

# Exhibit A

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# DISCUSSION

## SCOPE & LAND USE

The project consists of transient use for remuneration (or a short term rental) in an existing single-family home at 282 Corral De Tierra. The maximum occupancy would be 10 people, with a minimum period of 7 days. Transient use of residential property is permitted, “...*in all zoning districts which allow residential use upon the issuance of an administrative permit pursuant to Chapter 21.70 of Title 21, subject to the regulations in Section D2.*” (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. Therefore, the proposed use is allowable subject to an administrative permit.

## DEVELOPMENT STANDARDS & SHORT TERM RENTAL USES

Title 21 section 21.64.280.D.2 enumerates a number of regulations for transient uses for remuneration. The project is consistent with each of these, as detailed in **Table 1** below:

<u>Zoning Section</u>	<u>Regulation</u>	<u>Project</u>
21.64.280.D.2.a	The minimum rental period for all transient use of residential property shall be the greater of seven consecutive calendar days or the minimum rental period set forth in enforceable, recorded conditions, covenants, and restrictions encumbering the property rented. Transient use of residential property for a term less than provided herein is hereby expressly prohibited. Any residential property the rezoning of which is being proposed or considered by the Planning Commission or the Board of Supervisors so as to be exempted from the provisions of this Section, shall be exempted from the permit and/or registration requirements of this Section pending consideration and final decision on said rezoning by the Planning Commission and the Board of Supervisors. Such exemption shall terminate immediately in the event the Board of Supervisors reaches a final decision not to adopt the above-described rezoning proposed for any such property.	The rental period for transient occupancy for remuneration shall be no less than 7 days, as indicated in the rental period portion of the operations plan. The project does not include an application to rezone the property.
21.64.280.D.2.b	The number of occupants in any residential unit for transient use shall not exceed the limits set forth in the California Uniform Housing Code and other applicable State	There are 6 bedrooms in the home, and applying the residential “two plus one” formula used as a shorthand

	and County housing regulations for residential structures based on the number of bedrooms within the unit. Each permit shall specify the maximum number of occupants allowed.	for the Uniform Housing code of 2 occupants per bedroom plus 1 in the living area, the maximum occupancy would be 13. The operations plan specifies a limit of 10 occupants while the residence is being used for transient use.
21.64.280.D.2.c	Availability of the rental unit to the public shall not be advertised on site.	As described in the operations plan there will be no signage advertising the transient occupancy for remuneration onsite.
21.64.280.D.2.d	Any administrative permit issued pursuant to this Section shall require, as a condition of approval, that applicant who does not reside within a five-mile radius of the residence being rented, designate a person located within a twenty-five (25) mile radius of the rental unit, as a local contact person who will be available twenty-four (24) hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued and the provisions of this Section and other applicable provisions of <u>Title 21</u> . The name, address, and telephone number(s) of such a designated person shall be furnished to the Director of Planning prior to issuance of the coastal administrative permit and made available for public review. The permit holder shall promptly notify the Director of Planning of any change in the local contact person's address or telephone number.	The applicants do not live in a 25 mile radius of the site, therefore, the operations plan designates Manuel Martinez, who resides 15 miles from the property, for this purpose, and includes his contact information.
21.64.280.D.2.e	A copy of any administrative permit and/or registration issued pursuant to this Section shall be furnished by the Director of Planning to the Treasurer of the County of Monterey and the Sheriff of the County of Monterey.	Should the Planning Commission take action to approve the project, staff would transmit the approval resolution to the Treasurer and Sheriff's office.
21.64.280.D.2.f	The administrative permit holder and/or registrant shall collect and remit to the	Condition No. 4 requires that the applicant record a

	Treasurer of the County of Monterey, the transient occupancy tax for each rental unit pursuant to <u>Chapter 5.40</u> of the Monterey County Code. However, nothing in this Section shall be construed to require an applicant from collecting and paying any transient occupancy tax for any transient use of residential property had and made prior to the effective date of this Section.	deed restriction specifying that they will adhere to this requirement. Condition No. 5 requires the Owner/Applicant to register with the County Tax Collector within 30-day of approval.
21.64.280.D.2.g	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.	See section “Water and Road System”. The use does not appear to violate any applicable conditions, covenants, or other restrictions on real property.
21.64.280.D.2.h	Compliance with the requirements of this Section shall be considered conditions of approval, the violation of which may result in a revocation of any administrative permit by the Director of Planning.	Compliance incorporated into Condition No. 4.

**Table 1:** Regulations for Transient Uses for Remuneration

In addition, the project has been conditioned to a limited term of three years (Condition No. 5) to provide adequate on-going review of the approved transient use of the residential property for remuneration.

*Road and Water System Agreement*

The property is served by the Alta Tierra mutual water system (System ID No. 2701412) and a private road, which serves ten properties (see **Table 2** below). This system is governed by an agreement recorded on October 26, 1963 in County recorder’s Reel 245 Page 326, which binds property owners, heirs, and their successor’s in interest of lots A-D of the Record of Survey recorded in Volume 6 Surveys Pg. 194 (“second party”), lots 1-4 of Volume 6 Surveys Pg. 193 (“first party”), and “*property conveyed by Harry L. Rhodes to Robert V. Antle and Sue M. Antle,*

his wife by deed dated August 8, 1962, recorded August 15 1962 in Reel 85 at page 282... ” excepting certain portions thereof (“third party”). Staff do not have access to this deed or subsequent conveyances; however, the list of properties served by the water system includes the two properties which are now Parcel A and B of Volume 11 Parcel Maps Pg. 93. The language of the agreement entitles each owner to “equal use of the road constructed on the easement for right of way across property...” and “water for domestic purposes, landscaping, swimming pools, and such additional uses as may be determined by the ownership of a majority of said parcels” and establishes the “Alta Tierra Association” to manage the road and water system.

<u>Assessor’s Parcel Number</u>	<u>Address</u>	<u>Description</u>
416-351-005-000	282 Corral de Tierra	Lot 1 Volume 6 Surveys Pg. 193
416-351-008-000	280 Corral de Tierra	Lot 2 Volume 6 Surveys Pg. 193
416-351-007-000	296 Corral de Tierra	Lot 3 Volume 6 Surveys Pg. 193
416-351-006-000	278 Corral de Tierra	Lot 4 Volume 6 Surveys Pg. 193
416-351-003-000	276 Corral de Tierra	Lot A Volume 6 Surveys Pg. 194
416-351-010-000	298 Corral de Tierra	Lot B Volume 6 Surveys Pg. 194
416-351-009-000	294 Corral de Tierra	Lot C Volume 6 Surveys Pg. 194
416-351-004-000	284 Corral de Tierra	Lot D Volume 6 Surveys Pg. 194
416-351-018-000	293 Corral de Tierra	Parcel A Volume 11 Parcel Maps Pg. 93
416-351-019-000	300 Corral de Tierra	Parcel B Volume 11 Parcel Maps Pg. 93

**Table 2:** Properties served by the water system on Environmental Health’s website

Conditions, Covenants, or Restrictions

In accordance with Title 21 section 21.64.280.2.g, the use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property. Public comments were received indicating that owners in the “Alta Tierra Association” and the “Meadow Lark Association” object to the project. Staff could not find incorporation documentation and have not received formal correspondence from either entity. Staff are not aware of the “Meadow Lark Association” or information indicating that the property is within it. The “Alta Tierra Association” is mentioned by the water and road system agreement recorded on the property; however, this entity does not appear to be empowered to enforce conditions, covenants, or other restrictions on real property, and are therefore not a homeowner’s associations per Title 21 section 21.64.280.2.g.

Water System

The applicant submitted water quality analyses for Nitrate and Bacteria which were reviewed by the Environmental Health Bureau (EHB) and adhere to current standards. The system, however, does not currently meet the primary drinking water standards for Arsenic. A sample was collected on November 3, 2021 with a resultant concentration of 13 ug/L (micrograms per liter), exceeding the maximum contaminant level of 10 ug/L. Health associated with Arsenic are from long term exposure, and EHB indicated that no special precautions are necessary for guests who have access to or use drinking water during a vacation rental stay. However, Condition No. 8 has been incorporated which requires the applicant to disclose this water quality exceedance to guests/tenants.

### Access

The property has access through an unnamed private roadway which connects into Corral de Tierra Road. The road is subject to a private road maintenance agreement, commencing in Monterey County Recorder's Reel 245 Page 326, owners of each of the described parcels are entitled to *"equal use of the road constructed on the easement for right of way across property of First Party and Second Party herein,"*. The agreement requires that the purchasers of each parcel shall, at the time of purchase, deposit \$50 with the Alta Tierra Association, to be placed in a fund to be used if and when the maintenance of the roadway or water system is necessary. The project is exempt from the provisions of Title 16 section 16.80 as transient occupancy of a residential property is a subordinate use to the primary use of the property, and would be within the first single-family dwelling on the lot (Title 16 section 16.80.040.C.1.a and f). However, as the property has an existing road agreement, if the project were not exempt it would fall under Tier 4, which indicates, *"the Appropriate Authority shall 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. Unless a project proposes a use that is clearly inconsistent with the plain language of the agreements, the Appropriate Authority may approve a project without applying conditions to the project outlined in this Chapter."* In this case the road agreement allows equal use of the roadway for right of way purposes, and nothing in the agreement precludes transient use for remuneration.

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