



DEL MONTE FOREST PROPERTY OWNERS

A NON-PROFIT CALIFORNIA CORPORATION

14 May 2004

The Honorable Dave Potter
Monterey County District 5 Supervisor
1200 Aguajito Rd., Ste. 1
Monterey, CA 93940

Subject: DMFPO's Continuing Opposition to Short Term Rental of Del Monte Forest Residences

Dear Supervisor Potter,

The Task Force you chair is charged with solving the problems created by transient occupancy use of Del Monte Forest residences. As an active member of your Task Force, the Del Monte Forest Property Owners (DMFPO) wishes to register its continuing opposition to such "short term rentals*" in the Forest.

1. Historically there have been, and according to a recent survey conducted by the DMFPO, there continues to be repeated complaints by neighbors associated with disturbances of the peace, unkempt appearance, parking congestion, and lack of residential neighborhood concern at houses used for short term rentals in the Forest. The neighborhoods affected are primarily located in the Country Club area of the Forest where houses are exposed to each other and susceptible to adverse effects of "visitor serving" uses. The enclosed map shows the locations of known short term rentals.
2. Short term rental use of property in the Forest is inconsistent with the vision statement of the Del Monte Forest recognized by the Planning Commission and supported by all of the Forest organizations representing community interests in the Forest. That vision separates three distinct land uses as quiet residential neighborhoods, visitor serving facilities, and open space. Those uses are not meant to be mingled.
3. Imposition of a transient occupancy tax on short term rental usage, a requirement uniquely attendant to operation of motel businesses, is implicit County recognition of the business nature of such usage. The County should not provide a process by which recorded CC&R restrictions against business use of property in the Del Monte Forest are circumvented or, at best, clouded.

We property owners contend that it never has been the intention of the CC&Rs, which are the mutual promises of the owners of Forest property to one another, to allow business use of property in any of the residential subdivisions of the Forest. Frequent motel-type, short term, quick turn-over occupancy usage that brings a noticeable amount of noise, congestion, or other disruption of residential tranquility does not belong in the "non-visitor serving" neighborhoods.

Rather than continuing the existing administrative permit process, the ownership responsibilities of which the County refuses to enforce - a process that encourages some property owners to break their mutual promises to their neighbors by violating the "no businesses" provisions of the CC&Rs - the Board of Supervisors should adopt an ordinance that eliminates short term rentals and the County's tacit approval of broken promises behavior.

We have no objection to rentals over 30 days duration, or to the occasional short term rental during large scale events in the Forest, normally accumulating to no more than two weeks per year. These situations differ greatly in overall impact from the frequent motel-type, short term, quick turn-over occupancy usage which is the hallmark of the short term rentals that are creating problems for the other residents of the Del Monte Forest.

We appreciate both your current attention, as well as your past support, in trying to resolve this vexing matter and we look forward to continued participation in your Task Force to craft a solution to the problem.

Very truly yours,

ORIGINAL SIGNED

W. Jack Kidder, President
Del Monte Forest Property Owners

* "Short term rentals" refers to the definition of Title 21, §21.64.280 C (5): " 'Transient Use of Residential Property' means the use, by any person, of residential property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for not less than seven (7) nor more than thirty (30) consecutive calendar days."