact information for County emergency services for fire and emergency medical. The property complies with adequate public facilities and services requirements pursuant to the 2010 County of Monterey General Plan Safety Element Policy PS-1.1 and Table PS-1. Response times are approximately 5-8 minutes from the Community Hospital of Monterey Peninsula, which provides 24-hour emergency medical services, and within 5-8 minutes of structural coverage from the Pebble Beach Fire

Station, within its response area. The subject property complies with the requirement to provide contact information for County emergency services for fire and emergency medical. The contact information is included as required in the informational signage that must be posted within six feet of the front door.

- i) Parking. Title 21 section 21.64.290.F.6 requires that commercial vacation rentals provide parking in compliance with Title 21 section 21.58.040. Title 21 section 21.58.040 establishes the minimum required parking spaces. A single-family dwelling requires two parking spaces. As proposed, the property can accommodate up to six total cars for occupants and employees, which exceeds the requirements of Title 21 section 21.58.040.
- j) One commercial vacation rental Per Legal Lot of Record. The subject legal lot of record complies with Title 21 section 21.64.290.F.7 as this is the only commercial vacation rental on the legal lot of record.
- k) Ownership Interest in One commercial vacation rental in the Unincorporated Monterey County. The owners of the legal lot of record comply with Title 21 section 21.64.290.F.8 and do not have any ownership interest in any other commercial vacation rentals in the unincorporated Monterey County. This application before the Zoning Administrator would be the first and only ownership interest the applicants would have in a commercial vacation rental in the unincorporated Monterey County.
- l) Permit Expiration. Condition No. 4 applies a 7-year expiration to the granting of this Use Permit, pursuant to Title 21 section 21.64.290.F.12.a. The purpose of this expiration is to provide adequate on-going review of the approved use of the residential property as a commercial vacation rental. Prior to its expiration, the owner/applicant shall file an extension in accordance with Title 21 section 21.74.110, which requires submittal of the request at least 30 days prior to the expiration date. The appropriate authority to consider this extension shall be the Zoning Administrator. This subsequent review will ensure: 1) the use continues to meet the standards of Title 21 and 2) an opportunity for Planning staff's review for on-going compliance with the conditions of approval.
- m) Access. The property has access through a private driveway that connects to Chaparral Road, a private road maintained by the Pebble Beach Company. The property is conveyed to Roy Poss, Jr. and Debra Ann Poss in the Grant Deed recorded on May 8, 2019, as Document ID 2019018967. The property's original deed recorded on March 16, 1964, as Deed Number 1458 in Reel 297, Pages 160-162, contains the deed restriction language that can be interpreted as the private road agreement and the private road maintenance agreement. The first deed restriction relates to the "Use of Roads and Bridle Paths." It states that the property owner to use the roads is "*...subject to the provisions hereof, is hereby granted a license for the use, by himself, his family, servants, tenants and guests occupying or visiting said premises, of all roads and bridle paths now or hereafter owned by the Grantor in Del Monte Forest, and to free access to Del Monte Forest; in consideration of which the owner of said premises shall be obligated to*

*pay the Grantor the sum of One Hundred (\$100) on each January 1<sup>st</sup> hereafter, the payment of which sum is and shall be secured by a lien and charge on said premises.”* The second deed restriction restricts the usage of the property subject to the listed conditions and covenants. This condition restricts the usage of the property and states that “...no trade, business or profession of any of any description shall be conducted on said premises. Said premises shall not be used for any purpose whatever except solely and exclusively for the purpose of construction and maintenance of not more than one private single family residence with appurtenant detached guest and servants’ cottages (without cooking facilities), greenhouse, garage, and, if approved in writing by the Grantor, a stable for saddle horses.”

The plain language of both deed restrictions gives the property owner access to their property via the private road as long as they pay \$100 each January 1<sup>st</sup> and allows the property owner and their “family, servants, tenants, and guests” to utilize the private roads managed and maintained by the Pebble Beach Company. Therefore, the project is classified as a Tier 4 category pursuant to Title 16 Chapter 16.80, which means this deed restriction language constitutes the private road agreement and the private road maintenance agreement.

On October 9, 2024, the Pebble Beach Company submitted a letter to the County stating that they have a blanket objection to the use of residential property in Pebble Beach for commercial vacation rentals. Pebble Beach Company believes that the two deed restrictions constitute the private road agreement and the private road maintenance agreement and that these deed restrictions’ plain language prohibits the ability of the property owner from using their property as a commercial vacation rental as that constitutes a trade or business, which is expressly prohibited. Further, Pebble Beach Company believes that these deed restrictions prohibit the ability of occupants of commercial vacation rental from being able to use the private roadways maintained and managed by the Pebble Beach Company.

On February 12, 2025, the applicant provided a letter to County staff stating that they believe the deed restriction language referenced by Pebble Beach Company does not restrict the use of their property as a commercial vacation rental and that a commercial vacation rental does not contradict the deed restriction language. Further, the applicant does not believe the plain language of the deed restrictions prohibits the applicant or the occupants of the applicant’s property from using the private roads to access their commercial vacation rental.

The County recommends that all applicants in Pebble Beach contact the Pebble Beach Company’s Architectural Review Office (ARC) to obtain approvals for the use of their property as a commercial vacation rental. The applicant, Roy Poss, on February 11, 2025, submitted an email request to the ARC asking for permission to use the private roads for a commercial vacation rental and that the applicant believes that deed restrictions do not apply to the operation of a commercial vacation rental. As of the date of this resolution, staff is not aware that the applicant has received a response from the Pebble Beach Company.

As the subject property has access via a private roadway, it must comply with Title 16 Chapter 16.80, pursuant to Title 21 section 21.64.290.F.4. The private roadway is subject to a private road agreement and a private road maintenance agreement, which means the property would be classified as a Tier 4 category pursuant to Title 16 Chapter 16.80. Tier 4 projects allow the Appropriate Authority, in this case, the Zoning Administrator, to “...rely on the plain language of the private road agreement and private road maintenance agreement regarding rights of access and proportionate costs for repair and maintenance.” The plain language in the deed restrictions, which constitutes the private road agreement and private road maintenance agreement, is unclear in the specific case of commercial vacation rental use. Further, there is a substantial dispute as to the meaning of the plain language of the deed restriction, where the applicant believes the language does not restrict commercial vacation rental use. In contrast, the Pebble Beach Company believes the language does restrict commercial vacation rental use. Title 16 section 16.80.060.A allows the Appropriate Authority if a substantial dispute exists, they can approve the project but apply a Condition of Approval that requires the applicant to demonstrate “...that the dispute has been satisfactorily resolved...”. Therefore, staff have applied Condition No. 9, which requires that the applicant provide HCD-Planning with proof of access and demonstrate the following: 1) the private road dispute has been satisfactorily resolved, and 2) the use of the property as a commercial vacation rental is allowed and does not violate the plain language of any deed restriction and/or any private road agreement. The applicant cannot commence use of the commercial vacation rental until the applicant has provided HCD-Planning with such adequate documentation demonstrating the aforementioned requirements.

- n) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240020.

**2. FINDING:** **SITE SUITABILITY** – The site is physically suitable for the proposed development and/or use.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by HCD-Planning. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
  - b) The project planner reviewed aerial and street view imagery (Monterey County GIS and Google Maps) to verify that the site is suitable for this use and the project on the subject parcel conforms to the plan, policies, and regulations listed above.
  - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240020.

3. **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 HCD-Planning. The project is served by public water and wastewater management services and had active and acceptable solid waste collection; therefore, there were no recommended conditions. 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 infrastructure is in place to serve the use, as discussed in subsequent Evidence “c” through “f”.
  - c) The property has road access to Chaparral Road, a private road that is maintained by the Pebble Beach Company. No alterations to this driveway or access are required for the use.
  - d) Pebble Beach Community Services District currently provides wastewater management service to the subject property and the existing connection will be retained for the proposed use.
  - e) California American Water currently provides potable water service to the subject property and the existing connection will be retained for the proposed use.
  - f) Solid waste (garbage) collection service is and will continue to be provided by GreenWaste Management.
  - g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240020.
4. **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 HCD-Planning and HCD-Building Services records and is not aware of any current violations existing on the subject property.
  - b) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240020.
5. **FINDING:** **CEQA (Exempt)** – The project qualifies for a Class 1 categorical exemption pursuant to CEQA Guidelines section 15301 and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines section 15301, categorically exempts the leasing of existing private structures, involving negligible or no expansion of existing or former use.
  - b) The project proposed to allow the use of an existing residential property for transient lodging for a period of 30 calendar days or fewer. The project would not expand the residence, nor would it allow any



additional occupancy beyond what is allowed for the existing residence. Therefore, the project fits the criteria of the exemption.

- c) None of the exceptions under CEQA Guidelines section 15300.2 apply to this project, as discussed in subsequent Evidence “d” through “i”.
- d) Class 1 exemptions are not qualified for an exception by their location.
- e) The County’s regulatory process of Use Permits for the use of an existing residential property for transient lodging allows the County to regulate such uses in a way that would prevent adverse cumulative impacts to the surrounding environment. Consistent with the Findings and Purpose in Monterey County Ordinance Number 5422 section 1.F, the requirement for a Use Permit for commercial vacation rental activities ensures that the impact of such leasing activities can be appropriately evaluated. Further, Title 21 section 21.64.290 establishes caps on the maximum amount of Use Permits for commercial vacation rentals to ensure that the potential cumulative effects of commercial vacation rentals are minimized. The project is consistent with all the criteria in Title 21 section 21.64.290 and, therefore, would not contribute to a cumulative effect.
- f) There are no unusual circumstances related to the project that would create the reasonable possibility of a significant effect.
- g) The project would not result in damage to scenic resources within view of the State Scenic Highway. The nearest designated State Scenic Highway is Highway 68, which is approximately 0.6 miles northeast of the property. However, the property is not visible from Highway 68 due to distance, topography, and intervening vegetation and structures. The project also does not propose any physical changes that would damage scenic resources: no construction, exterior alterations to structures, land alteration, or vegetation (or tree) removal are proposed.
- h) The project is not located on a hazardous waste site included on any list compiled pursuant to Section 65962.5 of the Government code.
- i) The project would not damage any historical resources.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240020.

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

**EVIDENCE:** a) Planning Commission. Pursuant to Title 21 section 21.80.040.B, an appeal of the Zoning Administrator’s decision for this project may be made to the Planning Commission by any public agency or person aggrieved by their decision.

## DECISION

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

- 1) Find that the project, allowing the use of an existing residential property for transient lodging, qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301, and no exceptions under section 15300.2 apply; and
- 2) Approve a Use Permit for a commercial vacation rental to allow the use of a residential property for transient lodging for a period of 30 calendar days or fewer.

Said decision is to be in substantial conformance with the attached plan and subject to the attached conditions, which are incorporated herein for reference.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of March, 2025.

---

Mike Novo, AICP  
Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE.

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 DATE.

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

1. This permit does not authorize any development and only authorizes the use of the residential property as transient lodging.

# County of Monterey HCD Planning

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

PLN240020

### 1. PD001(B) - SPECIFIC COMMERCIAL VACATION RENTAL USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Use Permit (PLN240020) allows the use, by any person, of residential property single family dwelling for transient lodging for a period of 30 consecutive calendar days or fewer, counting portions of calendar days as full days. This property is located at 1138 Chaparral Road (Assessor's Parcel Number 007-543-004-000), Greater Monterey Peninsula Area Plan. This rental allows an unlimited number of transient lodging rentals of up to 30 calendar days per 12-month period. 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 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 HCD. Any use not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (HCD - 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(B) - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state: "A Use Permit (Resolution Number XX-XXX) was approved by the Zoning Administrator for Assessor's Parcel Number 007-543-004-000 on March 13, 2025. The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with County of Monterey HCD." Proof of recordation of this notice shall be furnished to the Director of HCD prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

### 3. PD008 - NO EVENTS ALLOWED

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to Monterey County Code Title 21 Section 21.64.290.A, to protect the residential character of the neighborhood on an ongoing basis, the property shall be rented for only transient residential-related use. The property shall not be rented to either transient or short-term occupants for the purpose of holding a corporate or private event unless the County approves a separate entitlement to allow such events on the property. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** On an on-going basis, the property shall only be rented for transient residential-related use.

### 4. PD009 - PERMIT LIMITATION OF THE USE OF THE RESIDENTIAL PROPERTY AS A COMMERCIAL VACATION RENTAL

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This permit shall be valid for 7 years from the date of permit approval which is March 13, 2025, unless an extension is filed with County of Monterey HCD – Planning at least 30 days prior to the expiration of the permit. Approval of this Use Permit is limited to 7 years to provide an adequate, on-going review of the approved use of the Residential Property as a Commercial Vacation Rental.

The owner/operator shall file an application for extension of the permit in accordance with the Monterey County Code Title 21 Sections 21.74.110 and 21.64.290.F.12.b.

**Compliance or Monitoring Action to be Performed:** The applicant shall commence and operate the authorized use in accordance with County codes and State regulations and to the satisfaction of the HCD-Chief of Planning. Any request for a Use Permit extension must be received by HCD-Planning at least 30 days prior to the expiration date.

### 5. PD010 - SIGNAGE FOR ADEQUATE EMERGENCY RESPONSE TIME

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** To protect the occupants of the Commercial Vacation Rental, applicants must demonstrate that the average response time for County emergency services for fire and emergency medical will be adequate pursuant to the 2010 County of Monterey General Plan Safety Element Policy PS-1.1 and Table PS-1. The average response time for emergency fire and medical services and onsite fire protection systems must be in the Informational Interior Signage. (Monterey County Code Title 21 Section 21.64.290.F.5).

**Compliance or Monitoring Action to be Performed:** On an on-going basis the applicant shall notify occupants of the Commercial Vacation Rental of the average response time for emergency fire and medical services and describe the onsite fire protection systems. This information shall be provided to all occupants in the Informational Interior Signage and shall satisfy all requirements pursuant to Monterey County Code Title 7 Section 7.120.040.L.

## 6. PD018 - BUSINESS LICENSE REGISTRATION

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to Monterey County Code Title 7 Section 7.02.060.C, Owner/Operator is required to obtain a business license from the County of Monterey Treasurer-Tax Collector. This business license shall be active and renewed annually for the term of this Use Permit.

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of use and on an annual basis, the Owner/Operator shall provide proof that the property has been registered with the Monterey County Treasurer-Tax Collector.

## 7. PD031 - VACATION RENTAL OPERATION LICENSE

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to Monterey County Code Title 7 Chapter 7.120, applicants are required to obtain a Vacation Rental Operation License from the County of Monterey HCD. This Vacation Rental Operation License shall be active and renewed annually for the term of this Use Permit.

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of use, HCD will issue the applicant a Vacation Rental Operation License.

## 8. PD053 - TOT Registration

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to Monterey County Code Title 7 Section 7.120.040.C, Owner/Operator is required to register for Transient Occupancy Tax (TOT) with the County of Monterey Treasurer Tax Collector. The applicant's Transient Occupancy Tax Certificate shall be active for the term of this Use Permit.

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of use and on a quarterly basis, the Owner/Operator shall pay Transient Occupancy Tax to the Monterey County Treasurer-Tax Collector pursuant to Monterey County Code Title 5 Chapter 5.40.

## 9. PDSP001 – USE OF PRIVATE ROAD

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The project requires use of a private road, as defined by Monterey County Code (MCC) Chapter 16.80, which is owned by the Pebble Beach Company. There is a deed restriction on the subject property that meets the definition of a private road agreement and private road maintenance agreement under MCC Chapter 16.80. There is substantial evidence that a substantive dispute exists over the use of the private road for the project. The applicant/Owner/Operator shall provide HCD-Planning with proof of access and adequate documentation demonstrating that: 1) the private road dispute has been satisfactorily resolved; and/or 2) the use of the property as a Commercial Vacation Rental is allowed and does not violate the plain language of any deed restrictions and/or private road agreement. Adequate documentation may include: written withdrawal of objections; a final settlement or final judicial determination; or written permission from the legally established private road governing structure such as a homeowners' association or similar organization where said governing structure is authorized to make determinations regarding the use, maintenance, and related matters regarding the private road.

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of use, the Applicant/Owner/Operator shall provide adequate documentation to HCD-Planning for review and approval satisfying the requirements of this condition.

**10. CC01 INDEMNIFICATION AGREEMENT**

**Responsible Department:** County Counsel-Risk Management

**Condition/Mitigation Monitoring Measure:** Owner/Applicant agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code section 66474.9, defend, indemnify, and hold harmless the County of Monterey and/or its agents, officers, and/or employees from any claim, action, or proceeding against the County and/or its agents, officers, and/or or employees to attack, set aside, void, or annul this approval and/or related subsequent approvals, including, but not limited to, design approvals, which action is brought within the time provided for under law. Owner/Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action.

The County shall notify Owner/Applicant of any such claim, action, and/or proceeding as expeditiously as possible. The County may, at its sole discretion, participate in the defense of such action. However, such participation shall not relieve Owner/Applicant of his/her/its obligations under this condition. Regardless, the County shall cooperate fully in defense of the claim, action, and/or proceeding.

Owner/Applicant shall execute and cause to be notarized an agreement to this effect concurrent with the issuance of building permits, use of the property, filing of the final map, recordation of the certificates of compliance, or demand of the County Counsel's office, whichever occurs first and as applicable. Owner/Applicant shall submit such signed and notarized Indemnification Agreement to Housing and Community Development – Planning for the County's review and signatures.(County Counsel-Risk Management)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

This page intentionally left blank



**SITE/LANDSCAPING NOTES-**

1. THERE WILL BE NO LANDSCAPING. OWNER IS LEAVING PROPERTY NATURALLY LANDSCAPED.
2. THERE WILL BE NO SITE WORK (CUTTING & FILLING) REAR PORTION OF GARAGE TO BE LEVELED BY USING 3/4 GRAVEL FILL.

1134 CHAPARRAL ROAD  
 HUALA  
 APN 007-543-002

N83° 07' 00" E 124.56'

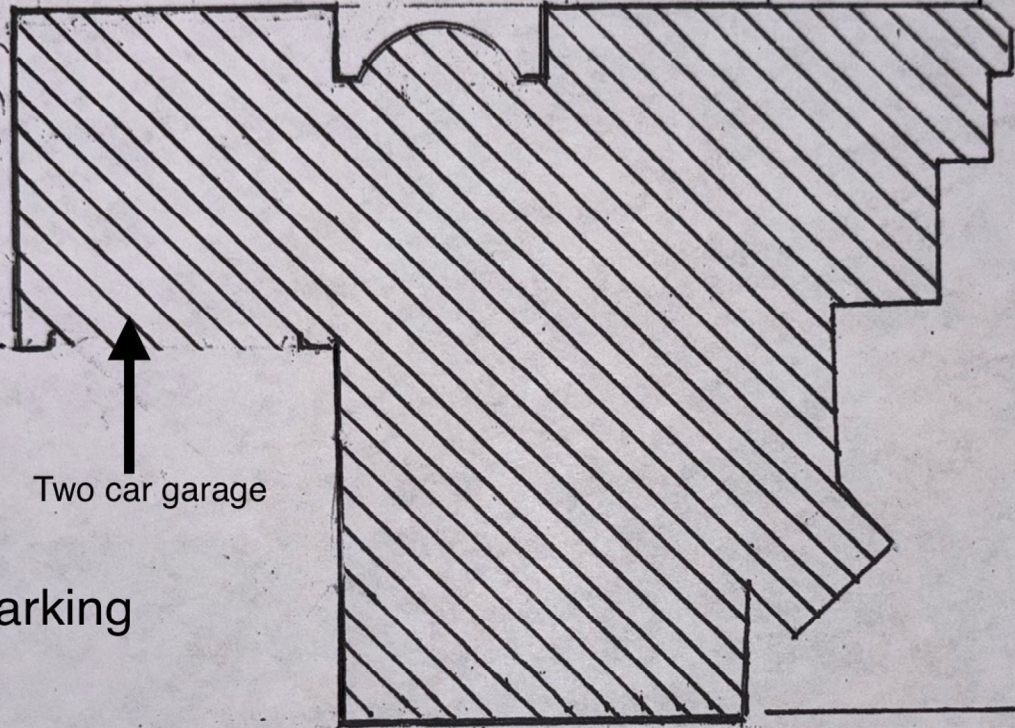
LOCATION OF POWER  
 POLE AND 12" WATER  
 MAIN

2915 COLTON ROAD  
 HUALA  
 APN 007-543-003

2919 COLTON ROAD  
 HUALA  
 APN 007-543-003

1142 CHAPARRAL ROAD  
 HUALA  
 APN 007-543-006

1138 CHAPARRAL ROAD  
 (50'-0" WIDE PRIVATE ROAD)



Two car garage

Parking

Driveway

**SITE DRAINAGE**  
 FINISHED GRADE SHALL HAVE A MINIMUM OF 1% SLOPE TOWARD PERPENDICULAR TO THE FACE OF THE DRAIN.

**SITE**  
 SCALE 3/16" = 1'-0"

LEGAL DESCRIPTION  
 LOCATION OF PROPOSED PROJECT  
 1138 CHAPARRAL ROAD  
 HUALA, CALIF.

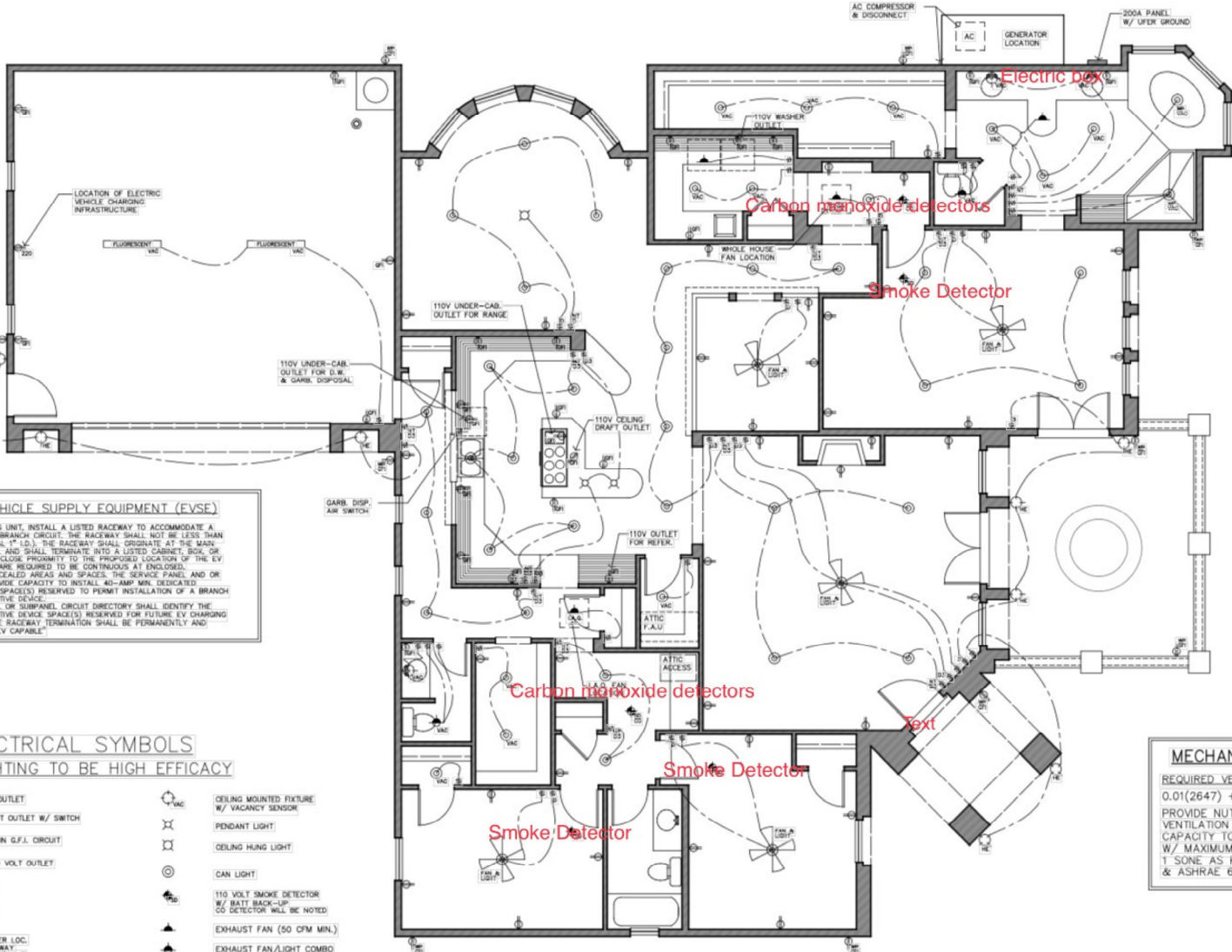
AND ALL INFORMATION ACQUIRED HEREIN ARE THE EXCLUSIVE PROPERTY OF DELTA VALLEY DESIGN. THESE DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN CONSENT OF DELTA VALLEY DESIGN.

DELTA VALLEY DESIGN

PROJECT: [ ]  
 TITLE: **SITE PLAN**  
 PROPOSED PROJECT FOR: [ ]  
 POSS: [ ]



THIS DRAWING AND ALL INFORMATION INCLUDED WITH-IN ARE THE EXCLUSIVE PROPERTY OF DELTA VALLEY DESIGN. THESE DRAWINGS ARE NOT TO BE REPRODUCED WITHOUT WRITTEN CONSENT OF DELTA VALLEY DESIGN.



**ELECTRICAL NOTES**

1. PROVIDE A MINIMUM OF 2 - 20 AMP SMALL APPLIANCE CIRCUITS AT COUNTER TOPS. SUCH CIRCUITS MUST BE BALANCED.
2. RECEPTACLES THAT ARE INSTALLED TO SERVE THE COUNTER TOP SURFACES SHALL HAVE GROUND-FAULT CIRCUIT-INTERRUPTER PROTECTION AND MIN. 20" ABOVE COUNTERTOP
3. AT LEAST ONE WALL RECEPTACLE OUTLET SHALL BE INSTALLED IN BATHROOMS ADJACENT TO EACH BATH LOCATION. BATHROOM RECEPTACLE OUTLETS SHALL BE SERVED BY AT LEAST ONE 20-AMPERE BRANCH CIRCUIT. SUCH CIRCUITS SHALL HAVE NO OTHER OUTLETS.
4. ALL RECEPTACLES IN DWELLING UNITS SHALL BE LISTED AS TAMPER-RESISTANT. TAMPER-RESISTANT RECEPTACLES IN DWELLING UNITS SHALL BE:

  - ALL 120V, 15 AMP & 20 AMP RECEPTACLES IN DWELLING UNITS SHALL BE TAMPER-RESISTANT RECEPTACLES.

5. AT LEAST ONE 20-AMPERE CIRCUIT SHALL BE PROVIDED TO SUPPLY THE LAUNDRY RECEPTACLE OUTLETS. THIS CIRCUIT SHALL HAVE NO OTHER OUTLETS.
6. ANY FIRED APPLIANCE W/ 1/4 H.P. MOTOR OR LARGER SHALL BE ON A SEPARATE #12 AWG WIRE CIRCUIT. DISPOSAL CIRCUITS ARE TO BE #12 AWG WIRE AND A 15 AMP INDICATING TYPE SWITCH.
7. FOR A ONE FAMILY DWELLING THAT IS AT GRADE LEVEL, AT LEAST ONE RECEPTACLE OUTLET ACCESSIBLE AT GRADE LEVEL AND NOT MORE THAN 6'-6" ABOVE GRADE SHALL BE INSTALLED AT THE FRONT AND BACK OF THE DWELLING. OUTLET SHALL BE LISTED AS WEATHER RESISTANT.
8. THERE SHALL BE NO SWITCHES OR OUTLETS WITHIN 5'-0" OF ANY TUB OR SHOWER.
9. THERE SHALL BE NO LIGHTS PLACED IN ANY OF THE CLOSETS THAT COME WITHIN 18" OF THE EDGE OF ANY HANGER.
10. GARAGE OUTLETS SHALL BE AT 42" AND BE ON A G.F.I. CIRCUIT
11. PROVIDE DOOR CHIMES WITH DOOR BELL, LIGHTED HOUSE NUM-BERS AND PUSH BUTTON FOR GARAGE DOOR OPENER.
12. SMOKE ALARMS SHALL BE UL217 RATED. PROVIDE SMOKE ALARMS IN EA. BEDROOM, OUTSIDE EA. SLEEPING AREA IN IMMEDIATE VICINITY OF EA. BEDROOM. SMOKE ALARMS SHALL BE HARDWIRED AND INTERCONNECTED. CARBON MONOXIDE SHALL BE UL 2034/2075 RATED. CARBON MONOXIDE ALARMS SHALL BE IN EA. SLEEPING ROOM WITH A FUEL-BURNING APPLIANCE AND IN DWELLINGS WITH AN ATTACHED GARAGE.
13. RECESSED CEILING FIXTURES ARE "ZERO CLEARANCE INSULATION COVER" (IC) APPROVED IN INSULATED AREAS & AIR TIGHT APPROVED
14. PROVIDE PERMANENTLY WIRED SERVICE LIGHT, SWITCH AND RECEPTACLE FOR ALL ATTIC MOUNTED EQUIPMENT THROUGH OUT PROJECT
15. ALL 120V, SINGLE PHASE 15- & 20-AMP BRANCH CIRCUITS SUPPLYING OUTLETS OR DEVICES INSTALLED IN ALL LIVING SPACES SHALL BE AFCI PROTECTED.
16. UNLESS FUNCTIONING AS A COMPONENT OF THE WHOLE HOUSE VENTILATION SYSTEM, THE EXHAUST FAN IN EACH BATHROOM MUST BE OPERATED BY A HUMIDITY CONTROL. THE HUMIDITY CONTROL SHALL BE ADJUSTABLE BETWEEN A RELATIVE HUMIDITY RANGE OF 50%-80%.
17. ALL EXTERIOR LIGHTING SHALL BE HIGH EFFICACY & CONTROLLED BY A MOTION/PHOTO CELL COMBINATION SENSOR.
18. LIGHTING CONTROLS TO COMPLY WITH 2016 CAL ENERGY STANDARDS
19. INTERSYSTEM BONDING TERMINATION FOR CONNECTION OF BONDING CONDUCTORS REQUIRED FOR COMMUNICATION SYSTEMS SHALL BE PROVIDED EXTERNAL TO ENCLOSURES & THE SERVICE EQUIPMENT OR METERING EQUIPMENT ENCLOSURE. THE INTERSYSTEM BONDING TERMINATION SHALL CONSIST OF A SET OF TERMINALS WITH THE CAPACITY FOR CONNECTION OF NOT LESS THAN THREE COMMUNICATION SYSTEMS BONDING CONDUCTORS.
20. AFCI FAULT INTERRUPTER CIRCUITS - ALL 120V, SINGLE PHASE, 15-AMP & 20-AMP BRANCH CIRCUITS SUPPLYING OUTLETS INSTALLED IN DWELLING UNIT KITCHENS, FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LOBBIES, PORCHES, BEDROOMS, SUBROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, LAUNDRY AREAS OR SIMILAR ROOMS OR AREAS SHALL BE PROTECTED BY A LISTED AFCI-FAULT CIRCUIT INTERRUPTER, COMBINATION-TYPE, INSTALLED TO PROVIDE PROTECTION OF THE BRANCH CIRCUIT.

**ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)**

1. FOR EACH DWELLING UNIT, INSTALL A LISTED RACEWAY TO ACCOMMODATE A DEDICATED 200/240V BRANCH CIRCUIT. THE RACEWAY SHALL NOT BE LESS THAN TRADE SIZE 1 (NOMINAL 1" I.D.). THE RACEWAY SHALL ORIGINATE AT THE MAIN SERVICE OR SUBPANEL AND SHALL TERMINATE INTO A LISTED CABINET, BOX, OR OTHER ENCLOSURE IN CLOSE PROXIMITY TO THE PROPOSED LOCATION OF THE EV CHARGER. RACEWAYS ARE REQUIRED TO BE CONTINUOUS AT ENCLOSED, INACCESSIBLE OR CONCEALED AREAS AND SPACES. THE SERVICE PANEL AND OR SUBPANEL SHALL PROVIDE CAPACITY TO INSTALL 40-AMP MIN. DEDICATED BRANCH CIRCUIT AND SPACE(S) RESERVED TO PERMIT INSTALLATION OF A BRANCH OVERCURRENT PROTECTIVE DEVICE.

2. THE SERVICE PANEL OR SUBPANEL CIRCUIT DIRECTORY SHALL IDENTIFY THE OVERCURRENT PROTECTIVE DEVICE SPACE(S) RESERVED FOR FUTURE EV CHARGING AS "EV CAPABLE". THE RACEWAY TERMINATION SHALL BE PERMANENTLY AND VISIBLY MARKED AS "EV CAPABLE".

**ELECTRICAL SYMBOLS**  
ALL LIGHTING TO BE HIGH EFFICACY

- |  |   |
|--|---|
| 110 VOLT DUPLEX OUTLET   | CEILING MOUNTED FIXTURE W/ VACANCY SENSOR                         |
| 110 VOLT HALF-HOT OUTLET W/ SWITCH   | PENDANT LIGHT   |
| 110 VOLT OUTLET ON G.F.I. CIRCUIT  | CEILING HUNG LIGHT  |
| WEATHERPROOF 110 VOLT OUTLET   | CAN LIGHT   |
| QUADPLEX OUTLET  | 110 VOLT SMOKE DETECTOR W/ BATT BACK-UP CO DETECTOR WILL BE NOTED |
| 220 VOLT OUTLET  | EXHAUST FAN (50 CFM MIN.)   |
| SWITCH<br>"1" DENOTES TAMPER LOC.<br>"2" DENOTES 3/4 WAY<br>"3" DENOTES NIGHTLIGHT | EXHAUST FAN/LIGHT COMBO   |
| WALL MOUNTED FIXTURE<br>"A" DENOTES AMBI LIGHT<br>"SC" DENOTES SOURCE              | FLOOD LIGHTS  |
| TELEPHONE OUTLET   | CEILING FAN LIGHT WILL BE NOTED                                   |
| TV CABLE   | FLUORESCENT LIGHT FIXTURE   |
| TV/PHONE OUTLET  | UNDER CABINET LED FIXTURE W/ SWITCH                               |
| CEILING MOUNTED FIXTURE  | WHOLE HOUSE FAN W/ SWITCH   |
| HIGH EFFICACY EXTERIOR LIGHT W/ DUSK TO DAWN W/ PHOTO/MOTION                       |   |
| INDOOR AIR QUALITY FAN W/ SWITCH   |   |

**AUTOMATIC GARAGE DOOR OPENERS**

EXISTING LAW REQUIRES AN AUTOMATIC GARAGE DOOR OPENER THAT IS MANUFACTURED FOR SALE, PURCHASED, SOLD, OFFERED FOR SALE, OR INSTALLED IN A RESIDENCE TO COMPLY WITH SPECIFIED SAFETY REQUIREMENTS, INCLUDING THAT THE AUTOMATIC GARAGE DOOR OPENER HAVE AN AUTOMATIC REVERSE SAFETY DEVICE. THIS BILL, BEGINNING JULY 1, 2019, WOULD ALSO REQUIRE AN AUTOMATIC GARAGE DOOR OPENER THAT IS MANUFACTURED FOR SALE, SOLD, OFFERED FOR SALE, OR INSTALLED IN A RESIDENCE TO HAVE A BATTERY BACKUP FUNCTION THAT IS DESIGNED TO OPERATE WHEN ACTIVATED BECAUSE OF AN ELECTRICAL OUTAGE. THE BILL WOULD MAKE THE VIOLATION OF THOSE PROVISIONS SUBJECT TO A CIVIL PENALTY OF \$1,000. THE BILL WOULD, ON & AFTER JULY 1, 2019, PROHIBIT A REPLACEMENT RESIDENTIAL GARAGE DOOR FROM BEING INSTALLED IN A MANNER THAT CONNECTS THE DOOR TO AN EXISTING GARAGE DOOR OPENER THAT DOES NOT MEET THE REQUIREMENTS OF THESE PROVISIONS.

**MECHANICAL VENTILATION**

**REQUIRED VENTILATION**  
0.01(2647) + 7.5(3 + 1) = 66.95 CFM

PROVIDE NUTONE SMARTSENSE INTELLIGENT VENTILATION SYSTEM W/ SUFFICIENT FAN CAPACITY TO MEET HOUSE REQUIREMENTS W/ MAXIMUM SOUND RATING NOT TO EXCEED 1 SONE AS PER SECTION 150(O) & ASHRAE 6.2

**ELECTRICAL PLAN**  
SCALE 1/4"=1'-0"

SEE OWNER/CONTRACTOR FOR PRE-WIRED ALARM AND/OR STEREO SYSTEM

**IAQ NOTE:**  
WHOLE BUILDING VENTILATION SWITCH TO BE LABELED "FAN IS TO BE OPERATING WHENEVER HOME IS OCCUPIED"

**BATHROOM EXHAUST FANS**  
BATHROOM FANS SHALL BE ENERGY STAR COMPLIANT WITH HUMIDITY CONTROLS AND TERMINATING AT THE EXTERIOR OF THE BUILDING.

REVISIONS  
PROJECT: [ ]  
PROPOSED PROJECT FOR: [ ]  
TITLE: ELECTRICAL PLAN  
DATE: [ ]  
BY: [ ]  
CHECKED: [ ]  
APPROVED: [ ]  
SCALE: 1/4"=1'-0"

# County of Monterey

## Housing and Community Development



Planning - Building - Housing  
1441 Schilling Place, South 2<sup>nd</sup> Floor  
Salinas, California 93901-4527  
(831) 755-5025

### Vacation Rental Operations Plan

#### Vacation Rental Type

Commercial Vacation Rental

#### Number of Non-hosted Rentals Per Year:

~30

197 characters

#### Fire Station Name and Address

Pebble Beach Fire Station, 3101 Forest Lake Road

Street Number and Name

Pebble Beach

City

CA

State/Province/Region

93953

Postal/ZIP Code

#### Fire Station Phone

(831) 373-1274

#### Police Station Name and Address

California Highway Patrol, 960 E. Blanco Road

Street Number and Name

Salinas

City

CA

State/Province/Region

93901

Postal/ZIP Code

#### Police Station Phone

(831) 770-8000

#### Hospital Emergency Room Name and Address

Community Hospital of the Monterey Peninsula, 23625 Holman Highway

Street Number and Name

Monterey

City

CA

State/Province/Region

93940

Postal/ZIP Code

#### Hospital Phone

(831) 624-5311

#### 24-hour Clinic Name and Address

Community Hospital of the Monterey Peninsula, 23625 Holman Highway

Street Number and Name

Monterey

City

CA

State/Province/Region

93940

Postal/ZIP Code



Let's Chat

**24-hour Clinic Phone**

(831) 624-5311

**Number of employees who will maintain the Vacation Rental (such as landscape services, housekeeping services, management services, etc.):**

2, owners are doing all of the maintenance required

149 characters

**Submit the following documents:**

Evacuation Maps.

Most recent bill for waste services.

Most recent bill for public sewer services.

Most recent water bill or water test.

On-site Parking Plan (if not included as a part of the Site Plan or Floor Plan).

**NOTE: Upon completion, please click the "Print Form" button and save this form to your computer as a PDF and upload it into your [Accela Citizen Access](#) account. Upon entering your email address and clicking "Submit", you will receive an emailed confirmation of your form.**

**Completion of this form does not start the application process, all necessary forms must be uploaded to your Accela account.**

**If you chose another language, completed this form, and would like to save a copy of this form in that language, please click the "Print Form" button and save this form as a PDF before clicking "Submit".**

---

To receive a copy of your submission, please fill out your email address below and submit.

**Email Address**



I'm not a robot

reCAPTCHA  
Privacy - Terms

Print Form

[Review](#)

Submit



# HOUSING AND COMMUNITY DEVELOPMENT

[Announcements](#)

[Development Services](#)

[Planning  
Services](#)

[Permit Center](#)

[GIS / Maps](#)

[About Us](#)



## Vacation Rental Home Inspection Checklist

### Property Information

- Have your Vacation Rental Operation Application number ready. **PLN 240020**
- Vacation Rental Address and Unit/Suite/Apt # **1138 Chaparral Road, Pebble Beach, CA**
- Total number of bedrooms **3**
- Total number of onsite parking spaces (e.g. garage, driveway) **2 in garage, 4 in driveway behind house in driveway, 1 in front near street - Total 7**

### Interior Inspection

- Beds are located in approved Bedrooms, in compliance with the Building Code at the time of construction, with appropriate ingress and egress.
- Every sleeping room has a functional smoke alarm.
- Every hallway with a sleeping room has a functional smoke alarm. Every floor has a functional carbon monoxide alarm.
- All built-in kitchen appliances operate properly and space for food storage, preparation, and serving are in good and safe condition. All electrical outlets in kitchen and bathrooms are Ground Fault Circuit Interrupter (GFCI) protected.
- Water heater is properly strapped, adequately vented, and temperature and pressure relief valves are drained to outside.
- Other heating equipment is in safe operating condition and placed in an approved location..
- There is at least one readily accessible class A fire extinguisher located in the home that has been serviced annually by a certified fire extinguisher company.
- The building conforms to the applicable state building and fire codes at the time the building was constructed.

### Exterior Inspection

- There is no evidence of infestation, garbage, and debris at the site.
- The property has active garbage pick-up service.
- If a garage is present, it is only used as a garage and only non-combustible flooring exists. Driveway, if present, is open and accessible to vehicles.
- Property is in an overall safe and sanitary condition.
- Water heater is properly strapped, adequately vented, and temperature and valves are drained to outside. Other heating equipment is in safe operating condition and placed in an approved location.

### Home Inspection Results

- Passed
- Failed

### Remarks/Observations:

Home Inspector or General Contractor Name & Acknowledgement

License/Certification # (for Contracts certified by the California Contractors State License Board, the certification must be a License Classification Type B, B-2, or C-47);

Date

Click 'Print' at the top of this page and save as a PDF.



I CERTIFY THAT THE ABOVE CHECK LIST IS ACCURATE + TRUE

William A Boss

SOLUTIONS BY DESIGN

GEN. CONTRACTOR LIC "B"

CA CONTRACTOR LIC #: 1125965

William A Boss





PEBBLE BEACH  
COMPANY

October 9, 2024

Melanie Beretti, AICP  
Acting Chief of Planning  
Monterey County Housing and Community Development  
1441 Schilling Place  
Salinas, CA 93901

RE: Objection to Issuance of Vacation Rental Permits in Del Monte Forest

Dear Melanie:

Thank you for meeting with us on September 12, 2024, which as you know was the latest in a years-long series of meetings between County staff and Pebble Beach Company relating to short-term vacation rentals. We again discussed Pebble Beach Company's position that vacation rentals, and in particular, Commercial Vacation Rentals and Homestays (which the vacation rental ordinances recently passed by the Board of Supervisors will allow within Del Monte Forest) constitute commercial use of property in violation of the CC&Rs contained in the deeds on residential properties in Del Monte Forest. You invited us to submit this letter, which constitutes the Company's "blanket objection" to the issuance of such permits.

While not all deeds underlying properties in Del Monte Forest are uniform, to the best of my knowledge, every deed has language that prohibits commercial use of the premises, and California courts have concluded that restrictions on vacation rentals contained in CC&Rs are reasonable and enforceable. The language reproduced below constitutes CC&R language which is representative of the language contained in other Del Monte Forest deeds:

*No trade, business or profession of any description shall be conducted on said premises. Said premises shall not be used for any purpose whatever except solely and exclusively for the purpose of construction and maintenance of not more than one private single family residence with appurtenant detached guest and servants' cottages (without cooking facilities), greenhouse, garage, and if approved in writing by Grantor, a stable for saddle horses.*

The plain meaning of the CC&R language bans short-term vacation rentals in the Del Monte Forest. Arguments to the contrary are entirely unpersuasive. For example, arguing that a use titled "commercial vacation rental" is somehow actually not a commercial use of the property defies logic and would be a problematic position for the County to take. In addition, the fact that commercial vacation rentals operated pursuant to Chapters 7.120 and 7.121 are required to obtain an annual business or operation license and pay transient occupancy taxes makes any such rentals, by definition, a business. Like hotels, vacation rentals are a business conducted for the

purpose of making a profit, and are treated as such by federal laws and the County's own code provisions regulating business operations and the income derived therefrom.

Homestays are virtually indistinguishable from commercial vacation rentals. There are no restrictions on the number of rentals allowed by either classification. The permitting process for Homestays will simply be easier and less expensive, and since there is no cap, these will undoubtedly have the most significant impact on the Del Monte Forest residential community, particularly given the County's admitted challenges with regard to enforcement. Accordingly, Pebble Beach Company also objects to Homestays as a prohibited commercial use of property in Del Monte Forest.

There are three commercial land use designations allowed in Del Monte Forest pursuant to the Del Monte Forest Land Use Plan. Visitor-Serving Commercial allows "Major hotel or inn accommodations," defined as The Lodge, The Inn, Poppy Hills, and the Area M hotel site owned by Pebble Beach Company. The other two commercial designations are solely support functions for the uses permitted in those areas zoned as Visitor-Serving Commercial. The remainder of the Forest is zoned residential, which, consistent with the deeds, does not allow for commercial use.

Separately, for the portion of Del Monte Forest located within the Greater Monterey Peninsula Area Plan (GMP LUP), commercial uses are outright prohibited; the entire area is zoned for residential uses or open space/resource conservation.

Accordingly, Pebble Beach Company believes that operation of vacation rentals in Del Monte Forest would violate both the CC&Rs and both the Del Monte Forest LUP and the GMP LUP, and asks the County on this basis to deny applications for commercial and homestay short-term vacation rentals.

Finally, during our meeting, Pebble Beach Company affirmed its intent to require proof of access from applicants pursuant to Chapter 16.80 of the Monterey County Code, and restates that intent here. Del Monte Forest residents are granted right of access to their single family residence on roads privately owned by Pebble Beach Company subject to the payment of an annual road fee (which in many cases is only \$25 per year). Since commercial use of the property is specifically prohibited, the access agreement does not cover access for that purpose.

County staff stated that it will not enforce that portion of Chapter 16.80 that explicitly refers to right of access for a specific "Project." We understand the County's position to be effectively "reading out" the law's requirement that "[a]n applicant shall provide . . . [w]ritten permission to use a private road for the project from a private road governing structure[.]" Ch. 16.80.040(A)(3) (emphasis added); see also Ch. 16.80.040(C)(1)(g); Ch. 16.80.040(D)(6). If the applicant has right of access to the property via the private roads for any purpose (i.e., the right to access a home for residential purposes), the County has told us its position is that it will assume right of access via the private roads for the purposes of running a vacation rental. This position runs contrary to the plain text of the law, and in effect deletes the "for the project" requirement from the text of the law. A change of use from residential to commercial constitutes a specific project under the law; indeed, there would be no need for an "application" if the use did not constitute a "project" under the law. The plain text of both the private roads code chapter and the recently enacted short-term vacation rental ordinances support this common sense reading of both laws. As the owner of the



private roads that will be used to access such commercial projects, the law grants Pebble Beach Company the right to grant or deny access for the purposes of such projects under Chapter 16.80. Pebble Beach Company intends to withhold consent for the use of its privately owned and operated roads for such commercial purposes, and respectfully requests the County to reconsider its position and ensure enforcement of Chapter 16.80 as written.

In summary and in accordance with our longstanding public-private partnership on this short-term rental issue, Pebble Beach Company respectfully submits that the County must deny applications for vacation rentals in Del Monte Forest because, among other reasons, such rentals constitute a prohibited commercial use of a residential property. In addition, as the sole owner and operator of private roads in Del Monte Forest, Pebble Beach Company intends to enforce its statutory rights pursuant to Chapter 16.80 to grant or deny access to its private roads in the Forest, and respectfully requests the County's cooperation in this effort.

Sincerely,

**PEBBLE BEACH COMPANY**

A handwritten signature in cursive script, appearing to read "Diane Goldman".

Diane Goldman  
General Counsel

- c. Kathleen Lee, Director of Governmental and Community Affairs  
Patrick Hovakimian, Chief Legal Officer

**From:** [ROY POSS](#)  
**To:** [Price, Taylor](#)  
**Subject:** Fwd: 1138 Chaparral Road, Pebble Beach, CA  
**Date:** Wednesday, February 12, 2025 9:14:32 AM  
**Attachments:** [Grant Deed 1138 Chaparral.pdf](#)

---

[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. ]

After careful review of the deed from Del Monte Property Company regarding the sale of the property located at 1138 Chaparral Road, Pebble Beach, CA, on February 11, 1957, we see no restrictions for commercial rental or use of the roads in Del Monte Forest to access our home in any way. We have included a copy of the deed for your review as well as typing below the paragraph that specifically applies.

The deed states under the section Use of Roads and Bridle Paths: Grantee, subject to the provisions hereof, **is hereby granted a license for the use, by himself, his family, servants, tenants and guests occupying or visiting said premises, of all roads and bridle paths now or hereafter owned by Grantor in Del Monte Forest, and to free access to Del Monte Forest**; in consideration of which the owner of said premises shall be obligated to pay the Grantor the sum of Fifty Dollars (\$50) on each January 1st hereafter, the payment of which sum is and shall be secured by a lien and charge on said premises. Grantor, however, reserves the right to change, abandon or close any of said roads and paths, provided that (so far as within the control of Grantor) there shall always be left open a road by means of which and/or of connecting roads access may be had to said premises from the nearest public highway.

Please let us know if you need additional information from us.

Thank you

Roy and Debbie Poss

Sent from my iPad

RECORDING REQUESTED BY:

**Xochitl Marina Camacho**  
Monterey County Clerk-Recorder  
Recorded at the request of:  
COUNTY OF MONTEREY RECORDER

WHEN RECORDED MAIL TO:

County of Monterey Recorder  
168 W. Alisal St, 1<sup>st</sup> Floor  
Salinas, CA 93901

**2024011618**

04/05/2024 11:45:00  
Titles: 2 Pages: 4

Fees: \$0.00  
Taxes: \$0.00  
AMT PAID: \$0.00

SPACE DIRECTLY ABOVE RESERVED FOR RECORDER'S USE

**RESTRICTIVE COVENANT MODIFICATION**  
(Unlawful Restrictive Language Covenant, Racial or Otherwise)

Unlawful Restrictive Language Covenant review requested by:

I(We) \_\_\_\_\_ have an ownership interest of record or are acquiring interest in the property that is covered by the document described below.

Title Company, Escrow Company, Real Estate Broker, Real Estate Agent, or other party \_\_\_\_\_  
(Individual / Company Name)

County of Monterey Recorder

The following referenced document contains a restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income, as defined in subdivision (p) of Government Code Section 12955, or ancestry, that violates state and federal fair housing laws, and is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of redacting and eliminating that restrictive covenant as shown on page(s) 3 of the document recorded on 3/16/1964 in book 297 and page 160, or as instrument number 10496, of the official records of the County of Monterey, State of California. Attached hereto is a true, correct, and complete copy of the document referenced above, with the unlawful restrictive covenant redacted. This modification document shall be indexed in the same manner as the original document, pursuant to subdivision (d) of Section 12956.2 of the Government Code. The effective date of the terms and conditions of the modification document shall be the same as the effective date of the original document referenced above.

Xochitl Marina Camacho, Assessor-County Clerk/Recorder

*Xochitl Marina Camacho*

Date: 03/25/2024

County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, hereby states that it has determined that the original document referenced above contains an unlawful restriction and this modification may be recorded.

OR

County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, finds that the original document does not contain an unlawful restriction, or the modification document contains modifications not authorized, and this modification may not be recorded.

Susan K. Blich, County of Monterey Acting County Counsel

By:

*Shane Strong*

Date: 03/25/2024

Printed Name Shane Strong, Deputy County Counsel

ORIGINAL

DEED No. 1458 REEL 297 PAGE 160

2845

L.L.P. No. 87735

DEL MONTE PROPERTIES COMPANY, a California corporation, hereinafter referred to as the Grantor, hereby grants to JAMES L. WOOD and BARBARA B. WOOD, his wife, as joint tenants,

hereinafter referred to as the Grantee, subject to taxes and assessments not delinquent, easements of record and to the reservations, covenants and conditions hereinafter set forth, the following described property in the County of Monterey, State of California, viz.:

Lot numbered Seven (7) in Block numbered Eight (8) as shown on that certain map entitled, "Monterey Peninsula Country Club Subdivision No. 1," filed for record in the office of the County Recorder of said County, in Vol. 3 of Cities and Towns, at Page 26 therein.



MONTEREY COUNTY RECORDS RECORDED AT REQUEST OF COAST COUNTIES LAND TITLE CO. 1964 MAR 16 AM 10 47 REEL 297 PAGE 160

10496

10496

EASEMENT RESERVATION

Reserving unto the Grantor, for use by it and/or public utilities, an easement in and over the strip of land five feet in width along the rear and side lines of said premises, for the purpose of constructing, maintaining and operating (1) pole lines and pipe lines for the transmission of electricity, gas, water, sewer and telephone service and (2) open culverts for the conveyance of surface water at a rate not exceeding 1 cubic foot per second, with the right of free ingress to and egress from said strip.

USE OF ROADS AND BRIDLE PATHS

Grantee, subject to the provisions hereof, is hereby granted a license for the use, by himself, his family, servants, tenants and guests occupying or visiting said premises, of all roads and bridle paths now or hereafter owned by Grantor in Del Monte Forest, and to free access to Del Monte Forest; in consideration of which the owner of said premises shall be obligated to pay Grantor the sum of ~~Five~~ Dollars (\$50) on each January 1st hereafter, the payment of which sum is and shall be secured by a lien and charge on said premises. Grantor, however, reserves the right to change, abandon or close any of said roads and paths, provided that (so far as within the control of Grantor) there shall always be left open a road by means of which and/or of connecting roads access may be had to said premises from the nearest public highway.

700  
L  
R  
S

S-1597

## COVENANTS AND CONDITIONS

This conveyance is made and accepted subject to the following express conditions and covenants:

1. No trade, business or profession of any description shall be conducted on said premises. Said premises shall not be used for any purpose whatever except solely and exclusively for the purpose of construction and maintenance of not more than one private single family residence with appurtenant detached guest and servants' cottages (without cooking facilities), greenhouse, garage, and, if approved in writing by Grantor, a stable for saddle horses.

2. No residence, septic tank, fence, access road or other structure of any kind shall be erected, constructed or maintained upon said premises unless erected or constructed at a location and in accordance with plans and specifications which have first been submitted to and approved by Grantor in writing. Said premises shall not be occupied until a suitable sewer is connected therewith and in operation or until a septic tank or other sanitary structure for the storage or disposal of sewage shall have been installed thereon. Grantor shall have the right to supervise the maintenance and operation of said septic tank.

3. No trees located upon said premises shall be cut or removed without the written consent of Grantor. Grantor shall have the right to trim or cut any trees at any time on said premises, whether or not planted by Grantee, to the extent necessary to prevent such trees from obstructing the view from other property.

5. All structures the plans and specifications for which have been approved by the Grantor shall be completed in accordance with said plans and specifications within one year of the date of such approval, or such additional time as shall be approved by the Grantor in writing; and said premises shall not be occupied until all said structures shall have been completed in accordance with said plans and specifications.

6. Any residence or other structure erected on said premises, if the road bordering the same be 50 feet or less in width, shall have a "set back" of not less than 20 feet; and if the road bordering the same be more than 50 feet in width, the "set back" shall be not less than 15 feet; the "set back" of said residence or other structure as to any road shall be deemed to be the minimum distance between any portion of said residence or other structure and the nearest line of said road; no residence or other structure shall be built within ten feet of the back or side lines of said premises.

Said covenants are entered into by the Grantee for the benefit, not only of Grantor, but also for the benefit of all lands in the area hereinafter mentioned, and are imposed in pursuance of a common plan for the development of said area and shall be enforceable as covenants by injunction or action for damages or specific performance by Grantor and also every other owner of property in said area. The area above referred to in this paragraph is the subdivision designated in the description of said premises, and, if no subdivision is designated therein, said area is all property in the Del Monte Forest lying within a half mile of said premises.

It is understood that the Grantor operates a golf course and hotel (where wines and other liquors are sold when permitted by law) in or adjacent to the area in which said premises are situated and may create a shopping district in said area and that the carrying on of such businesses and of business in such shopping district shall not be construed as a waiver of any of the conditions and covenants in this deed or as the creating of any monopoly but that the carrying on of said businesses is a benefit to those who have established homes and residences in said area and to the general public.

## ENFORCEMENT OF COVENANTS AND CONDITIONS

(a) The foregoing covenants and conditions shall be enforceable against Grantee and his successors in the ownership of said premises.

(b) Notice of any breach of any of said conditions may be given by recordation thereof in the office of the County Recorder of said County and by leaving a copy thereof on said premises. If Grantee or his successors in interest fail for thirty (30) days after any such notice to commence, and thereafter diligently proceed, to cure such breach all rights hereunder of the Grantee and his successors in interest shall terminate and said premises shall revert to and vest in Grantor. Grantor's right to enforce a forfeiture and right of reentry for condition broken is only transferable by an instrument expressly transferring same.

(c) In any successful action for the enforcement of any of said covenants or conditions, whether for injunction, specific performance, damages or forfeiture, the plaintiff shall be entitled to recover from the defendant a reasonable attorney's fee which shall be taxed by the Court as part of the costs. No such action brought or judgment rendered thereon shall be construed as a bar to any action for succeeding breaches.

The words "Grantor" and "Grantee", as used in this deed, shall include heirs, administrators, successors and assigns.

EXECUTED the 3rd day of March, 1964.



DEL MONTE PROPERTIES COMPANY

By Henry Tiedemann Vice President.

And Paul S. Winslow Secretary.

James E. Wood (Seal)

Barbara B. Wood (Seal)

STATE OF CALIFORNIA }  
County of Monterey } ss.

On this 11th day of March, 1964,  
Before me, Rosemary Bryan, a Notary Public

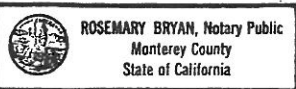
in and for the County of Monterey, State of California, residing therein, duly commissioned and sworn, personally appeared

Henry Tiedemann, known to me to be the Vice President, and

Paul S. Winslow, known to me to be the Secretary,

respectively, of DEL MONTE PROPERTIES COMPANY, the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the County of Monterey, the day and year in this certificate first above written.



Rosemary Bryan  
Notary Public in and for the  
County of Monterey, State of California  
ROSEMARY BRYAN  
My Commission Expires Aug. 6, 1965

STATE OF CALIFORNIA }  
County of Monterey } ss.

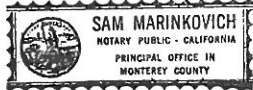
On this 7th day of March, 1964, before me,  
Sam Marinkovich, a Notary Public in and for the

County of Monterey, State of California, residing therein, duly commissioned and sworn,

personally appeared James E. Wood and Barbara B. Wood, his wife

known to me to be the person s whose name s are subscribed to the within instrument and acknowledged to me that he v executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the  
County of Monterey, the day and year in this certificate first above written.



My Commission Expires February 2, 1966

Sam Marinkovich  
SAM MARINKOVICH  
Notary Public in and for the  
County of Monterey, State of California

\*END OF DOCUMENT\*