

# MONTEREY COUNTY

## HOUSING AND COMMUNITY DEVELOPMENT

Erik V. Lundquist, AICP, Director



HOUSING, PLANNING, BUILDING, ENGINEERING, ENVIRONMENTAL SERVICES

1441 Schilling Place, South 2nd Floor  
Salinas, California 93901-4527

(831)755-5025

[www.co.monterey.ca.us](http://www.co.monterey.ca.us)

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## NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

**PROJECT TITLE:** VACATION RENTAL ORDINANCES PROJECT

**PROJECT LOCATION:** MONTEREY COUNTY

Notice is hereby given that Monterey County is seeking written comment on the Notice of Preparation of an Environmental Impact Report (EIR) for the Vacation Rental Ordinance Project in accordance with the California Environmental Quality Act. The 30-day public review period will begin on August 29, 2022, and end on September 28, 2022. All comments must be received no later than September 28, 2022. The County is soliciting public and agency input on the scope and content of the environmental information to be contained in the EIR. The project description, location, and possible environmental effects of the proposed project are described in the attached Initial Study and summarized below.

**PROJECT DESCRIPTION: Ordinances establishing regulations for vacation rental uses in the unincorporated areas of Monterey County.**

Monterey County, as Lead Agency under the California Environmental Quality Act (CEQA), will prepare an EIR for the proposed ordinances amending the Monterey County Code (MCC) for the purpose of establishing regulations for vacation rentals. In accordance with Section 15082 of the CEQA Guidelines, the County has issued this Notice of Preparation (NOP) to provide responsible agencies, trustee agencies, and other interested parties with information describing the proposed project and its potential environmental effects.

The project consists of three draft ordinances amending the MCC and possible amendments to the associated General Plan, Land Use Plans, and Areas Plans for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. Vacation rentals are defined as *“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 fewer, counting portions of calendar days as full days. “Vacation Rental” includes Commercial Vacation Rentals and Limited Vacation Rentals.”* Vacation rentals do not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding. The purpose of these ordinances is to: 1) preserve and enhance the residential character and sense of security and safety in stable neighborhoods of residential properties; 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 offer 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 Limited Vacation 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 Vacation Rental Operation Permit and a business license; and 5) establish regulations to address the potential Commercial Vacation Rental uses that have the potential impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare in areas known to have infrastructure limitations.

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 vacation 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. The regulations limit establishment of vacation rentals to existing, legally established dwellings. Therefore, no specific development or construction is proposed for or would be entitled by any of the draft ordinances.

The project consists of the three draft ordinances listed below and possible amendments to the General Plan and associated Land Use Plans and Areas Plans, and they would establish regulations, standards, and circumstances under which vacation rentals may be allowed. The draft ordinances of the Monterey County, State of California, are as follows:

1. Amending Section 7.02.060 of the Monterey County Code Relating to Business Licensing for Hotels and Vacation Rentals 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.

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**LEAD AGENCY: MONTEREY COUNTY HOUSING & COMMUNITY DEVELOPMENT**

**ADDRESSES WHERE A COPY OF THE NOP AND INITIAL STUDY ARE AVAILABLE FOR REVIEW:**

**Monterey County**

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**Housing & Community Development  
1441 Schilling Place South, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5025**

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**Castroville Branch - Andy Ausonio Library - Monterey County Free Libraries  
11160 Speegle St.  
Castroville, CA 95012**

**Greenfield Branch - Monterey County Free Libraries  
315 El Camino Real  
Greenfield, CA 93927**

**Harrison Memorial Library  
Corner of Ocean Avenue and Lincoln Street  
Carmel-By-The-Sea, CA 93923**

**Or**

**<https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/current-planning/general-info/vacation-rental-aka-short-term-rental-ordinances-coastal-inland>**

**PUBLIC REVIEW PERIOD: AUGUST 29, 2022, THROUGH SEPTEMBER 28, 2022**

**POTENTIAL SIGNIFICANT ENVIRONMENTAL EFFECTS:**

The County has determined that an EIR will be prepared for the proposed project; an Initial Study (IS) has been prepared for the project that identifies the following potential environmental impacts that should be studied in the EIR, including but not limited to: agricultural resources, air quality, energy, greenhouse gas emissions, hydrology and water quality (groundwater use), land use/planning, noise, population and housing, transportation, tribal cultural resources, and utilities/service systems (water use).

Two public scoping meetings will be held on September 6, 2022, at 5:00 PM and September 19, 2022, at 1:00 PM. The scoping meeting will provide an opportunity to disseminate information, identify environmental issues, and discuss the scope of review to be included in the EIR.

**FIRST PUBLIC SCOPING MEETING SEPTEMBER 6, 2022, AT 5:00 PM.**

The first public scoping meeting will be on **September 6, 2022**, at 5:00 PM. The meeting will be in person and virtual.

To Attend in Person

Monterey County Government Center Administration Building  
168 West Alisal Street, 2nd Floor (Monterey Room), Salinas, CA 93901

To Attend Virtually

<https://montereycty.zoom.us/j/92186550538?pwd=VDBEcFlYsWtsZUMzcHV4eE9zTEk4Zz09>

Webinar ID: 921 8655 0538 Passcode: 298335 Or Join by Phone at +1 213 338 8477

**SECOND SCOPING MEETING SEPTEMBER 19, 2022, AT 1:00 PM.**

The second public scoping meeting will be held on **September 19, 2022**, at 1:00 PM. The meeting will be virtual.

To Attend Virtually

<https://montereycty.zoom.us/j/99160568854?pwd=WEo1VEMvNWdQL1NRSFVZTStSWnpSZz09>

Webinar ID: 991 6056 8854 Passcode: 610181 Or Join by Phone at +1 669 900 6833

**TO SUBMIT COMMENTS**

We welcome your comments during the public review period. All comments must be received by September 28, 2022. You may submit your comments in hard copy to:

Monterey County Housing and Community Development Department  
Attn: Melanie Beretti, AICP, Principal Planner  
1441 Schilling Place, 2<sup>nd</sup> Floor South  
Salinas, CA 93901

The Agency also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Agency has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

[CEQAcomments@co.monterey.ca.us](mailto:CEQAcomments@co.monterey.ca.us)

Any e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Agency to ensure the Agency has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed documents should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy

to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Agency to confirm that the entire document was received.

The NOP and Initial Study is available in a CD for purchase from Monterey County Housing & Community Development at the above address. The documents are also available on the County website at: <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/current-planning/general-info/vacation-rental-aka-short-term-rental-ordinances-coastal-inland>.

**TO RECEIVE PUBLIC NOTICES OR ADDITIONAL INFORMATION**

In addition to a scoping meeting, public hearings will be held during the public review period for the Draft EIR being prepared for this project. The hearings will be held at a time and place to be specified by legal advertisement in a local newspaper of general circulation. If you would like to be notified of the hearings or would like additional information please send an email to [hcdcomments@co.monterey.ca.us](mailto:hcdcomments@co.monterey.ca.us) or call Melanie Beretti at 831-755-5285 or send your request by mail to the name and address above. Please note that if you are already on the public email distribution list to receive notices regarding vacation (aka short-term) rental ordinance development, you will automatically be included in public notices for the Draft EIR.

# Initial Study

for the

## Monterey County Vacation Rental Ordinances Project

Prepared for:



County of Monterey Housing and Community Development Department  
1441 Schilling Place, 2<sup>nd</sup> Floor South  
Salinas, CA 93901  
831-755-5285

Contact: Melanie Beretti, AICP

Prepared By:



Ascent Environmental, Inc.  
455 Capitol Mall, Suite 300  
Sacramento, California 95814  
619-717-8655

Contact: Kathie Washington

August 2022

# 1 ENVIRONMENTAL CHECKLIST

## PROJECT INFORMATION

- |  |  |
|--|--|
| 1. Project Title:                      | Monterey County Vacation Rental Ordinances   |
| 2. Lead Agency Name and Address:       | County of Monterey Housing and Community Development<br>Department                           |
| 3. Contact Person and Phone Number:    | Melanie Beretti, AICP, Principal Planner<br>831-755-5285<br>BerettiM@co.monterey.ca.us       |
| 4. Project Location:                   | County of Monterey   |
| 5. Project Sponsor's Name and Address: | County of Monterey<br>1441 Schilling Place, 2 <sup>nd</sup> Floor South<br>Salinas, CA 93901 |
| 6. General Plan Designation:           | Various Designations based on Current General Plan Designations                              |
| 7. Zoning:                             | Various Zoning based on Current Zoning Ordinance   |

8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

*The County of Monterey Housing and Community Development Department has prepared draft regulations for vacation rentals within the unincorporated areas of the County. The proposed regulations would be applicable to coastal and non-coastal areas of the unincorporated areas of the County. A vacation rental, which can also be known as "short-term" or "transient", 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 fewer, counting portions of calendar days as full days. Vacation Rental does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.*

*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. These regulations also provide an amortization of investment for existing vacation rental operations to enable those operations to continue for a limited time, 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 vacation 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. A commercial vacation rental is defined as a residential property rented as a vacation rental by the owner or operator for more than three times per 12-month period, which also includes a residential property rented as a vacation rental three or fewer times per 12-month period, if any of the three vacation rentals exceed a duration of 14 consecutive calendar days. The regulations limit establishment of vacation rentals to existing, legally established dwellings. Therefore, no specific development or construction is proposed by any of the draft ordinances.*

*Additional amendments to land use plans may be required as a result of the ordinances. However, these amendments are not known at this time and any amendments identified will be disclosed and addressed in the EIR.*

*The following summarizes the proposed ordinances:*

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 of the Monterey County Code) provides definitions for terms not already defined, clarifies in which zoning districts vacations would be allowed and what type of permit(s) would be required, and provides specific regulations for vacation rentals. Title 20 is part of the County's Coastal Implementation Plan and will require certification by the California Coastal Commission.*

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 of the Monterey County Code) provide definitions for terms not already defined, clarify in which zoning districts vacation rentals would be allowed and what type of permit(s) would be required, and provide specific regulations for vacation rentals.*

Title 7 – Business Taxes, Licenses and Regulations

*There are two proposed amendments to MCC Title 7.*

*The first is a proposed amendment to MCC Chapter 7.02, which would require an annual business license for vacation rentals in the coastal and inland areas of unincorporated Monterey County.*

*The second is to add a new chapter to set requirements for annual operation permits for hotels and vacation rentals and is applicable in the coastal and inland areas of unincorporated Monterey County.*

*The proposed draft ordinances are included as Attachment A to this Checklist and also available at this website: <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/ordinances-plans-under-development/short-term-rental-ordinances-coastal-ref130043-inland-ref100042>.*

Allowable Vacation Rentals

*The proposed regulations would allow up to six (6) percent of the total single family residential dwelling count in each of the County's land use planning areas. The following table identifies the existing dwelling units, existing unpermitted rentals, and allowable rentals for each planning area.*

Planning Area	Residential Dwelling Units Identified by Assessor's Office	Number of Residential Dwelling Units Allowed for Vacation Rentals (6% per Planning Area)	Number of Current Advertised Vacation Rental Dwelling Units <sup>1</sup>	Available Allowable Residential Units for Vacation Rentals as a Result of the Proposed Ordinances
Cachagua	512	30	24	6
Carmel	2,948	176	162	14
Carmel Valley	5,033	302	129	173
Central Salinas Valley	1,642	98	10	88
Big Sur Coast <sup>3</sup>	925	56	22	34

Del Monte Forest	1,432	86	48	38
Fort Ord	1,007	60	1	59
Greater Monterey Peninsula	3,879	232	87	145
Greater Salinas	2,001	120	8	112
Moss Landing	61	3	8	-5 <sup>2</sup>
North County - Inland	5,653	339	19	320
North County - Coastal	3,916	235	48	187
South County	1,296	78	10	68
Toro	4,321	259	33	226

Source: Data Provided by County of Monterey, 2022

Notes:

1: The existing vacation rentals is based on advertised data. Several vacation rentals are currently not permitted and would be required to obtain a permit upon adoption of the ordinances.

2: All existing unpermitted vacation rentals would be required to obtain a permit from the County and permits would be issued on a first come first serve basis. In order to stay within the allowable number of units for vacation rentals within each planning area, the County would only approved up 6 percent of the total units at the time of adoption of the applicable ordinance. Therefore, the number of vacation rentals within the Moss Landing area would decrease by five percent.

3: For purposes of this analysis, the Big Sur Coast includes two privately owned residential units located within the Coast Non-Coastal area, which are right on the border between Coast-Big Sur and the Coastal Non-Coastal Planner areas.

9. Surrounding Land Uses and Setting: *Various – ordinance is for the entire County and not location specific.*  
(Briefly describe the project’s surroundings)

10. Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement) *California Coastal Commission certification of Title 20 amendments for areas with rentals located within the Coastal Zone*

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

*Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.*

*AB 52 consultation has not yet been completed; it will be conducted as part of the EIR. The result of the AB 52 consultation will be discussed in the EIR.*

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. Where checked below, the topic with a potentially significant impact will be addressed in an environmental impact report.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics                             | <input checked="" type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources                   | <input type="checkbox"/> Cultural Resources                          | <input checked="" type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology / Soils                        | <input checked="" type="checkbox"/> Greenhouse Gas Emissions         | <input type="checkbox"/> Hazards / Hazardous Materials                 |
| <input checked="" type="checkbox"/> Hydrology / Water Quality   | <input checked="" type="checkbox"/> Land Use / Planning              | <input type="checkbox"/> Mineral Resources                             |
| <input checked="" type="checkbox"/> Noise                       | <input checked="" type="checkbox"/> Population / Housing             | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Recreation                             | <input checked="" type="checkbox"/> Transportation                   | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire                                    | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
|   | <input type="checkbox"/> None  | <input type="checkbox"/> None with Mitigation Incorporated             |

### DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



August 29, 2022

Signature

Date

Erik V. Lundquist, AICP

Director of Housing & Community Development

Printed Name

Title

County of Monterey

Agency

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

# 1.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. Aesthetics.</b>				
Except as provided in Public Resources Code section 21099 (where aesthetic impacts shall not be considered significant for qualifying residential, mixed-use residential, and employment centers), would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 1.1.1 Discussion

### a) Have a substantial adverse effect on a scenic vista?

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. The ordinance would not affect how residences are used in relation to scenic resources; from a scenic vista standpoint, visitors to a residence are not distinguishable from permanent residents. Therefore, the proposed regulations would have a *no impact* on scenic vistas, and this issue will not be analyzed further in the EIR.

### b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. The ordinance would not affect how residences are used in relation to scenic resources; from a scenic resources standpoint, visitors to a residence are not distinguishable from permanent residents. Therefore, the proposed regulations would have *no impact* on scenic resources and this issue will not be analyzed further in the EIR.

- c) **In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. The existing visual character or quality of public views of the site and its surroundings would not be impacted and would not conflict with any zoning or other regulations governing scenic quality. Therefore, the proposed regulations would have *no impact* on existing visual character and this issue will not be analyzed further in the EIR.

- d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. There would be *no impact* associated with a new source of substantial light or glare and this issue will not be analyzed further in the EIR.

## 1.2 AGRICULTURE AND FOREST RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>II. Agriculture and Forest Resources.</b>				
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p> <p>In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p> <p>Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 1.2.1 Discussion

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**No Impact.** While there are parts of Monterey County designated as Important Farmland (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance), the proposed regulations would not result in a change to land use designations or zoning, nor would it result in any new development. Therefore, it would not convert any farmland areas to non-agricultural uses and the proposed regulations would have *no impact* on agriculture uses. This issue will not be analyzed further in the EIR.

**b) Conflict with existing zoning for agricultural use or a Williamson Act contract?**

**Potentially Significant Impact.** The proposed regulations would not rezone any parcels to a new class of use (i.e., Agriculture to Residential). The ordinance would not result in a change to land use designations or zoning, nor would it result in any new development. The proposed vacation rental regulations would not result in any changes to parcels under Williamson Act Contract. The intent of the proposed regulations is for vacation rentals to be compatible with the Williamson Act properties. Approval of vacation rentals within the County on Williamson Act properties would be required to be consistent with the Williamson Act program. However, the County is currently in the process of updating the compatibility list to include vacation rentals in the Williamson Act program within the County. Since this update is not yet completed, this issue will be further discussed within the EIR. Therefore, for purposes of this initial study the proposed regulations would have a *potentially significant impact* on agricultural zoning of Williamson Act contracts and this issue will be analyzed further in the EIR.

**c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. It would not change any land zoned as forest land or timberland. Thus, the proposed regulations would have *no impact* on forest land and this issue will not be analyzed further in the EIR.

**d) Result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact.** As stated above, the proposed regulations would not authorize new development and would not result in any changes to any forest land; therefore, the proposed regulations would have *no impact* on forest land and this issue will not be analyzed further in the EIR.

**e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. Therefore, the ordinance would not convert any farmland areas to non-agricultural uses or forest land to non-forest uses. Thus, the proposed regulations would have *no impact* on agriculture or forest land and this issue will not be analyzed further in the EIR.

# 1.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. Air Quality.</b>				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations.				
Are significance criteria established by the applicable air district available to rely on for significance determinations?				
	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 1.3.1 Discussion

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- c) Expose sensitive receptors to substantial pollutant concentrations?
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development. Therefore, the proposed regulations would not result in any construction activities. However, the operation of vacation rentals could potentially increase vehicle trips and trip lengths as people travel from outside the region to use the rentals, and they may be more apt to drive to area attractions than typical long-term residents. Additionally, there is a potential that the users of vacation rentals utilize more energy than permanent residents on a per-night basis. This could result in an increase in air emissions. It is not anticipated that the implementation of the ordinance would exceed any significant criteria or growth assumed by the Monterey Bay Air Resources District in its air quality attainment plans. However, this would need to be further evaluated.

Therefore, as it relates to air quality, there is it *potentially significant impact* to air quality that will be analyzed further in the EIR.

# 1.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. Biological Resources.</b>				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 1.4.1 Discussion

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. As such, activities permitted by the proposed regulations would not result in foreseeable impacts to habitats and the species that use them. Therefore, the proposed regulations would have *no impact* on any sensitive or special-status species and this issue will not be analyzed further in the EIR.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. Therefore, activities permitted by the project would not result in reasonably foreseeable impacts to habitats or natural communities referenced in the above question. Thus, the proposed regulations would result in *no impact* on listed sensitive natural communities and this issue will not be analyzed further in the EIR.

- c) **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**No Impact.** Wetlands or “other waters” include lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds are under the jurisdiction of the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. The proposed regulations would not authorize or facilitate any new development. Therefore, the proposed regulations would have *no impact* on wetlands and other waters of the United States and this issue will not be analyzed further in the EIR.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. As such, activities permitted by the proposed regulations would result in *no impact* or modification to any wildlife corridors or native wildlife nursery sites.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. Such activities permitted by the proposed regulations would not result in a reasonably foreseeable conflict with existing policies protecting biological resources. Therefore, *no impact* would occur with respect to the proposed regulations’ consistency with local policies and ordinances, and this issue will not be analyzed further in the EIR.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. Regulations for vacation rentals limit these uses to existing legally established residences. This allows the use of developed properties without the need to further disturb the land or impact resources. Therefore, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, and *no impact* related to this issue would occur. This issue will not be analyzed further in the EIR.

# 1.5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. Cultural Resources.</b>				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially disturb human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 1.5.1 Discussion

### a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

**No Impact.** State CEQA Guidelines Section 15064.5 defines an historical resource as: 1) a resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources; 2) a resource listed in a local register of historical resources or identified as significant in a historical resource survey meeting certain state guidelines; or 3) an object, building, structure, site, area, place, record or manuscript which a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency’s determination is supported by substantial evidence in light of the whole record. A project-related significant adverse effect would occur if a project would adversely affect a historical resource meeting one of the above definitions. The proposed regulations would not authorize or facilitate any new development, or modifications to existing buildings. As such, activities permitted by the proposed regulations would not result in reasonably foreseeable impacts to historic structures. Thus, the project would not cause a substantial adverse change in the significance of a historical resource defined in §15064.5. Therefore, *no impact* related to historical resources would occur as a result of the ordinance.

### b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

**No Impact.** The proposed regulations would not authorize new development. No grading or excavation would be proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Therefore, *no impact* related to this issue would occur, and will not be analyzed further in the EIR.

### c) Substantially disturb human remains, including those interred outside of formal cemeteries?

**No Impact.** The proposed regulations do not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Therefore, *no impact* related to this issue would occur and will not be analyzed further in the EIR.

# 1.6 ENERGY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. Energy.</b>				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 1.6.1 Discussion

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development. Therefore, the proposed regulations would not result in any construction activities. However, the operation of a vacation rental could potentially increase vehicle trips and trip lengths as people travel from outside the region to use the rentals, and they may be more apt to drive to area attractions than typical long-term residents. Additionally, there is a potential that the users of vacation rentals utilize more energy than permanent residents on a per-night basis. This could result in an increase energy consumption and could potentially conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and this would need to be further evaluated. Therefore, there is a *potentially significant impact* to energy that will be analyzed further in the EIR.

# 1.7 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. Geology and Soils.</b>				
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 1.7.1 Discussion

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)
  - ii) Strong seismic ground shaking?
  - iii) Seismic-related ground failure, including liquefaction?
  - iv) Landslides?

**No Impact.** Surface ground rupture along faults is generally limited to a linear zone a few yards wide. There are three Alquist-Priolo Earthquake Fault Zones within Monterey County. The San Andreas Fault runs through the southeastern portion of the County for approximately 30 miles and poses the greatest seismic hazard to the County. The two other active faults affecting Monterey County include the Palo Colorado-San Gregorio fault zone and the Monterey Bay fault zone. In Monterey County, all onshore active fault traces lie along the main San Andreas Fault (County of Monterey 2022). The southeast County is an active earthquake area with a regular cycle of moderately large earthquakes. Only the small town of Parkfield contains land within the Earthquake Fault Zone (EFZ) (County of Monterey 2007).

The proposed regulations would not authorize or facilitate any new development. Consequently, the proposed regulations would not cause a substantial increase exposure of people or structures to adverse effects caused by the rupture of a known fault.

Depending on the strength of the seismic ground shaking, it is possible that structures in the area could be damaged during such an event. However, any building modifications would conform to the seismic standards contained within California Building Code (CBC) Title 24, which identifies specific design requirements to reduce damage from strong seismic ground shaking, ground failure, liquefaction, landslides, soil erosion, and expansive soils. There would be *no impact* and will not be analyzed further in the EIR.

- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?

**No Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. In addition, any modifications to any existing buildings within the County would be required to comply with existing building codes and regulations. Therefore, there would be a *no impact* associated with soil erosion or unstable soil and this issue will not be analyzed further in the EIR.

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

**Less than Significant Impact.** The proposed regulations do not authorize or facilitate any new development. However, many units that could be used as vacation rentals are served by septic tanks. The ordinances have been prepared to have provisions consistent with the County's existing onsite wastewater treatment system (OWTS) requirements, including the requirement that vacation rentals permittees would be required to provide evidence that an existing septic tank meets the County's performance standards and requirements. These standards have been established to ensure that the OWTS function properly. Therefore, compliance with existing standards and regulatory requirements would ensure that impacts related to the use of septic tanks is *less than significant impact* and this issue will not be analyzed further in the EIR.

- f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**No Impact.** The proposed regulations do not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Therefore, there would be *no impact* associated with paleontological resources and this issue will not be analyzed further in the EIR.

# 1.8 GREENHOUSE GAS EMISSIONS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. Greenhouse Gas Emissions.</b>				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 1.8.1 Discussion

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development. Therefore, the proposed regulations would not result in any construction activities. However, the operation of vacation rentals could potentially increase vehicle trips and trip lengths as people travel from outside the region to use the rentals, and they may be more apt to drive to area attractions than typical long-term residents. Additionally, there is a potential that the users of vacation rentals utilize more energy than permanent residents on a per-night basis. This could result in an increase in greenhouse gas (GHG) emissions. It is not anticipated that the implementation of the ordinance would exceed any thresholds or conflict with any applicable plans or policies for the purpose of reducing GHG emissions, including the County’s in-progress Community Climate Action and Adaptation Plan. However, this would need to be further evaluated. This is a *potentially significant impact* and will be analyzed further in the EIR.

# 1.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. Hazards and Hazardous Materials.</b>				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 1.9.1 Discussion

### a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**No Impact.** The proposed regulations would not authorize or facilitate any new development. Users of vacation rentals are not expected to use hazardous materials other than typical small quantities of household hazardous materials, such as cleaning agents, and these would not be expected to result in impacts over any existing from current uses and baseline conditions. As such, it is not reasonably foreseeable that the activities permitted by the project would involve routine transport, use, or disposal of hazardous materials beyond the normal use of products for a residential use. Therefore, *no impact* related to this issue would occur and will not be further discussed in the EIR.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?**
- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project which could result in the release of hazardous materials into the environment. Users of vacation rentals are not expected to use hazardous materials other than typical small quantities of household hazardous materials, such as cleaning agents, and these would not be expected to result in impacts over any existing from current uses and baseline conditions. Therefore, *no impact* related to this issue would occur and will not be further discussed in the EIR.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. The activities permitted by the proposed regulations would not result in vacation rental uses occurring on sites other than existing residential dwellings. As such, the project would not increase the number of residences located on the above-described lists from current conditions. As such, *no impact* related to this issue would occur and will not be discussed further in the EIR.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. The activities permitted by the project would not result in vacation rental uses occurring on sites other than existing residential dwellings. The County has a total of four airports the Airport Land Use Commission has adopted updated Airport Land Use Compatibility Plans for two of the airports (Monterey Regional Airport and Marina Airport). New vacation rentals may be located within two miles of an airport or located within an Airport Influence Area as defined by the Airport Land Use Compatibility Plans, but people residing in the area would not be exposed to a safety hazard or excessive noise that is not currently allowed for the existing residential use. Therefore, the proposed regulations would have *no impact* on public airports or private airstrips and this issue will not be analyzed further in the EIR.

- f) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**Less than Significant Impact.** The proposed regulations would only affect the use of existing dwelling units in established neighborhoods, and no new development is authorized or reasonably foreseeable. No aspects of this project would inhibit access to hospitals, emergency response centers, school locations, communication facilities, highways and bridges, or airports. In addition, the ordinances limit the number of vacation rentals within areas of the County that have limited emergency access. Furthermore, the ordinances require vacation rentals to comply with Title 14 of the California Code of Regulations – State Minimum Fire Safe Regulations and local emergency safety regulations, which were established to protect public safety. Therefore, the use of a residential use as a vacation rental would not interfere with the County's existing emergency response and evacuation plans. Thus, there would be

a *less than significant impact* related to emergency response plans or emergency evacuation plans, and this issue will not be analyzed further in the EIR.

**g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?**

**Less than Significant Impact.** The proposed regulations would only affect the use of existing dwelling units in established neighborhoods, and no new development is authorized or reasonably foreseeable. In addition, the ordinances limit the number of vacation rentals within areas of the County that have limited emergency access. Furthermore, the ordinances require vacation rentals to comply with Title 14 of the California Code of Regulations – State Minimum Fire Safe Regulations and local emergency safety regulations, which were established to protect public safety. As such, there would be no reasonably foreseeable increased risks involving wildland fires. Therefore, there would be a *less than significant impact* related to wildland fires and this issue will not be analyzed further in the EIR.

# 1.10 HYDROLOGY AND WATER QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X. Hydrology and Water Quality.</b>				
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial on- or offsite erosion or siltation;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 1.10.1 Discussion

### a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

**No Impact.** The proposed regulations would not authorize new development and is not expected to induce growth or development because, due to caps on the number that may operate, eligibility restrictions, and prohibitions on the types of buildings that may be used. Vacation rentals would occur within existing dwelling units and would not result in new impervious surfaces or interfere with any groundwater recharge. Any future development modifications to existing dwelling units for vacation rentals would be required to comply with all existing water quality regulations and County design standards. Furthermore, the operation of the vacation rentals would be similar to the existing

residential uses and would not violate any water quality standards. Therefore, the proposed regulations would have *no impact* on water quality standards or waste discharge, groundwater supplies, would not violate any water quality standards or waste discharge requirements, and will not be analyzed further in the EIR.

**b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development. The ordinance would not result in an increase in permanent residents of the County. However, the County is dependent on groundwater; various basins in the County are subject to overdraft, resulting in seawater intrusion and other effects. The question of whether there is a potential for vacation users to utilize more groundwater on a per-night basis than typical residences who are subject to restrictions, higher water bills, etc., requires further analysis. Therefore, this is a *potentially significant impact* and would be analyzed further in the EIR.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

i) Result in substantial on- or offsite erosion or siltation;

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

**iv) Impede or redirect flood flows?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Therefore, it would have no impact on existing drainage patterns or result in an increase or change in runoff. Any future development modifications to existing dwelling units for vacation rentals would be required to comply with all existing drainage regulations and County design standards. Furthermore, the operation of the vacation rentals would be similar to the existing residential uses and would not violate any drainage standards. As a result, there would be *no impact* resulting in the substantial alternative of an existing drainage pattern as a result of erosion, surface runoff, or flood flow and this issue will not be analyzed further in the EIR.

**d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Therefore, the proposed regulations would have *no impact* related to inundation by seiche, tsunami, or mudflow and this issue will not be analyzed further in the EIR.

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Furthermore, the proposed ordinances require vacation rental to comply with the County's

adopted Local Area Management Plan, which implements state wastewater regulations. Therefore, there would be *no impact* related to the implementation of a water quality control plan.

# 1.11 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. Land Use and Planning.</b>				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 1.11.1 Discussion

### a) Physically divide an established community?

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The proposed regulations would only affect the use of existing dwelling units in established neighborhoods. There will be no physical division of an established community, and therefore, there would be *no impact*, and this issue will not be analyzed further in the EIR.

### b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development. The proposed regulations would only affect the use of existing dwelling units in established neighborhoods. The EIR will provide an analysis of the any potential environmental impacts that would result due to a conflict of the proposed regulations with any existing land use plan, policy, or regulations. Until this analysis is completed, an impact determination cannot be made. Therefore, This is a *potentially significant impact* and will be analyzed further in the EIR.

## 1.12 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. Mineral Resources.</b>				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 1.12.1 Discussion

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State, therefore, no impacts related to this issue would occur. Therefore, the proposed regulations would have a *no impact* on regionally valuable mineral resources, and this issue will not be analyzed further in the EIR.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Thus, the proposed regulations would have *no impact* related to the loss of availability of a locally important mineral resource discovery site, and this issue will not be analyzed further in the EIR.

# 1.13 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII.Noise.</b>				
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, or a substantial temporary or permanent increase in noise levels above existing ambient levels that could result in an adverse effect on humans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 1.13.1 Discussion

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, or a substantial temporary or permanent increase in noise levels above existing ambient levels that could result in an adverse effect on humans?**

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. As such, there would not be any noise generated from construction-related activities. While occupancy levels of vacation rentals are presumed to be similar to existing residential uses, there is the possibility of instances of increases in operational noise levels in homes that are rented as vacation rentals simply due to the transient nature of rental guests. However, the proposed regulations shall comply with Monterey County Code Chapters 10.60 (Noise Control) and 8.36 (Nuisance and Nuisance Animals), which prohibits the use of sound amplifying equipment within the time period from 9:00 p.m. to 7:00 a.m. the following morning. This includes loud and unreasonable sounds, such as any sound that is plainly audible at a distance of fifty (50) feet in any direction from the source of the sound or any sound that exceeds the exterior noise level standards set forth in the County Code. Additionally, the project states that vacation rental permittees are responsible for all nuisance violations that occur in the vacation rental, and the permittee is charged a minimum inspection fee for anytime an inspection needs to occur at the unit. While provisions are included to penalize permittees when excess noise occurs, such penalties would only be issued if there is a violation. Because there is an elevated chance that nuisance noise will be created in neighborhoods with vacation rentals this is a *potentially significant impact* and will be analyzed further in the EIR.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. As such, there would not be any groundborne vibration or groundborne noise generated from construction-related activities. Therefore, the proposed regulations would have *no impact* related to the generation of excessive groundborne vibration or groundborne noise levels, and this issue will not be analyzed further in the EIR.

**c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The activities permitted by the project would not result in vacation rental uses occurring on sites other than existing dwelling units. The County has a total of four airports the Airport Land Use Commission has adopted updated Airport Land Use Compatibility Plans for two of the airports (Monterey Regional Airport and Marina Airport). New vacation rentals may be located within two miles of an airport or located within an Airport Influence Area as defined by the Airport Land Use Compatibility Plans, but people residing in the area would not be exposed to excessive noise that is not currently allowed for the existing residential use. Therefore, the proposed regulations would have *no impact* related to exposure of residents or workers to excessive noise levels, and this issue will not be analyzed further in the EIR.

# 1.14 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. Population and Housing.</b>				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>

## 1.14.1 Discussion

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

**No Impact.** The proposed regulations would not authorize or facilitate any new development, nor would it allow new residential development on parcels that are not already zoned for such use. There is no potential for inducing population growth, and therefore, the proposed regulations would have a *no impact* on population growth, and this issue will not be analyzed further in the EIR.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. The intent of the proposed regulations amendment is to establish regulations, standards, and circumstances under which vacation rentals may be allowed. Allowing some vacation rentals to operate in the County could deplete the housing supply for long term residents or could displace residents, necessitating replacement housing elsewhere. This issue requires further analysis. Therefore, this is a *potentially significant impact* and will be analyzed further in the EIR.

# 1.15 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. Public Services.</b>				
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 1.15.1 Discussion

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

### Fire protection?

**No Impact.** The proposed regulations would not authorize or facilitate any new development. Furthermore, the proposed regulations would not result in an increase in permanent residents in the County and would not increase demands on fire protection so as to require the construction of new or expanded fire protection facilities. Therefore, the proposed regulations would have *no impact* on fire protection services, and this issue will not be analyzed further in the EIR.

### Police protection?

**Less than Significant Impact.** The proposed regulations would not authorize or facilitate any new development. Furthermore, the proposed regulations would not result in an increase in permanent residents in the County and would not substantially increase demands on the County Sheriff’s department so as to require the construction of new or expanded law enforcement facilities. Therefore, the proposed regulations would have a *less than significant impact* on police protection services, and this issue will not be analyzed further in the EIR.

## Schools?

**No Impact.** The proposed regulations would not authorize or facilitate any new development. Furthermore, the proposed regulations would not result in an increase in permanent residents in the County would not increase demand on schools so as to require the construction of new or expanded school facilities. Therefore, the proposed regulations would have *no impact* on school services and facilities and this issue will not be analyzed further in the EIR.

## Parks?

**Less than Significant Impact.** The proposed regulations would not authorize or facilitate any new development. Furthermore, although users of vacation rentals are more likely to visit beaches, parks, etc., the proposed regulations would not result in an increase in permanent residents in the County and would not substantially increase demands on parks so as to require the construction of new or expanded park facilities. Therefore, the proposed regulations would have a *less than significant impact* on parks, and this issue will not be analyzed further in the EIR.

## Other public facilities?

**No Impact.** The proposed regulations would not authorize or facilitate any new development. Furthermore, the proposed regulations would not result in an increase in permanent residents in the County and would not increase demands on other public facilities so as to require the construction of new or expanded public facilities. Therefore, the proposed regulations would have *no impact* on other public facilities, and this issue will not be analyzed further in the EIR.

# 1.16 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. Recreation.</b>				
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 1.16.1 Discussion

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**Less than Significant Impact.** The proposed regulations would not authorize or facilitate any new development. Furthermore, although users of vacation rentals are more likely to visit beaches, parks, etc., the proposed regulations would not result in an increase in permanent residents in the County and would not increase the use of neighborhood and regional parks or other recreational facilities so as to cause the substantial physical deterioration of such facilities. Therefore, the proposed regulations would have a *less than significant impact* related to increased use that would substantially deteriorate existing facilities, and this issue will not be analyzed further in the EIR.

- b) **Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. Furthermore, the proposed regulations would not result in an increase in permanent residents in the County and would not increase the use of neighborhood and regional parks or other recreational facilities so as to require the construction or expansion of recreational facilities. Therefore, the construction or expansion of recreational facilities would not be required. The proposed regulations would have *no impact* related to adverse physical effects caused by construction or expansion of recreational facilities, and this issue will not be analyzed further in the EIR.

# 1.17 TRANSPORTATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. Transportation.</b>				
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 1.17.1 Discussion

### a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development; and thus, would not result in any new construction activities. Therefore, the proposed regulations amendment would not alter any roadway, transit, bicycle, or pedestrian facilities; and would not result in changes to transit service and operations. However, the operations of a vacation rental could result in an increase in vehicle trips that would be in conflict with general plan policies encouraging the reduction in vehicular trips and the use of alternative modes of transportation such as transit, bicycle, and pedestrian. Therefore, the operation of vacation rentals could result in a conflict with a potential program, plan, ordinance, or policy addressing the circulation system, which could contribute considerably to cumulative transportation impacts. This is a *potentially significant impact* and will be analyzed further in the EIR.

### b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development; and thus, would not result in any new construction activities. Therefore, the proposed regulations are not expected to increase construction-generated vehicle miles traveled (VMT) and the temporary generation of VMT from construction traffic is not expected to substantially increase VMT in the region such that it could contribute to long-term adverse environmental effects. However, the operations of a vacation rental could result in fundamental changes to travel patterns as compared to those of existing land uses, including increases in the number of vehicular trips and/or trip lengths. For example, the availability of new vacation rentals could result in newly generated trips from locations outside of the region. Additionally, during their stay, guests could be generating longer lengths by virtue of traveling to regional attractions more distant from the residence than what the existing inhabitant would make. Therefore, the VMT associated with the proposed ordinance’s operation could result in an increase in VMT such that a conflict or inconsistency with CEQA Guidelines could occur. This is a *potentially significant impact* and will be analyzed further in the EIR.

c) **Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development; and thus, would not result in any construction activities. Therefore, there would be no increase in hazards associated with construction activities. Additionally, because the proposed regulations would not result in any development or construction activities, no roadways would be altered and similar automobile types (i.e., passenger vehicles) would continue to be the dominant type of vehicle trips generated. Thus, the proposed regulations amendment would not result in a substantial increase in hazards to due design features or incompatible uses. Therefore, *no impact* related to this issue would occur and this issue will not be analyzed further in the EIR.

d) **Result in inadequate emergency access?**

**Less than Significant Impact.** The proposed regulations would only affect the use of existing dwelling units in established neighborhoods, and no new development is authorized or reasonably foreseeable. No aspects of this project would inhibit or change existing emergency access within the County. In addition, the ordinances limit the number of vacation rentals within areas of the County that have limited emergency access. Furthermore, the ordinances require vacation rentals to comply with Title 14 of the California Code of Regulations – State Minimum Fire Safe Regulations and local emergency safety regulations, which were established to protect public safety. Thus, there would be a *less than significant impact* related to inadequate emergency access and this issue will not be analyzed further in the EIR.

# 1.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVIII. Tribal Cultural Resources.</b>				
<p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>				
<p>a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 1.18.1 Discussion

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Most tribal cultural resources are anticipated with buried resources and land valued for association with tribal practices.

Assembly Bill 52 (AB 52) established a formal consultation process for California Native American Tribes to identify potential significant impacts to Tribal Cultural Resources, as defined in Public Resources Code 21074, as part of CEQA. As specified in AB 52, lead agencies must provide notice inviting consultation to California Native American tribes that are traditionally and culturally affiliated with the geographic area of a proposed regulations if the Tribe has submitted a request in writing to be notified of Proposed Ordinances. The Tribe must respond in writing within 30 days of the County's AB52 notice. The AB 52 consultation will occur as part of the EIR, and the consultation process will be documented in the EIR. Since the Notice of Preparation has not yet been issued, which will start the AB 52 process, a determination of the potential impacts to tribal cultural resources cannot be made at this time. Therefore, this is a *potentially significant impact* and this issue will be analyzed further in the EIR.

# 1.19 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIX. Utilities and Service Systems.</b>				
Would the project:				
a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 1.19.1 Discussion

- a) **Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. The proposed regulations would not result in an increase of permanent residents within the County and would not increase the demand of water, wastewater treatment, electrical power, natural gas, or telecommunication facilities so as to result in the need for the construction of new or expanded facilities. With regards to OWTS's, the ordinances have been prepared to have provisions consistent with the County's existing OWTS requirements, including the requirement that vacation rentals permittees would be required to provide evidence that an existing septic tank meets the County's performance standards and requirements. These standards have been established to ensure that the OWTS function properly. Therefore, there would be *no impact* related to this issue and will not be analyzed further in the EIR.

**b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

**Potentially Significant Impact.** The proposed regulations would not authorize or facilitate any new development. The ordinance would not result in an increase in permanent residents of the County is not anticipated to intensify the use of water beyond the use on an existing permanent residential use. However, there is a potential for vacation users to utilize more water on a per-night basis than typical residences who are subject to restrictions, higher water bills, etc., and this issue requires further analysis. Therefore, this is a *potentially significant impact* and would be analyzed further in the EIR.

**c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The ordinance would not result in an increase in permanent residents of the County is not anticipated to intensify the use of water beyond the use on an existing permanent residential use. However, there is a potential for vacation users to generate temporary increases in wastewater, but not beyond the amount of existing permanent residents and would not be sufficient to affect existing wastewater treatment provider capacities. With regards to OWTS's, the ordinances have been prepared to have provisions consistent with the County's existing OWTS requirements, including the requirement that vacation rentals permittees would be required to provide evidence that an existing septic tank meets the County's performance standards and requirements. These standards have been established to ensure that the OWTS function properly. Therefore, there would be *no impact* related to this issue and will not be analyzed further in the EIR.

**d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

**e) Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

**No Impact.** The proposed regulations would not authorize or facilitate any new development. The ordinance would not result in an increase in permanent residents of the County is not anticipated to generate solid waste beyond the use on an existing permanent residential use and would not impact any solid waste reduction goals or regulations. Therefore, there would be *no impact* related to this issue and will not be analyzed further in the EIR.

## 1.20 WILDFIRE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XX. Wildfire.</b>				
Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones?	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 1.20.1 Discussion

**a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**

**Less than Significant Impact.** The proposed regulations would only affect the use of existing dwelling units in established neighborhoods, and no new development is authorized or reasonably foreseeable. No aspects of this project would inhibit access to hospitals, emergency response centers, school locations, communication facilities, highways and bridges, or airports. The use of a residential use as a vacation rental would not interfere with the County’s existing emergency response and evacuation plans. In addition, the ordinances limit the number of vacation rentals within areas of the County that have limited emergency access. Furthermore, the ordinances require vacation rentals to comply with Title 14 of the California Code of Regulations – State Minimum Fire Safe Regulations and local emergency safety regulations, which were established to protect public safety. Thus, there would be a *less than significant impact* related to emergency response plans or emergency evacuation plans, and this issue will not be analyzed further in the EIR.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

**Less than Significant Impact.** The proposed regulations would only affect the use of existing dwelling units, and no new development is authorized or reasonably foreseeable. There would be no foreseeable increased risks involving wildland fires. In addition, the ordinances limit the amount of vacation rentals within areas of the County that have limited emergency access. Furthermore, the ordinances require vacation rentals to comply with Title 14 of the California Code of Regulations – State Minimum Fire Safe Regulations and local emergency safety regulations, which were established to protect public safety. Therefore, there would be a *less than significant impact* related to wildland fires and this issue will not be analyzed further in the EIR.

## 1.21 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XX. Mandatory Findings of Significance.</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 1.21.1 Discussion

- a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?**

**No Impact.** As discussed in Section 3.4 (Biological Resources) and Section 3.5 (Cultural Resources), the proposed regulations would not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. No new development is expected to occur with the implementation of the proposed ordinance.

As discussed in Section 3.4 (Biological Resources) and Section 3.5 (Cultural Resources) the proposed regulations would have no impacts to biological resources or cultural resources. Therefore, *no impact* is identified for this issue, and this will not be analyzed further in the EIR.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

**Potentially Significant Impact.** State CEQA Guidelines Section 15130 requires a discussion of the cumulative impacts of a project when the project’s incremental effect is “cumulatively considerable,” meaning that the project’s incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. The cumulative impacts discussion does not need to provide as much detail as is provided in the analysis of project-specific impacts and should be guided by the standards of practicality and reasonableness.

Because the proposed regulations would have no impact on aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality (except groundwater use), mineral resources, public services, recreation, utilities and service systems (except water use) or wildfire it was determined that the proposed regulations would have no potential to result in cumulative impacts related to these resource areas..

As determined by this Initial Study, there may be potentially significant effects related to air quality, energy, GHG emissions, hydrology and water quality (groundwater use), land use, noise, population and housing (displacement), transportation, tribal cultural resources, and utilities and service systems (water use). Therefore, this would be a *potentially significant impact* and further analysis of the proposed ordinance’s potential contribution to cumulative impacts related to these resources is warranted in the EIR.

- c) **Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

**Potentially Significant Impact.** A discussion of direct and indirect effects on human beings will be provided in the forthcoming EIR. As demonstrated in the analysis in this Initial Study, operational activities that would be reasonably foreseeable with implementation of the proposed regulations would potentially result in substantial adverse effects on the environment, including human beings, either directly or indirectly. Specific environmental impacts that could have a substantial adverse effect on human beings include potential impacts associated with increase air emissions, transportation, and noise levels. Furthermore, cumulative impacts associated with the proposed regulations would be potentially significant. Therefore, the effects on human beings as a result of the proposed regulations would be a *potentially significant impact*, and this issue will be analyzed further in the EIR.

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## 2 REFERENCES

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### 3 REPORT PREPARERS

#### County of Monterey

Erik V. Lundquist, AICP.....Director of Housing & Community Development  
Melanie Beretti, AICP.....Principal Planner, Advance Planning

#### Ascent Environmental

Gary Jakobs.....Principal in Charge  
Kathie Washington..... Project Manger  
Marianne Lowenthal..... Assistant Project Manager  
Saba Asghary..... Environmental Planner  
Matthew McFalls..... Air Quality and Greenhouse Gas Emissions Analyst  
Zachary Miller.....Transportation and Noise Analyst  
Michele Mattei..... Document Production Specialist

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# ATTACHMENT 1

*This document is a draft and subject to change.*

**Draft 01.06.2022**  
**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 an unpermitted 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. [Reserve for CEQA finding]

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

B. All Hotels, as defined by Section 5.40.020.A of the Monterey County Code, as may be amended from time to time;

*Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals*

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

C. All Commercial Vacation Rentals and Limited Vacation Rentals as defined respectively by Section 7.110.010.D and F of the Monterey County Code, as may be amended from time to time.

**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. Enforcement**
- 7.110.090. Process for Hearing by a Hearing Officer**
- 7.110.100. 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 Monterey County Housing and Community Development Director 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; 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.

*Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals*

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D. “Commercial Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for more than three (3) times per 12-month period. “Commercial Vacation Rental” also includes a Residential Property rented as a Vacation Rental three (3) or fewer times per 12-month period, if any of the three Vacation Rentals exceed a duration of 14 consecutive calendar days.

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

F. “Limited Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for not more than three (3) times per 12-month period, with each such rental not to exceed fourteen (14) consecutive calendar days in duration.

G. “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.

H. “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.

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

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

K. “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 fewer, counting portions of calendar days as full days. “Vacation Rental” includes Commercial Vacation Rentals and Limited Vacation Rentals. “Vacation Rental” does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

L. “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.

*Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals*

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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 Chapter 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 well-being associated with the reputation of Monterey County as a premier tourism destination.

C. To allow for a reasonable amortization of investment and honoring of reservation commitments as may have been made prior to enactment of this Chapter for existing Vacation Rental operations, this Chapter provides an initial limited time period during which an unpermitted 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 Commercial Vacation Rentals and Limited Vacation Rentals.

B. This Chapter applies in the unincorporated areas 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 Limited Vacation Rental and Commercial Vacation 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 20.64.290 or Section 21.64.290 of the Monterey County Code before the County will issue a Vacation Rental Operation Permit under

*Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals*

this Chapter. The Operator applying for a Vacation Rental Operation Permit shall provide written proof to the Monterey County Housing and Community Development Director or his or her designee of all applicable land use entitlements. Limited Vacation Rentals are exempt from this requirement, as such Limited Vacation Rentals do not require a land use entitlement.

C. The use of a Residential Property for a Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Vacation Rental Operator shall research any conditions, covenants, or other restrictions to which the property is subject and verify that to their knowledge that operating the Vacation Rental is not in violation of those conditions, covenants, or other restrictions. The Vacation Rental Operator shall also provide proof of approval from any applicable Homeowners' Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use. This requirement is applicable as part of the application for a Vacation Rental Operations Permit, and annually if renewed.

D. As a requirement of the Vacation Rental Operations Permit, upon receipt of an approved Permit, the Operation shall mail an informational letter to: a) neighboring properties within a 300-foot radius of the Vacation Rental Operation; and b) if applicable, to a homeowner's association and any other entity with authority to enforce conditions, covenants, or other restrictions; and c) if applicable, to all properties with ownership or access rights to any shared private road utilized to access the Vacation Rental Operation. At a minimum, the informational letter shall include: Vacation Rental Operation Permit Number; location of the Vacation Rental; identification if the Vacation Rental is Limited of Commercial; name and contact information for the 24/7 Property Manager; and procedures and contact information for the County.

D. Limited Vacation Rental

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

2. Limited Vacation Rentals shall meet all the requirements for Limited Vacation Rentals in Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

3. Limited Vacation Rentals shall comply with Chapter 10.60 (Noise Control) and Chapter 8.36 (Nuisance and Nuisance Animals), as periodically amended, of the Monterey County Code. Outside amplified sound associated with the Limited Vacation Rental is prohibited at all times. Limited Vacation Rental operation shall adhere to nighttime noise and quiet time requirements set forth in Monterey County Code Section 10.60.040, as periodically amended.

4. Signage or advertisement of the Limited Vacation Rental on the exterior of the unit or property is prohibited.

*Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals*

5. All Limited Vacation Rentals 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 Vacation Rental. A property manager may be the Owner or Operator, professional property manager, realtor, other resident, or nonresident owner of the subject property, or another person designated by the Operator. The property manager must be able to respond to complaints and 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 of property manager.

6. Only one (1) rental contract is allowed per Limited Vacation Rental at any given time, and not more than one (1) rental contract is allowed per Limited Vacation Rental per 14-day period.

7. An Operator may provide a Limited Vacation Rental for short term rental not more than three (3) times per year, with each such rental not to exceed fourteen (14) consecutive calendar days in duration. Should the duration exceed the 14 consecutive calendar days, the Vacation Rental shall then be considered a Commercial Vacation Rental subject to the requirements and entitlements for such use.

8. In Coastal Agriculture Preserve (CAP(CZ)), Agriculture Conservation (AC(CZ)), Farmland (F), Rural Grazing (RG), and Permanent Grazing (PG) zoning districts, a Property Manager or Owner or Operator shall concurrently reside on the property while the Limited Vacation Rental is rented if an agricultural operation is active on the property.

9. Each Limited Vacation Rental shall require a rental contract signed by the Operator and the Limited Vacation Rental Occupant who is responsible for compliance with the contract. The rental contract shall be in writing and identify thereon the name, address, telephone number and e-mail contact information of the Owner or Operator, the property manager and at least one responsible Limited Vacation Rental Occupant eighteen (18) years or older who shall be responsible for compliance with all the regulations in this Chapter.

10. A copy of the Vacation Rental Operation Permit, business license, the name of the property manager and their contact information, and all applicable rules and regulations contained in this Chapter and Monterey County Code Sections 20.64.290 or 21.64.290 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 rental contracts, advertisements, and listings for the Limited Vacation Rentals shall include the following:

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- 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 precise records and documentation of the Limited Vacation Rental operation, that shall, at a minimum, make record of the following information for each Limited Vacation Rental occupancy: name, address, telephone and e-mail contact of at least one responsible Occupant; number of Occupants; motor vehicle license number of each motor vehicle used by the Occupants of the site; and dates of the Limited Vacation Rental. 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. The Operator shall retain the written rental contracts and other records of all of the Limited Vacation Rentals during the term of the Vacation Rental Operation Permit plus two years.

13. No person or entity, including but not limited to, the Owner or Operator shall maintain any advertisements of a Vacation Rental if the Vacation Rental is prohibited by this Chapter.

14. The maximum occupancy limits for Limited Vacation Rentals are as follows:

- a. The maximum overnight occupancy of vacation renters while being rented as a Limited Vacation Rental 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 of vacation renters and visitors while being rented as a Limited Vacation Rental 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. Limited Vacation Rentals with occupancies that exceed the maximum limitation shall require a Use Permit pursuant to Title 21 or a Coastal Development Permit pursuant to Title 20 of the Monterey County Code for assemblages of people.

15. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

*Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals*

16. All Limited Vacation Rentals 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 sight unless in conformity with neighborhood standards.

17. All Limited Vacation Rentals shall comply with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Water Standards to demonstrate that they meet bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department, 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 Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet water quality standards if the Limited Vacation Rental 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 obtaining a Vacation Rental Operation Permit.

18. If the Limited Vacation Rental is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system Occupants and Visitors of the Limited Vacation Rental 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 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 container 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 noncombustible surface, covering the fire with 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 Vacation Rental operation shall adhere to Chapter 18.09 – Fire Code, of the Monterey County Code, as periodically amended.

#### E. Commercial Vacation Rental

1. Commercial Vacation Rentals are allowable in designated zoning districts subject to a Use Permit, pursuant to Section 21.64.290 of the Monterey County Code or subject to a Coastal Development Permit, pursuant to Section 20.64.290 of the Monterey County Code.

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2. Commercial Vacation Rentals shall meet all the requirements for Commercial Vacation Rentals in Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

3. Commercial Vacation Rentals shall comply with Monterey County Code Chapter 10.60 (Noise Control) and Chapter 8.36 (Nuisance and Nuisance Animals), as periodically amended. Outside amplified sound associated with the Commercial Vacation Rental is prohibited at all times. The Commercial Vacation Rental operation shall adhere to nighttime noise and quiet time requirements set forth in Monterey County Code Section 10.60.040, as periodically amended.

4. Signage or advertisement of the Commercial Vacation Rental on the exterior of the unit or property, is prohibited.

5. All Commercial Vacation Rentals 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 Vacation Rental. Property manager may be the Operator, professional property managers, realtors, resident or nonresident owners of the subject property, or other designated persons. The property manager must be able to respond to complaints and 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 of property manager.

6. Only one (1) rental contract is allowed per Commercial Vacation Rental at any given time.

7. In Coastal Agriculture Preserve (CAP(CZ)), Agriculture Conservation (AC(CZ)), Farmland (F), Rural Grazing (RG), and Permanent Grazing (PG) Zones, a Property Manager or Operator shall concurrently reside on the property while the Commercial Vacation Rental is rented if an agricultural operation is active on the property.

8. Each Commercial Vacation Rental shall require a rental contract signed by the Operator and the Commercial Vacation Rental Occupant who is responsible for compliance with the contract. The rental contract shall be in writing and identify thereon the name, address, telephone number and e-mail contact information of the Operator, the property manager and at least one responsible Commercial Vacation Rental Occupant eighteen (18) years or older who shall be responsible for compliance with all the regulations in this Chapter.

9. A copy of the Vacation Rental Operation Permit, business license, the name of the property manager and their contact information, and all applicable rules and

*Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals*

*This document is a draft and subject to change.*

regulations contained in this Chapter and Monterey County Code Sections 20.64.290 or 21.64.290 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.

10. All rental contracts, advertisements, and listings for the Commercial Vacation Rental 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.

11. The Operator shall maintain precise records and documentation of the Commercial Vacation Rental operation, that shall, at a minimum, make a record of the following for each Commercial Vacation Rental occupancy: name, address, telephone and e-mail contact of at least one responsible Occupant; number of occupants; motor vehicle license number of each motor vehicle used by the occupants of the site; and dates of the Commercial Vacation Rental. 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. The Operator shall retain the written rental contracts and other records of all of the Commercial Vacation Rentals during the term of the Vacation Rental Operation Permit plus two years.

12. No person or entity, including but not limited to the Operator, shall maintain any advertisements of a Vacation Rental if the Vacation Rental is prohibited by this Chapter.

13. The maximum occupancy limits for Commercial Vacation Rentals are as follows:

- a. The maximum overnight occupancy of vacation renters while being rented as a Commercial Vacation Rental 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 of vacation renters and visitors while being rented as a Commercial Vacation Rental 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.

*Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals*

c. Commercial Vacation Rentals with occupancies that exceed the maximum limitation shall require a Use Permit pursuant to Title 21 or a Coastal Development Permit pursuant to Title 20 of the Monterey County Code for assemblages of people.

14. Commercial Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

15. All Commercial Vacation Rentals 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 sight unless in conformity with neighborhood standards.

16. All Commercial Vacation Rentals shall comply with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Standards and demonstrate that they meet bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department, 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 Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet water quality standards if the Commercial Vacation Rental 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 obtaining the Vacation Rental Operation Permit.

17. If the Commercial Vacation Rental is served by an on-site wastewater treatment system or septic system (“OWTS”), Occupants and Visitors of the Commercial Vacation Rental 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 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 container 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 noncombustible surface, covering the fire with 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 Vacation Rental operation

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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 a Vacation Rental Operation Permit shall be filed with the Monterey County Housing and Community Development Department on the form and in the manner prescribed by Monterey County Housing and Community Development Director or his or her designee.

B. Limited Vacation Rental. In all cases, the application for a Vacation Rental Operation Permit for a Limited Vacation Rental shall contain, without limitation, the following:

1. All information on the application form.

2. The Applicant/Owner shall research and verify that Vacation Rental use of the residential unit does not violate any applicable recorded conditions, covenants, and restrictions (CC&Rs) or other applicable recorded restrictions on the real property proposed for the Vacation Rental use. The Applicant/Owner shall provide proof of approval from any applicable Homeowner’s Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use.

3. 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 Limited Vacation Rental activity. 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.

4. Property Manager contact information including name, address, telephone number and e-mail address.

5. Plans drawn to scale and labeled, in the form and manner required by the Monterey County Housing and Community Development Director or his or her designee, including but not limited to: site plans illustrating locations and dimensions of all property lines, rights-of-way, vehicular easements, edge of pavement, driveways, on-site parking areas and all structures; and floor plans showing all rooms, including windows and doors, with clear designation of which bedrooms are intended for rental..

6. An inspection report that provides and verifies information, in the form and manner required by the Monterey County Housing and Community Development Department Director 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

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sleeping quarters and common areas; installation of accessible fire extinguishers; fire alarms; 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 Limited Vacation Rental meets bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department. Water quality testing may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet water quality standards if the Limited Vacation Rental 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 Limited Vacation Rental is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system), the applicant must provide a copy of the OWTS informational signs.

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

11. Such other information as the Monterey County Housing and Community Development Director or his or her designee deems necessary to process the application.

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

1. All information on the application form.

2. Evidence that the Owner has obtained a Use Permit pursuant to Section 21.64.290 or a Coastal Development Permit pursuant to Section 20.64.290 of the Monterey County Code for the Commercial Vacation Rental use, and that the permit is in good standing.

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

4. Such other information as the Monterey County Housing and Community Development Director or his or her designee deems necessary to process the application.

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D. Review of Application and Criteria for Grant of Vacation Rental Operation Permit.

1. The Appropriate Authority to review and render a decision on the application is the Monterey County Housing and Community Development Department Director or his or her designee.

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

3. 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 complies with a checklist, in the form prescribed by the Monterey County Housing and Community Development Director or his or her designee, enumerating the requirements for a Vacation Rental Operations Permit as set forth in this Chapter and County Code.

b. The applicant has received all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

E. Vacation Rental Operation Permit Nontransferable. 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 require 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 be renewed annually.

2. An automatic renewal shall be granted for Vacation Rental Operation Permits that have not had any substantial changes within the year the permit has been

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granted and provided the Operator is in good standing according to their permit. Associated application fees are still applicable for such renewals in accordance with the fee schedule in effect at the time of the renewal. The Operator shall notify the Monterey County Housing and Community Development Department at least thirty (30) calendar days before expiration of the permit that the Operator wishes to renew their permit together with any update of information required for the initial application. If the County does not receive the notice of renewal and, as applicable, updated information at least thirty days prior to the expiration date, the permit shall expire, and the Operator must apply for a new Vacation Rental Operation Permit. The Operator shall not be in good standing if any of the following apply:

- a. Vacation Rentals with more than two substantiated violations of this Chapter or Section 20.64.290 or Section 21.64.290, 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 20.64.290 or Section 21.64.290 of the Monterey County Code:
  - i. Limited Vacation Rentals that no longer comply with the regulations for Limited Vacation Rentals in Section 20.64.290 or Section 21.64.290, shall be considered not in good standing.
  - ii. Commercial Vacation Rentals 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 Vacation Rental 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.
- e. In addition to the above criteria, a County decision-maker has authority to determine that a Commercial or Limited Vacation Rental is not in good standing if the decision-maker finds, based on substantial evidence following a hearing before the decision-maker, that the Owner or Operator has violated federal or state law or County regulation in the operation of the Vacation Rental.

3. If a renewal application is denied, an applicant may file a new application pursuant to this Chapter provided the reasons for denial have been addressed.

H. 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 20.64.290 or Section 21.64.290 of the Monterey County Code; or
4. In the case of Commercial Vacation Rentals, the applicant is in violation of the Use Permit or Coastal Development Permit for the Commercial Vacation Rental on the property.

I. 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 in accordance with Section 7.110.100 of this Chapter.

**7.110.060. Fees**

The filing of an application for a Vacation Rental Operation Permit, renewal of a Vacation Rental Operation 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 requirements(s) of a Vacation Rental Operation Permit has not been, or is 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.

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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 Section 21.64.290 or Coastal Development Permit Issued pursuant to Section 20.64.290 in a twelve (12)-month period. A substantiated violation means a determination of a violation by a court, administrative 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 reason(s) 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 shall submit such request in accordance with Section 7.110.100 of this Chapter.

#### **7.110.080. 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,

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attorneys fees, and any other relief or remedy available in 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 third violation of the same ordinance within one year.

F. Each 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.

#### **7.110.090. Process for Hearing by a Hearing Officer**

A. 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

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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:

1. The Appropriate Authority may issue the Notice of Violation in accordance with the Notice of Intention;
2. The denial of a permit application shall become final; or
3. The revocation or suspension of a permit shall become final.

B. 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.

C. Hearing by the Hearing Officer:

1. 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.

2. 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.

2. 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.

3. 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.

4. 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.

D. 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

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order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorneys' fees.

E. If neither the applicant, permittee, or their authorized representative(s) appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

**7.110.100. 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

*Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals*

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By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:   WENDY S. STRIMLING Assistant County Counsel
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# ATTACHMENT 2

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**DRAFT 01.06.2022**  
**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. The intent of this ordinance is to distinguish between Commercial Vacation Rentals and Limited Vacation Rentals, such that Commercial Vacation Rentals require a discretionary land use entitlement while Limited Vacation Rental are defined in a manner to be 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 Vacation Rental Operation Permit and business license.

D. Regulation of Vacation Rentals is necessary because Commercial Vacation Rental uses, which by definition may be rented at a greater frequency and duration than Limited Vacation Rentals and have the potential to have impacts different in character, density, and intensity than residential uses, remove long-term housing from the market, or pose hazards to public health, safety and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses, therefore, may be allowed, where applicable, only with a discretionary use permit, Vacation Rental Operation Permit and business license. The ordinance recognizes that unique neighborhoods with existing developments were established with the intent of managed short-term rentals, such as Monterey Dunes Colony; such developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a Vacation Rental Operation Permit and Business License. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

*Ordinance amending Title 20 re: Vacation Rentals*

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E. This Ordinance establishes the requirement for a Coastal Development Permit for Commercial Vacation Rental activities to provide for business fairness and to enable evaluation of the impacts of such activities, in recognition that Commercial Vacation Rentals may 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. Because the nature and extent of short term rentals have been transformed in the last several years due, this Ordinance intends to establish short term rental regulations for Limited Vacation Rentals and Commercial Vacation Rentals. Accordingly, this ordinance intends to add Section 20.64.290 to the Monterey County Code to establish regulations for Vacation Rentals.

G. To allow for a reasonable amortization of investment for existing Vacation Rental operations, this Ordinance provides an initial defined time period during which an unpermitted 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 to Section 20.64.290 of Monterey County Code.

H. [Reserve for CEQA finding]

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

Commercial Vacation Rental means a Residential Property rented as a Vacation Rental by the Owner or Operator for more than three (3) times per 12-month period. “Commercial Vacation Rental” also includes a Residential Property rented as a Vacation Rental three (3) or fewer times per 12-month period, if any of the three Vacation Rentals exceed a duration of 14 consecutive calendar days.

**SECTION 3.** Section 20.06.738 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Limited Vacation Rental means a Residential Property rented as a Vacation Rental by the Owner or Operator for not more than three (3) times per 12-month period, with each such rental not to exceed fourteen (14) consecutive calendar days in duration.

**SECTION 4.** 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.

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**SECTION 5.** 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 (2) 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 6.** Section 20.06.990 is amended in the Monterey County Code [DEFINITIONS] 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 (3) 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 7.** Section 20.06.1305 is amended in the Monterey County Code [DEFINITIONS] to read as follows:

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

**SECTION 8.** 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 fewer, counting portions of calendar days as full days. Vacation Rental includes Commercial Vacation Rentals and Limited Vacation Rentals. Vacation Rental does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

**SECTION 9.** Subdivision S is added to Section 20.70.120 of the Monterey County Code [COASTAL DEVELOPMENT PERMITS – EXEMPTIONS FROM COASTAL DEVELOPMENT PERMITS] to read as follows:

*Ordinance amending Title 20 re: Vacation Rentals*

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

**SECTION 10.** Section 20.10.050(DD) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

DD. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

**SECTION 11.** Section 20.12.050(DD) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

DD. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

**SECTION 12.** Section 20.14.050(FF) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

FF. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

**SECTION 13.** Section 20.16.050(VV) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

VV. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

**SECTION 14.** Section 20.17.050(PP) is added to the Monterey County Code [WATERSHED AND SCENIC CONSERVATION DISTRICT] to read as follows:

PP. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

**SECTION 15.** Section 20.18.060(QQ) is added to the Monterey County Code [COASTAL GENERAL COMMERCIAL] to read as follows:

QQ. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

**SECTION 16.** Section 20.20.060(W) is added to the Monterey County Code [MOSS LANDING COMMERCIAL DISTRICT] to read as follows:

W. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

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**SECTION 17.** Section 20.22.060(BB) is added to the Monterey County Code [VISITOR-SERVING COMMERCIAL DISTRICT] to read as follows:

BB. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

**SECTION 18.** Section 20.30.050(EE) is added to the Monterey County Code [COASTAL AGRICULTURE PRESERVE] to read as follows:

EE. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

**SECTION 19.** Section 20.32.050(II) is added to the Monterey County Code [AGRICULTURAL CONSERVATION] to read as follows:

II. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

**SECTION 20.** 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 Limited Vacation Rentals**
- E. Regulations for Commercial Vacation Rentals**
- F. Phasing Out Unpermitted Operations**
- G. Exemptions**
- H. Application Process for Commercial Vacation 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; 2) has an exterior door or

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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 residential properties.

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 Limited Vacation 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 Vacation Rental Operation Permit and a business license. Limited Vacation Rental uses would be established in existing Residential Properties by an Owner or Operator for the duration and frequency of the transient use controlled by this Ordinance. As such, Limited Vacation Rentals would not involve a risk of environmental impacts and are exempt from the requirement for a Coastal Development Permit pursuant to Section 20.70.120.S of the Monterey County Code.

5. Establish regulations to address Commercial Vacation Rental uses that have the potential to impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazard to public health, safety, and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses therefore may be allowed, where applicable, only with a Coastal Development Permit granted pursuant to this Section, a Vacation Rental Operation Permit, and a business license.

**C. Applicability**

This Section applies in the unincorporated coastal zone of the County of Monterey.

**D. Regulations for Limited Vacation Rentals**

1. Limited Vacation Rentals are allowed and exempt 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:

- a. High Density Residential (HDR(CZ));
- b. Medium Density Residential (MDR(CZ));
- c. Low Density Residential (LDR(CZ));
- d. Rural Density Residential (RDR(CZ));
- e. Watershed and Scenic Conservation (WSC(CZ));
- f. Coastal General Commercial (CGC(CZ));
- g. Moss Landing Commercial (MLC(CZ));
- h. Visitor-Serving Commercial (VSC(CZ));
- i. Coastal Agriculture Preserve (CAP(CZ)); and
- j. Agricultural Conservation (AC(CZ)).

Limited Vacation Rentals are prohibited in any other zoning district.

2. Limited Vacation Rentals shall be considered a residential use, similar in character, density, and intensity to residential use.

3. Limited Vacation Rentals shall be allowed only in a single-family dwelling.

4. Limited Vacation Rentals are prohibited in all of the following: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; and in dwellings which are subject to a recorded covenant, agreement, deed restriction or other recorded document limiting the use of the dwelling, including, but not limited to, affordable housing units that are subject to affordability restrictions.

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5. Limited Vacation Rentals shall be allowed only in legally permitted residential structures. Limited Vacation Rentals are prohibited in structures intended for temporary occupancy.

6. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

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

8. The Owner or Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Limited Vacation Rental use and must keep a valid business license throughout the Limited Vacation Rental use.

9. The Owner or Operator shall register the Limited Vacation Rental with the Monterey County Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

9. To qualify as a Limited Vacation Rental:

a. Only one (1) Limited Vacation Rental shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record, except in the development types and zoning districts specified below. This limit shall apply to single family dwellings, and only one (1) Limited Vacation Rental shall be allowed per dwelling.

i. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. In these types of developments, one (1) Limited Vacation Rental shall be allowed per individually owned residential unit.

ii. This provision does not apply to Coastal General Commercial (CGC(CZ)); Moss Landing Commercial (MLC(CZ)); Visitor-Serving Commercial (VSC(CZ)) zoning districts. These districts shall be allowed more than one (1) Limited Vacation Rental per legal lot of record and shall not exceed the number of residential units per legal lot of record.

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b. The dwelling shall not be rented as a Limited Vacation Rental more than three (3) times per 12-month period, with each such rental not to exceed 14 consecutive calendar days.

10. In Coastal Agriculture Preserve (CAP(CZ)) and Agriculture Conservation (AC(CZ)) zoning districts, a Property Manager or Owner or Operator shall concurrently reside on the property while the Limited Vacation Rental is rented if an agricultural operation is active on the property.

11. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

12. The Limited Vacation Rental shall meet the water quality requirements for Limited Vacation Rentals set forth in Chapter 7.110 of the Monterey County Code. The drinking water is presumed to meet water quality standards if the Owner or Operator provides evidence that the Limited Vacation Rental 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 Vacation Rental is found to be part of an unpermitted water system or if the Limited Vacation Rental results in the need for a permit for a water system, the Owner shall obtain the required coastal development permit(s) as required by the applicable zoning district and a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Limited Vacation Rental use and must keep the Water System Permit in good standing throughout the Limited Vacation Rental use.

14. Except as provided in this Section, Limited Vacation Rentals are prohibited 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.

15. The use of a Residential Property for a Limited Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Limited Vacation Rental Operator must meet the requirements related to conditions, covenants, or other restrictions on real property set forth in Chapter 7.110 of the Monterey County Code..

#### **E. Regulations for Commercial Vacation Rentals**

1. Commercial Vacation Rentals are allowed with a Coastal Development Permit in the following zoning districts, subject to the requirements of this Section 20.64.290:

- a. High Density Residential (HDR(CZ));
- b. Medium Density Residential (MDR(CZ));
- c. Low Density Residential (LDR(CZ));

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- d. Rural Density Residential (RDR(CZ));
- e. Watershed and Scenic Conservation (WSC(CZ));
- f. Coastal General Commercial (CGC(CZ));
- g. Moss Landing Commercial (MLC(CZ));
- h. Visitor-serving Commercial (VSC(CZ));
- i. Coastal Agriculture Preserve (CAP(CZ)); and
- j. Agricultural Conservation (AC(CZ)).

Commercial Vacation Rentals are prohibited in any other zoning district.

2. Commercial Vacation Rentals Prohibited or Limited in Certain Areas.

Commercial Vacation Rentals are subject to the following additional limitations based on a maximum allowable limit of permitted Commercial Vacation Rentals not to exceed six (6) percent of the total single family residential dwelling unit count, calculated not more than ninety (90) days prior to the Effective Date of this ordinance, and/or the policies of their respective Land Use Plan:

a. Big Sur Coast Land Use Plan Area as follows:

i. Commercial Vacation Rentals are prohibited within the Big Sur Coast Land Use Plan area.

b. Carmel Area Land Use Plan Area as follows:

i. Commercial Vacation Rentals are prohibited in LDR(CZ) zoning districts within the Carmel Areal Land Use Plan area. Commercial Vacation Rentals within the allowable zoning districts in the plan area shall be subject to the specific visitor-serving facilities policies in section 4.4.3.D of the Land Use Plan.

ii. A total of 176 maximum Coastal Development Permits shall be issued at any given time for Commercial Vacation Rental uses within the Carmel Area Land Use Plan area, excluding LDR(CZ) zoning districts.

c. North County Coastal Land Use Plan Area as follows:

i. A total of 235 maximum Coastal Development Permits shall be issued at any given time for Commercial Vacation Rental uses within the North County Coastal Land Use Plan area.

d. Del Monte Forest Land Use Plan Area as follows:

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i. A total of 86 maximum Coastal Development Permits shall be issued at any given time for Commercial Vacation Rental uses within the Del Monte Forest Land Use Plan area.

3. Commercial Vacation Rentals shall be allowed, with a Coastal Development Permit, only in legally permitted residential structures and only in single-family dwellings.

4. Commercial Vacation Rentals are prohibited in all of the following structures: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; structures intended for temporary occupancy; and in dwellings subject to a recorded covenant, agreement, deed restriction, or other recorded document limiting the use of the dwelling, including, but not limited to, affordable housing units that are subject to affordability restrictions.

4. Commercial Vacation Rentals shall be allowed only in legally permitted residential structures. Commercial Vacation Rentals are prohibited in structures intended for temporary occupancy.

5. Commercial Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

6. Commercial Vacation Rentals in Coastal Agriculture Preserve (CAP(CZ)) and Agricultural Conservation (AG (CZ)) zoning districts shall have a Property Manager or Owner or Operator concurrently reside on the property while the Commercial Vacation Rental is rented if an agricultural operation is active on the property.

6. Commercial Vacation Rentals require 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. In addition to the notice requirements for a Coastal Development Permit pursuant to Chapter 20.84, notice shall be provided to any applicable homeowners' association. A Commercial Vacation Rental that is not accessible directly from a public road, shall be provide notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental use and shall include the application reference number, location of the Vacation Rental, name and contract information for the owner/applicant, and procedures and contact information for the County. 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 Vacation Rental activities pursuant to Chapter 7.110 of the Monterey

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

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

9. The Operator shall register the Commercial Vacation Rental with the Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

10. To qualify as a Commercial Vacation Rental:

a. Only one (1) Commercial Vacation Rental 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 single family dwellings, and only one (1) Commercial Vacation Rental shall be allowed per dwelling.

b. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. These developments shall be allowed more than one (1) Commercial Vacation Rental.

c. This provision does not apply to zoning districts such as Light Commercial (LC), Heavy Commercial (HC), and Visitor-serving/Professional Office (VO) zoning districts. These districts shall be allowed more than one (1) Commercial Vacation Rental.

b. A Commercial Vacation Rental that is not accessible directly from a public road is subject to Monterey County Code Chapter 16.80, Regulations Relating to Applications Involving Use of Private Roads. Upon making an application with the County for Vacation Rental use, the owner/applicant shall be required to mail notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental Use and shall include the application reference number, location of the vacation rental, name and contact information for the owner/applicant; and procedures and contact information for the County.

c. If the Commercial Vacation Rental is found to be part of an unpermitted water system or if the Commercial Vacation Rental results in the need for a permit for a water system, the Owner shall obtain the required coastal development permit(s) as required by the applicable zoning district and a Water

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System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Commercial Vacation Rental use and must keep the Water System Permit in good standing throughout the Commercial Vacation Rental use.

d. The source of water that serves a Commercial Vacation Rental shall in accordance with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Water Standards 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 Environmental Health Bureau of the Monterey County Health Department, before the permit application is deemed complete. Water quality testing may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet these standards if the Commercial Vacation Rental 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.

e. A Commercial Vacation Rental that is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system) in accordance with Monterey County Code Chapter 15.20 and County LAMP shall demonstrate that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department. 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 Coastal Development Permit for a Commercial Vacation Rental.

f. If the Commercial Vacation Rental is served by an OWTS, the Commercial Vacation Rental must meet the on-site wastewater requirements set forth in Chapter 7.110 of the Monterey County Code.

h. Commercial Vacation Rentals must demonstrate that response times for County emergency services for fire and emergency medical will be adequate. 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. The notice shall identify the average response time for emergency services to reach the subject property and describe onsite fire protection systems (such as fire breaks, alarms and/or water storage tanks) available.

i. Commercial Vacation Rentals shall provide parking as required for the dwelling type by Monterey County Code Section 20.58.040, Regulations for Parking, or the applicable parking regulations at the time the dwelling was built.

j. Commercial Vacation Rentals shall comply with Monterey County Code Chapter 10.4, 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 sight 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 Vacation Rental, the Appropriate Authority must find, based on substantial evidence, that the Commercial Vacation Rental complies with all findings required for a Coastal Development Permit pursuant to Section 20.70.050.B and complies with all requirements of this Section 20.64.290 of the Monterey County Code.

12. Except as provided in this Section, Commercial Vacation Rentals shall be prohibited in the unincorporated areas of Monterey County unless all permits, licenses, certificates, and any other entitlement required by County regulation are secured and maintained in good standing.

13. The use of a Residential Property for a Commercial Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Applicant/Owner for the Coastal Development Permit for the Commercial Vacation Rental shall research any conditions, covenants, or other restrictions to which the property is subject and verify that to their knowledge that operating the Commercial Vacation Rental is not in violation of those conditions, covenants, or other restrictions. The Applicant/Owner shall also provide proof of approval from any applicable Homeowners' Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use. This requirement would be applicable at the initial submittal of a Vacation Rental Operations Permit, and every seven years if renewed.

**F. Phasing Out Unpermitted Operations**

1. To provide time for Owners and Operators of Vacation Rentals that were unpermitted prior to the Effective Date to bring the Vacation Rental 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, an Owner and/or Operator who can demonstrate that a Vacation Rental use was established and operating on the subject property prior to the Effective Date may continue the operation for a limited period of time following the Effective Date of these regulations – [Phasing Out Unpermitted Operations] of the Monterey County Code.

a. For Vacation Rental uses, the Owner or Operator:

i. Has thirty (30) days from the Effective Date to register with the Monterey County Housing and Community Development Department and file an Intent to Apply form.

ii. Has three (3) 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. May establish a Vacation Rental as “prior operating” by providing evidence to the satisfaction of the Monterey County Housing and Community Development Department Planning Services 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 the unit on or after April 1, 2019.

iv. Must provide a copy of a Transient Occupancy Registration Certificate issued by the County.

v. If the above requirements (i) through (iv) are met, the Owner or Operator will be allowed to continue to operate as a Vacation Rental for up to six (6) months from the Effective Date, or until County takes action on the Owner’s or Operator’s application 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, unless County requires earlier termination of the Vacation Rental use due to a risk to public health, safety and welfare.

vi. If after 180 days from the Effective Date of this Ordinance the County denies any of the required permits, licenses, and entitlements, the Vacation Rental must cease within 30 days of receiving written notice from the County of such denial, unless County requires earlier termination of the Vacation Rental use due to a risk to the public health, safety and welfare.

2. Unpermitted vacation rental operations that are not allowed pursuant to this Title 20.64.290 are not eligible to the phase out terms outlined in this Section and must cease operations within 30 days of the Effective Date of this Ordinance.

3. 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 the Vacation Rental creates an immediate or imminent threat to life, public health, or safety.

## **G. Exemption**

The regulations set forth in this Chapter, including the need to apply for a Vacation Rental Operation Permit and Business License, do not apply to unique neighborhoods with existing developments that were established with the intent of managed short-term rentals; such developments are exempt from Chapter 7.110 and Sections 20.64.290. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

## **H. Application Process for Commercial Vacation Rentals**

1. All applications for a Coastal Development Permit for a Commercial Vacation Rental shall be filed with the Housing and Community Development Department on the form and in the manner prescribed by the Housing and Community Development Director 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 signed 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. The Applicant/Owner shall research and verify that Vacation Rental use of the residential unit does not violate any applicable recorded conditions, covenants, and restrictions (CC&Rs) or other applicable recorded restrictions on the real property proposed for the Vacation Rental use. The

Applicant/Owner shall provide proof of approval from any applicable Homeowner's Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use.

c. If the applicant is not the Owner, applicant shall provide 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 apply for the Coastal Development Permit and utilize the property for the proposed Commercial Vacation Rental activity.

d. Property Manager contact information, including name, address, telephone number and e-mail address.

e. Plans drawn to scale and labeled, in the form and manner required by the Monterey County Housing and Community Development Chief of Planning Director or his or her designee, including, but not limited to; site plans illustrating locations and dimensions of all property lines, rights-of-way, vehicular easements, edge of pavement, driveways and on-site parking areas; and floor plans showing all rooms, including windows and doors, with clear designation of which bedrooms are intended for rental.

f. An inspection report that provides and verifies information, in the form and manner required by the Monterey County Housing and Community Development Director 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; and installation of accessible fire extinguishers, fire alarms, and a carbon monoxide alarm on each level.

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

h. Evidence that the source of water that serves the proposed Commercial Vacation Rental in accordance with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Standards that 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 of the Monterey County Health Department.

i. If the Commercial Vacation Rental is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system) in accordance with Monterey County Code Chapter 15.20 and County LAMP, the applicant must provide evidence that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department.

j. Copy of OWTS informational signs pursuant to Chapter 7.110 of the Monterey County Code, if applicable.

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

l. Such other information as the Monterey County Housing and Community Development Director or his or her designee shall require to evaluate the application.

2. Time Limits. All Coastal Development Permits issued for Commercial Vacation Rentals 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 no more than seven (7) 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 20.74.110. 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 seven-year term. The Coastal Development Permit shall be extended by the Appropriate Authority by seven years upon each renewal, if the Appropriate Authority finds that the operation is in good standing, accordingly to the criteria set forth in Section I.3.

d. The Owner shall maintain a valid Vacation Rental Operation Permit pursuant to Chapter 7.110 of the Monterey County Code and a valid business license pursuant to Section 7.02.060(C) of the Monterey County Code throughout the permitted term of the Commercial Vacation Rental use.

e. The purpose of the seven (7) year term limit is to provide adequate ongoing review of the Commercial Vacation Rental to ensure that the use continues to meet the standards of this section.

## **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 (2) two substantiated violations of the terms and conditions of the Coastal Development Permit and/or Vacation Rental Operation Permit issued pursuant to Monterey County Code Chapter 7.110 in a twelve- (12-) month period. A substantiated violation means a determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.

3. The Vacation Rental operation shall be considered not in good standing, according to the criteria set forth below.

- a. Commercial Vacation Rentals with more than two (2) substantiated violations of this Section or Chapter 7.110 of the Monterey County Code shall be considered not in good standing. A substantiated violation means a determination of a violation by a court, administrative hearing officer, or hearing body, or by stipulated agreement.
- b. Commercial Vacation Rentals that do not have a valid Vacation Rental Operation Permit pursuant to Chapter 7.110 of the Monterey County Code shall be considered not in good standing.
- c. Commercial Vacation Rentals that do not have a valid business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code throughout the Commercial Vacation Rental use, shall be considered not in good standing.
- d. Commercial Vacation Rentals that have not paid their Transient Occupancy Tax pursuant to Chapter 5.04 of the Monterey County Code, shall be considered not in good standing.
- e. Commercial Vacation Rentals that violate with the regulations set forth in Chapters 18.14 and 18.15 of the Monterey County Code shall be considered not in good standing.

- f. Commercial Vacation Rentals 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.
- g. Commercial Vacation Rentals that have an on-site 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 completed by a qualified professional, pursuant to Monterey County Code Chapter 15.20 and County LAMP, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department shall be considered not in good standing.
- h. If a water system permit is required, Commercial Vacation Rentals that do not have a coastal development permit and water system permit that is in good standing shall be considered not in good standing.
- i. Commercial Vacation Rentals that have not completed at least one (1) contract in each of four (4) of the preceding seven (7) years will be considered inactive and not in good standing.
- j. In addition to the above criteria, a County decision-maker has authority to determine that a Commercial or Limited Vacation Rental is not in good standing if the decision-maker finds, based on substantial evidence following a hearing before the decision-maker, that the Owner or Operator has violated federal or state law or County regulation in the operation of the Vacation Rental.

4. If a Coastal Development Permit has revoked because the Commercial Vacation Rental is found not to be in good standing, an Owner desiring a Commercial Vacation Rental must apply for a new Coastal Development Permit for the Commercial Vacation Rental use, and will be required to demonstrate, in addition to any other applicable requirements, that the reasons for revoking the Use Permit have been addressed.

## **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

*Ordinance amending Title 20 re: Vacation Rentals*

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 (6) 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 the Monterey County 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, attorneys 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, a Building and/or Health 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 (1) 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 third violation of the same ordinance within one (1) year.

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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 21. 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 22. EFFECTIVE DATE.** This Ordinance shall become effective on the thirty-first day following its adoption by the County if certified by the California Coastal Commission or thereafter upon 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 E S T

VALERIE RALPH  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

*Ordinance amending Title 20 re: Vacation Rentals*

Draft 01.06.2022

*This document is a draft and subject to change.*

APPROVED AS TO FORM:

WENDY S. STRIMLING  
Assistant County Counsel

*Ordinance amending Title 20 re: Vacation Rentals*

Draft 01.06.2022

# ATTACHMENT 3

*This document is a draft and subject to change.*

## DRAFT 01.06.2022 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. The intent of this ordinance is to distinguish between Commercial Vacation Rentals and Limited Vacation Rentals, such that Commercial Vacation Rentals require a discretionary land use entitlement while Limited Vacation Rentals are defined in a manner to be 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 Vacation Rental Operation Permit and business license.

D. Regulation of Vacation Rentals is necessary because Commercial Vacation Rental uses, which by definition may be rented at a greater frequency and duration than Limited Vacation Rentals, 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 hazards to public health, safety and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses therefore may be allowed, where applicable, only with an approved Use Permit, Vacation Rental Operation Permit and business license. This ordinance recognizes that some unique neighborhoods with existing developments were established with the intent of managed short-term rentals, such as Monterey Dunes Colony; such developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a Vacation Rental Operation Permit and Business License. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

*This document is a draft and subject to change.*

E. This Ordinance establishes the requirement for a Use Permit for Commercial Vacation Rental activities to provide for business fairness and to enable evaluation of the impacts of such activities, in recognition that Commercial Vacation Rentals may 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. Because the nature and extent of short term rentals have been transformed in the last several years due to the advent of on-line platforms for short term rentals, it is necessary to update the County's short term rental regulations which were last adopted in 1997. Accordingly, this Ordinance intends to replace Section 21.64.280, regulations for transient use of residential property for remuneration, with Section 21.64.290 for applications for Vacation Rentals after the effective date of this ordinance.

G. To allow for a reasonable amortization of investment for existing Vacation Rental operations, this Ordinance provides an initial defined time period during which an unpermitted 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 to Section 21.64.290 of Monterey County Code. This Ordinance also provides that a use for which an Administrative Permit was previously granted under Section 21.64.280 shall become a legal nonconforming use.

H. [Reserve for CEQA finding]

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

“Commercial Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for more than three (3) times per 12-month period. “Commercial Vacation Rental” also includes a Residential Property rented as a Vacation Rental three (3) or fewer times per 12-month period, if any of the three Vacation Rentals exceed a duration of 14 consecutive calendar days.

**SECTION 3.** Section 21.06.735 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Limited Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for not more than three (3) times per 12-month period, with each such rental not to exceed fourteen (14) consecutive calendar days in duration.

**SECTION 4.** Section 21.06.986 is added to the Monterey County Code [DEFINITIONS] to read as follows:

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

**SECTION 5.** 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 (2) 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 6.** 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 (3) 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 or 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 7.** Section 21.06.1307 is amended in the Monterey County Code [DEFINITIONS] to read as follows:

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

**SECTION 8.** 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 fewer, counting portions of calendar days as full days. “Vacation Rental” includes Commercial Vacation Rentals and Limited Vacation Rentals. “Vacation Rental” does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

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**SECTION 9.** Section 21.10.030(S) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

S. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 10.** Section 21.10.050(AA) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

AA. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 11.** Section 21.12.030(R) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 12.** Section 21.12.050(Y) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

Y. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 13.** Section 21.14.030(U) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

U. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 14.** Section 21.14.050(E) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

EE. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 15.** Section 21.16.030(W) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

W. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 16.** Section 21.16.050(RR) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

RR. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 17.** Section 21.18.040(E) is added to the Monterey County Code [LIGHT COMMERCIAL DISTRICT] to read as follows:

E. Limited Vacation Rentals, pursuant to Section 21.64.290;

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**SECTION 18.** Section 21.18.060(HH) is added to the Monterey County Code [LIGHT COMMERCIAL DISTRICT] to read as follows:

HH. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 19.** Section 21.20.040(E) is added to the Monterey County Code [HEAVY COMMERCIAL DISTRICT] to read as follows:

E. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 20.** Section 21.20.060(OO) is added to the Monterey County Code [HEAVY COMMERCIAL DISTRICT] to read as follows:

OO. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 21.** Section 21.22.040(D) is added to the Monterey County Code [VISITOR-SERVING/PROFESSIONAL OFFICE DISTRICT] to read as follows:

D. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 22.** Section 21.22.060(X) is added to the Monterey County Code [VISITOR-SERVING/PROFESSIONAL OFFICE DISTRICT] to read as follows:

X. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 23.** Section 21.30.030(R) is added to the Monterey County Code [FARMLAND] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 24.** Section 21.30.050(JJ) is added to the Monterey County Code [FARMLAND] to read as follows:

JJ. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 25.** Section 21.32.030(R) is added to the Monterey County Code [RURAL GRAZING] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 26.** Section 21.32.050(KK) is added to the Monterey County Code [RURAL GRAZING] to read as follows:

KK. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

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**SECTION 27.** Section 21.34.030(Q) is added to the Monterey County Code [PERMANENT GRAZING] to read as follows:

Q. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 28.** Section 21.34.050(II) is added to the Monterey County Code [PERMANENT GRAZING] to read as follows:

II. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 29.** Section 21.36.030(V) is added to the Monterey County Code [RESOURCE CONSERVATION DISTRICT] to read as follows:

V. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 30.** Section 21.36.050(JJ) is added to the Monterey County Code [RESOURCE CONSERVATION DISTRICT] to read as follows:

JJ. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 31.** Section 21.48.030(6) is added to the Monterey County Code [LIMITED AGRICULTURAL DISTRICT] to read as follows:

6. Limited Vacation Rentals, pursuant to Section 21.64.290;

**SECTION 32.** Section 21.48.040(5) is added to the Monterey County Code [LIMITED AGRICULTURAL DISTRICT] to read as follows:

5. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

**SECTION 33.** Subdivision H is added to Section 21.64.280 of 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 34.** 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**

*This document is a draft and subject to change.*

**Sub-sections:**

- A. Definitions**
- B. Purpose**
- C. Applicability**
- D. Regulations for Limited Vacation Rentals**
- E. Regulations for Commercial Vacation Rentals**
- F. Phasing Out Unpermitted Operations**
- G. Exemptions**
- H. Application Process for Commercial Vacation 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; 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:

*This document is a draft and subject to change.*

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 residential properties.

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 offer 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 Limited Vacation 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 Vacation Rental Operation Permit and a business license. Limited Vacation Rental uses would be established in existing Residential Properties by an Owner or Operator for the duration and frequency of the transient use controlled by this Ordinance. As such, Limited Vacation Rentals would not involve a risk of environmental impacts and are exempt from the requirement for a Use Permit.

5. Establish regulations to address the potential Commercial Vacation Rental uses that have the potential impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses therefore may be allowed, where applicable, only with a Use Permit granted pursuant to this Section, a Vacation Rental Operation Permit, and a business license.

### **C. Applicability**

1. This Section applies in the unincorporated inland areas 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” or Vacation Rentals on which County renders a decision 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 Limited Vacation Rentals**

*This document is a draft and subject to change.*

1. Limited Vacation Rentals are allowed in in the following zoning districts, subject to the requirements of this Section 21.64.290:
  - a. High Density Residential (HDR);
  - b. Medium Density Residential (MDR);
  - c. Low Density Residential (LDR);
  - d. Rural Density Residential (RDR);
  - e. Light Commercial (LC);
  - f. Heavy Commercial (HC);
  - g. Visitor-serving/Professional Office (VO);
  - h. Farmland (F);
  - i. Rural Grazing (RG);
  - j. Permanent Grazing (PG);
  - k. Resource Conservation (RC);
  - l. Limited Agricultural District (“A” District);
  - m. 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 districts; and
  - n. 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 Vacation Rentals are prohibited in any other zoning district.

2. Limited Vacation Rentals shall be considered a residential use, similar in character, density, and intensity to residential use.

3. Limited Vacation Rentals shall be allowed only in a single-family dwelling.

4. Limited Vacation Rentals are prohibited in all of the following: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; and in dwellings which are subject to a recorded covenant, agreement, deed restriction or other recorded document limiting the use of the dwelling, including but not limited to affordable housing units that are subject to affordability restrictions.

5. Limited Vacation Rentals shall be allowed only in legally permitted residential structures. Limited Vacation Rentals are prohibited in structures intended for temporary occupancy.

6. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

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

8. The Owner or Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Limited Vacation Rental use and must keep a valid business license throughout the Limited Vacation Rental use.

9. The Owner or Operator shall register the Limited Vacation Rental with the Monterey County Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

10. To qualify as a Limited Vacation Rental:

a. Only one (1) Limited Vacation Rental shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record, except in the development types and zoning districts specific below. This limit shall apply to single family dwellings and only one (1) Limited Vacation Rental shall be allowed per dwelling.

i. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. In these types of developments, one (1) Limited Vacation Rental shall be allowed per individually owned residential unit.

ii. This provision does not apply to Light Commercial (LC), Heavy Commercial (HC), and Visitor-Serving/Professional Office (VO) zoning districts. These districts shall be allowed more than one (1) Limited Vacation Rental per legal lot of record and shall not exceed the number of residential units per legal lot of record.

b. The dwelling shall be not rented as a Limited Vacation Rental more than three (3) times per 12-month period, with each such rental not to exceed 14 consecutive calendar days.

11. In Farmland (F), Rural Grazing (RG), Permanent Grazing (PG) and Limited Agricultural District ("A" District) zoning districts, a Property Manager or Owner or Operator shall concurrently reside on the property while the Limited Vacation Rental is rented if an agricultural operation is active on the property.

12. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

13. The Limited Vacation Rental must meet the water quality requirements for Limited Vacation Rentals set forth in Chapter 7.110 of the Monterey County Code. The drinking water is presumed to meet water quality standards if the Owner or Operator provides evidence that the Limited Vacation Rental 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 Vacation Rental is found to be part of an unpermitted water system or if the Limited Vacation Rental results in the need for a permit for a water system, the Owner shall obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Limited Vacation Rental use and must keep the Water System Permit in good standing throughout the Limited Vacation Rental use.

12. Except as provided in this Section, Limited Vacation Rentals 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.

13. The use of a Residential Property for a Limited Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Limited Vacation Rental Operator must meet the requirements related to conditions, covenants, or other restrictions on real property set forth in Chapter 7.110 of the Monterey County Code.

#### **E. Regulations for Commercial Vacation Rentals**

1. Commercial Vacation Rentals are allowed with a Use Permit in the following zoning districts, subject to the requirements of this Section 21.64.290:

- a. High Density Residential (HDR);
- b. Medium Density Residential (MDR);
- c. Low Density Residential (LDR);
- d. Rural Density Residential (RDR);
- e. Light Commercial (LC);
- f. Heavy Commercial (HC);
- g. Visitor-serving/Professional Office (VO);
- h. Farmland (F);
- i. Rural Grazing (RG);
- j. Permanent Grazing (PG);
- k. Resource Conservation (RC);
- l. Limited Agricultural District (“A” District);
- m. Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed)

- n. except industrial and public/quasi-public land use designations within the CP districts; 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 Vacation Rentals shall be prohibited in any other zoning district.

2. Commercial Vacation Rentals Prohibited or Limited in Certain Areas.

Commercial Vacation Rentals are subject to the following additional limitations based on a maximum allowable limit of permitted Commercial Vacation Rentals not to exceed six (6) percent of the total single family residential dwelling unit count, calculated not more than ninety (90) days prior to the Effective Date of this ordinance, and/or the policies of their respective Area or Master Plan:

- a. Central Salinas Valley Area Plan as follows:

A total of 98 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Central Salinas Valley Area Plan area.

- b. Agricultural and Winery Corridor Plan as follows: TBD.

- c. Cachagua Area Plan as follows:

A total of 30 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Cachagua Area Plan area.

- d. Carmel Valley Master Plan as follows:

A total of 302 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Carmel Valley Master Plan area.

- e. Toro Area Plan as follows:

A total of 259 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Toro Area Plan area.

- f. Fort Ord Master Plan as follows:

A total of 60 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Fort Ord Master Plan area.

g. Greater Monterey Peninsula Area Plan as follows:

A total of 232 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Greater Monterey Peninsula Area Plan area.

h. North County Inland Area Plan as follows:

A total of 339 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within North County Inland Area Plan area.

i. South County Area Plan as follows:

A total of 78 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the South County Area Plan area.

j. Greater Salinas Area Plan as follows:

A total of 120 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Greater Salinas Area Plan area.

3. Commercial Vacation Rentals shall be allowed, with a Use Permit, only legally permitted residential structures and only in single-family dwellings.

3. Commercial Vacation Rentals shall be prohibited in all of the following structures: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; structures intended for temporary occupancy; and in dwellings subject to a recorded covenant, agreement, deed restriction, or other recorded document limiting the use of the dwelling, including but not limited to, affordable housing units that are subject to affordability restrictions.

4. Commercial Vacation Rentals shall be allowed only in legally permitted residential structures. Commercial Vacation Rentals are prohibited in structures intended for temporary occupancy.

5. Commercial Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

6. Commercial Vacation Rentals in Farmland (F), Rural Grazing (RG), Permanent Grazing (PG), and Limited Agricultural (A) zoning districts shall have a Property Manager or Owner or Operator concurrently reside on the property while the

Commercial Vacation Rental is rented if an agricultural operation is active on the property.

7. A Commercial Vacation 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. In addition to the notice requirements for a Coastal Development Permit pursuant to Chapter 21.78, notice shall be provided to any applicable homeowners' association. . A Commercial Vacation Rental that is not accessible directly from a public road, shall be provide notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental use and shall include the application reference number, location of the Vacation Rental, name and contract information for the owner/applicant, and procedures and contact information for the County. 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.

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

9. The Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Commercial Vacation Rental use and must keep a valid business license throughout the Commercial Vacation Rental use.

9. The Operator shall register the Commercial Vacation Rental with the Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

10. To qualify as a Commercial Vacation Rental:

a. Only one (1) Commercial Vacation Rental 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 single family dwellings and only one (1) Commercial Vacation Rental shall be allowed per dwelling.

b. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. These developments shall be allowed more than one (1) Commercial Vacation Rental.

c. This provision does not apply to zoning districts such as Light Commercial (LC), Heavy Commercial (HC), and Visitor-Serving/Professional

Office (VO) zoning districts. These districts shall be allowed more than one (1) Commercial Vacation Rental and shall not exceed the number of residential units per legal lot of record.

11. A Commercial Vacation Rental that is not accessible directly from a public road is subject to Monterey County Code Chapter 16.80, Regulations Relating to Applications Involving Use of Private Roads. Upon making an application with the County for Vacation Rental use, the owner/applicant shall be required to mail notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental Use and shall include the application reference number, location of the vacation rental, name and contact information for the owner/applicant; and procedures and contact information for the County.

12. If the Commercial Vacation Rental is found to be part of an unpermitted water system or if the Commercial Vacation Rental 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 Vacation Rental use and must keep the Water System Permit in good standing throughout the Commercial Vacation Rental use.

13. The source of water that serves a Commercial Vacation Rental in accordance with Monterey County Code Chapter 15.04 California Plumbing Code and Federal Safe Drinking Water Standards 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 Environmental Health Bureau of the Monterey County Health Department, before the permit application is deemed complete. Water quality testing may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet these standards if the Owner provides evidence that the Commercial Vacation Rental is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections.

14. A Commercial Vacation Rental that is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system) in accordance with Monterey County Code Chapter 15.20 and County LAMP, shall demonstrate that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department. 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 Use Permit for a Commercial Vacation Rental.

15. If the Commercial Vacation Rental is served by an on-site wastewater treatment system ("OWTS", also referred to as a septic system), the Commercial

Vacation Rental must meet the on-site wastewater requirements set forth in Chapter 7.110 of the Monterey County Code.

16. Commercial Vacation Rentals must demonstrate that response times for County emergency services for fire and emergency medical will be adequate. 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. The notice shall identify the average response time for emergency services to reach the subject property and describe the onsite fire protection systems (such as fire breaks, alarms and/or water storage tanks) available.

17. Commercial Vacation Rentals shall provide parking as required for the dwelling type by Monterey County Code Section 21.58.040, Regulations for Parking, or the applicable parking regulations at the time the dwelling was built.

18. Commercial Vacation Rentals 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 sight unless in conformity with neighborhood standards.

19. 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.

20. Required Findings. To grant a Use Permit for a Commercial Vacation Rental, the Appropriate Authority must find, based on substantial evidence, that the Commercial Vacation Rental 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.

21. Except as provided in this Section, Commercial Vacation Rentals shall be prohibited in the unincorporated areas of Monterey County unless all permits, licenses, certificates, and any other entitlement required by County regulation are secured and maintained in good standing.

22. The use of a Residential Property for a Commercial Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Applicant/Owner for the Use Permit for the Commercial Vacation Rental Operator shall research any conditions, covenants, or other restrictions to which the property is subject and verify that to their knowledge that operating the Commercial Vacation

Rental is not in violation of those conditions, covenants, or other restrictions. The Applicant/Owner shall also provide proof of approval from any applicable Homeowners' Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use. This requirement would be applicable at the initial submittal of a Vacation Rental Operations Permit , and every seven years if renewed.

## **F. Phasing Out Unpermitted Operations**

1. To provide time for the Owner or Operator of a Vacation Rental that was unpermitted prior to the Effective Date to bring the Vacation Rental 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, an Owner and/or Operator who can demonstrate that Vacation Rental use was established and operating on the subject property prior to the Effective Date may continue the operation for a limited period of time following the Effective Date of these regulations. [Phasing Out Unpermitted Operations] of the Monterey County Code.

a. For Vacation Rental uses, the Owner or Operator:

i. Has thirty (30) days from the Effective Date to register with the Monterey County Housing and Community Development Department and file an Intent to Apply form.

ii. Has three (3) 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. May establish a Vacation Rental as “prior operating” by providing evidence to the satisfaction of the Monterey County Housing and Community Development Department Planning Services 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 the unit on or after **April 1, 2019**.

iv. Must provide a current copy of Transient Occupancy Registration Certificate issued by the County.

v. If the above requirements (i) through (iv) are met, the Owner or Operator will be allowed to continue to operate as a Vacation Rental for up to six (6) months from the Effective Date, or until County takes action on the Owner's or Operator's application 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, unless County requires earlier termination of the Vacation Rental use due to a risk to public health, safety and welfare.

vi. If after 180 days from the Effective Date of this Ordinance the County denies any of the required permits, licenses, and entitlements, the Vacation Rental must cease within 30 days of receiving written notice from the County of such denial, unless County requires earlier termination of the Vacation Rental use due to a risk to the public health, safety and welfare

2. Unpermitted vacation rental operations that are not allowed pursuant to this Title 21.64.290 are not eligible to the phase out terms outlined in this Section and must cease operations within 30 days of the Effective Date of this Ordinance.

3. 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 the Vacation Rental creates an immediate or imminent threat to life, public health, or safety.

## **G. Exemptions**

The regulations set forth in this Chapter, including the need to apply for a Vacation Rental Operation Permit and Business License, do not apply to unique neighborhoods with existing developments that were established with the intent of managed short-term rentals; such developments are exempt from Chapter 7.110 and Sections 21.64.290. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

## **H. Application Process for Commercial Vacation Rentals**

1. All applications for a Use Permit for a Commercial Vacation Rental shall be filed with the Monterey County Housing and Community Development Department on the form and in the manner prescribed by the Housing and Community Development Director 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 signed 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. The Applicant/Owner shall research and verify that Vacation Rental use of the residential unit does not violate any applicable recorded conditions, covenants, and restrictions (CC&Rs) or other applicable recorded restrictions on the real property proposed for the Vacation Rental use. The

Applicant/Owner shall provide proof of approval from any applicable Homeowner's Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use.

c. If the applicant is not the Owner, the applicant shall provide 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 apply for the Use Permit and utilize the property for the proposed Commercial Vacation Rental activity.

d. Property Manager contact information including name, address, telephone number and e-mail address.

e. Plans drawn to scale and labeled, in the form and manner required by the Monterey County Housing and Community Development Director or his or her designee, including but not limited to: site plans illustrating locations and dimensions of all property lines, rights-of-way, vehicular easements, edge of pavement, driveways, on-site parking areas and all structures; and floor plans showing all rooms, including windows and doors, with clear designation of which bedrooms are intended for rental.

f. An inspection report that provides and verifies information, in the form and manner required by the Monterey County Housing and Community Development Director 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; and installation of accessible fire extinguishers, fire alarms, and a carbon monoxide alarm on each level.

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

h. Evidence that the source of water that serves the proposed Commercial Vacation Rental 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 of the Monterey County Health Department.

i. If the Commercial Vacation Rental is served by an on-site 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 completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department.

j. Copy of OWTS informational signs pursuant to Chapter 7.110 of the Monterey County Code, if applicable.

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

l. Such other information as the Monterey County Housing and Community Development Director or his or her designee shall require to evaluate the application.

2. Time Limits. All Use Permits issued for Commercial Vacation Rentals 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 no more than seven (7) 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 seven-year term. The Use Permit shall be extended by the Appropriate Authority by seven years upon each renewal, if the Appropriate Authority finds that the operation is in good standing, according to the criteria set forth in Section I.3.

c. The Owner shall maintain a valid Vacation Rental Operation Permit pursuant to Chapter 7.110 of the Monterey County Code and a valid business license pursuant to Section 7.02.060(C) of the Monterey County Code throughout the permitted term of the Commercial Vacation Rental use.

c. The purpose of the seven (7) year term limit is to provide adequate ongoing review of the Commercial Vacation Rental to ensure that the use continues to meet the standards of this section.

## **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 (2) substantiated violations of the terms and conditions of the Use Permit and/or Vacation Rental Operation Permit issued pursuant to Monterey County Code Chapter 7.110 in a twelve- (12-) month period. A substantiated violation means a determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.

3. The Vacation Rental operation shall be considered not in good standing, according to the criteria set forth below.

- a. Commercial Vacation Rentals with more than two (2) substantiated violations of this Section or Chapter 7.110 of the Monterey County Code shall be considered not in good standing. A substantiated violation means a determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.
- b. Commercial Vacation Rentals that do not have a valid Vacation Rental Operation Permit pursuant to Chapter 7.110 of the Monterey County Code shall be considered not in good standing.
- c. Commercial Vacation Rentals that do not have a valid business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code throughout the Commercial Vacation Rental use shall be considered not in good standing.
- d. Commercial Vacation Rentals that have not paid their Transient Occupancy Tax pursuant to Chapter 5.04 of the Monterey County Code shall be considered not in good standing.
- e. Commercial Vacation Rentals that violate with the regulations set forth in Chapters 18.14 and 18.15 of the Monterey County Code shall be considered not in good standing.
- f. Commercial Vacation Rentals 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.
- g. Commercial Vacation Rentals that have an on-site 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 completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department, shall be considered not in good standing.

- h. If a water system permit is required, Commercial Vacation Rentals that do not have a water system permit that is in good standing shall be considered not in good standing.
- i. Commercial Vacation Rentals that have not completed at least one (1) contract in each of four (4) of the preceding seven (7) years will be considered inactive and not in good standing.
- j. In addition to the above criteria, a County decision-maker has authority to determine that a Commercial or Limited Vacation Rental is not in good standing if the decision-maker finds, based on substantial evidence following a hearing before the decision-maker, that the Owner or Operator has violated federal or state law or County regulation in the operation of the Vacation Rental.

4. If a Use Permit has been revoked because the Commercial Vacation Rental is found not to be in good standing, an Owner desiring a Commercial Vacation Rental must apply for a new Use Permit for the Commercial Vacation Rental use and will be required to demonstrate, in addition to any other applicable requirements, that the reasons for revoking the Use Permit have been addressed.

## **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 (6) 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 the Monterey County 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, attorneys fees, and any other relief or remedy available in 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, a Building and/or Health 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 (1) 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 third violation of the same ordinance within one (1) year.

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 35. 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.

*This document is a draft and subject to change.*

**SECTION 36. 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

APPROVED AS TO FORM:

WENDY S. STRIMLING  
Assistant County Counsel