

Exhibit F

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**Before the Monterey County Planning Commission
in and for the County of Monterey, State of California**

In the matter of the application of:

HILL (PLN160233)

RESOLUTION NO. 17 - 007

Resolution by the Monterey County Planning
Commission:

- 1) Finding the project statutorily exempt per Section 15270 of the CEQA Guidelines; and
- 2) Denying an Administrative Permit to allow transient use (short-term rental) of an existing single-family dwelling pursuant to Monterey County Code Section 21.64.280, and waiving the one-year reapplication wait period required pursuant to Monterey Code Section 21.70.100.

[3097 Sloat Road, Pebble Beach, Greater Monterey Peninsula Area Plan (APN: 007-431-014-000)]

The Hill application (PLN160233) came on for public hearing before the Monterey County Planning Commission on August 31, October 26, and November 9, 2016; and January 25 and April 12, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **INCONSISTENT** - The proposed project and/or use is inconsistent with the requirements of the applicable zoning ordinance (Title 21), specifically Monterey County Code (MCC) Section 21.64.280.D.2.g, related to land use development.
EVIDENCE:
 - a) The applicant requested approval to use an existing single-family dwelling for transient use (short-term rental), consistent with the requirements of MCC Section 21.64.280.
 - b) The property is located at 3097 Sloat Road, Pebble Beach (Assessor's Parcel Number 007-431-014-000), Greater Monterey Peninsula Area Plan. The parcel is zoned "MDR/B-6-D-RES" or Medium Density Residential, with Building Site, Design Control, and Recreation Equipment Storage Overlays. The MDR portion of the zoning allows residential development, and the site has existing residential development.
 - c) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any current or active violations existing on the subject property. The current application to use an existing single-family dwelling for transient use was prompted by Code Enforcement File No. 16CE00131. The

County received a complaint on March 7, 2016, that the applicant was using the property for transient use without the applicable discretionary permit. The County confirmed this alleged use via review of advertising on www.airbnb.com, and sent a Courtesy Notice, dated March 8, 2016, informing the applicant of the unpermitted transient use. The applicant responded on March 21, 2016, informing the County that the residence would only be rented for 30 days or longer. Based on this response, the County closed Code Enforcement File No. 16CE00131 on March 22, 2016. On May 24, 2016, pursuant to the requirements of MCC Section 21.64.280, the applicant submitted an application (RMA-Planning File No. 160233) to the County for transient use of the property. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the MCC.

- d) At the Planning Commission public hearing on August 31, 2016, the County received communication from Pebble Beach Company pursuant to MCC Section 21.64.280.D.2.g stating that the proposed use would violate applicable conditions, covenants, and restrictions (CC&Rs), and objecting to the proposed transient use of the property. Pursuant to MCC Section 21.64.280.D.2.g, the County shall not approve the requested permit or entitlement “...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.” The Planning Commission directed staff to provide confirmation of the organization responsible to act as the homeowner’s association within the Del Monte Forest or Pebble Beach area, and continued this item to October 26, 2016.
- e) In subsequent communication to the County (see Exhibit G of the April 12, 2017, Planning Commission staff report for this project - RMA-Planning File No. PLN160233), Pebble Beach Company submitted substantial evidence demonstrating that Pebble Beach Company is the de facto homeowners’ association for the Pebble Beach/Del Monte Forest area, and asserted that it be deemed the affected homeowners’ association for the purposes of ordinance implementation. Therefore, the County recognizes Pebble Beach Company as the affected homeowners’ association for the purposes of implementation of MCC Section 21.64.280.D.2.g.
- f) At the request of the Applicant and the Pebble Beach Company, the Planning Commission granted additional continuances on November 9, 2016, and January 25, 2017, to allow the Applicant and Pebble Beach Company time to discuss terms for a possible CC&R compliance agreement. The Applicant and Pebble Beach Company

have not reached an agreement, and Pebble Beach Company has not withdrawn its objection to the proposed transient use of the property.

- g) The Applicant submitted a letter on March 22, 2017 (see Exhibit L of the April 12, 2017, Planning Commission staff report for RMA-Planning File No. PLN160233), requesting another continuance to a date uncertain, pending conclusion of an agreement with Pebble Beach Company. However, there has been no change in application status for over six months. If the Applicant is able to obtain Pebble Beach Company support, they can reapply for a permit at that time.
- h) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting on June 16, 2016, voted unanimously (7 – 0) not to make a recommendation on the project.
- i) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN160233.

- 2. **FINDING:** **CEQA (Exempt):** - The project is statutorily exempt from environmental review.
EVIDENCE: a) California Environmental Quality Act (CEQA) Guidelines Section 15270 statutorily exempts projects which a public agency rejects or disapproves.
- 3. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Monterey County Board of Supervisors.
EVIDENCE: Pursuant to Section 21.80.040.D of Title 21, the Board of Supervisors shall consider appeals from the discretionary decisions of the Planning Commission.

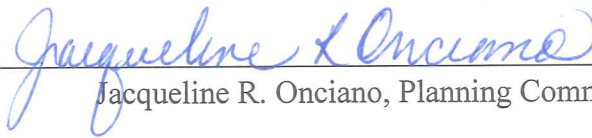
DECISION

NOW, THEREFORE, based on the above findings and evidence, the Monterey County Planning Commission does hereby:

- A. Find the project statutorily exempt per Section 15270 of the CEQA Guidelines; and
- B. Deny an Administrative Permit to allow transient use (short-term rental) of an existing single-family dwelling pursuant to Monterey County Code Section 21.64.280, and waive the one-year reapplication wait period required pursuant to Monterey Code Section 21.70.100.

PASSED AND ADOPTED this 12th day of April, 2017, upon motion of Commissioner Diehl, seconded by Commissioner Ambriz, by the following vote:

AYES: Ambriz, Diehl, Duflock, Getzelman, Hert, Mendez, Padilla, Rochester, Vandever
NOES: None
ABSENT: Roberts
ABSTAIN: None


Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **APR 14 2017**.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **APR 24 2017**.

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.