

Notice of Public Availability of Proposed Vacation Rental Regulations

County of Monterey

NOTICE IS HEREBY GIVEN that the **County of Monterey**, State of California is making available for public review draft ordinances and associated environmental analysis described below.

Project Description: Ordinances establishing regulations for vacation rental (previously referred to as short-term rental) uses in the unincorporated areas of the County of Monterey (REF130043 and REF100042).

The County of Monterey Resource Management Agency has prepared regulations for vacation rentals within the unincorporated areas of the County. Vacation rentals are defined as “*The use, by any person, of a residential property for transient lodging 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 a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Vacation Rental includes Commercial Short-Term Rentals, Limited Short-Term Rentals, and Homestays. Vacation Rental does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.*” The project consists of three draft ordinances listed below for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. The draft ordinances of the County of Monterey, State of California, are as follows:

1. Amending Section 7.02.060 of the Monterey County Code and Adding Chapter 7.110 Relating to Vacation Rental Activities;
2. Amending Title 20 (Coastal Zoning) of the Monterey County Code Relating to Vacation Rentals; and
3. Amending Title 21 (Non-Coastal Zoning) of the Monterey County Code Relating to Vacation Rentals.

An environmental analysis has been prepared for the draft ordinances.

Proposed CEQA Action: Categorically Exempt for existing facilities pursuant to Section 15301; the “Common sense exemption” (formally “general rule”) contained in Section 15061(b)(3); and/or statutorily exempt because not a project pursuant to Section 15060(c)(3) and 15378.

Copies of the ordinances and environmental analysis will be available by April 22, 2019 at the Resource Management Agency located at 1441 Schilling Place, Salinas, California 93901 and on the website for the Resource Management Agency located at: <http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/short-term-rental-ordinances-coastal-ref130043-inland-ref100042>.

TO SUBMIT COMMENTS:

We welcome your comments on this matter. To submit your comments by e-mail, please send a complete document including all attachments to: RMAcomments@co.monterey.ca.us. To submit your comments in hard copy, please send a complete document including all attachments to the name and address below.

FOR ADDITIONAL INFORMATION CONTACT:

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DRAFT 04.19.2019
ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING TITLE 20 (COASTAL ZONING) OF THE MONTEREY COUNTY
CODE RELATING TO VACATION RENTALS.

County Counsel Summary
[forthcoming]

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. This ordinance is intended to provide regulations, standards, and circumstances under which Vacation Rentals may be allowed in certain residential unincorporated areas of Monterey County.

C. Homestay and Limited Short-Term Rental uses are similar in character, density, and intensity to residential use, are not anticipated to remove long-term housing from the market, and therefore are allowed uses, where applicable, with a business permit.

D. Regulation of Vacation Rentals is necessary because Commercial Short-Term Rental uses, which may be rented at a greater frequency than Limited Short-Term Rentals and unlike Homestays do not have a Principal Resident residing concurrently when the unit is rented, have the potential to have impacts different in character, density and intensity than residential uses, could remove long-term housing from the market, or pose hazard to public health, safety and general welfare for known infrastructure limitations. Commercial Short-Term Rental uses therefore may be allowed, where applicable, only with a discretionary use permit.

E. This ordinance establishes the requirement for a Coastal Development Permit for Commercial Short-Term Rental activities to provide for business fairness and to enable evaluation of the impacts of such activities, in recognition that Commercial STRs have similar land use impacts as other recreational/visitor serving uses such as hotels, motels, and bed and breakfast facilities and deserve similar evaluation as such visitor serving uses.

F. To allow for a reasonable amortization of investment for existing vacation rental operations, this Ordinance provides an initial time period during which a vacation rental may

continue to operate provided the vacation rental activity was established prior to the effective date of the Ordinance and the owner is pursuing all necessary County permits, licenses, and entitlements pursuant Section 20.64.290 of Monterey County Code.

G. Categorically Exempt for existing facilities pursuant to Section 15301; the “common sense exemption” (formally “general rule”) contained in Section 15061(b)(3); and/or statutorily exempt because it is not a project pursuant to Section 15060(c)(3) and 15378.

SECTION 2. Section 20.06.196 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Commercial Short-Term Rental or Commercial STR means a Short-Term Rental that is rented as a vacation rental five times or more per 12-month period.

SECTION 3. Section 20.06.655 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Homestay means vacation rental of a residential dwelling that is concurrently occupied by the dwelling’s Principal Resident while the dwelling is being rented as a vacation rental.

SECTION 4. Section 20.06.738 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Limited Short-Term Rental or Limited STR means a Short-Term Rental that is rented as a vacation rental four times or fewer per 12-month period.

SECTION 5. Section 20.06.885 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Principal Residence means the dwelling occupied by the resident and where the resident lives more that 50% of the year, defined herein as 183 days or more per calendar year. For purposes of Vacation Rental permitting, a person can claim only one Principal Residence at any one time.

SECTION 6. Section 20.06.886 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Principal Resident means a human being who occupies a residential unit as their Principal Residence.

SECTION 7. Section 20.06.935 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Residential Property means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

SECTION 8. Section 20.06.985 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Rooming or boarding” ” means shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for not more than two persons for the purpose of work, school, research, medical care, or employment that requires a person’s physical presence in the County, or other similar non-recreational activity. Rooming or boarding does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, vacation rentals, labor camps or single occupancy housing.

SECTION 9. Section 20.06.990 is amended in the Monterey County Code [DEFINITIONS] to read as follows:

Roominghouse or boardinghouse means ~~a dwelling other than a hotel where lodging with or without meals for three or more persons is provided for compensation~~ shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for three or more persons for the purpose of work, school, research, medical care, or employment that requires a person’s physical presence in the County, or other similar non-recreational activity. Roominghouse and boardinghouse does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, vacation rentals, labor camps or single occupancy housing.

SECTION 10. Section 20.06.1065 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Short-Term Rental or STR means a vacation rental where the Principal Resident is not occupying the dwelling unit concurrently when renting it as a vacation rental.

SECTION 11. Section 20.06.1307 is added in the Monterey County Code [DEFINITIONS] to read as follows:

Transient means temporary, of limited duration or for a short period of time, and for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

SECTION 12. Section 20.06.1345 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Vacation Rental means the use, by any person, of residential property for transient lodging 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 a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

Vacation Rental includes Commercial Short-Term Rentals, Limited Short-Term Rentals, and Homestays. Vacation Rental does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

SECTION 13. Section 20.70.120(S) is added to the Monterey County Code [EXEMPTIONS FROM COASTAL DEVELOPMENT PERMITS] to read as follows:

S. Homestays and Limited Short-Term Rentals, pursuant to Section 20.64.290, in the following zoning districts: High Density Residential (HDR); Medium Density Residential (MDR); Low Density Residential (LDR); Rural Density Residential (RDR); Watershed and Scenic Conservation (WSC (CZ)); Coastal General Commercial (CGC); Moss Landing Commercial (MLC); and Visitor Serving Commercial (VSC).

SECTION 14. Section 20.10.050(AA) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

AA. Commercial Short-Term Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 15. Section 20.12.050(AA) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

AA. Commercial Short-Term Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 16. Section 20.14.050(CC) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

CC. Commercial Short-Term Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 17. Section 20.16.050(RR) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

RR. Commercial Short-Term Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 18. Section 20.17.050(KK) is added to the Monterey County Code [WATERSHED AND SCENIC CONSERVATION DISTRICT] to read as follows:

KK. Commercial Short-Term Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 19. Section 20.18.060(PP) is added to the Monterey County Code [COASTAL GENERAL COMMERCIAL] to read as follows:

PP. Commercial Short-Term Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 20. Section 20.20.060(V) is added to the Monterey County Code [MOSS LANDING COMMERCIAL DISTRICT] to read as follows:

V. Commercial Short-Term Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 21. Section 20.22.060AA) is added to the Monterey County Code [VISITOR SERVING COMMERCIAL DISTRICT] to read as follows:

AA. Commercial Short-Term Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 22. Section 20.64.290 is added to the Monterey County Code [REGULATIONS FOR VACATION RENTALS] to read as follows:

Section 20.64.290 – Regulations for Vacation Rentals

Sub-sections:

- A. Definitions**
- B. Purpose**
- C. Applicability**
- D. Regulations for Homestays**
- E. Regulations for Limited Short-Term Rentals**
- F. Regulations for Commercial Short-Term Rentals**
- G. Phasing Out Unpermitted Operations**
- H. Application and Renewal Process for Commercial Short-Term Regulations**
- I. Grounds for Suspension or Revocation**
- J. Enforcement**

A. Definitions.

Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning in this Section:

1. “Advertised Rental Rate” means the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

2. “Bedroom” means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; and 2) has an exterior door or window for egress meeting health and safety code standards at the time the dwelling was constructed; and 3) has a closing door that separates the room from other areas of the dwelling. The following shall not be considered a bedroom: Any interior room that must be passed through to access another bedroom; a hallway; bathroom; kitchen; living room; dining room; family room; breakfast nook; pantry; laundry room; or closet/dressing room opening off a bedroom.

3. “Effective Date” means the date on which Ordinance No. _____ adding this Section 20.64.290 to the Monterey County Code took effect.

4. “Operator” means a person who operates the Vacation Rental and, if not the Owner, who has the legal permission of Owner to operate the Vacation Rental on the subject real property.

5. “Owner” means the person or persons who hold fee title to the real property which houses the Vacation Rental.

B. Purpose

It is the purpose of this Section to:

1. Preserve and enhance the residential character of the zoning districts established in Title 20, and the sense of security and safety in stable neighborhoods of principal residences.

2. Provide opportunity for visitors to access public areas of the County through vacation rental opportunities, benefiting the local economy while preserving the housing supply and quality of life, and protecting public health, safety, and general welfare.

3. Establish regulations that provide opportunity for homeowners and residents to participate in the sharing economy by offering vacation rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County.

4. Establish that Homestay and Limited Short-Term Rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and therefore are allowed uses, where applicable, with a business permit and business license.

5. Establish that Commercial Short-Term Rental uses have the potential to have impacts different in character, density and intensity than residential uses, could convert long-term housing out of the market, or pose hazard to public health, safety and general welfare for known infrastructure limitations. Commercial Short-Term Rental uses therefore may be allowed, where applicable, only with a discretionary use permit granted pursuant to this Section.

C. Applicability

1. This Section applies in the unincorporated inland area of the County of Monterey.

D. Regulations for Homestays

1. Homestays are allowed, as exempted from a Coastal Development Permit pursuant to 20.70.120(S), in the following zoning districts, subject to the requirements of this Section 20.64.290: High Density Residential (HDR); Medium Density Residential (MDR); Low Density Residential (LDR); Rural Density Residential (RDR); Watershed and Scenic Conservation (WSC (CZ)); Coastal General Commercial (CGC); Moss Landing Commercial (MLC); and Visitor Serving Commercial (VSC). Homestays shall not be allowed in any other zoning district.

2. A Homestay shall be considered a residential use, similar in character, density, and intensity to residential use, and therefore is an allowed use.

3. Homestays shall only be allowed in a single-family dwelling (SFD), duplex dwelling (DD), or a multiple family dwelling (MFD).

4. Homestays shall not be allowable within accessory dwelling units, or guesthouses, or in structures or dwellings where the Owner has a covenant or agreement with the County or deed restriction restricting their use, including but not limited to affordable housing units that are subject to affordability restrictions.

5. Homestays shall be in legally permitted structures. Homestays are not allowed in tents, yurts, recreational vehicles (RVs) or other structures intended for temporary occupancy.

6. The Principal Resident must obtain a Vacation Rental Operation Permit for all Homestay activities pursuant to Chapter 7.110 of the Monterey County Code before commencing the Homestay use and must keep the Vacation Rental Operation Permit in good standing throughout the Homestay use.

7. The Principal Resident shall obtain a business license from the County pursuant to Section 7.02.060 of the Monterey County Code before commencing the Homestay use and must keep a valid business license throughout the Homestay use.

8. The Principal Resident shall register the Homestay with the Treasurer-Tax Collector and obtain a transient occupancy tax registration certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

9. To qualify as a Homestay, the Principal Resident must concurrently occupy the dwelling while renting the dwelling as a vacation rental.

10. The Homestay must meet the water quality requirements for Homestays set forth in Chapter 7.110. The drinking water is presumed to meet water quality standards if the Homestay provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more

service connections. If the Homestay is found to be part of an unpermitted water system or if the Homestay results in the need for a permit for a water system, the Owner must obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Homestay use and must keep the Water System Permit in good standing throughout the Homestay use.

11. If the Homestay is served by an onsite wastewater treatment system (“OWTS”, also referred to as a septic system), the Homestay must meet the onsite wastewater requirements set forth in Chapter 7.110.

12. Except as provided in this Section, Homestays shall not be allowed in the unincorporated areas of Monterey County without first securing and maintaining in good standing all permits, licenses, certificates or other entitlements required by County regulation.

E. Regulations for Limited Short-Term Rentals

1. Limited Short-Term Rentals are allowed, as exempted from a Coastal Development Permit pursuant to 20.70.120(S), in in the following zoning districts, subject to the requirements of this Section 20.64.290: High Density Residential (HDR); Medium Density Residential (MDR); Low Density Residential (LDR); Rural Density Residential (RDR); Watershed and Scenic Conservation (WSC (CZ)); Coastal General Commercial (CGC); Moss Landing Commercial (MLC); and Visitor Serving Commercial (VSC). Limited STRs shall not be allowed in any other zoning district.

2. A Limited STR shall be considered a residential use, similar in character, density, and intensity to residential use, and therefore is an allowed use.

3. Limited STRs shall only be allowed in a single-family dwelling (SFD), duplex dwelling (DD), or a multiple family dwelling (MFD).

4. Limited STRs shall not be allowable within accessory dwelling units, or guesthouses, or in structures or dwellings where the Owner has a covenant or agreement with the County or deed restricted restricting their use, including but not limited to affordable housing units that are subject to affordability restrictions.

5. Limited STRs shall be in legally permitted structures. Limited STRs are not allowed in tents, yurts, recreational vehicles (RVs) or other structures intended for temporary occupancy.

6. The Operator shall obtain a Vacation Rental Operation Permit for all Limited STR activities pursuant to Chapter 7.110 of the Monterey County Code before commencing the Limited STR use and must keep the Vacation Rental Operation Permit in good standing throughout the Limited STR use.

7. The Operator shall obtain a business license from the County pursuant to Section 7.02.060 of the Monterey County Code before commencing the Limited STR use and must keep a valid business license throughout the Limited STR use.

8. The Operator shall register the Limited STR with the Treasurer-Tax Collector and obtain a transient occupancy tax registration certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

9. To qualify as a Limited STR, the dwelling shall be rented as a Short-Term Rental no more than four (4) times per 12-month period.

10. The Limited STR must meet the water quality requirements for Limited STRs set forth in Chapter 7.110. The drinking water is presumed to meet water quality standards if the Limited STR provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections. If the Limited STR is found to be part of an unpermitted water system or if the Limited STR results in the need for a permit for a water system, the Owner must obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Limited STR use and must keep the Water System Permit in good standing throughout the Limited STR use.

11. If the Limited STR is served by an onsite wastewater treatment system ("OWTS", also referred to as a septic system), the Limited STR must meet the onsite wastewater requirements set forth in Chapter 7.110.

12. Except as provided in this Section, Limited STRs shall not be allowed in the unincorporated areas of Monterey County without first securing and maintaining in good standing all permits, licenses, certificates or other entitlements required by County regulation.

F. Regulations for Commercial Short-Term Rentals

1. Commercial Short-Term Rentals are allowed with a Coastal Development Permit in the following zoning districts, subject to the requirements of this Section 20.64.290: High Density Residential (HDR); Medium Density Residential (MDR); Low Density Residential (LDR); Rural Density Residential (RDR); Watershed and Scenic Conservation (WSC (CZ)); Coastal General Commercial (CGC); Moss Landing Commercial (MLC); and Visitor Serving Commercial (VSC). Commercial STRs shall not be allowed in any other zoning district.

2. Commercial Short-Term Rentals Prohibited or Limited in Certain Areas. Commercial Short-Term Rentals are subject to the following additional limitations based on the policies of the 2010 General Plan:

a. Big Sur Land Use Plan Area.

- i. A Commercial STR shall not be allowable.
 - ii. A Limited STR shall be allowable only if the residential dwelling to be used as the Limited STR is a Principal Residence and the Operator of the Limited STR is the Principal Resident of the residential dwelling.
- b. Del Monte Forest Land Use Plan Area. A Commercial STR shall not be allowable.
- c. North County Land Use Plan Area – Moss Landing Community Plan Area.
 - i. A Commercial STR within the Moss Landing Community Plan boundary shall be subject to Policy 4.3.6.E.4 governing visitor serving facilities (North County Land Use Plan – Land Use and Development – Land Use Plan and Development Policies - Specific Policies – Commercial and Visitor-Serving Facilities. A Commercial STR shall be counted as one (1) unit, no matter the number of bedrooms. Commercial STRs shall be subject to the maximum unit limitations set forth in Policy 4.3.6.E.4.
 - ii. Homestays and Limited STRs are not considered visitor serving facilities and shall not be subject to Policy 4.3.6.E.4.
3. Commercial STRs shall only be allowed in a single-family dwelling (SFD), duplex dwelling (DD), or a multiple family dwelling (MFD).
4. Commercial STRs shall not be allowable within accessory dwelling units, or guesthouses, or in structures or dwellings where the Owner has a covenant or agreement with the County or deed restriction restricting their use, including but not limited to affordable housing units that are subject to affordability restrictions.
5. Commercial STRs shall be in legally permitted structures. Commercial STRs are not allowed in tents, yurts, recreational vehicles (RVs) or other structures intended for temporary occupancy.
6. A Commercial Short-Term Rental requires a Coastal Development Permit. The application for a Coastal Development Permit, and for amendments and extensions thereof, shall be processed in accordance with Chapter 20.70 of the Monterey County Code. Notwithstanding the foregoing, the grounds and procedures for suspension and revocation of a Coastal Development Permit granted under this Section shall be as set forth in this Section.

7. The Operator shall obtain a Vacation Rental Operation Permit for all Commercial STR activities pursuant to Chapter 7.110 of the Monterey County Code before commencing the Commercial STR use and must keep the Vacation Rental Operation Permit in good standing throughout the Commercial STR use.

8. The Operator shall obtain a business license from the County pursuant to Section 7.02.060 of the Monterey County Code before commencing the Commercial STR use and must keep a valid business license throughout the Commercial STR use.

9. The Operator shall register the Commercial STR with the Treasurer-Tax Collector and obtain a transient occupancy tax registration certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

10. To qualify as a Commercial Short-Term Rental:

a. Only one (1) Commercial STR shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record. This limit shall apply to duplex dwellings and multiple family dwellings, and only one (1) Commercial STR shall be allowed per dwelling. These limits shall not apply to condominiums, townhomes, planned unit developments, or similar cluster residential subdivisions. These limits shall not apply in Coastal General Commercial (CGC), Moss Landing Commercial (MLC), and Visitor Serving Commercial (VSC) zones.

b. *It is the intent that a Commercial STR that is not accessible directly from a public road to be subject to regulations similar to Monterey County Code Section 21.64.320, Regulations Relating to Applications Involving Use of Private Roads, if such regulations are adopted for the Coastal Zone.*

c. A Commercial STR that is served by an onsite wastewater treatment system ("OWTS", also referred to as a septic system) shall demonstrate that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS, in the form and manner required by the Environmental Health Bureau, completed by a qualified professional. Any component noted to be in unacceptable condition, as documented by a performance evaluation conducted by a qualified professional, shall be repaired or replaced prior to County approval or renewal of the Coastal Development Permit for a Commercial STR.

d. If the Commercial STR is served by an onsite wastewater treatment system ("OWTS", also referred to as a septic system), the Commercial STR must meet the onsite wastewater requirements set forth in Chapter 7.110.

e. If the Commercial STR is found to be part of an unpermitted water system or if the Commercial STR results in the need for a permit for a water

system, the Owner must obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Commercial STR use and must keep the Water System Permit in good standing throughout the Commercial STR use.

f. The source of water that serves a Commercial STR shall meet bacteriological and acute primary drinking water standards. The Owner shall demonstrate that the source of water meets bacteriological and acute primary drinking water standards, to the satisfaction of the Director of Environmental Health, before the permit application is deemed complete. Water quality testing may be required by the Director of Environmental Health if recent test results are not available. The drinking water is presumed to meet these standards if the Commercial STR provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections.

g. A Commercial STR must be in conformance with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

h. A Commercial STR must demonstrate that response times for County emergency services for fire and emergency medical will be adequate. If response time for fire and/or ambulance service exceeds 8 minutes (Structural Coverage) in Community Areas, 12 minutes (Structural Coverage) in Rural Centers, or 45 minutes in other areas, a Commercial STR may be allowable, however, notice of emergency service limitations shall be included in rental contracts and posted within the unit in a prominent place within six (6) feet of the front door of the unit.

i. A Commercial STR shall comply with Monterey County Code section 20.58 Regulations for Parking, as periodically amended.

j. A Commercial STR shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of site unless in conformity with neighborhood standards

k. Each Coastal Development Permit issued pursuant to this Section shall have, as a condition of the permit, a requirement that the Owner indemnify, defend, and hold harmless the County of Monterey and its officers, agents, and employees from actions or claims of any description brought on account of approval of the permit and from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the permit and the conduct of the activities

under said permit. This requirement shall remain operative and in effect notwithstanding any proceeding or litigation which may result in invalidation or rescission of the permit.

11. Required Findings. To grant a Coastal Development Permit for a Commercial STR, the Appropriate Authority must find, based on substantial evidence, that the Commercial STR complies with all findings required for a Coastal Development Permit pursuant to Chapter 20.70 and complies with all requirements of this Section 20.64.090.

12. Except as provided in this Section, Commercial STRs shall not be allowed in the unincorporated areas of Monterey County without first securing and maintaining in good standing all permits, licenses, certificates or other entitlements required by County regulation.

G. Phasing Out Unpermitted Operations

1. In order to provide time for Owners and Operators of Vacation Rentals that were unpermitted prior to the Effective Date to come into compliance with this section and to provide reasonable return on such investment or reservation commitments as may have been made prior to enactment of this section, Owners and Operators who can demonstrate that a Vacation Rental use was established and operating on the subject property prior to the Effective Date may be continued for a limited period of time following the Effective Date as set forth below:

a. For Homestay and Limited Short-Term Rental uses, the Operator shall comply with Chapter 7.110.050 – Phasing Out Unpermitted Operations.

b. For Commercial Short-Term Rental uses:

i. The Owner has sixty (60) days from the Effective Date to register with the Resource Management Agency and file an Intent to Apply form.

ii. The Owner has six (6) months from the Effective Date to provide evidence of prior operating status and to make an application for all permits, licenses, certificates or other entitlements required by County regulation.

iii. The Owner may establish a Vacation Rental as “prior operating” by providing evidence to the satisfaction of the Resource Management Agency that documents that it was operating as a Vacation Rental and completed at least one (1) contract in each of three (3) of the five (5) years preceding April 1, 2019, and can provide evidence of a

reservation for a Vacation Rental entered into prior to April 1, 2019 for Vacation Rental of the unit on or after April 1, 2019.

iv. The Owner must provide a copy of Transient Occupancy Tax Certificate issued by the County.

v. If the above requirements (i) through (iv) are met, the Owner will be allowed to continue to operate as a Vacation Rental for up to one (1) year from the Effective Date, or until County takes action on applications for all required permits, licenses, and entitlements made pursuant to this Section and Section 7.02.060 and Chapter 7.110 of the Monterey County Code, whichever is later.

vi. If any of the required permits, licenses, and entitlements made are denied by the County one (1) year plus one (1) day or later from the Effective Date, the rental operation must cease within 30 days of receiving writing notice from the County of such denial.

2. Nothing in this Section prohibits the County from taking enforcement action, which may lead to shutting down a Vacation Rental operation, during the Phasing Out period if an immediate or imminent threat to life, health or safety exists.

H. Application and Renewal Process for Commercial Short-Term Rentals

1. All applications for a Coastal Development Permit for a Commercial STR shall be filed with the Resource Management Agency (RMA) on the form and in the manner prescribed by the Director of the RMA or his or her designee. In all cases, the application shall contain, without limitation, the following documentation:

a. All information required on the application form, including but not limited to the name and consent of the Owner of the real property which is the subject of the application and, if an agent represents the Owner, an authorization of the agent signed by the Owner.

b. Property Manager Contact Information including name, address, phone number and email address.

c. One (1) set of plans drawn to scale and labeled, in the form and manner required by the RMA Director or his or her designee, including but not limited to: Site Plan including locations and dimensions of all property lines, rights-of-ways, vehicular easements, edge of pavement, driveways and on-site parking areas; and Floor Plan showing all rooms, including windows and doors.

d. An inspection report that provides and verifies information, in the form and manner required by the Director of the RMA or his or her designee, to

ensure the property is safe and habitable for its intended use, including but not limited to: verification of adequate egress from sleeping quarters and common areas; installation of accessible fire extinguishers; and a carbon monoxide alarm on each level.

e. Evidence that the property receives solid waste service for garbage and recyclables collection.

f. Evidence that the source of water that serves the proposed Commercial STR meets bacteriological and acute primary drinking water standards. Evidence may include proof, such as a water bill, that the property receives potable water service from a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections, or a water quality analysis in the form and manner required by the Environmental Health Bureau.

g. Evidence that the onsite wastewater treatment system (“OWTS”, also referred to as a septic system) is in good working order and functioning properly by providing a performance evaluation of the OWTS, in the form and manner required by the Environmental Health Bureau, completed by a qualified professional, if applicable.

h. Copy of OWTS informational signs, if applicable.

i. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

j. Such other information as the Director of RMA or his or her designee shall require to evaluate the application.

2. Time Limits. All Coastal Development Permits issued for Commercial STRs shall be subject to the following time limits on the use authorized by the Coastal Development Permit:

a. The initial Coastal Development Permit shall be issued for a term of five years.

b. The Owner may apply to extend the Coastal Development Permit prior to the expiration date of the Coastal Development Permit pursuant to Section 20.70.110. The extension application shall be made at least thirty (30) days prior to the expiration of the Coastal Development Permit at the end of each such five-year term. The Coastal Development Permit shall be extended by the Appropriate Authority by five years, for up to two additional five-year terms, if the Appropriate Authority finds that the operation is in good standing, according to the criteria set forth below.

i. Commercial STRs with more than two substantiated violations of this Section or Chapter 7.110 - Vacation Rental Operation Permit, shall be considered not in good standing. A substantiated violation means a determination of a violation by a court, hearing officer or hearing body, or by stipulated agreement.

ii. Commercial STRs that do not have a valid business license from the County pursuant to Section 7.02.060 throughout the Commercial STR use, shall be considered not in good standing.

iii. Commercial STRs that have not paid their Transient Occupancy Tax pursuant to Chapter 5.04 of Monterey County Code, shall be considered not in good standing.

iv. Commercial STRs that do not meet bacteriological and acute primary drinking water standards, as demonstrated by a comprehensive water quality analysis, pursuant to Monterey County Code Chapters 15.04 and 15.08 and California Code of Regulations Titles 17 and 22, shall be considered not in good standing, if applicable.

v. Commercial STRs that have an onsite wastewater treatment system ("OWTS", also referred to as a septic system) that is not in good working order and functioning properly, as demonstrated by a performance evaluation of the OWTS, in the form and manner required by the Environmental Health Bureau, completed by a qualified professional, shall be considered not in good standing, if applicable

vi. Commercial STRs that do not have a Water System Permit that is in good standing shall be considered not in good standing, if applicable.

vii. Commercial STRs that have not completed at least one (1) contract in each of three (3) of the preceding five (5) years will be considered inactive and not in good standing in the following geographic areas:

(a). North County Land Use Plan Area – Moss Landing Community Plan Area. Because Commercial STRs are subject to Policy 4.3.6.E.4 governing visitor serving facilities (North County Land Use Plan – Land Use and Development – Land Use Plan and Development Policies - Specific Policies – Commercial and Visitor-Serving Facilities) and are subject to the maximum unit limitations, an inactive Commercial STR, per the criteria above, is not in good standing.

c. If a Coastal Development Permit has already been extended twice or if a Coastal Development Permit is not extended because the Commercial STR is found not to be in good standing, an Owner desiring a Commercial STR must apply for a new Coastal Development Permit for the Commercial STR use.

d. The purpose of five (5) year term limit is to provide adequate ongoing review of the Commercial STR to assure that the use continues to meet the standards of this section.

e. The purpose of allowing only two (2) extensions resulting in a maximum fifteen (15) year total term limit is to preserve the housing supply so that an entitlement to a Commercial STR does not permanently remove a house from the overall long-term housing supply in light of the housing shortage in Monterey County.

3. First Come First Served. New and extension Coastal Development Permit applications will be date and time-stamped upon receipt by the RMA and processed on a first come first served basis based on the date the application is deemed complete.

I. Grounds for Suspension or Revocation

1. Where one or more of the conditions of a Coastal Development Permit have not been, or are not being complied with, or when a Coastal Development Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Coastal Development Permit following public hearing pursuant to Chapter 20.84 of this Title.

2. Grounds for suspension or revocation may include but are not limited to more than two substantiated violations of the terms and conditions of the Coastal Development Permit and/or Vacation Rental Operation Permit issued pursuant to Chapter 7.110 in a twelve (12)-month period. A substantiated violation means a determination of a violation by a court, hearing officer or hearing body, or by stipulated agreement.

J. Enforcement

The remedies provided by this Section are cumulative and in addition to any other remedies available in law or in equity.

1. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Section. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Section may be charged with a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the Monterey County Jail for a period of not more than six months or by both

such fine and imprisonment for each and every violation. No proof of knowledge, intent, or other mental state is required to establish a violation.

2. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action pursuant to Chapter 1.20 or cause of action for penalty pursuant to Chapter 1.22 of this Code, and any other action authorized by law.

3. Each and every violation of this Section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Section may be subject to injunctive relief, disgorgement and payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the vacation rental activity or persons related thereto, or associated with, the violation of this Section.

4. For violations of this Section, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

(a). A civil penalty not exceeding one-hundred and seventy-five percent (175%) of the Advertised Rental Rate per day, or part thereof, or one thousand dollars (\$1,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a first violation

(b). A civil penalty not exceeding two-hundred and seventy-five percent (275%) of the Advertised Rental Rate per day, or part thereof, or two thousand five hundred dollars (\$2,500.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one year; and

(c). A civil penalty not exceeding three-hundred and seventy-five percent (375%) of the Advertised Rental Rate per day, or part thereof, or five thousand dollars (\$5,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one year; and

5. Each and every day during any portion of which any violation of this Section is committed or permitted and or continues to exist without remedy by the responsible person shall be deemed a separate and distinct offense and violation for purposes of determining the total amount of administrative penalties pursuant to this Section.

SECTION 23. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares

This document is a draft and subject to change.

that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, or phrases are declared invalid.

SECTION 24. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its certification by the California Coastal Commission.

PASSED AND ADOPTED on this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

DRAFT 04.18.19
ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING TITLE 21 (NON-COASTAL ZONING) OF THE MONTEREY COUNTY
CODE RELATING TO VACATION RENTALS.**

County Counsel Summary
[forthcoming]

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. This ordinance is intended to provide regulations, standards, and circumstances under which Vacation Rentals may be allowed in certain residential unincorporated areas of Monterey County.

C. Homestay and Limited Short-Term Rental uses are similar in character, density, and intensity to residential use, are not anticipated to remove long-term housing from the market, and therefore are allowed uses, where applicable, with a business permit.

D. Regulation of Vacation Rentals is necessary because Commercial Short-Term Rental uses, which may be rented at a greater frequency than Limited Short-Term Rentals and unlike Homestays do not have a Principal Resident residing concurrently when the unit is rented, have the potential to have impacts different in character, density and intensity than residential uses, could remove long-term housing from the market, or pose hazard to public health, safety and general welfare for known infrastructure limitations. Commercial Short-Term Rental uses therefore may be allowed, where applicable, only with a discretionary use permit.

E. This ordinance establishes the requirement for a Use Permit for Commercial Short-Term Rental activities to provide for business fairness and to enable evaluation of the impacts of such activities, in recognition that Commercial STRs have similar land use impacts as other recreational/visitor serving uses such as hotels, motels, and bed and breakfast facilities and deserve similar evaluation as such visitor serving uses.

F. To allow for a reasonable amortization of investment for existing vacation rental operations, this Ordinance provides an initial time period during which a vacation rental may

continue to operate provided the vacation rental activity was established prior to the effective date of the Ordinance and the owner is pursuing all necessary County permits, licenses, and entitlements pursuant Section 21.64.290 of Monterey County Code.

G. Categorically Exempt for existing facilities pursuant to Section 15301; the “common sense exemption” (formally “general rule”) contained in Section 15061(b)(3); and/or statutorily exempt because it is not a project pursuant to Section 15060(c)(3) and 15378.

SECTION 2. Section 21.06.193 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Commercial Short-Term Rental” or “Commercial STR” means a Short-Term Rental that is rented as a vacation rental five times or more per 12-month period.

SECTION 3. Section 21.06.655 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Homestay” means vacation rental of a residential dwelling that is concurrently occupied by the dwelling’s Principal Resident while the dwelling is being rented as a vacation rental.

SECTION 4. Section 21.06.735 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Limited Short-Term Rental” or “Limited STR” means a Short-Term Rental that is rented as a vacation rental four times or fewer per 12-month period.

SECTION 5. Section 21.06.885 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Principal Residence” means the dwelling occupied by the resident and where the resident lives more that 50% of the year, defined herein as 183 days or more per calendar year. For purposes of Vacation Rental permitting, a person can claim only one Principal Residence at any one time.

SECTION 6. Section 21.06.886 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Principal Resident” means a human being who occupies a residential unit as their Principal Residence.

SECTION 7. Section 21.06.986 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Residential Property” means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

SECTION 8. Section 21.06.987 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Rooming or boarding” ” means shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for not more than two persons for the purpose of work, school, research, medical care, or employment that requires a person’s physical presence in the County, or other similar non-recreational activity. Rooming or boarding does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, vacation rentals, labor camps or single occupancy housing.

SECTION 9. Section 21.06.990 is amended in the Monterey County Code to read as follows:

“Roominghouse or boardinghouse” means ~~a facility other than a hotel where lodging with or without meals for three or more persons is provided for compensation~~ shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for three or more persons for the purpose of work, school, research, medical care, or employment that requires a person’s physical presence in the County, or other similar non-recreational activity. Roominghouse and boardinghouse does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, vacation rentals, labor camps or single occupancy housing.

SECTION 10. Section 21.06.1065 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Short-Term Rental” or “STR” means a vacation rental where the Principal Resident is not occupying the dwelling unit concurrently when renting it as a vacation rental.

SECTION 11. Section 21.06.1307 is amended in the Monterey County Code [DEFINITIONS] to read as follows:

“Transient” means temporary, of limited duration or for a short period of time, and for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

SECTION 12. Section 21.06.1345 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Vacation Rental” means the use, by any person, of residential property for transient lodging 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 a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

“Vacation Rental” includes Commercial Short-Term Rentals, Limited Short-Term Rentals, and Homestays. “Vacation Rental” does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

SECTION 13. Section 21.10.030(S) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

S. Homestays and Limited Short-Term Rentals, pursuant to Section 21.64.290;

SECTION 14. Section 21.10.050(AA) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

AA. Commercial Short-Term Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 15. Section 21.12.030(R) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

R. Homestays and Limited Short-Term Rentals, pursuant to Section 21.64.290;

SECTION 16. Section 21.12.050(Y) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

Y. Commercial Short-Term Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 17. Section 21.14.030(U) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

U. Homestays and Limited Short-Term Rentals, pursuant to Section 21.64.290;

SECTION 18. Section 21.14.050(E) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

E. Commercial Short-Term Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 19. Section 21.16.030(W) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

W. Homestays and Limited Short-Term Rentals, pursuant to Section 21.64.290;

SECTION 20. Section 21.16.050(RR) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

RR. Commercial Short-Term Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 21. Section 21.18.040(E) is added to the Monterey County Code [LIGHT COMMERCIAL DISTRICT] to read as follows:

- E. Homestays and Limited Short-Term Rentals, pursuant to Section 21.64.290;

SECTION 22. Section 21.18.060(II) is added to the Monterey County Code [LIGHT COMMERCIAL DISTRICT] to read as follows:

- II. Commercial Short-Term Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 23. Section 21.20.040(E) is added to the Monterey County Code [HEAVY COMMERCIAL DISTRICT] to read as follows:

- E. Homestays and Limited Short-Term Rentals, pursuant to Section 21.64.290;

SECTION 24. Section 21.20.060(SS) is added to the Monterey County Code [HEAVY COMMERCIAL DISTRICT] to read as follows:

- SS. Commercial Short-Term Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 25. Section 21.22.040(D) is added to the Monterey County Code [VISITOR SERVING/PROFESSIONAL OFFICE DISTRICT] to read as follows:

- D. Homestays and Limited Short-Term Rentals, pursuant to Section 21.64.290;

SECTION 26. Section 21.22.060(X) is added to the Monterey County Code [VISITOR SERVING/PROFESSIONAL OFFICE DISTRICT] to read as follows:

- X. Commercial Short-Term Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 27. Section 21.36.030(V) is added to the Monterey County Code [RESOURCE CONSERVATION DISTRICT] to read as follows:

- V. Homestays and Limited Short-Term Rentals, pursuant to Section 21.64.290;

SECTION 28. Section 21.36.050(JJ) is added to the Monterey County Code [RESOURCE CONSERVATION DISTRICT] to read as follows:

- JJ. Commercial Short-Term Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 29. Section 21.64.280(H) is added to the Monterey County Code [SPECIAL REGULATIONS – Administrative permits for transient use of residential property for remuneration] to read as follows:

- H. Inoperative Date of Section: This Section 21.64.280 shall become inoperative as of the date the ordinance adding Section 21.64.290 to the Monterey County Code takes effect. Thereafter, all applications for transient use of residential property for remuneration shall be

governed by Section 21.64.290. All administrative permits issued under Section 21.64.280 prior to the effective date of Section 21.64.290 shall be considered legal nonconforming.

SECTION 30. Section 21.64.290 is added to the Monterey County Code [REGULATIONS FOR VACATION RENTALS] to read as follows:

Section 21.64.290 – Regulations for Vacation Rentals

Sub-sections:

- A. Definitions**
- B. Purpose**
- C. Applicability**
- D. Regulations for Homestays**
- E. Regulations for Limited Short-Term Rentals**
- F. Regulations for Commercial Short-Term Rentals**
- G. Phasing Out Unpermitted Operations**
- H. Application and Renewal Process for Commercial Short-Term Rentals**
- I. Grounds for Suspension or Revocation**
- J. Enforcement**

A. Definitions.

Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning in this Section:

1. “Advertised Rental Rate” means the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

2. “Bedroom” means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; and 2) has an exterior door or window for egress meeting health and safety code standards at the time the dwelling was constructed; and 3) has a closing door that separates the room from other areas of the dwelling. The following shall not be considered a bedroom: Any interior room that must be passed through to access another bedroom; a hallway; bathroom; kitchen; living room; dining room; family room; breakfast nook; pantry; laundry room; or closet/dressing room opening off a bedroom.

3. “Effective Date” means the date on which Ordinance No. _____ adding this Section 21.64.290 to the Monterey County Code took effect.

4. “Operator” means a person who operates the Vacation Rental and, if not the Owner, who has the legal permission of Owner to operate the Vacation Rental on the subject real property.

5. “Owner” means the person or persons who hold fee title to the real property which houses the Vacation Rental.

B. Purpose

It is the purpose of this Section to:

1. Preserve and enhance the residential character of the zoning districts established in Title 21, and the sense of security and safety in stable neighborhoods of principal residences.

2. Provide opportunity for visitors to access public areas of the County through vacation rental opportunities, benefiting the local economy while preserving the housing supply and quality of life, and protecting public health, safety, and general welfare.

3. Establish regulations that provide opportunity for homeowners and residents to participate in the sharing economy by offering vacation rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County.

4. Establish that Homestay and Limited Short-Term Rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and therefore are allowed uses, where applicable, with a business permit and business license.

5. Establish that Commercial Short-Term Rental uses have the potential to have impacts different in character, density and intensity than residential uses, could convert long-term housing out of the market, or pose hazard to public health, safety and general welfare for known infrastructure limitations. Commercial Short-Term Rental uses therefore may be allowed, where applicable, only with a discretionary use permit granted pursuant to this Section.

C. Applicability

1. This Section applies in the unincorporated inland area of the County of Monterey.

2. This Section does not apply to transient use of residential property for remuneration which was authorized under Section 21.64.280 prior to the Effective Date. Any applications for “transient use of residential property for remuneration” received after the Effective Date shall be subject to this Section governing Vacation Rentals and not governed by section 21.64.280. Amendments to administrative permits granted under Section 21.64.280 shall be subject to this Section.

D. Regulations for Homestays

1. Homestays are allowed in the following zoning districts, subject to the requirements of this Section 21.64.290: High Density Residential (HDR); Medium Density Residential (MDR); Low Density Residential (LDR); Rural Density Residential (RDR); Light Commercial (LC); Heavy Commercial (HC); Visitor Serving/Professional Office (VO); Resource Conservation (RC); Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed) except industrial and public/quasi-public land use designations within the CP district; and Specific Plan (SP), subject to Section 21.41.030.B (Regulations for Specific Plan Zoning Districts or “SP” Districts – Uses Allowed) except industrial and public/quasi-public land use designations within the SP district. Homestays shall not be allowed in any other zoning district.
2. A Homestay shall be considered a residential use, similar in character, density, and intensity to residential use, and therefore is an allowed use.
3. Homestays shall only be allowed in a single-family dwelling (SFD), duplex dwelling (DD), or a multiple family dwelling (MFD).
4. Homestays shall not be allowable within accessory dwelling units, or guesthouses, or in structures or dwellings where the Owner has a covenant or agreement with the County or deed restriction restricting their use, including but not limited to affordable housing units that are subject to affordability restrictions.
5. Homestays shall be in legally permitted structures. Homestays are not allowed in tents, yurts, recreational vehicles (RVs) or other structures intended for temporary occupancy.
6. The Principal Resident must obtain a Vacation Rental Operation Permit for all Homestay activities pursuant to Chapter 7.110 of the Monterey County Code before commencing the Homestay use and must keep the Vacation Rental Operation Permit in good standing throughout the Homestay use.
7. The Principal Resident shall obtain a business license from the County pursuant to Section 7.02.060 of the Monterey County Code before commencing the Homestay use and must keep a valid business license throughout the Homestay use.
8. The Principal Resident shall register the Homestay with the Treasurer-Tax Collector and obtain a transient occupancy tax registration certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.
9. To qualify as a Homestay, the Principal Resident must concurrently occupy the dwelling while renting the dwelling as a vacation rental.

10. The Homestay must meet the water quality requirements for Homestays set forth in Chapter 7.110. The drinking water is presumed to meet water quality standards if the Homestay provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections. If the Homestay is found to be part of an unpermitted water system or if the Homestay results in the need for a permit for a water system, the Owner must obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Homestay use and must keep the Water System Permit in good standing throughout the Homestay use.

11. If the Homestay is served by an onsite wastewater treatment system (“OWTS”, also referred to as a septic system), the Homestay must meet the onsite wastewater requirements set forth in Chapter 7.110.

12. Except as provided in this Section, Homestays shall not be allowed in the unincorporated areas of Monterey County without first securing and maintaining in good standing all permits, licenses, certificates or other entitlements required by County regulation.

E. Regulations for Limited Short-Term Rentals

1. Limited Short-Term Rentals are allowed in in the following zoning districts, subject to the requirements of this Section 21.64.290: High Density Residential (HDR); Medium Density Residential (MDR); Low Density Residential (LDR); Rural Density Residential (RDR); Light Commercial (LC); Heavy Commercial (HC); Visitor Serving/Professional Office (VO); Resource Conservation (RC); Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed) except industrial and public/quasi-public land use designations within the CP district; and Specific Plan (SP), subject to Section 21.41.030.B (Regulations for Specific Plan Zoning Districts or “SP” Districts – Uses Allowed) except industrial and public/quasi-public land use designations within the SP district. Limited STRs shall not be allowed in any other zoning district.

2. A Limited STR shall be considered a residential use, similar in character, density, and intensity to residential use, and therefore is an allowed use.

3. Limited STRs shall only be allowed in a single-family dwelling (SFD), duplex dwelling (DD), or a multiple family dwelling (MFD).

4. Limited STRs shall not be allowable within accessory dwelling units, or guesthouses, or in structures or dwellings where the Owner has a covenant or agreement with the County or deed restriction restricting their use, including but not limited to affordable housing units that are subject to affordability restrictions.

5. Limited STRs shall be in legally permitted structures. Limited STRs are not allowed in tents, yurts, recreational vehicles (RVs) or other structures intended for temporary occupancy.

6. The Operator shall obtain a Vacation Rental Operation Permit for all Limited STR activities pursuant to Chapter 7.110 of the Monterey County Code before commencing the Limited STR use and must keep the Vacation Rental Operation Permit in good standing throughout the Limited STR use.

7. The Operator shall obtain a business license from the County pursuant to Section 7.02.060 of the Monterey County Code before commencing the Limited STR use and must keep a valid business license throughout the Limited STR use.

8. The Operator shall register the Limited STR with the Treasurer-Tax Collector and obtain a transient occupancy tax registration certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

9. To qualify as a Limited STR, the dwelling shall be rented as a Short-Term Rental no more than four (4) times per 12-month period.

10. The Limited STR must meet the water quality requirements for Limited STRs set forth in Chapter 7.110. The drinking water is presumed to meet water quality standards if the Limited STR provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections. If the Limited STR is found to be part of an unpermitted water system or if the Limited STR results in the need for a permit for a water system, the Owner must obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Limited STR use and must keep the Water System Permit in good standing throughout the Limited STR use.

11. If the Limited STR is served by an onsite wastewater treatment system ("OWTS", also referred to as a septic system), the Limited STR must meet the onsite wastewater requirements set forth in Chapter 7.110.

11. Except as provided in this Section, Limited STRs shall not be allowed in the unincorporated areas of Monterey County without first securing and maintaining in good standing all permits, licenses, certificates or other entitlements required by County regulation.

F. Regulations for Commercial Short-Term Rentals

1. Commercial Short-Term Rentals are allowed with a Use Permit in the following zoning districts, subject to the requirements of this Section 21.64.290: High Density Residential (HDR); Medium Density Residential (MDR); Low Density Residential (LDR); Rural Density Residential (RDR); Light Commercial (LC); Heavy

Commercial (HC); Visitor Serving/Professional Office (VO); Resource Conservation (RC); Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed) except industrial and public/quasi-public land use designations within the CP district; and Specific Plan (SP), subject to Section 21.41.030.B (Regulations for Specific Plan Zoning Districts or “SP” Districts – Uses Allowed) except industrial and public/quasi-public land use designations within the SP district. Commercial STRs shall not be allowed in any other zoning district.

2. Commercial Short-Term Rentals Prohibited or Limited in Certain Areas:
Commercial Short-Term Rentals are subject to the following additional limitations based on the policies of the 2010 Monterey County General Plan:

a. Carmel Valley Master Plan Area.

i. A Commercial STR shall be subject to Policy CV-1.15.d. and e. governing visitor accommodation uses in the Carmel Valley Master Plan area. A Commercial STR shall be considered a visitor accommodation unit, and no matter the number of bedrooms, shall be counted as one (1) visitor accommodation unit. Commercial STRs shall be subject to the maximum limits on visitor accommodation units set forth in Policy CV-1.15.d and e.

ii. Homestays and Limited STRs are not considered visitor accommodation units and shall not be subject to Policy CV-1.15.d and e.

3. Commercial STRs shall only be allowed in a single-family dwelling (SFD), duplex dwelling (DD), or a multiple family dwelling (MFD).

4. Commercial STRs shall not be allowable within accessory dwelling units, or guesthouses, or in structures or dwellings where the Owner has a covenant or agreement with the County or deed restriction restricting their use, including but not limited to affordable housing units that are subject to affordability restrictions.

5. Commercial STRs shall be in legally permitted structures. Commercial STRs are not allowed in tents, yurts, recreational vehicles (RVs) or other structures intended for temporary occupancy.

6. A Commercial Short-Term Rental requires a Use Permit. The application for a Use Permit, and for amendments and extensions thereof, shall be processed in accordance with Chapter 21.74 of the Monterey County Code. Notwithstanding the foregoing, the grounds and procedures for suspension and revocation of a Use Permit granted under this Section shall be as set forth in this Section.

7. The Operator shall obtain a Vacation Rental Operation Permit for all Commercial STR activities pursuant to Chapter 7.110 of the Monterey County Code

before commencing the Commercial STR use and must keep the Vacation Rental Operation Permit in good standing throughout the Commercial STR use.

8. The Operator shall obtain a business license from the County pursuant to Section 7.02.060 of the Monterey County Code before commencing the Commercial STR use and must keep a valid business license throughout the Commercial STR use.

9. The Operator shall register the Commercial STR with the Treasurer-Tax Collector and obtain a transient occupancy tax registration certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

10. To qualify as a Commercial Short-Term Rental:

a. Only one (1) Commercial STR shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record. This limit shall apply to duplex dwellings and multiple family dwellings, and only one (1) Commercial STR shall be allowed per dwelling. These limits shall not apply to condominiums, townhomes, planned unit developments, or similar cluster residential subdivisions. These limits shall not apply in Light Commercial (LC); Heavy Commercial (HC); and Visitor Serving/Professional Office (VO) zones.

b. A Commercial STR that is not accessible directly from a public road is subject to Monterey County Code Section 21.64.320, Regulations Relating to Applications Involving Use of Private Roads.

c. A Commercial STR that is served by an onsite wastewater treatment system ("OWTS", also referred to as a septic system) shall demonstrate that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS, in the form and manner required by the Environmental Health Bureau, completed by a qualified professional. Any component noted to be in unacceptable condition, as documented by a performance evaluation conducted by a qualified professional, shall be repaired or replaced prior to County approval or renewal of the Use Permit for a Commercial STR.

d. If the Commercial STR is served by an onsite wastewater treatment system ("OWTS", also referred to as a septic system), the Commercial STR must meet the onsite wastewater requirements set forth in Chapter 7.110.

e. If the Commercial STR is found to be part of an unpermitted water system or if the Commercial STR results in the need for a permit for a water system, the Owner must obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Commercial STR use and must keep the Water System Permit in good standing throughout the Commercial STR use.

f. The source of water that serves a Commercial STR shall meet bacteriological and acute primary drinking water standards. The Owner shall demonstrate that the source of water meets bacteriological and acute primary drinking water standards, to the satisfaction of the Director of Environmental Health, before the permit application is deemed complete. Water quality testing may be required by the Director of Environmental Health if recent test results are not available. The drinking water is presumed to meet these standards if the Commercial STR provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections.

g. A Commercial STR must be in conformance with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

h. A Commercial STR must demonstrate that response times for County emergency services for fire and emergency medical will be adequate. If response time for fire and/or ambulance service exceeds 8 minutes (Structural Coverage) in Community Areas, 12 minutes (Structural Coverage) in Rural Centers, or 45 minutes in other areas, a Commercial STR may be allowable; however, notice of emergency service limitations shall be included in rental contracts and posted within the unit in a prominent place within six (6) feet of the front door of the unit.

i. A Commercial STR shall provide parking as required for the dwelling type by Monterey County Code section 21.58.040 or the applicable parking regulations at the time the dwelling was built.

j. A Commercial STR shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of site unless in conformity with neighborhood standards.

k. Each Use Permit issued pursuant to this Section shall have, as a condition of the permit, a requirement that the Owner indemnify, defend, and hold harmless the County of Monterey and its officers, agents, and employees from actions or claims of any description brought on account of approval of the permit and from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the permit and the conduct of the activities under said permit. This requirement shall remain operative and in effect notwithstanding any proceeding or litigation which may result in invalidation or rescission of the permit.

11. Required Findings. To grant a Use Permit for a Commercial STR, the Appropriate Authority must find, based on substantial evidence, that the Commercial STR complies with all findings required for a Use Permit pursuant to Chapter 21.74 and complies with all requirements of this Section 21.64.290.

12. Except as provided in this Section, Commercial STRs shall not be allowed in the unincorporated areas of Monterey County without first securing and maintaining in good standing all permits, licenses, certificates or other entitlements required by County regulation.

G. Phasing Out Unpermitted Operations

1. In order to provide time for Owners and Operators of Vacation Rentals that were unpermitted prior to the Effective Date to come into compliance with this section and to provide reasonable return on such investment or reservation commitments as may have been made prior to enactment of this section, Owners and Operators who can demonstrate that a Vacation Rental use was established and operating on the subject property prior to the Effective Date may be continued for a limited period of time following the Effective Date as set forth below:

a. For Homestay and Limited Short-Term Rental uses, the Operator shall comply with Chapter 7.110.050 – Phasing Out Unpermitted Operations.

b. For Commercial Short-Term Rental uses:

i. The Owner has sixty (60) days from the Effective Date to register with the Resource Management Agency and file an Intent to Apply form.

ii. The Owner has six (6) months from the Effective Date to provide evidence of prior operating status and to make an application for all permits, licenses, certificates or other entitlements required by County regulation.

iii. The Owner may establish a Vacation Rental as “prior operating” by providing evidence to the satisfaction of the Resource Management Agency that documents that it was operating as a Vacation Rental and completed at least one (1) contract in each of three (3) of the five (5) years preceding April 1, 2019 and can provide evidence of a reservation for a Vacation Rental entered into prior to April 1, 2019 for Vacation Rental of the unit on or after April 1, 2019.

iv. The Owner must provide a copy of Transient Occupancy Tax Certificate issued by the County.

v. If the above requirements (i) through (iv) are met, the Owner will be allowed to continue to operate as a Vacation Rental for up to one (1) year from the Effective Date , or until County takes action on applications for all required permits, licenses, and entitlements made pursuant to this Section and Section 7.02.060 and Chapter 7.110 of the Monterey County Code, whichever is later.

vi. If the any of the required permits, licenses, and entitlements made are denied by the County one (1) year plus one (1) day or later from the Effective Date, the rental operation must cease within 30 days of receiving writing notice from the County of such denial.

2. Nothing in this Section prohibits the County from taking enforcement action, which may lead to shutting down a Vacation Rental operation, during the Phasing Out period if an immediate or imminent threat to life, health or safety exists.

H. Application and Renewal Process for Commercial Short-Term Rentals

1. All applications for a Use Permit for a Commercial STR shall be filed with the Resource Management Agency (RMA) on the form and in the manner prescribed by the Director of the RMA or his or her designee. In all cases, the application shall contain, without limitation, the following documentation:

a. All information required on the application form, including but not limited to the name and consent of the Owner of the real property which is the subject of the application and, if an agent represents the Owner, an authorization of the agent signed by the Owner.

b. Property Manager Contact Information including name, address, phone number and email address.

c. One (1) set of plans drawn to scale and labeled, in the form and manner required by the RMA Director or his or her designee, including but not limited to: Site Plan including locations and dimensions of all property lines, rights-of-ways, vehicular easements, edge of pavement, driveways and on-site parking areas; and Floor Plan showing all rooms, including windows and doors.

d. An inspection report that provides and verifies information, in the form and manner required by the Director of the RMA or his or her designee, to ensure the property is safe and habitable for its intended use, including but not limited to: verification of adequate egress from sleeping quarters and common areas; installation of accessible fire extinguishers; and a carbon monoxide alarm on each level.

e. Evidence that the property receives solid waste service for garbage and recyclables collection.

f. Evidence that the source of water that serves the proposed Commercial STR meets bacteriological and acute primary drinking water standards. Evidence may include proof, such as a water bill, that the property receives potable water service from a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections, or a water quality analysis in the form and manner required by the Environmental Health Bureau.

g. Evidence that the onsite wastewater treatment system (“OWTS”, also referred to as a septic system) is in good working order and functioning properly by providing a performance evaluation of the OWTS, in the form and manner required by the Environmental Health Bureau, completed by a qualified professional, if applicable.

h. Copy of OWTS informational signs, if applicable.

i. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

j. Such other information as the Director of RMA or his or her designee shall require to evaluate the application.

2. Time Limits. All Use Permits issued for Commercial STRs shall be subject to the following time limits on the use authorized by the Use Permit:

a. The initial Use Permit shall be issued for a term of five years.

b. The Owner may apply to extend the Use Permit prior to the expiration date of the Use Permit pursuant to Section 21.74.110. The extension application shall be made at least thirty (30) days prior to the expiration of the Use Permit at the end of each such five-year term. The Use Permit shall be extended by the Appropriate Authority by five years, for up to two additional five-year terms, if the Appropriate Authority finds that the operation is in good standing, according to the criteria set forth below.

i. Commercial STRs with more than two substantiated violations of this Section or Chapter 7.110 - Vacation Rental Operation Permit, shall be considered not in good standing. A substantiated violation means a determination of a violation by a court, hearing officer or hearing body, or by stipulated agreement.

ii. Commercial STRs that do not have a valid business license from the County pursuant to Section 7.02.060 throughout the Commercial STR use shall be considered not in good standing.

iii. Commercial STRs that have not paid their Transient Occupancy Tax pursuant to Chapter 5.04 of Monterey County Code, shall be considered not in good standing.

iv. Commercial STRs that do not meet bacteriological and acute primary drinking water standards, as demonstrated by a comprehensive water quality analysis, pursuant to Monterey County Code Chapters 15.04 and 15.08 and California Code of Regulations Titles 17 and 22, shall be considered not in good standing, if applicable.

v. Commercial STRs that have an onsite wastewater treatment system (“OWTS”, also referred to as a septic system) that is not in good working order and functioning properly, as demonstrated by a performance evaluation of the OWTS, in the form and manner required by the Environmental Health Bureau, completed by a qualified professional, shall be considered not in good standing, if applicable

vi. Commercial STRs that do not have a Water System Permit that is in good standing shall be considered not in good standing, if applicable.

vii. Commercial STRs that have not completed at least one (1) contract in each of three (3) of the preceding five (5) years will be considered inactive and not in good standing in the following geographic areas:

(a). Carmel Valley Master Plan Area. Because Commercial STRs are subject to Monterey County Code Section CV-1.15.d and e. (Carmel Valley Master Plan – Visitor accommodation uses) and considered a visitor accommodation unit, an inactive Commercial STR, per the criteria above, is not in good standing.

c. If a Use Permit has already been extended twice or if a Use Permit is not extended because the Commercial STR is found not to be in good standing, an Owner desiring a Commercial STR must apply for a new Use Permit for the Commercial STR use.

d. The purpose of the five (5) year term limit is to provide adequate on-going review of the Commercial STR to assure that the use continues to meet the standards of this section.

e. The purpose of allowing only two (2) extensions resulting in a maximum fifteen (15) year total term limit is to preserve the housing supply so that an entitlement to a Commercial STR does not permanently remove a house from the overall long-term housing supply in light of the housing shortage in Monterey County.

3. First Come First Served. New and extension Use Permit applications will be date and time-stamped upon receipt by the RMA and processed on a first come first served basis based on the date the application is deemed complete.

I. Grounds for Suspension or Revocation

1. Where one or more of the conditions of a Use Permit have not been, or are not being, complied with, or when a Use Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Use Permit following public hearing pursuant to Chapter 21.78 of this Title.

2. Grounds for suspension or revocation may include, but are not limited to, more than two substantiated violations of the terms and conditions of the Use Permit and/or Vacation Rental Operation Permit issued pursuant to Chapter 7.110 in a twelve (12)-month period. A substantiated violation means a determination of a violation by a court, hearing officer or hearing body, or by stipulated agreement.

J. Enforcement

The remedies provided by this Section are cumulative and in addition to any other remedies available in law or in equity.

1. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Section. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Section may be charged with a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the Monterey County Jail for a period of not more than six months or by both such fine and imprisonment for each and every violation. No proof of knowledge, intent, or other mental state is required to establish a violation.

2. Any condition caused or allowed to exist in violation of any of the provisions of this Section shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action pursuant to Chapter 1.20 or cause of action for penalty pursuant to Chapter 1.22 of this Code, and any other action authorized by law.

3. Each and every violation of this Section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County

Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Section may be subject to injunctive relief, disgorgement and payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the vacation rental activity or persons related thereto, or associated with, the violation of this Section.

4. For violations of this Section, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

(a). A civil penalty not exceeding one-hundred and seventy-five percent (175%) of the Advertised Rental Rate per day, or part thereof, or one thousand dollars (\$1,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a first violation

(b). A civil penalty not exceeding two-hundred and seventy-five percent (275%) of the Advertised Rental Rate per day, or part thereof, or two thousand five hundred dollars (\$2,500.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one year; and

(c). A civil penalty not exceeding three-hundred and seventy-five percent (375%) of the Advertised Rental Rate per day, or part thereof, or five thousand dollars (\$5,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one year; and

5. Each and every day during any portion of which any violation of this Section is committed or permitted and or continues to exist without remedy by the responsible person shall be deemed a separate and distinct offense and violation for purposes of determining the total amount of administrative penalties pursuant to this Section.

SECTION 31. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, or phrases are declared invalid.

SECTION 32. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

This document is a draft and subject to change.

PASSED AND ADOPTED on this ____ day of _____, 20__, by the following
vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

**Draft 04.18.19
ORDINANCE NO. ____**

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTION 7.02.060 OF THE MONTEREY COUNTY CODE AND ADDING
CHAPTER 7.110 RELATING TO VACATION RENTAL ACTIVITIES**

County Counsel Summary
[forthcoming]

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. If not properly regulated, Vacation Rental operations have the potential to be a nuisance and disrupt the sense of safety, security, and peaceful enjoyment of residences in residential neighborhoods.

C. Tourism is a top economic driver of the regional economy, and Monterey County is recognized globally as a premier tourist destination. To help safeguard the reputation of Monterey County and the economic benefits tourism provides the region, regulations and standards for the operation of Vacation Rentals are necessary to protect the health, safety and welfare of visitors staying in Vacation Rental accommodations and residents of Monterey County.

D. To allow for a reasonable amortization of investment for existing vacation rental operations, this Ordinance provides an initial time period during which a vacation rental may continue to operate, provided the vacation rental activity was established prior to the effective date of the Ordinance and the Owner, their designee, and/or Vacation Rental Operator is pursuing all necessary County permits, licenses, and entitlements pursuant to Chapter 7.110 of Monterey County Code.

E. Categorically Exempt for existing facilities pursuant to Section 15301; the “common sense exemption” (formally “general rule”) contained in Section 15061(b)(3); and/or statutorily exempt because it is not a project pursuant to Section 15060(c)(3) and 15378.

SECTION 2. Section 7.02.060(B) is added to the Monterey County Code to read as follows:

B. All Hotels, as defined by 5.40.020, as may be amended from time to time;

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

SECTION 3. Section 7.02.060(C) is added to the Monterey County Code to read as follows:

C. All Homestays, Limited Short-Term Rentals, Commercial Short-Term Rentals as defined respectively by Section 7.110.010 (E), (F), and (D).

SECTION 4. Chapter 7.110 is added to the Monterey County Code to read as follows:

Chapter 7.110
VACATION RENTAL OPERATION PERMITS

Sections:

7.110.010.	Definitions
7.110.020.	Purpose
7.110.030.	Applicability
7.110.040.	Regulations for Vacation Rentals
7.110.050.	Application and Renewal Process
7.110.060.	Fees
7.110.070.	Grounds for Suspension or Revocation
7.110.080.	Phasing Out Unpermitted Operations
7.110.090.	Enforcement
7.110.100.	Process for Hearing by a Hearing Officer
7.110.110.	Service Requirements

7.110.010. Definitions

Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning in this Chapter:

A. “Advertised Rental Rate” means the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

B. “Appropriate Authority” means the Director of the Resource Management Agency or the Chief of Planning or his or her designee.

C. “Bedroom” means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; and 2) has an exterior door or window for egress meeting health and safety code standards at the time the dwelling was constructed; and 3) has a closing door that separates the room from other areas of the dwelling. The following shall not be considered a bedroom: Any interior room that must be passed through to access another bedroom; a hallway; bathroom; kitchen; living room; dining room; family room; breakfast nook; pantry; laundry room; or closet/dressing room opening off a bedroom.

D. “Commercial Short-Term Rental” or “Commercial STR” means a Short-Term Rental that is rented as a vacation rental five times or more per 12-month period.

E. “Effective Date” means the date on which Ordinance No. __ adding this Chapter 7.110 to the Monterey County Code took effect.

F. -“Homestay” means vacation rental of a residential dwelling that is concurrently occupied by the dwelling’s Principal Resident while the dwelling is being rented as a vacation rental.

G. “Limited Short-Term Rental” or “Limited STR” means a Short-Term Rental that is rented as a vacation rental four times or fewer per 12-month period.

H. “Occupant” means a person who is entitled to occupy a residential property by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days

I. “Operator” means a person who operates the Vacation Rental and, if not the Owner, who has the legal permission of Owner to operate the Vacation Rental on the subject real property.

J. “Owner” means the person or persons who hold fee title to the real property which houses the Vacation Rental.

K. “Principal Residence” means the dwelling occupied by the resident and where the resident lives more than 50% of the year, defined herein as 183 days or more per year. For purposes of Vacation Rental permitting, a person can claim only one Principal Residence at any one time.

L. “Principal Resident” means a human being who occupies a residential unit as their Principal Residence.

M. “Residential Property” means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

N. “Short-Term Rental” or “STR” means a vacation rental where the Principal Resident is not occupying the dwelling unit concurrently when renting it as a vacation rental.

O. "Vacation Rental" means the use, by any person, of residential property for transient lodging 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 a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. “Vacation Rental” includes Commercial Short-Term Rentals, Limited Short-Term Rentals, and Homestays. “Vacation Rental” does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

P. “Visitor” means an invitee of a Vacation Rental Occupant, who is not an Occupant and not staying overnight at the Vacation Rental.

7.110.020. Purpose

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. It is the purpose of this Chapter to:

1. Preserve and enhance the residential character of the zoning districts established in Titles 20 and 21.

2. Preserve the sense of security and safety in stable neighborhoods of owner-occupied residences.

3. Integrate economic opportunity with the preservation of quality of life.

4. Ensure that Vacation Rentals are operated in a manner that complies with all rules and regulations and is not detrimental to the health, safety and welfare of residential neighborhoods in which vacation rentals are operating. Specifically, this Section seeks to restrict the following inharmonious and injurious outcomes associated with unregulated and uncontrolled vacation rentals of residential property:

a. Public nuisances such as litter, parking congestion, and noise.

b. Risk to economic wellbeing associated with the reputation of Monterey County as a premier tourism destination.

C. To allow for a reasonable amortization of investment for existing vacation rental operations, this Chapter provides an initial time period during which a vacation rental may continue to operate provided the vacation rental activity was established prior to the Effective Date and the Owner, their designee, and/or Vacation Rental Operator is pursuing all necessary County permits, licenses, and entitlements.

7.110.030. Applicability

A. This Chapter applies to Vacation Rentals including Homestays, Limited Short-Term Rentals, and Commercial Short-Term Rentals.

B. This Chapter applies in the unincorporated area of the County of Monterey, including the inland area and coastal zone of the County.

7.110.040. Regulations for Vacation Rentals

A. All Operators who intend to operate a Vacation Rental, including a Homestay, Limited Short-Term Rental, or Commercial Short-Term Rental, shall obtain a Vacation Rental Operation Permit for the fixed location and dwelling in which the Vacation Rental is to occur.

B. The Owner, or their authorized agent, of the subject property must obtain all necessary land use entitlements as required by Section 20.64.090 or Section 21.64.090 of the Monterey County Code before the County will issue a Vacation Rental Operation Permit under this Chapter. The Operator applying for a Vacation Rental Operation Permit shall provide written proof to the Resource Management Agency of all applicable land use entitlements.

C. Homestay

1. Is an allowable use in designated zoning districts, pursuant to Title 20 and Title 21 of the Monterey County Code.

2. Shall meet all the requirements for Homestays in Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

3. Homestays shall comply with Chapter 10.60 (Noise Control) and Chapter 8.36 (Nuisance and Nuisance Animals), as periodically amended, of the Monterey County Code.

4. Quiet time for Homestays is between 10:00 p.m. and 7:00 a.m. and the Homestay operation shall adhere to Monterey County Code Section 10.60.040 (Regulation of nighttime noise), as periodically amended.

5. Signage or advertisement of the Homestay on the exterior of the unit or property shall not be allowed.

6. Outside amplified sound associated with the Homestay shall not be allowed at any time.

7. All Homestays must have a property manager who is available twenty-four (24) hours per day, during all times that the property is rented as a Homestay. A property manager may be the Principal Resident, professional property manager, realtor, other resident or non-resident property owner, or other person designated by the Operator. The property manager must be able to respond to complaints and, if necessary, arrive at the site within thirty (30) minutes. The Operator shall provide the name of the property manager and their contact information to the County prior to County issuance of the Vacation Rental Operation Permit and shall notify the County in writing of any change to the property manager.

8. Only one (1) rental contract is allowed per Homestay at any given time.
9. Each contract that enables the Homestay shall be in writing and identify thereon the name, address, phone number and e-mail contact information of the Principal Resident, the property manager and at least one responsible Homestay Occupant eighteen (18) years or older who shall be responsible for compliance with all the regulations in this section.
10. A copy of the Vacation Rental Operation Permit and business license and all applicable rules and regulations shall be included with the rental contract and posted within the unit in a prominent place within six (6) feet of the front door of the unit.
11. All contracts, advertisements and listings for the Homestays shall include the following:
 - a. Vacation Rental Operation Permit Number for that particular vacation rental.
 - b. Maximum occupancy – overnight and daytime occupancy limits.
 - c. Notification of quiet hours.
 - d. Advertised Rental Rate.
12. The Principal Resident shall maintain clear and adequate records and documentation of the Homestay operation, that shall at a minimum make a record of the following for each Homestay rental occupancy: name, address, phone and e-mail contact of at least one responsible tenant; number of occupants; motor vehicle license number of each motor vehicle used by the occupants of the site. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
13. No person or entity, including but not limited to the Principal Resident, shall maintain any advertisements of rental prohibited by this Section.
14. Except as may be otherwise allowed by a Use Permit issued pursuant to Title 21 or a Coastal Development Permit issued pursuant to Title 20 for assemblages of people:
 - a. The maximum overnight occupancy while being rented as a Homestay shall be calculated and limited to a not-to-exceed count of two (2) persons per bedroom and shall not exceed a total count of ten (10) persons per unit, no matter how many bedrooms.
 - b. The maximum daytime occupancy while being rented as a Homestay shall be calculated and limited to a not-to-exceed count of 1.5 times the

maximum overnight occupancy and shall not exceed a total count of fifteen (15) persons per unit, no matter how many bedrooms.

c. The following table illustrates the maximum overnight and daytime occupancy. For Homestays, the Principal Resident shall be deemed to occupy at least one bedroom, which shall diminish the number of bedrooms for overnight Occupancy count accordingly:

Total Bedrooms	Maximum Overnight Occupancy*	Maximum Daytime Occupancy*
1	Not applicable	Not applicable
2	2	3
3	4	6
4	6	9
5	8	12
6	10	15
7	10	15

*If the Principal Resident and/or other residents occupy additional bedrooms, then the bedroom count available for the Homestay renters is reduced, and the maximum occupancy calculations reduced accordingly.

15. The Principal Resident shall be in overnight residence when the Homestay is being rented.

16. All Homestays shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of site unless in conformity with neighborhood standards.

17. All Homestays shall demonstrate that they meet bacteriological and acute primary drinking water standards, to the satisfaction of the Director of Environmental Health, at the time of permit issuance and prior to each annual renewal. Initial water quality testing and annual testing for renewals may be required by the Director of Environmental Health if recent test results are not available. The drinking water is presumed to meet water quality standards if the Homestay provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections. The Operator must demonstrate that the Owner is served by a water system that has 200 or more service connections or has a Water System Permit pursuant to Monterey County Code Chapter 15.04, as applicable, before commencing the Homestay use.

18. If the Homestay is served by an onsite wastewater treatment system ("OWTS", also referred to as a septic system), EHB shall be furnished a copy of an OWTS performance evaluation report completed by a qualified professional and current within 5 years prior to the Homestay permit application or annual renewal, that indicates

components were in acceptable condition and the system was functioning properly at time of the evaluation.

a. The OWTS shall be in good working order and functioning properly prior to issuance of a Vacation Rental Operation Permit. Any component noted to be in unacceptable condition, as documented by a performance evaluation conducted by a qualified professional, shall be repaired or replaced prior to County approval of the Vacation Rental Operation Permit.

b. Occupants and Visitors of the Homestay unit shall be advised that excessive water use and/or disposal of unsuitable materials through a sink or toilet may negatively impact the OWTS. The Homestay rental contract shall include an OWTS disclosure notice and appropriate advisory signs shall be posted at the kitchen sink(s) and at each toilet in the unit.

19. Outdoor fire areas, when not prohibited by state or local fire bans or regulations, may be allowed in approved recreational fire or portable fireplace containers, shall be located not less than 15 feet from a structure provided appropriate provisions have been made to prevent the spread of fire to nearby fuel. Such provisions include, but are not limited to, locating the fire container on a non-combustible surface, covering the fire by a fire screen, and extinguishing the fire as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. The Homestay operation shall adhere to Chapter 18.09 – Fire Code, of the Monterey County Code, as periodically amended.

D. Limited Short-Term Rental

1. Is an allowable use in designated zoning districts, pursuant to Title 20 or Title 21 of the Monterey County Code.

2. Shall meet all the requirements for Limited Short-Term Rentals in Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

3. Limited STRs shall comply with Monterey County Code Chapter 10.60 (Noise Control) and Chapter 8.36 (Nuisance and Nuisance Animals), as periodically amended, of the Monterey County Code.

4. Quiet time for Limited STRs is between 10:00 p.m. and 7:00 a.m. and the Homestay Operator shall adhere to Monterey County Code Section 10.60.040 Regulation of nighttime noise, as periodically amended.

5. Signage or advertisement of the Limited STRs on the exterior of the unit or property, shall not be allowed.

6. Outside amplified sound associated with the Limited STRs shall not be allowed at any time.

7. All Limited STRs must have a property manager who is available twenty-four (24) hours per day, during all times that the property is rented as a Limited STR. Property manager may be the Operator, professional property managers, realtors, resident or non-resident property owners, or other designated persons. The property manager must be able to respond to complaints and, if necessary, arrive at the site within thirty (30) minutes.

8. Only one (1) rental contract is allowed per Limited STR at any given time.

9. Each contract that enables the Limited STR shall be in writing and identify thereon the name, address, phone number and e-mail contact information of the Operator, the property manager and at least one responsible Limited STR Occupant eighteen (18) years or older who shall be responsible for all the regulations in this section.

10. A copy of the Vacation Rental Operation Permit and Vacation Rental Business License and all applicable rules and regulations shall be included with the rental contract and posted within the unit in a prominent place within six (6) feet of the front door of the unit.

11. All contracts, advertisements and listings for the Limited STR shall include the following:

- a. Vacation Rental Operation Permit Number for that particular vacation rental.
- b. Maximum occupancy – overnight and daytime occupancy limits.
- c. Notification of quiet hours.
- d. Advertised Rental Rate.

12. The Operator shall maintain clear and adequate records and documentation of the Limited STR operation, that shall at a minimum make a record of the following for each Limited STR rental occupancy: name, address, phone and e-mail contact of at least one responsible tenant; number of occupants; motor vehicle license number of each motor vehicle used by the occupants of the site. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.

13. No person or entity, including but not limited to the Operator, shall maintain any advertisements of rental prohibited by this Section.

14. Except as may be otherwise allowed by a Use Permit issued pursuant to Title 21 or a Coastal Development Permit issued pursuant to Title 20 for assemblages of people:

a. The maximum overnight occupancy while being rented as a Limited STR shall be calculated and limited to a not-to-exceed count of two (2) persons per bedroom and shall not exceed a total count of ten (10) persons per unit, no matter how many bedrooms.

b. The maximum daytime occupancy while being rented as a Limited STR shall be calculated and limited to a not-to-exceed count of 1.5 times the maximum overnight occupancy and shall not exceed a total count of fifteen (15) persons per unit, no matter how many bedrooms.

c. The following table illustrates the maximum overnight and daytime occupancy:

Total Bedrooms	Maximum Overnight Occupancy	Maximum Daytime Occupancy
1	2	3
2	4	6
3	6	9
4	8	12
5	10	15
6	10	15

15. All Limited STR shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of site unless in conformity with neighborhood standards.

16. All Limited STRs shall demonstrate that they meet bacteriological and acute primary drinking water standards, to the satisfaction of the Director of Environmental Health, at the time of permit issuance and prior to each annual renewal. Initial water quality testing and annual testing for renewals may be required by the Director of Environmental Health if recent test results are not available. The drinking water is presumed to meet water quality standards if the Limited STR provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections. The Operator must demonstrate that the Owner is served by a water system that has 200 or more service connections or has a Water System Permit pursuant to Monterey County Code Chapter 15.04, as applicable, before commencing the Limited STR use.

17. If the Limited STR is served by an onsite wastewater treatment system ("OWTS", also referred to as a septic system), EHB shall be furnished a copy of an OWTS performance evaluation report completed by a qualified professional and current within 5 years prior to the Limited STR permit application or annual renewal, that

indicates components were in acceptable condition and the system was functioning properly at time of the evaluation.

a. The OWTS shall be in good working order and functioning properly prior to issuance of a Vacation Rental Operation Permit. Any component noted to be in unacceptable condition, as documented by a performance evaluation conducted by a qualified professional, shall be repaired or replaced prior to County approval of the Vacation Rental Operation Permit.

b. Occupants and Visitors of the Limited STR unit shall be advised that excessive water use and/or disposal of unsuitable materials through a sink or toilet may negatively impact the OWTS. The Limited STR rental contract shall include an OWTS disclosure notice and appropriate advisory signs shall be posted at the kitchen sink(s) and at each toilet in the unit.

18. Outdoor fire areas, when not prohibited by state or local fire bans or regulations, may be allowed in approved recreational fire or portable fireplace containers, shall be located not less than 15 feet from a structure provided appropriate provisions have been made to prevent the spread of fire to nearby fuel. Such provisions include, but are not limited to, locating the fire container on a non-combustible surface, covering the fire by a fire screen, and extinguishing the fire as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. The Limited STR operation shall adhere to Chapter 18.09 – Fire Code, of the Monterey County Code, as periodically amended.

E. Commercial Short-Term Rental

1. Is allowable in designated zoning districts with a Use Permit, pursuant to Section 21.64.090 or with a Coastal Development Permit, Pursuant to Section 20.64.090 of the Monterey County Code.

2. Shall meet all the requirements for Commercial Short-Term Rentals in Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

3. Commercial STRs shall comply with Monterey County Code Chapter 10.60 (Noise Control) and Chapter 8.36 (Nuisance and Nuisance Animals), as periodically amended, of the Monterey County Code.

4. Quiet time for Commercial STRs is between 10:00 p.m. and 7:00 a.m. and the Commercial STR operation shall adhere to Monterey County Code Section 10.60.040 Regulation of nighttime noise, as periodically amended.

5. Signage or advertisement of the Homestay on the exterior of the unit or property, shall not be allowed.

6. Outside amplified sound shall not be allowed at any time associated with the Commercial STRs.

7. All Commercial STRs must have a property manager who is available twenty-four (24) hours per day, during all times that the property is rented as a Commercial STR. Property manager may be the Operator, professional property managers, realtors, resident or non-resident property owners, or other designated persons. The property manager must be able to respond to complaints and, if necessary, arrive at the site within thirty (30) minutes.

8. Only one (1) rental contract is allowed per Commercial STR at any given time.

9. Each contract that enables the Commercial STR shall be in writing and identify thereon the name, address, phone number and e-mail contact information of the Operator, the property manager and at least one responsible Commercial STR Occupant eighteen (18) years or older who shall be responsible for all the regulations in this section.

10. A copy of the Vacation Rental Operation Permit and Vacation Rental Business License and all applicable rules and regulations shall be included with the rental contract and posted within the unit in a prominent place within six (6) feet of the front door of the unit.

11. All contracts, advertisements and listings for the Commercial STR shall include the following:

- a. Vacation Rental Permit Number for that particular vacation rental.
- b. Maximum occupancy – overnight and daytime occupancy limits.
- c. Notification of quiet hours.
- d. Advertised Rental Rate.

12. The Operator shall maintain clear and adequate records and documentation of the Commercial STR operation, that shall at a minimum make a record of the following for each Commercial STR rental occupancy: name, address, phone and e-mail contact of at least one responsible tenant; number of occupants; motor vehicle license number of each motor vehicle used by the occupants of the site. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.

13. No person or entity, including but not limited to the Operator, shall maintain any advertisements of rental prohibited by this Section.

14. Except as may be otherwise allowed by a Use Permit issued pursuant to Section 21.64.090 or a Coastal Development Permit issued pursuant to Section 20.64.090 of the Monterey County Code for assemblages of people:

a. The maximum overnight occupancy while being rented as a Commercial STR shall be calculated and limited to a not-to-exceed count of two (2) persons per bedroom and shall not exceed a total count of ten (10) persons per unit, no matter how many bedrooms.

b. The maximum daytime occupancy while being rented as a Commercial STR shall be calculated and limited to a not-to-exceed count of 1.5 times the maximum overnight occupancy and shall not exceed a total count of fifteen (15) persons per unit, no matter how many bedrooms.

c. The following table illustrates the maximum overnight and daytime occupancy:

Total Bedrooms	Maximum Overnight Occupancy	Maximum Daytime Occupancy
1	2	3
2	4	6
3	6	9
4	8	12
5	10	15
6	10	15

15. All Commercial STR shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of site unless in conformity with neighborhood standards.

16. All Commercial STRs shall demonstrate that they meet bacteriological and acute primary drinking water standards, to the satisfaction of the Director of Environmental Health, at the time of permit issuance and prior to each annual renewal. Initial water quality testing and annual testing for renewals may be required by the Director of Environmental Health if recent test results are not available. The drinking water is presumed to meet water quality standards if the Commercial STR provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections. The Operator must demonstrate that the Owner is served by a water system that has 200 or more service connections or has a Water System Permit pursuant to Monterey County Code Chapter 15.04, as applicable, before commencing the Commercial STR use.

17. If the Commercial STR is served by an onsite wastewater treatment system or septic system (“OWTS”), EHB shall be furnished a copy of an OWTS performance evaluation report completed by a qualified professional and current within 5 years prior to the Commercial STR permit application or annual renewal, that indicates components were in acceptable condition and the system was functioning properly at time of the evaluation.

a. The OWTS shall be in good working order and functioning properly prior to issuance of a Commercial STR Permit. Any component noted to be in unacceptable condition, as documented by a performance evaluation conducted by a qualified professional, shall be repaired or replaced prior to County approval of the Vacation Rental Operation Permit.

b. Occupants and Visitors of the Commercial STR unit shall be advised that excessive water use and/or disposal of unsuitable materials through a sink or toilet may negatively impact the OWTS. The Commercial STR rental contract shall include an OWTS disclosure notice and appropriate advisory signs shall be posted at the kitchen sink(s) and at each toilet in the unit.

18. Outdoor fire areas, when not prohibited by state or local fire bans or regulations, may be allowed in approved recreational fire or portable fireplace containers, shall be located not less than 15 feet from a structure provided appropriate provisions have been made to prevent the spread of fire to nearby fuel. Such provisions include, but are not limited to, locating the fire container on a non-combustible surface, covering the fire by a fire screen, and extinguishing the fire as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. The Commercial STR operation shall adhere to Chapter 18.09 – Fire Code, of the Monterey County Code, as periodically amended.

7.110.050. Application and Renewal Process

A. Application Requirements. Each application for the establishment of a Vacation Rental Operation Permit shall be filed with the Resource Management Agency (“RMA”) on the form and in the manner prescribed by the Appropriate Authority. The Appropriate Authority shall be responsible for administering the application process as set forth in this Chapter.

B. Homestay and Limited Short-Term Rental. In all cases, the application for a Vacation Rental Operation Permit for a Homestay or Limited STR shall contain, without limitation, the following:

1. All information on the application form.

2. A statement of whether the applicant is applying for a Vacation Rental Operation Permit to operate a Homestay, Limited STR, or both.

3. Evidence, in the form of a lease agreement or other agreement between the applicant and the Owner, or their authorized agent, of the real property which is the subject of the application, that the applicant has control of the property for the proposed permit period. If the applicant is not the Owner, the applicant shall provide written authorization from the Owner authorizing the applicant to utilize the property for the proposed Homestay or Limited STR activity.

4. Property Manager Contact Information including name, address, phone number and email address.

4. Affidavit by the applicant attesting that he or she is the Principal Resident as that term is defined by this Chapter, if applicant is applying to operate a Homestay.

5. One (1) Set of Plans drawn to scale and labeled, in the form and manner required by the RMA, including but not limited to a floor plan showing all rooms, including windows and doors.

6. An inspection report that provides and verifies information, in the form and manner required by the RMA, to ensure the property is safe and habitable for its intended use, including but not limited to: verification of adequate egress from sleeping quarters and common areas; installation of accessible fire extinguishers; and a carbon monoxide alarm on each level.

7. Evidence that the property receives solid waste service for garbage and recyclables collection.

8. Evidence that the source of water that serves the proposed Homestay or Limited STR meets bacteriological and acute primary drinking water standards, to the satisfaction of the Director of Environmental Health. Water quality testing may be required by the Director of Environmental Health if recent test results are not available. The drinking water is presumed to meet water quality standards if the Commercial STR provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections. The Operator must provide evidence that the Owner is served by a water system that has 200 or more service connections or has a Water System Permit in good standing pursuant to Monterey County Code Chapter 15.04, as applicable.

9. If the Homestay or Limited STR is served by an onsite wastewater treatment system ("OWTS", also referred to as a septic system), the applicant must provide evidence that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS, in the form and manner required by the Environmental Health Bureau, completed by a qualified professional.

10. Copy of the OWTS informational signs, if applicable.

11. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

12. Such other information as the Appropriate Authority deems necessary to process the application.

C. Commercial Short-Term Rental. In all cases, the application for a Vacation Rental Operation Permit for a Commercial STR shall contain, without limitation, the following:

1. All information on the application form.

2. Evidence, in the form of a lease agreement or other agreement between the applicant and the Owner of the real property which is the subject of the application, that the applicant has control of the property for the proposed permit period. If the applicant is not the Owner, the applicant shall provide written authorization from the Owner authorizing the applicant to utilize the property for the proposed Commercial STR activity.

3. Evidence that the Owner has obtained a Use Permit pursuant to Section 21.64.090 or a Coastal Development Permit pursuant to Section 21.64.090 of County Code for the Commercial STR use, and that the permit is in good standing.

4. Evidence that the source of water that serves the proposed Homestay or Limited STR meets bacteriological and acute primary drinking water standards, to the satisfaction of the Director of Environmental Health. Water quality testing may be required by the Director of Environmental Health if recent test results are not available. The drinking water is presumed to meet water quality standards if the Commercial STR provides evidence that it is served by a water system, as defined by California Health and Safety Code section 116275, that has 200 or more service connections. The Operator must provide evidence that the Owner is served by a water system that has 200 or more service connections or has a Water System Permit in good standing pursuant to Monterey County Code Chapter 15.04, as applicable.

5. Certification, under penalty of perjury, that all the information contained in the Vacation Rental Operation Permit application is true and correct.

6. Such other information as the Appropriate Authority deems necessary to process the application.

D. Review of Application and Criteria for Grant of Vacation Rental Operation Permit. The Appropriate Authority to review and render a decision on the application is the Director of the County Resource Management Agency or his or her designee.

1. The Appropriate Authority shall deem the application complete if it contains all required information and documents and all required application fees have been paid.

2. Upon review of a complete application, the Appropriate Authority shall grant the Vacation Rental Operation Permit ministerially to the Operator if all of the following requirements are met:

a. The proposed Vacation Rental will comply with all the requirements of the Monterey County Code;

b. The applicant has received all necessary land use entitlements as required by Section 20.64.090 or Section 21.64.090 of the Monterey County Code; and

c. The proposed Vacation Rental activity will comply with all the provisions of this Chapter.

E. Vacation Rental Operation Permit Non-Transferable. A Vacation Rental Operation Permit is issued to the Operator and covers only the Operator identified on the permit solely with respect to the premises identified on the permit. The Vacation Rental Operation Permit does not run with the land and is not transferable.

F. Each permit issued pursuant to this Chapter shall have, as a condition of the permit, a requirement that the Operator indemnify, defend, and hold harmless the County and its officers, agents, and employees from actions or claims of approval of the permit and from actions or claims from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the permit and the conduct of the activities under said permit. This requirement shall remain operative and in effect notwithstanding any proceeding or litigation which may result in invalidation or rescission of the permit.

G. Time Limits. Each Vacation Rental Operation Permit shall be subject to the following time limits:

1. The initial Vacation Rental Operation Permit shall be issued for a one (1) year term and shall expire one (1) year after the date of its issuance.

2. Any application for renewal shall be filed with the Resource Management Agency at least thirty (30) calendar days before expiration of the permit. An application for renewal shall not be deemed complete until all application fees have been paid and all required information provided. The Vacation Rental Operation Permit shall be renewed by the Appropriate Authority, if the Appropriate Authority finds the operation is in good standing. Good standing is determined as follows: :

a. Vacation Rentals with more than two substantiated violations of this Chapter or Section 20.64.090 or Section 21.64.090 , as applicable, shall be considered not in good standing.

b. Vacation Rentals that do not have a valid business license from the County pursuant to Chapter 7.02 or have not paid their Transient Occupancy Tax pursuant to Chapter 5.04 of Monterey County Code, shall be considered not in good standing.

c. A Vacation Rental is not in good standing if it does not meet the requirements of Section 20.64.090 or Section 21.64.090 of the Monterey County Code:

i. Homestays that no longer comply with the regulations for Homestays in Section 20.64.090 or Section 21.64.090 , shall be considered not in good standing

ii. Limited STRs that no longer comply with the regulations for Limited STRs in Section 20.64.090 or Section 21.64.090 , shall be considered not in good standing.

iii. Commercial STRs that do not have a Use Permit pursuant to Title 21 or Coastal Development Permit pursuant to Title 20, or whose Use Permit or Coastal Development Permit for a Commercial STR has been suspended or revoked, shall be considered not in good standing.

d. A Vacation Rental is not in good standing if the Vacation Rental Operation Permit is suspended or revoked at the time of the application for renewal.

3. If a renewal application is denied, an applicant may file a new application pursuant to this Chapter.

G. The Appropriate Authority shall deny an application for a Vacation Rental Operation Permit upon any of the following grounds:

1. The applicant knowingly made a false statement of material fact or has knowingly or negligently omitted a material fact from the application;

2. The proposed Vacation Rental does not comply with the provisions of this Chapter;

3. The applicant has not obtained all necessary land use entitlements as required by Section 20.64.090 or Section 21.64.090 of the Monterey County Code; or

4. In the case of Commercial STR, the applicant is in violation of the Use Permit or Coastal Development Permit for the Commercial STR on the property.

H. Notice of Denial. If the Appropriate Authority intends to deny the application, the Appropriate Authority shall issue a written Notice of Denial and shall serve Notice of Denial in accordance with the requirements set forth in Section 7.110.110 of this Chapter. The Notice of Denial shall specify in writing the reasons for the denial of the application, and notify the applicant that the decision shall become final unless the applicant seeks an appeal within ten (10) calendar days of the date of service of the Appropriate Authority's decision. The Notice of Denial shall notify the applicant of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the permit should be issued and shall notify the applicant of the ten (10) day deadline to submit a written request for a hearing. Applicants wishing to request a hearing must submit such request for hearing to the Resource Management Agency within ten (10) calendar days of Service on the applicant of the Notice of Denial.

7.110.060. Fees

The filing of an application for a Vacation Rental Operation Permit, for renewal of a vacation rental permit, and appeals shall be accompanied by payment of such fees as the Board of Supervisors may establish to recover the cost of administration of this Chapter. Permit applicants and permittees are responsible for the costs of inspections, investigations, and any other fee-associated activity established pursuant to this Chapter. Fees, fines, and costs specified by this Chapter shall be established by the Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as periodically amended.

7.110.070. Grounds for Suspension or Revocation

A. Where one or more of the conditions of a Vacation Rental Operation Permit have not been, or are not being complied with, or when a Vacation Rental Operation Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Vacation Rental Operation Permit following public hearing pursuant to Section 7.110.100 of this Chapter.

B. Grounds for suspension or revocation may include, but are not limited to: failure to pay applicable State or County taxes on Vacation Rental activity; or more than two substantiated violations of the terms and conditions of the Vacation Rental Operation Permit or Use Permit issued pursuant to Chapter 21.64.290 or Coastal Development Permit Issued pursuant to Chapter 20.64.290 in a twelve (12)-month period. A substantiated violation means a determination of a violation by a court, hearing officer or hearing body, or by stipulated agreement.

C. Notice of Revocation or Suspension. If the Appropriate Authority has reasonable grounds to revoke or suspend the Vacation Rental Operation Permit, the Appropriate Authority shall issue a written Notice of Intention to revoke or suspend the permit. The Notice of Intention shall be served on the permittee. in accordance with the requirements set forth in Section 7.110.110 of this Chapter. The Notice of Intention shall describe the reasons for revocation or suspension and notify the applicant that the decision shall become final unless the applicant seeks an appeal within ten (10) calendar days of the date of service of the Appropriate Authority's decision. The Notice of Intention shall notify the permittee of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the permit should not be revoked or suspended and shall notify the permittee of the ten (10) day deadline to submit a written request for a hearing. Permittees wishing to request a hearing such submit such request for hearing to the Resource Management Agency within ten (10) calendar days of service on the permittee of the Notice of Intention.

7.110.080. Phasing Out Unpermitted Operations

1. In order to provide time for Owners and Operators of Vacation Rentals that were unpermitted prior to the Effective Date to come into compliance with this section and to provide reasonable return on such investment or reservation commitments as may have been made prior to enactment of this section, Owners and Operators who can demonstrate that a Vacation Rental use was established and operating on the subject property prior to the Effective Date may be continued for a limited period of time following the Effective Date as set forth below:

a. The Owner or Operator has sixty (60) days from the Effective Date to register with the Resource Management Agency and file an Intent to Apply form.

b. The Owner or Operator has six (6) months from the Effective Date to provide evidence of prior operating status and to make an application for all permits, licenses, certificates or other entitlements required by County regulation.

c. The Owner or Operator may establish a Vacation Rental as "prior operating" by providing evidence to the satisfaction of the Resource Management Agency that documents that it was operating as a Vacation Rental and completed at least one (1) contract in each of three (3) of the five (5) years preceding April 1, 2019, and can provide evidence of a reservation for a Vacation Rental entered into prior to April 1, 2019 for Vacation Rental of unit on or after April 1, 2019.

d. The Owner or Operator must provide a copy of Transient Occupancy Tax Certificate issued by the County.

e. If the above requirements (a) through (d) are met, the Owner or Operator will be allowed to continue to operate as a Vacation Rental for up to one (1) year from the Effective Date, or until County takes action on applications for

all required permits, licenses, and entitlements made pursuant to this Chapter and Section 7.02.060, and Section 20.64.090 or Section 21.64.090 of the Monterey County Code, whichever is later.

f. If the any of the required permits, licenses, and entitlements made are denied by the County one (1) year plus one (1) day or later from the Effective Date, the rental operation must cease within 30 days of receiving writing notice from the County of such denial.

2. Nothing in this Chapter prohibits the County from taking enforcement action, which may lead to shutting down a Vacation Rental operation during the Phasing Out period if an immediate or imminent threat to life, health or safety exists.

7.110.090. Enforcement

A. The remedies provided by this Chapter are cumulative and in addition to any other remedies available in law or in equity.

B. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter may be charged with a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the Monterey County Jail for a period of not more than six months or by both such fine and imprisonment for each and every violation. No proof of knowledge, intent, or other mental state is required to establish a violation.

C. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action pursuant to Chapter 1.20 or cause of action for penalty pursuant to Chapter 1.22 of this Code, and any other action authorized by law.

D. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter may be subject to injunctive relief, disgorgement and payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the vacation rental activity or persons related thereto, or associated with, the violation of this Chapter.

E. For violations of this Chapter, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

1. A civil penalty not exceeding one-hundred and seventy-five percent (175%) of the Advertised Rental Rate per day, or part thereof, or one thousand dollars (\$1,000.00) per day, or part thereof, for vacation rentals without an Advertised Rental Rate, for a first violation;

2. A civil penalty not exceeding two-hundred and seventy-five percent (275%) of the Advertised Rental Rate per day, or part thereof, or two thousand five hundred dollars (\$2,500.00) per day, or part thereof, for vacation rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one year; and

3. A civil penalty not exceeding three-hundred and seventy-five percent (375%) of the Advertised Rental Rate per day, or part thereof, or five thousand dollars (\$5,000.00) per day, or part thereof, for vacation rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one year; and

F. Each and every day during any portion of which any violation of this Chapter is committed or permitted and or continues to exist without remedy by the responsible person shall be deemed a separate and distinct offense and violation for purposes of determining the total amount of administrative penalties pursuant to this Chapter.

G. Notice of Intention. If the Appropriate Authority has reasonable grounds to determine that a permittee has violated this Chapter, the Appropriate Authority shall issue a written Notice of Intention to issue and record a Notice of Violation. The Notice of Intention shall be served on the permittee. Service of the Notice of Intention shall be provided in accordance with the requirements set forth in Section 7.110.110 of this Chapter. The Notice of Intention shall describe the property, the violation, the action necessary to abate the violation, the time limit for compliance, and the right to a hearing. The Notice of Intention shall notify the permittee of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the Notice of Violation should not be issued and shall notify them of the ten (10) day deadline to submit a written request for a hearing pursuant to Section 7.110.100.

7.110.100. Process for Hearing by a Hearing Officer

1. A person shall have ten (10) calendar days from the service of a Notice of Denial, Notice of Revocation or Suspension, or a Notice of Intention to submit a written request for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the denial, revocation, suspension or violation and a failure to exhaust administrative remedies. If the hearing is not timely requested:

a. The Appropriate Authority may issue the Notice of Violation in accordance with the Notice of Intention;

b. The denial of a permit application shall become final; or

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

- c. The revocation or suspension of a permit shall become final.
2. Upon receipt of a timely written request for a hearing, the Hearing Officer shall set a date for a hearing to be held within sixty (60) days of receipt of the request, unless an immediate threat to the public health, safety and welfare necessitates an earlier hearing date. Notice of the hearing, including the time, date, and location of the hearing, shall be provided in accordance with the requirements set forth in Section 7.110.110 of this Chapter.
3. Hearing by the Hearing Officer:
 - a. The Hearing Officer is authorized to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the suspension or revocation of the permit.
 - b. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.
 - c. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross examine opposing witnesses on any matter relevant to the issues.
 - d. The Hearing Officer may postpone the hearing date upon good cause shown, continue the hearing during the course of the hearing, and make such other procedural orders and rulings as he or she deems appropriate during the course of the hearing.
 - e. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the County.
4. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorney fees.
5. If neither the applicant, permittee or their authorized representatives appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

7.110.110. Service Requirements

Wherever this Chapter requires the County to serve notice to an applicant, permittee, Owner or Operator, such notice shall be given by the Appropriate Authority in writing, and shall be delivered either by personal delivery or by certified U.S. mail, postage prepaid, return receipt requested. In addition, any such notice may be posted at the physical address of the premises on the date of the mailing of notice.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

VACATION RENTAL ORDINANCES

Environmental Analysis Report



April 19, 2019

File Nos. REF100042 (Inland Areas) & REF130043 (Coastal Areas)

Prepared by
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I. SUMMARY

The County of Monterey Resource Management Agency has prepared regulations for vacation rentals¹ within the unincorporated areas of the County. Vacation rentals are defined as *“The use, by any person, of a residential property for transient lodging 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 a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Vacation Rental includes Commercial Short-Term Rentals, Limited Short-Term Rentals, and Homestays. Vacation Rental does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.”*

As explained in this report, these regulations have been developed to ensure vacation rentals are similar in character, density and intensity to existing residential uses. In cases where the vacation rental would have the potential to be out of character with a residential use, such as visitor serving commercial use, these regulations include provisions for discretionary review prior to establishment of the use. In addition, there are mechanisms for suspension or revocation of vacation rental that are not in good standing.

In accordance with Public Resources Code 21080(a) and CEQA Guidelines Section 15002(i), CEQA applies to discretionary projects, which includes the enactment and amendment of zoning ordinances. CEQA Guidelines Section 15002(k), provides a 3-step process for project applicable to CEQA: 1) determine if the project is exempt from environmental review; 2) conduct an initial study if the project is not exempt; and 3) prepare an EIR if the project may have a significant effect.

Pursuant to CEQA Guidelines Section 15061(b)(2), a project is exempt if it qualifies for a categorical exemption and Section 15061(b)(3) states that an activity is covered by the common sense exemption where there is no possibility that the project may have a significant effect on the environment. In addition, CEQA does not apply if the activity is not a project pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378.

As part of the analysis, staff also considered how other jurisdictions have adopted similar regulations. Based on research, 4 cities and 5 counties have adopted short-term rental regulations that limit use, frequency, and location and provide a permit path via ministerial and/or discretionary approval. These jurisdictions found adoption of these rules statutorily and/or categorically exempt from environmental review because: the activity is not defined as a project per Section 15378, the project falls under the common sense exception, the project involves the use of an existing facility, and the project involves minor alterations to land.

This informational report is intended to describe the proposed regulations and how their adoption qualifies for a CEQA exemption. This is demonstrated through analysis of the proposed regulations for consistency with existing County regulations, as well as the CEQA exceptions to the exemptions found in CEQA Guidelines Section 15300.2.

¹ For the purposes of this report, the term “Vacation Rental” also includes “short-term rental” and “STR”.

II. VACATION RENTAL REGULATIONS

The project consists of three draft ordinances amending the Monterey County Code (MCC) for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. The purpose of these ordinances is to: 1) preserve and enhance the residential character and sense of security and safety in stable neighborhoods with principal residences; 2) provide vacation rental opportunities while preserving quality of life and protecting public health, safety, and general welfare; 3) provide regulated uses that would financially benefit homeowners and residents to off-set the high cost of living in the County; and 4) provide regulations that ensure homestays and limited short-term rentals are similar in character, density, and intensity to residential uses; and 5) ensure the vacation rental would not impact the character, public health, safety, and welfare of stable neighborhoods with principal residences. These regulations also provide an amortization of investment for existing vacation rental operations in an effort to grant opportunities for those operations to continue, provided that the vacation rental activity was established prior to the effective date of the respective ordinances and that the operator is pursuing all necessary County permits, licenses, and entitlements. This process is especially important for commercial short-term rental operations located in areas that are subject to visitor serving unit caps because approval of a permit application will be subject to a first come, first serve basis. The regulations limit vacation rentals to only residential and commercial zoning districts in the unincorporated areas of Monterey County; thereby prohibiting them within agricultural, industrial, open space, and public/quasi-public zoning districts. The regulations limit establishment of vacation rentals to existing, legally established dwellings. Therefore, no specific development or construction is proposed for any of the draft ordinances. The three types of vacation rentals include:

Homestay: A vacation rental of a residential dwelling unit that is concurrently occupied by the dwelling's Principal Resident while the dwelling is being rented as a vacation rental.

Limited Short-Term Rental: A vacation rental that is rented four (4) or fewer times within a 12-month period and where the Principal Resident is not required to occupy the dwelling nor is the dwelling required to be the principal residence of the vacation rental operator².

Commercial Short-Term Rental: A vacation rental that is rented five (5) or more times within a 12-month period and where the Principal Resident is not required to occupy the dwelling nor is the dwelling required to be the principal residence of the vacation rental operator.

The Monterey County Zoning Ordinance for coastal areas (Title 20) will be amended to delineate the types of vacation rentals allowed in specific zoning districts, which type of vacation rental requires a discretionary permit, and include a new section intitled "Regulations for Vacation Rentals". The same amendments listed above are proposed for the Monterey County Zoning Ordinance for inland areas (Title 21). The amendment to MCC Chapter 7 – Business Taxes, Licenses, and Regulations, would allow the County to require business licenses and business operation permits for all three types of Vacation Rentals. A summary of each draft ordinance and the proposed amendments are identified below.

² Except for limited short-term rentals in the Big Sur Coast Land Use Plan. The dwelling unit used for a limited short-term rental shall be the principal residence of the owner, resident, or rental operator.

A. Monterey County Coastal Zoning – Title 20 Amendment

The proposed amendment to the Monterey County Zoning Ordinance for coastal areas of unincorporated Monterey County (Title 20) provide definitions for terms not already defined, clarify in which zoning districts vacations would be allowed and what type of permit(s) would be required, and provide specific regulations for vacation rentals. The draft ordinance is provided as **Attachment A** and in summary, include the following:

Definitions

The following terms are defined: “Commercial Short-Term Rental”, “Homestay”, “Limited Short-Term Rental”, “Principal Residence”, “Principal Resident”, “Residential Property”, “Rooming or boarding”, “Short-Term Rental”, “Transient”, and “Vacation Rental” in MCC Section 20.06.C. These terms provide clarity for implementation of the regulations and are consistent with the definitions proposed in the Title 21 and Chapter 7 amendments.

The existing the definition for “Roominghouse or boardinghouse” in MCC Section 21.06.C will be amended so it is consistent with the definition proposed in the Title 21 amendment.

Vacation Rentals – Uses Allowed

Regulations for homestays and limited short-term rentals, discussed in detail below, compel these uses to be similar in character, density, and intensity to a residential use and are not anticipated to remove long-term housing from the market. As such, these uses are proposed as allowed uses in zoning districts where single family dwellings and/or multiple family dwellings are allowed uses. The amendment includes homestays and limited short-term rentals as an allowed use by adding subsection “S” to MCC Section 20.70.120 – Exemptions from Coastal Development Permits to exempt homestays and limited short-term rentals, pursuant to MCC Section 20.64.290, from a Coastal Development Permit in the following zoning districts: High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR), Rural Density Residential (RDR), Watershed and Scenic Conservation (WSC), Coastal General Commercial (CGC), Moss Landing Commercial (MLC) and Visitor Serving Commercial (VSC). This would allow homestays and limited short-term rentals by right without requiring a discretionary permit in these zoning districts. In the coastal zone, homestays and limited short-term rentals would not be allowed in resource conservation, agricultural, industrial, open space, and public/quasi-public land use designations.

Vacation Rentals – Uses Allowed with Discretionary Approval

Regulations for commercial short-term rentals, discussed in detail below, do not require the principal resident to be onsite like homestays and allow more frequent vacation rentals than that of and limited short-term rentals. This use could result in a land use similar to recreation/visitor serving uses, as opposed to a residential use, which could potentially result in impacts to the character, intensity, and density of a residential neighborhood. Therefore, the regulations require commercial short-term rentals to obtain a discretionary permit prior to commencement of use. As such, the amendment adds commercial short-term rental as an allowed use subject to a Coastal Development Permit required (with consideration by the Zoning Administrator) pursuant to requirements described in MCC Section 20.64.290, in the following zoning districts: High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential

(LDR), Rural Density Residential (RDR), Watershed and Scenic Conservation (WSC), Coastal General Commercial (CGC), Moss Landing Commercial (MLC) and Visitor Serving Commercial (VSC).

Coastal Regulations for Vacation Rentals

The amendment includes adding MCC Section 20.64.290 – Regulations for Vacation Rentals, which specifies land use and zoning requirements for all three types of vacation rentals and delineates the respective site development standards. The following subsections are contained in this section: definitions, purpose, applicability, regulations for homestays, regulations for limited short-term rentals, regulations for commercial short-term rentals, phasing out unpermitted operations, application and renewal process, grounds for suspension and revocation, procedure for administrative fines and penalties for violation of the regulations, and enforcement and indemnification. These regulations will work in concert with the operational requirements listed in MCC Chapter 7.110.

B. Monterey County Inland Zoning – Title 21 Amendment

The proposed amendment to the Monterey County Zoning Ordinance for inland areas of unincorporated Monterey County (Title 21) provide definitions for terms not already defined, clarify in which zoning districts vacations would be allowed and what type of permit(s) would be required, and provide specific regulations for vacation rentals. The draft ordinance is provided as **Attachment B** and in summary, include the following:

Definitions

The following new terms are defined: “Commercial Short-Term Rental”, “Homestay”, “Limited Short-Term Rental”, “Principal Residence”, “Principal Resident”, “Residential Property”, “Rooming or boarding”, “Short-Term Rental” and “Vacation Rental” in MCC Section 21.06.C. These terms provide clarity for implementation of regulations and are consistent with the definitions proposed in the Title 20 and Chapter 7 amendments.

Existing definitions for “Roominghouse or boardinghouse” and “Transient” in MCC Section 21.06.C will be amended so that they are consistent with the proposed regulations. These terms are consistent with the definition proposed in the Title 20 amendment.

Vacation Rentals – Uses Allowed

Regulations for homestays and limited short-term rentals, discussed in detail below, compel these uses to be similar in character, density, and intensity to the existing residential use by limiting their use and location, and are not anticipated to remove long-term housing from the market. As such, these uses are proposed as allowed uses in zoning districts where single family dwellings and/or multiple family dwellings are allowed uses. The amendment includes homestays and limited short-term rentals as an allowed use, pursuant to requirements described in MCC Section 21.64.280, in the following zoning districts: High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR), Rural Density Residential (RDR), Light Commercial (LC), Heavy Commercial (HC), Visitor Serving/Professional Office (VO), Resource Conservation (RC), Community Plan (CP), Specific Plan (SP).

Vacation Rentals – Uses Allowed with Discretionary Approval

Regulations for commercial short-term rentals, discussed in detail below, do not require the principal resident to be onsite like homestays and allow more frequent vacation rentals than that of and limited short-term rentals. This use could potentially result in a conflict with the residential land use. Therefore, the regulations require commercial short-term rentals to obtain a discretionary permit prior to commencement of use. As such, the amendment adds commercial short-term rental as an allowed use subject to a Use Permit, with consideration by the Zoning Administrator, pursuant to requirements described in MCC Section 21.64.280, in the following zoning districts: High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR), Rural Density Residential (RDR), Light Commercial (LC), Heavy Commercial (HC), Visitor Serving/Professional Office (VO), Resource Conservation (RC), Community Plan (CP), Specific Plan (SP).

Existing Regulations for Transient Use of Residential Property for Remuneration

Changes to Title 21 include amending existing regulations requiring an Administrative Permit for the transient use of residential property for remuneration codified in MCC Section 21.64.280. The amendment adds subsection “H”, which would cause Section 21.64.280 to inoperative, once the inland ordinance for vacation rentals takes effect and identifies the new MCC Section 21.64.290 – Regulations for Vacation Rentals, as the applicable section for applications of the transient use of residential property for remuneration. This amended section also states that Administrative Permits issued under MCC Section 21.64.280 shall be considered legal non-conforming.

Inland Regulations for Vacation Rentals

The amendment includes adding MCC Section 21.64.290 – Regulations for Vacation Rentals, which specifies land use and zoning requirements for all three types of vacation rentals and delineates the respective site development standards. The following subsections are contained in this section: definitions, purpose, applicability, regulations for homestays, regulations for limited short-term rentals, regulations for commercial short-term rentals, phasing out unpermitted operations, application and renewal process, grounds for suspension and revocation, procedure for administrative fines and penalties for violation of regulations, and enforcement and indemnification. These regulations will work in concert with the operational requirements listed in MCC Chapter 7.110.

C. Amending Chapter 7 – Business Taxes, Licenses and Regulations

The proposed amendment to the MCC Chapter 7 includes requirements for business permits and operation permit for vacations rentals and is applicable in the coastal and inland area of unincorporated Monterey County. The draft amendments are provided as **Attachment C** and in summary, include the following:

Business License

The amendment includes adding subsection “B” to MCC Section 7.02.060 – Businesses Requiring Licenses, which would require the operator of any of the three types of vacation rentals (homestays, limited short-term rentals and commercial short-term rentals) to procure a business

license prior to commencement, operation or maintenance of any vacation rental. In addition, operators of hotel would also be subject to the business license requirement.

Vacation Rental Operation Permit

The amendment includes adding Chapter 7.110 – Vacation Rental Operation Permits to the MCC. In addition to the land use and zoning requirements and site development standards contained in MCC Sections 21.64.280 and 20.64.290, this chapter will provide operational requirements for all three types of Vacation Rentals. The following subsections are contained in this section: definitions, purpose, applicability, regulations for vacation rentals, phasing out unpermitted operations, application and renewal process, fees, grounds for suspension or revocation, procedure for administrative fines and penalties for violation of the regulations, enforcement, service requirements, and indemnification.

D. Regulations for Homestays

In both the inland and coastal regulations, homestays are defined as a vacation rental where the dwelling unit is occupied by a principal resident concurrent with the vacation rental use. The regulations have been crafted based on the principle that when a vacation rental use is established, it shall not be discernable from existing residential use of the dwelling. This use is considered residential because it is similar in character, density and intensity to a residential dwelling and would only be allowed in a legally permitted single family dwelling, duplex dwelling, or a multiple family dwelling. The structure used as a homestay would continue to function as a primary residence and would not likely result in the conversion or loss of long-term housing stock. Therefore, homestays would not be subject to any applicable visitor serving caps in the respective area they would be located. Homestays would be prohibited in tents, yurts, recreational vehicles (RVs) or other structures intended for temporary occupancy. Use of accessory dwelling units, guesthouses or in any structures or dwellings where the property has a covenant and/or agreement with the County restricting the use of the dwelling or structure (including but not limited to affordable housing units) for a homestay is also prohibited.

As explained above, homestays would not require a discretionary permit, but ministerial approval for a Vacation Rental Operation Permit and Vacation Rental Business License would be required. Furthermore, homestays must register with the Monterey County Treasurer-Tax Collector and obtain a transient occupancy tax registration certificate in accordance with MCC Section 5.40.070.

Additional regulations contained in the proposed amendment to MCC Chapter 7 include operational requirements such as provisions for a property manager that must be available 24 hours a day during all times that the property is rented as a vacation rental to respond within 30 minutes to complaints, prohibiting outdoor signage/advertisement, establishing a maximum overnight occupancy and daytime occupancy, establishing quiet hours between 10 p.m. and 7 a.m., and prohibiting outside amplified sound.

E. Regulations for Limited Short-Term Rentals

In terms of land use, limited short-term rentals are considered similar to homestays as they are similar in character, density and intensity to a residential dwelling. As such, they are allowed within the same inland and coastal zoning districts without the need for a discretionary permit; ministerial approval for a Vacation Rental Operation Permit and Vacation Rental Business License would be required and the use is subject to transient occupancy tax registration. In addition, all other regulations and operational requirements for homestays apply to limited short-term rentals.

There are however, key differences between a homestay and a limited short-term rental: the principal resident is not required to occupy the dwelling concurrent with the limited short-term rental use and vacation rental frequency is limited to four times or fewer within 12-month period. There is one exception for limited short-term rentals established within the Big Sur Coast Land Use Plan area which requires the dwelling unit used as a limited short-term rental to be the principal residence of the owner, resident, or rental operator.

F. Regulations for Commercial Short-Term Rental

In terms of land use, commercial short-term rentals would have the potential to be more similar to recreational/visitor serving uses. Therefore, the land use and zoning regulations and site development standards that apply to homestays and limited short-term rentals also apply to commercial short-term rentals. In addition, the following also apply:

- a. The vacation rental is limited to five times or more per 12-month period.
- b. Establishment of the vacation rental is subject to a discretionary permit (Use Permit in the inland areas and a Coastal Development Permit in the coastal zone areas).
- c. Commercial short-term rentals are subject to visitor serving unit counts and caps, where applicable (Carmel Valley and Moss Landing). The Del Monte Forest Land Use Plan includes a limitation to visitor serving units; however, based on “d” below, they would not affect the cap.
- d. Commercial short-term rentals are prohibited in Big Sur and Del Monte Forest.
- e. Operators shall provide evidence the property meets applicable parking spaces requirements.
- f. In cases where the property containing a commercial short-term rentals is not accessible from a public road, then the use would be subject to MCC Chapter 21.64.320 – Regulations Relating to Applications Involving Use of Private Roads in the inland area and the forthcoming regulation for use of private roads in the coastal zone.

III. CEQA EXEMPTION

The environmental analysis of the proposed regulations, found in subsequent Section V of this report, demonstrates that adoption of the vacation rental regulations qualifies for an exemption from environmental review pursuant to a categorical exemption for existing facilities contained in CEQA Guidelines Section 15301, the “common sense exemption” (formally “general rule”) contained Section 15061(b)(3), and a statutory exemption under sections 15060(c)(3) and 15378.

CEQA Guidelines Section 15301

Section 15301 provides a Class 1 exception for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. As described below, this exemption is subject the exceptions listed in Section 15300.2(c) through (f).

Significant Effect: A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Scenic Highways: A categorical exemption shall not be used for a project which may result in damage to scenic resources, within a highway officially designated as a state scenic highway.

Hazardous Waste Sites: A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Historical Resources: A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

CEQA Guidelines Section 15061(b)(3)

Once a lead agency, in this case the County of Monterey, determines that an activity is a project subject to CEQA, the agency shall determine whether the project is exempt from CEQA. In accordance with Section 15061(b)(3), an activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

CEQA Guidelines Sections 15060(c)(3) and 15378

The environmental analysis contained in this report identifies that adoption of the regulations would not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Therefore, adoption of the regulations would qualify as Statutorily under CEQA Guidelines Sections 15060(c)(3) and 15378.

Project Qualifications for Exemption

The goal of the proposed regulations is to create regulatory standards that would ensure vacation rentals would not be discernable from existing residential uses where the rental would be

established. Adoption of the regulations would allow vacation rentals to be established in specific locations, subject to specific requirements, through a ministerial and/or discretionary approval process. In light of the exemptions, and exceptions listed above, this report includes an environmental analysis of the proposed regulations for consistency with existing regulations (see Section IV) and if their adoption would have the potential to impact water, traffic, housing, and land use (see Section V).

Adoption and implementation of the proposed vacation rental regulations do not present an unusual circumstance. The regulations restrict vacation rentals to existing, legally established, residences within residential and commercial zoning districts. Establishment of homestays and limited short-term rentals are subject to limitations that would ensure they are similar in character, density, and intensity to residential uses through a ministerial approval process for a business license and operation permit. The discretionary permit process for commercial short-term rentals would allow the appropriate hearing body to require project modifications and/or conditions of approval to ensure the use is similar in character, density, and intensity to a residential use. In addition, Use Permits and Coastal Development Permits for commercial short-term rentals would be subject to their own site-specific environmental review.

The regulations limit vacation rentals to existing residentially developed parcels. Furthermore, the regulations restrict all vacation rentals to one rental contract at any given time; meaning, the dwelling is limited to function as one rental unit. Therefore, there is no foreseeable potential that the use would impact scenic highways within the County.

There is one site on the Department of Toxic Substances Control's Cortese List within the unincorporated area of the County. Zoning of this site is Heavy Industrial, which does not allow establishment of vacation rentals. Therefore, there is no foreseeable potential that the regulations would allow a new use upon a hazardous waste site.

Although the regulations require vacation rentals to be established within existing residential dwellings, they do not require or promote the demolition or construction of an addition to existing dwellings. Therefore, there is no foreseeable potential that the use would impact historic resources within the County.

IV. REGULATORY SETTING

As discussed in Section II of this report, the proposed regulations for vacation rentals would be applicable to coastal and non-coastal areas of the County. Therefore, these regulations have been reviewed for consistency with applicable policies and regulatory standards of the respective areas.

A. Local Coastal Program-Land Use Plans (Coastal Areas)

The 1982 Monterey County General Plan governs the County's coastal zone areas and is organized into the following components: natural resources, environmental constraints, human resources and county development. Pursuant to the state Coastal Act, local governments within the state's coastal zone must prepare a Local Coastal Program (LCP) for the portion of the coastal zone within its jurisdiction. The LCP includes a land use plan and implementing ordinances. Monterey County has

the following Land Use Plans (LUP): North County Coastal, Big Sur Coast, Carmel Area, and Del Monte Forest.

As demonstrated in **Attachment D** – Monterey County Coastal Regulations Consistency Table of this report, the regulations allowing for establishment of a vacation rentals have been found to be consistent with the 1982 Monterey County General Plan and Local Coastal Program. Regulations for homestays, limited short-term rentals, and commercial short-term rentals require these uses to be similar in character, density, and intensity to a residential use. These requirements are intended to ensure the use does not impact the character, public health, safety, and welfare of stable neighborhoods with principal residences. Establishment of these uses are limited to existing principal residences within residential and commercial zoning districts and are prohibited in habitable and non-habitable accessory structures and agricultural, industrial, open space, and public/quasi-public zoning districts. Prior to establishing a vacation rental use, the owner/applicant must provide evidence that provisions for addressing water, wastewater service, noise, and parking required by the regulations have been met.

Big Sur Coast Land Use Plan

The Big Sur Coast Land Use Plan (BSC LUP) states that future land use development on the Big Sur coast shall be extremely limited, in keeping with the larger goal of preserving the Coast as a natural scenic area. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur coast. All proposed uses, whether public or private, must meet the same exacting environmental standards and must not degrade the Big Sur landscape. Regulations for vacation rentals only allow homestays and limited short-term rentals within the Big Sur as they are considered similar to residential uses. Special provisions are made requiring that the dwelling unit used as a limited short-term rental in Big Sur be the principal residence of the owner, resident, or rental operator. This is to ensure the use does not negatively impact the permanent housing stock in Big Sur. As such, they are not subject to cap limits established for visitor serving units. In addition, BSC LUP policies require protection of existing affordable housing and recognizes that there is an overall lack of housing in this geographical region of the County. Because commercial short-term rentals do not require occupancy of the dwelling by a principal resident or that the dwelling is a principal residence of the owner, resident, or operation, this use could potentially result in a loss of community as these would convert long-term housing to vacation rentals and therefore diminish the historically insufficient amount of housing in Big Sur. Based on this information and public input received relative to vacation rentals, the regulations have been crafted to prohibit commercial short-term rentals in Big Sur.

Del Monte Forest Land Use Plan

Regulations for vacation rentals only allow homestays and limited short-term rentals within the Del Monte Forest Land Use Plan (DMF LUP) area as they are considered similar to residential uses. DMF LUP Policy No. 89 states that up to 700 total (existing and new) visitor-serving units/guestrooms may be allowed within Del Monte Forest. The units established in this policy have already been allocated by approval of the Pebble Beach Concept Plan. Thus, commercial short-term rentals are prohibited in Del Monte Forest.

North County Land Use Plan and Moss Landing Community Plan

Visitor serving commercial uses are limited within the Moss Landing Community Plan (MLCP) area boundaries, as specified in the North County Land Use Plan Policy 4.3.6.E.4 and as described in Section 5.2.1.B.1 of the MLCP. Therefore, the vacation rental regulations specify that establishment of commercial short-term rentals within the MLCP area boundaries are subject to the limitations of the cap.

B. 2010 Monterey County General Plan and Area Plans (Inland Areas)

The 2010 Monterey County General Plan is a comprehensive, long-term plan for physical development within the County and includes the seven State mandated elements; Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Public Safety; and two optional elements; Agriculture and Economic Development. These respective elements contain goals and policies that guide future decisions that relate to physical development. Due to the diverse areas of the County, supplemental policies are also contained within seven Area Plans; Cachagua, Central Salinas Valley, Greater Monterey Peninsula (this includes the inland portion of the Del Monte Forest), Greater Salinas, North County, South County, and Toro; two Master Plans; Carmel Valley Master Plan and the Fort Ord Master Plan; and the Agricultural and Winery Corridor Plan. In accordance with Government Code Section 65860(a)(2) Vacation Rentals authorized by the ordinances amending Monterey County Code Title 21 (Zoning Ordinance) and Title 7 (Business Taxes, Licenses and Regulations) applicable to the inland areas of Monterey County shall be compatible with the objectives, policies, general land uses, and programs specified in the general plan.

As demonstrated in **Attachment E – Monterey County Non-Coastal Regulations Consistency Table** of this report, the vacation rental regulations have been found to be consistent with the 2010 Monterey County General Plan. Regulations for homestays, limited short-term rentals, and commercial short-term rentals require these uses to be similar in character, density, and intensity to a residential use. These requirements are intended to ensure the use does not impact the character, public health, safety, and welfare of stable neighborhoods with principal residences. Establishment of these uses are limited to existing principal residences within residential and commercial zoning districts and are prohibited in habitable and non-habitable accessory structures and agricultural, industrial, open space, and public/quasi-public zoning districts. Prior to establishing a vacation rental use, the owner/applicant must provide evidence that provisions for addressing water, wastewater service, noise, and parking required by the regulations have been met.

Carmel Valley Master Plan

Carmel Valley Master Plan Policy CV-1.15 establishes a limitation of visitor accommodations within the master plan area. The regulations do not require occupancy of the dwelling by a principal resident or that the dwelling is the principal residence of the owner, resident, or operation for commercial short-term rentals. In order to ensure the use does not impact the character, density, and intensity of residential uses and neighborhoods, the regulations require discretionary review prior to establishment of the use. Consistent with Policy CV-1.15, the regulations include provisions that approved commercial short-term rentals are subject to the Carmel Valley Master Plan visitor serving cap.

V. ENVIRONMENTAL ANALYSIS

A. Water

Based on public input and the regulatory setting and resource constraints of the County, such as water, crafting of the regulations began with the premise that such uses shall not be discernable from existing residential uses where the rental would be established. These regulations allow for establishment of vacation rentals within existing, legally established, residences within residential and commercial zoning districts. The regulations have been devised to ensure homestays and limited short-term rentals are similar in character, density, and intensity to residential uses through a ministerial approval process for a business license and operation permit. The same assurance for commercial short-term rentals will be provided through a discretionary permit process and a ministerial approval process for a business license and operation permit. Implementation of these regulations would confirm uses remain consistent with the intent of preserving the residential density and character of the dwelling and neighborhood. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval. In summary, the regulations have been structured to limit the vacation rental such that water consumption associated with the rental use would be consistent with water use associated with a typical residential dwelling.

B. Wastewater

Due to the rural nature of Monterey County, a significant amount of existing development is served by an onsite wastewater treatment system (OWTS, also referred to as a septic system). This is recognized and addressed in the proposed amendment to Chapter 7, which requires homestays, limited short-term rentals, and commercial short-term rentals served by an OWTS to submit a performance evaluation, prepared by a qualified professional and current within 5 years, as part of the Vacation Rental Operation Permit. This requires the operator to demonstrate that the system is in good working order and functioning properly. Any component found in an unacceptable condition shall be repaired or replaced prior to issuance of the operation permit. As stated above, the regulations have been devised to ensure homestays and limited short-term rentals are similar in character, density, and intensity to residential uses through a ministerial approval process for a business license and operation permit. Together, the use limitations and OWTS evaluation requirements implemented by the proposed regulations would ensure wastewater associated with the use would be consistent with existing County regulations sewage disposal contained in Monterey County Code Chapter 15.20.

C. Traffic

As stated above, the proposed regulations for vacation rentals limit their establishment so that the use would not be discernable from existing residential uses in the neighborhood. The proposed regulations limit vacation rentals to existing, legally established, residences within residential and commercial zoning districts only to ensure homestays, limited short-term rentals, and commercial short-term rentals are similar in character, density, and intensity to residential uses. Furthermore, the regulations restrict all vacation rentals to one rental contract at any given time; meaning, the dwelling is limited to function as one rental unit. The Institute of Transportation Engineers (ITE)

trip generation report estimates the number of trips generated by “Single-Family Detached Housing” is approximately 10 single trips per day. Unfortunately, there is not ITE data available for short-term rentals. There are, however, trip generation rates for visitor serving commercial uses, such as a “Hotel” (approximately 9 trips per room) and a “Motel” (approximately 6 trips per room). Based the vacation rental use limitations contained in the regulations and available ITE trip data, the use would not result in a net increase in traffic when compared to the existing residential traffic for the dwelling that would be used as a rental.

D. Housing

Although not a natural resource, housing stock and affordable housing are resource constraints within the County. Thus, the proposed regulations limit vacation rental use to ensure sustainability of existing long-term housing stock, avoiding impacts and displacement of affordable housing units, and provide an economic benefit to residential property owners that could off-set the high cost of living in the County.

Long-Term Housing Stock

The regulations provide three types of vacation rentals that would be allowed to operate out of existing, legally established, residences within residential and commercial zoning districts. The main differences between the types are occupancy and frequency. This is intended to serve the different needs of the County. Homestays require the principal resident occupy the dwelling concurrent with the vacation rental and there is no limitation to the frequency of the rental. This use ensures that dwelling provide long-term residential housing at all times. Limited short-term rentals do not require occupancy of the principal resident during the rental, nor does it require that the dwelling be the principal residence of the operator³ and rental frequency is restricted to 4 times or less within a 12-month period. Because homestays do not affect the long-term residential use of the dwelling and limited short-term rentals have strict frequency limitations, these uses are similar in character, density, and intensity to a residential use and would not likely remove long-term housing from the market. Commercial short-term rentals do not require occupancy of the principal resident during the rental, nor does it require that the dwelling be the principal residence of the operator and frequency allows the dwelling to be rented for 5 times or more within 12- month period. Because of this, the regulations incorporate the requirement for approval of both a discretionary permit and ministerial permits for commercial short-term rentals. This allows evaluation of the use, on a case-by-case basis, and the authority of the approving body to require project modifications and/or conditions of approval to ensure the use is similar in character, density, and intensity to a residential use, prevent overconcentration of vacation rentals in a neighborhood, and avoid removal long-term housing. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval. Because it is recognized that existing housing stock in Big Sur is limited, from policy and the public’s perspective, the regulations prohibit commercial short-term rentals in Big Sur. Implementation of these regulations would confirm uses remain consistent with the intent of preserving long-term housing stock.

³ Coastal regulations provide and exception to limited short-term rental in the Big Sur Coast Land Use Plan which requires the dwelling to be the principal residence of the owner, resident, or operator.

Affordable Housing

The County recognizes that the availability of affordable housing is limited. Several mechanisms have been put in place to provide and maintain affordable housing units, such as the inclusionary housing ordinance and ordinances allowing habitable accessory structures. The proposed regulations have addressed the potential of displacing affordable housing by prohibiting establishment of vacation rentals in accessory dwelling units, guesthouses, or structures or dwellings where a covenant or agreement restricts its use to an affordable housing unit.

Economic Benefit to Residential Property Owners

Establishment of homestays, limited short-term rentals, and commercial short-term rentals will allow residential property owners and principal residents to economically benefit from vacation rentals. This additional source of income could be used to off-set the costs needed to own and maintain residential property; thus, supporting principal residents such as the property owner or long-term renters. The regulations require discretionary approval of commercial short-term rentals, thus allowing analysis of the project to ensure that the economic benefit does not outweigh the protection of housing availability or neighborhood character.

E. Land Use

The regulations have been crafted based on the principle that when a vacation rental use is established, it shall not be discernable from existing residential use of the dwelling. As such, regulations and permit requirements for vacation rentals limit these uses to existing dwellings within residential and commercial zoning districts. In addition to the correlation between land use, zoning allowances, and similar uses; environmental regulations have been incorporated in the ordinances consistent with policies contained in the 1982 General Plan, Local Coastal Program, 2010 General Plan, and supplemental policies found in the area plans. See Section IV, **Attachment D**, and **Attachment E** of this report for additional detail.

Based on concerns identified by the public, known land use controversies associated with short-term rental regulations for other jurisdictions, and unique characteristics of the County, in addition to what is discussed above, this environmental analysis has focused on potential impacts to agricultural and existing residences.

Agricultural Resources

Agriculture is the largest industry in Monterey County and in 2017, the production value of agriculture in the County was \$4.4 billion. Thus, it is recognized that enhancement and support of the long-term productivity and commercial viability of this industry continues through policy and regulation. The proposed vacation rental regulations have been crafted to be consistent with these policies as they prohibit homestays, limited short-term rentals, and commercial short-term rentals in agricultural zoning districts. Thus, impacts to agriculture are avoided.

Noise

As stated above, the regulations limit vacation rentals to point where there would be no noticeable change in the residential use of an existing dwelling. However, as with a typical residence, the potential for exposure to occasional excessive noise levels, such as cars and loud music, exists. Monterey County Code Chapter 10.60 establishes regulations for noise control and

all land uses, including residential and vacation rentals, are subject to these requirements. In an effort to ensure vacation rental and their operators are aware of these requirements, the following specific regulations have been incorporated within the proposed ordinances:

- Quiet time between 10 p.m. and 7 a.m. is established;
- Outside amplified sound is prohibited;
- A property manager must be available at all times to promptly respond to complaints;
- The maximum overnight occupancy is limited to two (2) persons per room and shall not exceed a total count of ten (10) no matter how many bedrooms; and
- The maximum daytime occupancy is limited to 1.5 times the maximum overnight occupancy and shall not exceed a total count of fifteen (15) no matter how many bedrooms.

Enforcement of the County's noise regulations and the proposed regulations described above would regulate excessive noise.

Special Events

As stated above, the regulations limit vacation rentals to point where there would be no noticeable change in the residential use of an existing dwelling and vacation rentals are limited to existing dwellings within residential and commercial zoning districts. The regulations do not provide the ability to use the unit a venue for a special event. In fact, the regulations limit occupancy during the day and night, and state that a discretionary permit would be required for assemblages of people.

VI. CONCLUSION

The restrictive nature of the proposed vacation rental ordinances ensure that homestays, limited short-term rentals, and commercial short-term rentals would not impact the preservation of the residential character and density of the existing dwelling and neighborhood for which they are established. Limit these uses to existing residential developments, which would not result in further land disturbance.

The regulations have been found to be consistent with existing County regulations and the environmental analysis demonstrates that the project would have no significant effect on the environment. Therefore, adoption and implementation of the proposed vacation rental regulations qualify for an exemption to CEQA pursuant to Sections 15301; 15061(b)(3); 15060(c)(3); and 15378.

ATTACHMENT D

Monterey County Coastal Regulations Consistency Table

1982 Monterey County General Plan		
POLICY		CONSISTENCY DETERMINATION
1982 Monterey County General Plan – Goals, Objectives, and Policies for Human Resources		
24.1	Place a top priority on immediate efforts to stabilize and expand county employment in the agriculture, tourism, retail, manufacturing, and military sectors.	The regulations allow establishment of vacation rentals which would provide residential property owners the opportunity to economically benefit from the use. Establishment of this use would support tourism in the area.
24.1.2	The County shall support the retention and expansion of all viable and attractive tourist, retail trade, consumer and business establishments.	The regulations allow establishment of vacation rentals which would provide residential property owners the opportunity to economically benefit from the use. Establishment of this use would support tourism in the area.
25.1.2	The County shall promote economic development which is consistent with General Plan goals such as environmental, scenic, natural resource conservation, and growth management.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources. Establishment of homestays, limited short-term rentals, and commercial short-term rentals will allow residential property owners to economically benefit from vacation rentals.
1982 Monterey County General Plan – Goals, Objectives, and Policies for General Land Use		
26.1.5	The County shall designate future land uses in a manner which will achieve compatibility with adjacent uses.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
26.1.18	Development proposals which are consistent with the land use plan designation (Figures 13a, 13b, and 13c) may be denied due to factors including, but not limited to, lack of public facilities and services, infrastructure phasing problems, water availability and sewage problems, or presence of environmental and/or plan policy constraints which cannot be mitigated.	Regulations for vacation rentals limit these uses to residential and commercial zoning districts. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with that of a typical residential dwelling. Provisions for addressing noise and parking are also required. In areas served by an onsite wastewater system, provisions for water and wastewater are required. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
27.3.1	The County shall discourage those new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. They do not allow special events within vacation rentals and include provisions for maximum occupancy allowance, noise limitations, and requiring a property manager to respond to nuisance complaints. In areas

		served by an onsite wastewater system, provisions for water and wastewater are required. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
28.1.4	A mix of residential and commercial uses shall be allowed in instances where good site design and utilization of the property can be demonstrated.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. They do not allow special events within vacation rentals and include provisions for maximum occupancy allowance, noise limitations, and requiring a property manager to respond to nuisance complaints. In areas served by an onsite wastewater system, provisions for water and wastewater are required. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
30.0.1	The County shall prevent non-agricultural uses which could interfere with the potential of normal agricultural operations on viable farmlands designated as prime, of statewide importance, unique, or of local importance.	The amendments to Title 20 and Chapter 7 do not allow vacation rentals in agricultural land use designations.
1982 Monterey County General Plan – Goals, Objectives, and Policies for Transportation		
37.2.1	Transportation demands of proposed development shall not exceed an acceptable level of service for existing transportation facilities, unless appropriate increases in capacities are provided for.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. Based these limitations and available Institute of Transportation Engineers (ITE) trip data, the use would not result in a net increase in traffic when compared to the existing residential traffic for the dwelling that would be used as a rental.
1982 Monterey County General Plan – Goals, Objectives, and Policies for Public Services		
53.1.3	The County shall not allow water consuming development in areas which do not have proven adequate water supplies.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. Based these limitations, water consumption associated with the rental use would be consistent with water use associated with a typical residential dwelling. Provisions for addressing water use is also required if the property is served by an onsite wastewater treatment system.

North County Coastal Land Use Plan	
POLICY	CONSISTENCY DETERMINATION
North County Coastal Land Use Plan – Environmentally Sensitive Habitats	

2.3.2.3	New development adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New subdivisions shall be approved only where significant impacts to environmentally sensitive habitats from development of proposed parcels will not occur.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. This allows the use of developed properties without the need to further disturb the land or impact resources.
North County Coastal Land Use Plan – Water Resources		
2.5.1	The water quality of the North County groundwater aquifers shall be protected, and new development shall be controlled to a level that can be served by identifiable, available, long term-water supplies. The estuaries and wetlands of North County shall be protected from excessive sedimentation resulting from land use and development practices in the watershed areas.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources. Provisions for addressing water use is also required if the property is served by an onsite wastewater treatment system.
2.5.2.5	New rural development shall be located and developed at densities that will not lead to health hazards on an individual or cumulative basis due to septic system failure or contamination of groundwater. On-site systems should be constructed according to standards that will facilitate long-term operation. Septic systems shall be sited to minimize adverse effects to public health, sensitive habitat areas, and natural resources.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. Based these limitations, water consumption and wastewater generation associated with the rental use would be consistent with that of a typical residential dwelling. Regulations in Title 7 and Title 20 requires submittal of a performance evaluation, prepared by a qualified professional, as part of the Vacation Rental Operation Permit.
2.5.3.A.2	The County's long-term policy shall be to limit ground water use to the safe-yield level. The first phase of new development shall be limited to a level not exceeding 50% of the remaining buildout as specified in the LUP. This maximum may be further reduced by the County if such reductions appear necessary based on new information or if required in order to protect agricultural water supplies. Additional development beyond the first phase shall be permitted only after safe-yields have been established or other water supplies are determined to be available by an approved LCP amendment. Any amendment request shall be based upon definitive water studies, and shall include appropriate water management programs.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. Based these limitations, water consumption and wastewater generation associated with the rental use would be consistent with that of a typical residential dwelling. Regulations in Title 7 and Title 20 requires submittal of a performance evaluation, prepared by a qualified professional, as part of the Vacation Rental Operation Permit.
2.5.3.A.3	The County shall regulate construction of new wells or intensification of use of existing water supplies by permit. Applications shall be regulated to prevent adverse individual and cumulative impacts upon groundwater resources.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. Based these limitations, water consumption and wastewater generation associated with the rental use would be consistent with that of a typical residential dwelling. Therefore, the need for construction of new wells is not anticipated.
2.5.3.A.4	Water conservation measures should be required in all new development and should also be included in Agricultural Management	Regulations for vacation rentals limit these uses to existing legally established residences. Based these limitations, water consumption associated with the

	Plans. These measures should address siting, construction, and landscaping of new development, should emphasize retention of water on site in order to maximize groundwater recharge, and should encourage water reclamation.	rental use would be consistent with that of a typical residential dwelling. Regulations in Title 7 and Title 20 include provisions for addressing excessive water use if the dwelling is served by an onsite wastewater treatment system.
North County Coastal Land Use Plan – Agriculture		
2.6.1	The County shall support the permanent preservation of prime agricultural soils exclusively for agricultural use. The County shall also protect productive farmland not on prime soils if it meets State productivity criteria and does not contribute to degradation of water quality. Development adjacent to prime and productive farmland shall be planned to be compatible with agriculture.	Regulations for vacation rentals do not allow these uses in agricultural zoning districts.
North County Coastal Land Use Plan – Land Use and Development		
4.3.5.3	The provision of recreational opportunities and facilities shall be compatible with the preservation of the natural resources of the coast. Low to moderate intensity outdoor recreational use shall be emphasized within the State beaches and wildlife refuges. Higher intensity use shall be emphasized in Moss Landing and inland recreation areas.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. This allows the use of developed properties without the need to further disturb the land or impact resources or recreational uses.
4.3.5.4	Where there is limited land, water, or public facilities to support development, coastal dependent agriculture, recreation, commercial and industrial uses shall have priority over residential and other non-coastal-dependent uses.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.
4.3.5.8	Development within the North County coastal zone shall be consistent with the land uses shown on the plan map and as described in the text of this plan.	Regulations for vacation rentals limit these uses to residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
4.3.6.A.1	Only the minimum level of facilities essential to the support of recreational, educational, scientific, or aquacultural use of Resource Conservation areas shall be permitted. Facilities shall be sited so as to avoid adverse impacts to environmentally sensitive habitats and wildlife.	Regulations for vacation rentals do not allow these uses in the Resource Conservation zoning district.
4.3.6.E.4	Recreation and Visitor-Serving Commercial and General Commercial uses shall be developed in the Moss Landing Community Plan area in accordance with the following policies and guidelines and with Section 5.2.1.B. - Permit a total of up to 150 hotel/motel units based on available land and wastewater collection system capacity. These shall generally be	The amendment to Title 20 specifies that establishment of commercial short-term rentals within the Moss Landing Community Plan area boundaries are subject to the limitations of the hotel/motel cap.

	<p>provided by several smaller establishments not exceeding 30 units each.</p> <ul style="list-style-type: none"> - Encourage the expansion and improvement of existing recreation and visitor-serving facilities. - Design and locate new commercial visitor-serving facilities to minimize traffic and natural resource impacts. - Encourage the development of low and moderate-cost commercial recreation and visitor-serving facilities in preference to high cost facilities. - Encourage mixed use commercial development that includes housing units. - Encourage development of commercial uses providing necessary service to coastal dependent industries such as commercial fishing, aquaculture, and energy production, and commercial facilities providing goods and services related to the use of local recreational opportunities. 	
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Moss Landing Community Plan		
SECTION		CONSISTENCY DETERMINATION
Moss Landing Community Plan – Land Use Proposals		
5.2.1.B.1	<p>The plan designates four areas strictly for visitor-serving commercial uses. In the north harbor, visitor-serving commercial uses are shown north of the Elkhorn Yacht Club and harbor office. Appropriate uses for this area could include restaurants and/or motels, with adequate on-site parking, controlled access from Highway One, and appropriate design controls to ensure that public views of the north harbor are not obstructed. The plan permits up to 150 hotel/motel units based on available land and wastewater collection system capacity. These shall generally be provided by several smaller establishments not exceeding 30 units each. The area from what is now known as Skipper's Seafood and the Harbor Inn north to Little Baja is also designated for visitor-serving commercial uses, with controlled access from Highway One and a frontage road. (Second paragraph only.)</p>	<p>Regulations for vacation rentals allow homestays and limited short-term rentals with ministerial permit approval as they are considered similar to residential uses. As such, they are not subject to cap limits established for visitor serving units. Commercial short-term rentals would have the potential to impact the character, density, and intensity of residential uses and neighborhoods and; therefore, are subject to the visitor serving cap.</p>

Big Sur Coast Land Use Plan		
POLICY		CONSISTENCY DETERMINATION

Big Sur Coast Land Use Plan – Resource Management		
3.3.2.7	Land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent significant habitat impacts, and where they do not establish a precedent for continued land development which, on a cumulative basis, could degrade the adjoining habitat.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. This allows the use of developed properties without the need to further disturb the land or impact resources.
3.3.2.8	New development adjacent to environmentally sensitive habitat areas shall be allowed only at densities compatible with the protection and maintenance of the adjoining resources. New subdivisions shall be approved only where potential impacts to environmentally sensitive habitats from development of proposed parcels can be avoided.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. This allows the use of developed properties without the need to further disturb the land or impact resources.
3.4.2.2	The County will require adherence to the best watershed planning principles including: stream setbacks, stream flow maintenance, performance controls for development site features, maintenance of safe and good water quality, protection of natural vegetation along streams, and careful control of grading to avoid erosion and sedimentation.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. This allows the use of developed properties without the need to further disturb the land or impact resources.
3.4.3.A.1	Applicants for development of residential, commercial, and visitor-serving facilities must demonstrate by appropriate seasonal testing that there will be an adequate water supply for all beneficial uses and be of good quality and quantity (e.g. at least 1/2 gallon per minute per single family dwelling year round) from a surface or groundwater source, or from a community water system under permit from the County.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. Based these limitations, water consumption associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.
3.4.3.A.2	Development of water supplies, or intensification of use of existing supplies from springs, streams, wells, or community water systems shall be regulated by permit in accordance with Coastal Act requirements. These permits shall be in addition to any required permits from the County Health Department.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. Based these limitations, water consumption associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.
3.4.3.A.5	Small public water systems and private water systems supplying more than one user shall conform to the California Health and Safety Code, California Administrative Code, and County Ordinance 2250 as administered by the County Health Department, consistent with other policies of this section.	If applicable, regulations for vacation rentals require a water system permit pursuant to MCC Chapter 15.04 prior to commencement of use.
3.4.3.B.1	The effects of all new development proposals or intensification of land use activities or water uses on the natural character and values of the Big Sur coast's rivers and streams will be specifically considered in all land use decisions. Subjects to be addressed in such evaluations	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with that of a typical residential

	include protection of scenic quality, water quantity and quality, wildlife and fish habitat, and recreational values. Land use proposals determined to pose significant impacts to the natural integrity of the stream must be modified accordingly. The County will request assistance from the Department of Fish and Game as a technical expert on wild life and fish habitat and mitigation measures.	dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.
3.6.2.3	Residential, recreational and other land use development shall not be sited on land suitable for grazing unless an equivalent area of new grazing land is provided.	Regulations for vacation rentals do not allow these uses in agricultural zoning districts.
Big Sur Coast Land Use Plan – Highway One and County Roads		
4.1.2.4	To conform to the Coastal Act, most remaining capacity on Highway 1 shall be reserved for coastal priority uses: recreation and visitor-serving facilities, the military, agriculture and other coastal dependent uses.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.
4.1.3.C.1	To comply to Coastal Act policies concerning the allocation of limited highway capacity to coastal priority uses, 85 percent of the capacity of Highway 1 under improved road conditions and managed traffic shall be reserved to serve recreational travel, service trips to public and private recreation and visitor-serving facilities, use by military vehicles, and coastal-dependent agriculture. To implement this policy, the land use regulations of this plan limit future residential development to a level that will utilize not more than 15 percent of highway capacity at buildout.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.
4.1.3.C.1	Proposed new or expanded public or private recreation and visitor-serving uses shall be required to submit with their application, a traffic component which evaluates the anticipated impact to Highway 1 service capacity and makes recommendations on how conflicts can be overcome or mitigated.	Regulations for vacation rentals allow homestays and limited short-term rentals within existing legally established residences in residential and commercial zoning districts within Big Sur, while commercial short-term Rentals will be prohibited. Based these limitations, traffic associated with the rental use would be consistent with that of a typical residential dwelling.
Big Sur Coast Land Use Plan – Land Use and Development		
5.4.1	Future land use development on the Big Sur coast should be extremely limited, in keeping with the larger goal of preserving the coast as a scenic natural area. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur country. All proposed uses, whether public or private, must meet the same exacting environmental standards and must contribute to the preservation of Big Sur's scenery.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. They do not allow special events within vacation rentals and include provisions for maximum occupancy allowance, noise limitations, requiring a property manager to respond to nuisance complaints, and prohibits outdoor signage. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
5.4.2.1	All development and use of the land whether public or private shall conform to all applicable policies of this plan and shall meet the same	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures.

	resource protection standards.	Based these limitations, water consumption and wastewater generation associated with the rental use would be consistent with that of a typical residential dwelling. Regulations in Title 7 and Title 20 include provisions for addressing excessive water use if the dwelling is served by an onsite wastewater treatment system. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
5.4.2.2	Development of any area of Big Sur will be limited to uses for that area illustrated on the plan map and to the use intensities described in the text. Uses not shown on the plan map or described in the text will not be permitted.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood.
5.4.2.6	Many types of land use found in other locations in the County are inappropriate to the Big Sur coast and are in conflict with the rural environment, the protection of natural resources, and the general peace of the area and are not therefore provided for in the plan. Among these uses are intensive recreational activities such as tennis, golf, cinemas, mechanized recreation, boating facilities, industrial development, manufacturing other than cottage industry or art production, on-shore or off-shore energy facilities, large scale mineral extraction or mining, oil extraction, commercial timber harvesting, and any non-coastally dependent industries. In general, any land use or development of a character, scale, or activity level inconsistent with the goal of preserving the coast's natural, undeveloped beauty and tranquility will not be permitted.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. This allows the use of developed properties without the need to further disturb the land or impact resources.
5.4.2.9	<p>The following density standards for inn unit development are designed to allow up to 300 new visitor-serving lodge or inn units on the Big Sur Coast, based on protection of the capacity of Highway One to accommodate recreational use, the avoidance of overuse of areas of the coast, and the need for development to respect the rural character of the Big Sur Coast and its many natural resources.</p> <p>The number of visitor-serving lodging units on any one site is limited to 30, reflecting the small scale character of the special Big Sur community. Two or more facilities on the same property shall not be contiguous (minimum separation 400 feet). As specified in Table 1, the maximum inn unit density in the Rural Community Centers shall be one unit per acre, with a minimum parcel size of ten acres. In other locations where inn unit development is allowed in the land use designations, the number of allowable new inn units shall be two lodging units for each potential subdivision lot that is permanently</p>	Regulations for vacation rentals only allow homestays and limited short-term rentals within the Big Sur Coast Land Use Plan area as they are considered similar to residential uses. Special provisions for limited short-term rentals in Big Sur require that the dwelling unit used as a rental shall be the principal residence of the owner, resident, or rental operator. As such, homestays and limited short-term rentals are not subject to cap limits established for visitor serving units. Commercial short-term rentals would have the potential to impact the character, density, and intensity of residential uses and neighborhoods and; therefore, are prohibited in Big Sur.

	retired by action of the applicant. An applicant must determine from Policy 5.4.2.8, above, the allowable residential density on land that can be further subdivided and then multiply that density times two to determine the allowable number of visitor-serving units. However, the maximum inn unit density allowance for any one ownership in the Watershed and Scenic Conservation land use designation shall not in any event exceed a net of 8 per existing parcel, which may be aggregated into clusters up to the maximum per site specified above	
5.4.3.C.1	Development of recreation and visitor-serving facilities at locations suitable for such use is preferred over other types of development in Big Sur because of Big Sur's national significance as a recreation area.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.
5.4.3.C.1	<p>Maintenance of the rustic, outdoor recreational character of Big Sur is emphasized. The expansion and development of recreation and visitor-serving facilities in Big Sur shall be of a scale and nature that is compatible with the natural and cultural character of the area while offering opportunities for visitors to experience and enjoy the beauty and inspiration that the Big Sur environment presents. Intensive recreational uses or facilities are not appropriate and shall not be permitted.</p> <p>Compatible scale and character shall include limiting the number of visitor accommodation units as specified in 5.4.2.9 and shall limit such structures to two stories in height, subject to site constraints. Intensive visitor-serving projects (those over 5 units) will be required to enhance and/or provide public coastal recreational opportunities consistent with Coastal Act Sections 30212.5 and 30222 and all Plan policies.</p> <p>The provisions of this policy shall apply to policy 3, below, as well as all other relevant Plan policies.</p>	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.
5.4.3.C.5	The County encourages expansion and development of public and private recreation and visitor-serving facilities within existing areas of development. Accordingly, new development, or expansion of existing recreation and visitor-serving facilities in the Big Sur Valley, and at Lucia, Gorda, and Pacific Valley is generally acceptable provided resource protection policies can be met.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.
5.4.3.C.7	Recreational and visitor-serving facility expansion and development proposals shall be evaluated on an individual basis. All proposals must demonstrate consistency with the land use plan and environmental,	Regulations for vacation rentals only allow homestays and limited short-term rentals within the Big Sur Coast Land Use Plan area as they are considered similar to residential uses. Special provisions for limited short-term rentals in

	<p>visual, design and traffic constraints. Visitor-serving facilities may be approved on any size parcel meeting the standards listed in Table 1 and large enough to allow for the construction of needed employee housing, provide adequate sewage disposal and parking, and otherwise, satisfy the policies of this plan. Additional criteria for inn unit development include:</p> <ul style="list-style-type: none"> a. Must have direct access to public road (not including Sycamore Canyon or Palo Colorado Roads), or common driveway with permission of the other owners; b. Deed restrictions must be recorded to preclude rental or subdivision of the inn units as separate residential dwelling units. <p>No portion of acreage necessary for one facility shall be credited to a different facility. For example, pursuant to Table 1, a 25-acre parcel in a Rural Community Center could have 25 inn units, or 50 RV campsites or 10 inn units and 30 RV campsites.</p> <p>Inns shall provide at least one parking space per room. Free-standing restaurants (not part of an inn) shall provide at least one space per four seats or per 100 sq. ft. of both open and enclosed dining area, whichever is greater. In addition, adequate and separate employee parking shall be provided.</p> <p>New free-standing restaurant development shall be limited to the Rural Community Centers and the sites specified in Plan policy 5.4.3.E-1. The maximum size for such new restaurant structures shall be that amount of space needed for a 120-seat enclosed dining room facility. Elsewhere, restaurants shall not be larger than required to serve the maximum size inn allowed on the parcel (generally, at the ratio of two seats per inn unit). Expansion of existing restaurant buildings shall be limited in scale to that which is in character with Big Sur, not to exceed a 10% expansion in area or an area sufficient for 120 dining room seats, whichever is greater.</p>	<p>Big Sur require that the dwelling unit used as a rental shall be the principal residence of the owner, resident, or rental operator. As such, homestays and limited short-term rentals are not subject to cap limits established for visitor serving units. Commercial short-term rentals would have the potential to impact the character, density, and intensity of residential uses and neighborhoods and; therefore, are prohibited in Big Sur. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.</p>
5.4.3.C.8	<p>Projects for new or extensively expanded recreation and visitor-serving facilities shall provide low-cost recreational facilities as part of the development. The establishment of low-cost hostels in Big Sur is encouraged as part of a comprehensive hostel system for the California coast.</p>	<p>Regulations for vacation rentals only allow homestays and limited short-term rentals within the Big Sur Coast Land Use Plan area as they are considered similar to residential uses. Commercial short-term rentals would have the potential to impact the character, density, and intensity of residential uses and neighborhoods and; therefore, are prohibited in Big Sur. This allows the use of</p>

		developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.
5.4.3.E.1	Development of new commercial uses serving community and visitor needs be directed to the existing Rural Community Centers of the Big Sur Valley, Lucia, Gorda, and Pacific Valley. Several commercial uses including the Rocky Point Restaurant, Big Sur Inn, and Coast Gallery, are currently found outside the Rural Community Centers designated on the land use map and these are considered conforming uses under the plan. However, gasoline service stations, general stores, or similar highway-oriented commercial structures shall not be allowed outside of the rural community centers.	Regulations for vacation rentals only allow homestays and limited short-term rentals within the Big Sur Coast Land Use Plan area as they are considered similar to residential uses. Commercial short-term rentals would have the potential to impact the character, density, and intensity of residential uses and neighborhoods and; therefore, are prohibited in Big Sur. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.
5.4.3.E.6	Commercial facilities shall be aimed at serving both local residents and the visiting public. Businesses intended to serve solely local residents are discouraged. No minimum site standards are established for commercial uses but adequate physical area to meet parking requirements and natural resource concerns must be available before existing businesses can be expanded or new facilities can be approved.	Regulations for vacation rentals limit these uses to existing, legally established, primary residences in residential and commercial zoning districts and do not require, or promote, construction of new structures. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.
5.4.3.G.2	Development in designated rural residential areas shall continue to be limited to residential uses in order to protect residents from unwanted intrusion by other incompatible activities and because neither available vacant land, water, nor roads are adequate to support more intensive uses.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. They do not allow special events within vacation rentals and include provisions for maximum occupancy allowance, noise limitations, and requiring a property manager to respond to nuisance complaints. In areas served by an onsite wastewater system, provisions for water and wastewater are required. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
5.4.3.I.1	The County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason. (Partial language)	<p>Regulations for vacation rentals prohibit establishment of this use within accessory dwelling units, guesthouses or in any structures or dwellings where the property has a covenant and/or agreement with the County restricting the use of the dwelling or structure, including but not limited to affordable housing units; thereby ensuring maintenance of affordable and/or long-term housing stock.</p> <p>Limited short-term rentals are allowed in Big Sur, provided the dwelling used as the rental is the principal residence of the owner, resident, or operator.</p> <p>Commercial short-term rentals would have the potential to convert long-term housing to vacation rentals and diminish the already historically insufficient amount of housing in Big Sur and are therefore, prohibited in the LUP area.</p>
5.4.3.I.2(c)	Encourage the use of caretaker's accommodations as an appropriate	Regulations for vacation rentals prohibit establishment of this use within

	means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. Applicants for detached care takers' residences shall demonstrate a need for the unit as part of the development review process. Detached caretaker's residences shall not exceed 850 square feet in size. Subdivisions shall not be permitted to divide a principal residence from a care taker's residence. Only one caretaker's unit shall be allowed on the parcel. All such units shall be considered as part of the residential buildout allowed by this plan. A total of 50 such units may be allowed in the area of the Big Sur Land Use Plan.	accessory dwelling units, caretaker units, guesthouses.
5.4.3.1.L.2	Outdoor Recreation, Recreation and Visitor-Serving Commercial uses, and Public and Quasi/Public uses, shall be the principal uses in the [Big Sur] Valley since the available space for these necessary activities is very limited. Residential development will be considered appropriate on sites not suitable for these uses.	Regulations for vacation rentals limit these uses to existing, legally established, primary residences in residential and commercial zoning districts and do not require, or promote, construction of new structures. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.

Carmel Area Land Use Plan		
POLICY		CONSISTENCY DETERMINATION
Carmel Area Land Use Plan – Resource Management		
2.3.3.2	Land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent habitat impacts and where they do not establish a precedent for continued land development which, on a cumulative basis, could degrade the resource.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. This allows the use of developed properties without the need to further disturb the land or impact resources.
2.3.3.3	New development adjacent to environmentally sensitive habitat areas shall be allowed only at densities compatible with the protection and maintenance of the adjoining resources. New subdivisions shall be approved only where potential impacts to environmentally sensitive habitats from development of proposed parcels can be avoided.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. This allows the use of developed properties without the need to further disturb the land or impact resources.
2.3.3.7	Where development is permitted in or adjacent to environmentally sensitive habitat areas, the County, through the development review process, shall restrict the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) to that needed for the structural improvements themselves.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. This allows the use of developed properties without the need to further disturb the land or impact resources.
Carmel Area Land Use Plan – Public Service System		

3.1.3.1	To conform to the Coastal Act, most remaining highway capacity should be reserved for coastal priority uses: recreation and visitor-serving facilities, agriculture, and coastal-dependent industry. Commitment to further residential development through subdivision should be extremely limited. Traffic shall be monitored in order to provide a basis for decision-making	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.
3.1.3.8	Development or expansion of visitor-serving facilities should be planned to maximize opportunities for use and/or development of public transportation systems and development of private shuttles.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.
3.2.3.1	The County shall reserve adequate water supply from its fair share allotment of Cal-Am water as approved by the Monterey Peninsula Water Management District to supply expansion of existing and development of new visitor-serving facilities permitted by the plan. Water must be first assured for coastal-priority visitor-serving facilities before allowing any new residential development other than infilling of existing vacant lots. In addition, 0.056 acre-feet/year of water is reserved for each visitor-serving unit permissible under this Plan.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, water consumption associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources. Regulations in Title 7 and Title 20 include provisions for addressing excessive water use if the dwelling is served by an onsite wastewater treatment system.
Carmel Area Land Use Plan – Land Use and Development		
4.4.2.4	Because there is limited suitable land or water to support new development and because the capacity of public facilities is limited, coastal-dependent recreation and visitor-serving uses shall have priority over residential and other non-coastal dependent uses.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. They do not allow special events within vacation rentals and include provisions for maximum occupancy allowance, noise limitations, and requiring a property manager to respond to nuisance complaints. In areas served by an onsite wastewater system, provisions for water and wastewater are required. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
4.4.2.7	All development and use of the land, whether public or private, must conform to the policies of this plan and must meet the same resource protection standards set forth in the plan. Where conflicts occur between one or more provisions of the plan, such conflicts shall be resolved in a manner which on the whole is the most protective of significant coastal resources	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. They do not allow special events within vacation rentals and include provisions for maximum occupancy allowance, noise limitations, and requiring a property manager to respond to nuisance complaints. In areas served by an onsite wastewater system, provisions for water and wastewater are required. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.

4.4.2.9	Many types of land uses found in other locations in the County are inappropriate to the Carmel area and are in conflict with protection of the rural character and the scenic and natural resources of the area and are therefore not provided for in the plan. Among these uses are intensive recreational uses such as golf, cinemas, mechanized recreation other than nonmotorized bicycling and scenic driving, boating facilities; industrial and energy development - offshore or onshore; large-scale mineral extraction and commercial timber harvesting; and manufacturing other than cottage industry or art production. In general, only land uses of a character, scale or level consistent with the goal of preserving the coast's natural beauty and tranquility will be permitted in the Carmel area.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. They do not allow special events within vacation rentals and include provisions for maximum occupancy allowance, noise limitations, and requiring a property manager to respond to nuisance complaints. In areas served by an onsite wastewater system, provisions for water and wastewater are required. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
4.4.3.A.1	Only the minimum level of facilities essential to the support of recreational, educational, or scientific use of Resource Conservation areas shall be permitted. Facilities shall be sited so as to avoid adverse impacts to environmentally sensitive habitats and wildlife.	The amendments to Title 20 and Title 7 does not allow vacation rentals in the Resource Conservation zoning district.
4.4.3.D.1	Visitor-serving facilities are presently located in existing developed areas. Expansion of existing facilities or the location of new facilities within existing developed areas is preferred over development elsewhere	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.
4.4.3.D.4	<p>Proposals for development of new or expansion of existing recreation and visitor-serving facilities should be evaluated on an individual basis. All proposals must demonstrate consistency with the land use plan, maximum site and parcel densities, and environmental, visual, design and traffic safety constraints. The expansion and development of recreation and visitor-serving facilities should be of a scale and nature that is compatible with the natural and scenic character of the area.</p> <p>Maximum intensity for "Recreation and Visitor-Serving" sites not specified elsewhere in the Plan are as follows:</p> <p>86 visitor units and 12 employee units for Carmel River Inn 150 visitor units and 12 employee units for Highlands Inn 35 visitor units and 4 employee units for Tickle Pink 16 visitor units and 2 employee units for Sandpiper Inn</p> <p>The maximum intensity specified here or elsewhere in the plan for visitor-serving sites shall not be required to be reduced because of a finding inadequate traffic capacity on Highway 1, unless maximum</p>	<p>Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.</p> <p>The properties identified in this policy do not have existing dwellings that meet the qualifications required to establish a vacation rental. Therefore, the limitations specified in the policy do not apply.</p>

	permitted intensity in this plan of residential use is correspondingly reduced.	
4.4.3.E.12	Detached or attached guestrooms are not to be equipped for permanent living and are not considered residences. They should be permitted only upon a showing of hardship before the Board of Supervisors at the rate of one per parcel or one for each principal residence providing the constraints of the parcel and other plan policies permit. Furthermore, detached guest rooms shall be located in close proximity to the principal residence; share the same utilities except where prohibited by public health requirements; contain no kitchen or cooking facilities; be limited to 425 square feet. Conditions shall be enforced by CC&Rs or other legal restrictions, including revocation provision for non-conformance. The above criteria shall also apply to permitted accessory structures	Regulations for vacation rentals do not allow these uses to be established in accessory structures such as accessory dwelling units, caretaker units, guesthouses.

Del Monte Forest Land Use Plan		
POLICY		CONSISTENCY DETERMINATION
Del Monte Forest Land Use Plan – Environmentally Sensitive Habitat Areas		
Policy 8	Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values. Within environmentally sensitive habitat areas, new land uses shall be limited to those that are dependent on the resources therein. Land uses and development adjacent to environmentally sensitive habitat areas shall be compatible with long-term maintenance of the habitat area, and such land use and development shall be sited and designed to prevent impacts that would significantly degrade the habitat areas.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. This allows the use of developed properties without the need to further disturb the land or impact resources.
Del Monte Forest Land Use Plan – Land Use and Development		
Policy 64	Development and use of the land, whether public or private, shall conform to the policies and shall meet resource protection requirements as set forth in this LUP. This includes development on legal lots of record as well as new subdivisions.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. This allows the use of developed properties without the need to further disturb the land or impact resources.
Policy 70	New coastal-dependent land use, public and commercial recreation, and visitor-serving land uses shall have priority over other uses where public service capacities are limited.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. This allows the use of developed properties without the need to further disturb the land and is supportive in providing additional visitor-serving facilities.
Policy 74	Detached or attached guesthouses are not to be equipped for permanent living and are not considered residences. They may be	Regulations for vacation rentals do not allow these uses to be established in accessory structures such as accessory dwelling units, caretaker units,

	permitted at the maximum rate of one for each principal residence provided the constraints of the lot and other LUP policies are met. Furthermore, detached guesthouses shall be located in close proximity to the principal residence, share the same utilities except where prohibited by public health or water management district requirements, contain no kitchen or cooking facilities, and be limited to 425 square feet. Conditions shall be implemented by CC&Rs or other legal restrictions, including revocation provisions for non-conformance. Subdivisions shall not be permitted to divide a principal residence from a guesthouse.	guesthouses.
Policy 75	Studios and other small non-residential and non-commercial accessory structures such as tool sheds, workshops, or barns may be permitted on any size parcel provided the constraints of the parcel and other LUP policies are met. These units shall not be used for habitation purposes.	Regulations for vacation rentals do not allow these uses to be established in non-habitable accessory structures.
Policy 76	Accessory dwelling units shall be encouraged as an appropriate means of providing affordable housing for caretakers, convalescent help, domestic employees, and others. New accessory dwelling units shall comply with all LUP development standards. Subdivisions shall not be permitted to divide a principal residence from an accessory dwelling unit. Employee housing is permitted for priority visitor-serving commercial and recreational uses (e.g., Pebble Beach Equestrian Center) provided such housing is accessory to the main priority use and is consistent with all other LUP policies.	Regulations for vacation rentals prohibit establishment of this use within accessory dwelling units, guesthouses or in any structures or dwellings where the property has a covenant and/or agreement with the County restricting the use of the dwelling or structure, including but not limited to affordable housing units; thereby ensuring maintenance of affordable and/or long-term housing stock.
Policy 89	New visitor-serving and commercial recreation facilities shall be designed to maximize opportunities for public use and offer a range of visitor serving facilities. Low, no, and moderate cost facilities shall be provided as feasible (e.g., trails, picnic facilities, moderately-priced food and beverage service, viewing areas, etc.). Up to 700 total (existing and new) visitor-serving units/guestrooms may be allowed within the Del Monte Forest.	Regulations for vacation rentals allow homestays and limited short-term rentals with ministerial permit approval as they are considered similar to residential uses. As such, they are not subject to cap limits established for visitor serving units. Commercial short-term rentals would have the potential to impact the character, density, and intensity of residential uses and neighborhoods and; therefore, are subject to the visitor serving cap. The units established in this policy have already been allocated by approval of the Pebble Beach Concept Plan. Therefore, commercial short-term rentals are prohibited in Del Monte Forest.
Del Monte Forest Land Use Plan – Housing		
Policy 119	The County shall encourage the expansion of housing opportunities for low and moderate-income households, including a requirement that all new residential subdivisions contribute to the provision of low and moderate-income housing. The allowance of accessory dwelling units may also serve to further this objective in the Del Monte Forest.	Regulations for vacation rentals prohibit establishment of this use within accessory dwelling units, guesthouses or in any structures or dwellings where the property has a covenant and/or agreement with the County restricting the use of the dwelling or structure, including but not limited to affordable housing units; thereby ensuring maintenance of affordable and/or long-term housing stock. Vacation rentals in the Del Monte Forest LUP are limited to only

		homestays and limited short-term rentals.
Policy 120	Timeshare residential uses and quasi-residential visitor-serving uses (including condominium hotels, private unit ownership, fractional ownership, and similar use and ownership structures) shall be prohibited.	Regulations for vacation rentals do not include provisions for converting primary residences into timeshare and/or quasi-residential visitor serving uses.

ATTACHMENT E

Monterey County Non-Coastal Regulations Consistency Table

2010 Monterey County General Plan		
POLICY		CONSISTENCY DETERMINATION
2010 Monterey County General Plan – Land Use Element		
LU-1.3	Balanced development of the County shall be assured by designating adequate land for a range of future land uses.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. Implementation of the regulations do not require, or promote, construction of new structures. The regulations for commercial short-term rentals require discretionary permit approval which would ensure an overconcentration of vacation rentals within a neighborhood do not occur.
LU-2.6	New land use activities or changes in land use designations that may potentially be nuisances and/or hazards shall be discouraged within and in close proximity to residential areas.	Regulations for vacation rentals will allow these uses in residential zoning districts provided the use is similar in character, density, and intensity to a residential use and neighborhood. The discretionary permit process for commercial short-term rental will ensure the use is analyzed for potential nuisances/hazards to the surrounding area, resulting in either approval or denial depending on the findings.
LU-4.5	A mix of residential and commercial uses shall be encouraged in commercial areas where good site and project design and utilization of the property are demonstrated. Mixed use of sites and buildings is appropriate.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. Implementation of the regulations do not require, or promote, construction of new structures.
LU-6.1	The Public Quasi-Public (PQP) land use designation accommodates publicly or privately owned uses such as schools, parks, regional parks, public works facilities and hospitals that serve the public at large. The extent of use of land for this designation shall be limited to building coverage of 25% of the subject property.	Regulations for vacation rentals do not allow these uses in PQP zoning districts.
2010 Monterey County General Plan – Safety Element		
S-4.21	All permits for residential, commercial, and industrial structural development (not including accessory uses) shall incorporate requirements of the fire authority having jurisdiction.	Regulations for vacation rentals require review of permits for consistency with fire department regulations and the California Building Code include fire safety provisions for outdoor fire areas.
S-7.2	Proposed development shall incorporate design elements necessary to minimize noise impacts on surrounding land uses and to reduce noise in indoor spaces to an acceptable level.	Regulations for vacation rentals in Title 7 establish a mandatory quiet time between 10:00pm and 7:00am. Outside amplified sound associated with the vacation rental is also prohibited.
S-7.4	Development may occur in areas identified as “normally unacceptable” provided effective measures to reduce both the indoor and outdoor noise levels to acceptable levels are taken.	Regulations for vacation rentals in Title 7 establish a mandatory quiet time between 10:00pm and 7:00am. Outside amplified sound associated with the vacation rental is also prohibited.
2010 Monterey County General Plan – Public Services Element		
PS-3.1	Except as specifically set forth below, new development for which	Regulations for vacation rentals limit these uses to existing legally established

	<p>a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development. This requirement shall not apply to:</p> <ul style="list-style-type: none"> a. the first single family dwelling and non-habitable accessory uses on an existing lot of record; or b. specified development (a list to be developed by ordinance) designed to provide: a) public infrastructure or b) private infrastructure that provides critical or necessary services to the public, and that will have a minor or insubstantial net use of water (e.g. water facilities, wastewater treatment facilities, road construction projects, recycling or solid waste transfer facilities); or c. development within Zone 2C of the Salinas Valley groundwater basin, provided the County prepares or causes to be prepared a study for the Board of Supervisors regarding Zone 2C, to be completed no earlier than October 31, 2017 and no later than March 31, 2018 that does the following: <ul style="list-style-type: none"> 1) evaluates existing data for seawater intrusion and groundwater levels collected by Monterey County Water Resources Agency as of the date the study is commenced; 2) evaluates the total water demand for all existing uses and future uses designated in the General Plan EIR for the year 2030; 3) assesses and provides conclusions regarding the degree to which the total water demand for all uses designated in the General Plan for the year 2030 are likely to be reached or exceeded; 4) evaluates on an annual basis during the study period groundwater elevations and the seawater intrusion boundary; 5) based on historical data and the data produced by the study, evaluates and provides conclusions regarding future trends and any expected movement of groundwater elevations and the seawater intrusion boundary; 6) should the study conclude that i) total water demand for 	<p>residences in residential and commercial zoning districts. Based these limitations, water consumption associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources. Regulations in Title 7 and Title 21 include provisions for addressing excessive water use if the dwelling is served by an onsite wastewater treatment system. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.</p>
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	<p>all uses designated in the General Plan for the year 2030 is likely to be exceeded; or ii) groundwater elevations are likely to decline by the year 2030 and iii) the seawater intrusion boundary is likely to advance inland by the year 2030, the study shall make recommendations on measures the County could take to address any or all of those conditions; and</p> <p>7) addresses such other matters as the Board of Supervisors determines are appropriate.</p> <p>Within two months following the completion of the study, the Board of Supervisors shall hold an open and noticed public hearing on the results of the study. If the study reaches the conclusions for Zone 2C identified in subsection 6) i or 6) ii and 6) iii, the Board of Supervisors shall adopt one or more measures identified in the study, or other appropriate measures, to address the identified conditions. This exception for Zone 2C shall be a rebuttable presumption that a Long Term Sustainable Water Supply exists within Zone 2C, and the presumption shall remain in effect until and unless the study reaches the conclusion for Zone 2C identified in subsection 6) i or 6) ii and 6) iii. Development in Zone 2C shall be subject to all other policies of the General Plan and applicable Area Plan.</p> <p>Following completion of the study described herein, and the adoption of measures as may be recommended in the study, if any, the County shall prepare a report to the Board of Supervisors every five (5) years for Zone 2C that examines the degree to which a) total water demand for all uses predicted in the General Plan EIR for year 2030 will be reached; or b) groundwater elevations, the seawater intrusion boundary have changed since the prior reporting period; and c) other sources of water supply are available.</p>	
PS-3.2	<p>Specific criteria for proof of a Long Term Sustainable Water Supply and an Adequate Water Supply System for new development requiring a discretionary permit, including but not limited to residential or commercial subdivisions, shall be developed by ordinance with the advice of the General Manager of the Water Resources Agency and the Director of the Environmental Health Bureau. A determination of a Long Term Sustainable Water Supply shall be made upon the advice of the</p>	<p>Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, water consumption associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources. Regulations in Title 7 and Title 21 include provisions for addressing excessive water use if the dwelling is served by an onsite wastewater treatment system. In the event a vacation rental is out of compliance, the regulations</p>

	<p>General Manager of the Water Resources Agency. The following factors shall be used in developing the criteria for proof of a long term sustainable water supply and an adequate water supply system:</p> <ul style="list-style-type: none"> a. Water quality; b. Authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates; c. Technical, managerial, and financial capability of the water purveyor or water system operator; d. The source of the water supply and the nature of the right(s) to water from the source; e. Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; and f. Effects of additional extraction or diversion of water on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species. g. Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions. The hauling of water shall not be a factor nor a criterion for the proof of a long term sustainable water supply. 	include provisions for suspension or revocation of approval.
PS-4.1	New development shall assure that adequate wastewater treatment facilities are completed concurrent with new development.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, wastewater generation associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources. Regulations for vacation rentals in Title 7 and Title 21 include provisions for rentals served by an onsite wastewater treatment system. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
2010 Monterey County General Plan – Agricultural Element		
AG-1.1	Land uses that would interfere with routine and ongoing	Regulations for vacation rentals do not allow these uses in agricultural zoning

	agricultural operations on viable farmlands designated as Prime, of Statewide Importance, Unique, or of Local Importance shall be prohibited.	districts.
2010 Monterey County General Plan – Economic Development		
ED-1.2	The County shall work with public and private entities to promote sustainable economic growth.	The regulations allow establishment of vacation rentals which would provide residential property owners the opportunity to economically benefit from the use.
2010 Monterey County General Plan – Housing Element		
H-1.4	Mitigate neighborhood destabilization caused by economic conditions, including an increase in the incidence and concentration of foreclosures.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Establishment of vacation rentals will allow residential property owners and principal residents to economically benefit from vacation rentals which supports maintaining ownership of the property or maintenance of rental costs of principal residents.
H-4.1	Periodically review the County's regulations, ordinances, and procedures to ensure they do not unduly constrain the production, maintenance, and improvement of housing; revise as appropriate.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Establishment of homestays, limited short-term rentals, and commercial short-term rentals will allow residential property owners to economically benefit from vacation rentals which supports maintaining ownership of the property.
H-4.2	Balance the need to protect and preserve the natural environment, conserve existing neighborhoods and communities, and maintain high quality public services with the need to provide additional housing and employment opportunities.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources. Establishment of homestays, limited short-term rentals, and commercial short-term rentals will allow residential property owners to economically benefit from vacation rentals which supports maintaining ownership of the property.

Cachagua Area Plan		
POLICY		CONSISTENCY DETERMINATION
CACH-3.2	Consider including stronger ambient noise abatement requirements in this planning area.	Regulations for vacation rentals in Title 7 establish a mandatory quiet time between 10:00pm and 7:00am. Outside amplified sound associated with the vacation rental is also prohibited.
CACH-5.3	Private recreational development in the Planning Area shall require a use permit and be limited to facilities that are scaled in relationship to, and compatible with, existing infrastructure and the rural environment, such as, but not limited to, campgrounds, riding stables, guest ranches, pack stations, and music, religious, art, and nature retreats.	Regulations for vacation rentals restrict homestays and limited short-term rentals to ensure they are similar in character, density, and intensity to residential uses through ministerial approval of a business license and operation permit. The same assurance for commercial short-term rentals is provided through a Use Permit process and a ministerial approval for a business license and operation permit.

Carmel Valley Master Plan		
POLICY		CONSISTENCY DETERMINATION
CV-1.1	All policies, ordinances, and decisions regarding Carmel Valley shall be consistent with the goal of preserving Carmel Valley's rural character. In order to preserve the rural character of Carmel Valley, development shall follow a rural architectural theme with design review.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. Implementation of the regulations do not require, or promote, construction of new structures. They do not allow special events within vacation rentals and include provisions for maximum occupancy allowance, noise limitations, and requiring a property manager to respond to nuisance complaints. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
CV-1.13	To preserve the character of the village, commercially designated lots in Carmel Valley shall not be used for exclusively residential purposes.	Regulations for vacation rentals limit these uses to existing legally established residences in commercial zoning districts, provided the use is similar in character, density, and intensity to the surrounding neighborhood.
CV-1.15	<p>Visitor accommodation uses shall follow the following guidelines:</p> <ul style="list-style-type: none"> a. Expansion of existing hotels, motels, and lodges should be favored over the development of new projects. b. Visitor accommodation projects must be designed so that they respect the privacy and rural residential character of adjoining properties. c. Bed and breakfast facilities shall be counted as visitor accommodation units and be limited to a maximum of five (5) units clustered on five (5) acres in accord with Monterey County Code Chapter 15.20, unless served by public sewers. d. All further development of visitor accommodations in the area west of Via Mallorca and north of Carmel River shall be limited to moderately-sized facilities, not to exceed a total of 175 units. e. There shall be a maximum of 110 additional visitor accommodation units approved east of Via Mallorca, including units at Carmel Valley Ranch. f. As a provision for lower cost housing and a contribution toward lessening traffic in the valley, large-scale visitor-serving development requiring employees should comply with the provisions of the Inclusionary Housing Ordinance. g. At five year intervals, the County shall also examine any 	Regulations for vacation rentals allow homestays and limited short-term rentals with ministerial permit approval as they are considered similar to residential uses. As such, they are not subject to cap limits established for visitor serving units. Commercial short-term rentals would have the potential to impact the character, density, and intensity of residential uses and neighborhoods and; therefore, are subject to the visitor serving cap.

	other factors that might warrant a downward adjustment to the visitor-serving unit cap	
CV-5.4	The County shall establish regulations for Carmel Valley that limit development to vacant lots of record and already approved projects, unless additional supplies are identified. Reclaimed water may be used as an additional water source to replace domestic water supply in landscape irrigation and other approved uses provided the project shows conclusively that it would not create any adverse environmental impacts such as groundwater degradation.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. Based these limitations, water consumption and wastewater generation associated with the rental use would be consistent with that of a typical residential dwelling. Regulations in Title 7 and Title 21 include provisions for addressing excessive water use if the dwelling is served by an onsite wastewater treatment system.

Central Salinas Valley Area Plan		
POLICY		CONSISTENCY DETERMINATION
CSV-1.2	All recreation and visitor-serving commercial land uses shall require a use permit. Said uses on sites greater than 10 acres shall require a comprehensive development plan that addresses hydrology, water quantity and quality, sewage treatment and disposal, fire safety, access, drainage, soils, and geology.	Regulations for vacation rentals limit these uses to existing legally established residences and do not require, or promote, construction of new structures. Based these limitations, water consumption and wastewater generation associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land. Regulations in Title 7 and Title 21 include provisions for addressing excessive water use if the dwelling is served by an onsite wastewater treatment system.
CSV-5.2	<p>Recreation and visitor-serving commercial uses shall only be allowed if it can be proven that:</p> <ul style="list-style-type: none"> a. areas identified by the Water Resources Agency as prime-groundwater recharge areas can be preserved and protected from sources of pollution as determined by the Director of Environmental Health and the Water Resources Agency; b. proposed development can be phased to ensure that existing groundwater supplies are not committed beyond their safe, long-term yields where such yields can be determined. c. floodways associated with the main channels of either the Arroyo Seco River or the Salinas River will not be encroached on by development because of the necessity to protect and maintain these areas for groundwater recharge, preservation of riparian habitats, and flood flow capacity as determined by the Water Resources Agency. 	Regulations for vacation rentals restrict homestays and limited short-term rentals to ensure they are similar in character, density, and intensity to residential uses through ministerial approval of a business license and operation permit. The same assurance for commercial short-term rentals is provided through a Use Permit process and a ministerial approval for a business license and operation permit. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.

	<p>d. the proposed development meets both water quality and quantity standards expressed in Title 22 of the California Code of Regulations and Title 15.04 of the Monterey County Code as determined by the Director of Environmental Health;</p> <p>e. the proposed development meets the minimum standards of the Regional Water Quality Control Board's Central Coast Basin Plan when on-site wastewater treatment systems are proposed and also will not adversely affect groundwater quality, as determined by the Director of Environmental Health; and</p> <p>f. the proposed development will not generate levels of runoff which will either cause erosion or adversely affect surface water resources as determined by the Water Resources Agency.</p>	
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Greater Monterey Peninsula Area Plan		
POLICY		CONSISTENCY DETERMINATION
GMP-1.3	Bed and breakfast uses may be considered in any land use category provided that such use is compatible with existing land uses in the area.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood.

Fort Ord Master Plan		
POLICY		CONSISTENCY DETERMINATION
Fort Ord Master Plan – Land Use		
Residential B-1	The County of Monterey shall encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities that are potential nuisances and/or hazards within close proximity to residential areas.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. They do not allow special events within vacation rentals and include provisions for maximum occupancy allowance, noise limitations, and requiring a property manager to respond to nuisance complaints. In areas served by an onsite wastewater system, provisions for water and wastewater are required. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
Commercial C-1	The County of Monterey shall encourage a strong and stable source of County revenues by providing a balance of commercial land use types on its former Fort Ord land, while	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the

	preserving the area's community character.	neighborhood. This allows the use of developed properties without the need to further disturb the land or impact resources.
Recreation/ Open Space A-1	The County of Monterey shall encourage the conservation and preservation of irreplaceable natural resources and open space at former Fort Ord.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. This allows the use of developed properties without the need to further disturb the land or impact resources.
Fort Ord Master Plan – Biological Resources		
A-5.1	The County shall ensure that the habitat management areas are protected from degradation due to development in, or use of adjacent parcels within its jurisdiction.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. This allows the use of developed properties without the need to further disturb the land or impact resources.
Fort Ord Master Plan – Noise		
B-1	The County shall ensure that the noise environments for existing residences and other existing noise-sensitive uses do not exceed the noise guidelines presented in Fort Ord Reuse Plan Tables 4.5-3 and 4.5-4, where feasible and practicable.	Regulations for vacation rentals in Title 7 establish a mandatory quiet time between 10:00pm and 7:00am. Outside amplified sound associated with the vacation rental is also prohibited.

Greater Salinas Area Plan		
POLICY		CONSISTENCY DETERMINATION
GS-1.13	Development on properties with residential land use designations located within the Greater Salinas Area Plan north of the City of Salinas, generally between Williams Road and Highway 101 (Figure LU-7) shall be limited to the first single family home on a legal lot of record. The County shall conduct a comprehensive review of infrastructure constraints regarding circulation, wastewater, and water supply. Said restriction shall not apply to development within adopted Community Areas, Rural Centers, AHOs or STAs. Restriction on subdivision established in this policy does not preclude the County from recognizing a new Monterey County General Plan Greater Salinas Area Plan October 26, 2010 Page, GS-5 legal lot pursuant to state law if the new lot is created solely as a result of either: 1) conveyance of land to or from a governmental agency, or 2) through the governmental exercise of eminent domain. This restriction on subdivision also does not prohibit the County from requiring and acting upon a parcel map for the conveyance of land to or from a governmental agency if the County determines on the facts of the particular case that public policy necessitates a parcel map.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts and do not require, or promote, construction of new structures. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.

North County Area Plan		
POLICY		CONSISTENCY DETERMINATION
NC-1.1	New commercial development, or intensification of existing commercial development, may be permitted subject to a discretionary permit. Proposed commercial development shall be designed to minimize traffic, noise, visual, and/or other impacts on the surrounding area to the greatest extent feasible.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources. Regulations for vacation rentals in Title 7 establish a mandatory quiet time between 10:00pm and 7:00am. Outside amplified sound associated with the vacation rental is also prohibited. In the event a vacation rental is out of compliance, the regulations include provisions for suspension or revocation of approval.
NC-1.5	Development on properties with residential land use designations located within the North County Area Plan shall be limited to the first single family dwelling on a legal lot of record. The County shall conduct a comprehensive review of infrastructure constraints regarding circulation, wastewater, and water supply. Said restriction shall not apply to development within adopted Community Areas, Rural Centers, or Affordable Housing Overlays. Restriction on subdivision established in this policy does not preclude the County from recognizing a new legal lot pursuant to state law if the new lot is created solely as a result of either: 1) conveyance of land to or from a governmental agency, or 2) through the governmental exercise of eminent domain. This restriction on subdivision also does not prohibit the County from requiring and acting upon a parcel map for the conveyance of land to or from a governmental agency if the County determines on the facts of the particular case that public policy necessitates a parcel map. This policy shall not apply to APN: 125-522-020-000 (3.9 acres), which shall be allowed creation of one new lot (LDR/1.5).	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.

South County Area Plan		
POLICY		CONSISTENCY DETERMINATION
SC-5.1	New development shall not diminish the groundwater recharge capabilities in the South County Planning Area where the following resources have been identified:	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts. Based these limitations, water consumption associated with the rental use would be

	<p>a. Valuable natural groundwater recharge areas, or</p> <p>b. Artificial groundwater recharge projects.</p> <p>Areas that are highly susceptible to water quality degradation because of either high water tables or rapid percolation rates shall require more strict enforcement of this policy. Agricultural land uses in such areas should be maintained to preserve groundwater quality.</p>	consistent with that of a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.
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Toro Area Plan		
POLICY		CONSISTENCY DETERMINATION
T-1.3	The designated agricultural lands as shown on the Toro Area Plan Land Use Map (Figure LU-10) shall be conserved and, where feasible, expanded.	Regulations for vacation rentals does not allow these uses in agricultural zoning districts.

Agricultural & Winery Corridor Plan		
POLICY		CONSISTENCY DETERMINATION
3.1.F	General Regulations for Inns. A maximum of eight (8) new Inns as follows: <ol style="list-style-type: none"> 1. River Road Segment; up to five (5); 2. Metz Road Segment; one (1); and 3. Jolon Road Segment; up to two (2). 	The definition of a “Vacation Rental” in MCC Title 7 and Title 21, specifically states that vacation rentals do not include “Inns”. Therefore, homestays, limited short-term rentals, and commercial short-term rentals are not subject to this cap.
3.4.B	Inn, on-site with a winery facility; subject to the following criteria: <ol style="list-style-type: none"> 1. The Inn is clearly incidental, related, and subordinate to the primary operation of the winery as a production facility. 2. Separate structure(s) shall be built expressly for an Inn. 3. Includes no more than ten (10) guest rooms, and a family does not need to be in permanent residence within the Inn facility. 4. Design shall use a consistent style for all buildings on the same lot. 5. Parking shall be provided as required similar to a bed and breakfast use. 	The definition of a “Vacation Rental” in MCC Title 7 and Title 21, specifically states that vacation rentals do not include “Inns”. Therefore, homestays, limited short-term rentals, and commercial short-term rentals are not subject to these criteria.
3.4.C	Inn, stand alone; subject to the following criteria: <ol style="list-style-type: none"> 1. The facility is located: a. more than 500 feet from a parcel on which any other Inn facility is located; b. no closer than 400 feet to any existing residence outside the ownership of the applicant. 2. Parking shall be provided as required similar to a bed and 	The definition of a “Vacation Rental” in MCC Title 7 and Title 21, specifically states that vacation rentals do not include “Inns”. Therefore, homestays, limited short-term rentals, and commercial short-term rentals are not subject to these criteria.

	breakfast use.	
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Castroville Community Plan		
POLICY		CONSISTENCY DETERMINATION
1.2	New development and redevelopment proposals shall be consistent with the Community Plan Design Guidelines (Appendix A) Development Standards and Development Standards (Appendix B) Design Guidelines to ensure that the design of new development enhances the vision for Castroville.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. This allows the use of developed properties without the need to further disturb the land or impact resources.
1.5	New development and redevelopment projects shall incorporate the Community Plan Design Standards (Appendix A) and Design Guidelines (Appendix B) to ensure that the scale and design enhances the safe, attractive small town character desired.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. This allows the use of developed properties without the need to further disturb the land or impact resources.
3.1	Encourage a mixture of residential and commercial uses in the downtown.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood.
3.2	New Development and redevelopment proposals shall apply the Community Plan Design Guidelines (Appendix A) and Development Standards (Appendix B) for Mixed Use Commercial and Residential development in the downtown.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. This allows the use of developed properties without the need to further disturb the land or impact resources.
4.1	A range of housing types in a mixed income format that meets the needs of Castroville's workforce and allows residents to stay within the community as their lifestyles and incomes change over the years shall be encouraged.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. Establishment of homestays, limited short-term rentals, and commercial short-term rentals will allow residential property owners to economically benefit from vacation rentals.
4.4	Development of tourist serving commercial development that will benefit the local community and enhance the downtown shall be encouraged.	The regulations allow establishment of vacation rentals which would provide residential property owners the opportunity to economically benefit from the use. Establishment of this use would support tourism in the area.
5.2	Compatible infill development and compact new development within the Community Plan area shall be encouraged to be efficiently use land resources.	Regulations for vacation rentals will allow these uses in residential zoning districts provided the use is similar in character, density, and intensity to a residential use and neighborhood. This promotes the use of developed properties without the need to further disturb the land.
10.1	New development and redevelopment proposals shall be reviewed to ensure that they meet appropriate urban infrastructure and service standards and include appropriate measures to mitigate impacts.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. Implementation of the regulations do not require, or promote,

		construction of new structures. Based these limitations, water consumption, wastewater generation, and traffic associated with the rental use would be consistent with water use associated with a typical residential dwelling. This allows the use of developed properties without the need to further disturb the land or impact resources.
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East Garrison Specific Plan		
	Policy	Consistency Determination
N/A	Table 3.8 – Permitted Uses lists Bed & Breakfast Inns as an allowed use, with a Use Permit, in residential land use designations and as an allowed use in the commercial land use designation. Hotels and motels are only allowed in the commercial land use designation.	Regulations for vacation rentals limit these uses to existing legally established residences in residential and commercial zoning districts, provided the use is similar in character, density, and intensity to a residential use and the neighborhood. Homestays and limited short-term rentals are considered similar to residential uses and only require ministerial approval. Commercial short-term rentals would have the potential to impact the character, density, and intensity of residential uses and neighborhoods and; therefore, require approval of a Use Permit prior to establishment.