

# **County of Monterey**

Government Center - Board Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901



## **Meeting Agenda - Final**

**Wednesday, February 11, 2026**

**9:00 AM**

**Para interpretación en español, haga clic aquí:**

**<https://attend.wordly.ai/join/THCT-8529>**

**County of Monterey Planning Commission**

**FEE SCAM ALERT:** Be aware of a fake invoice scam, if you receive an unexpected invoice related to a county project, call the County Permit Center at 831-755-5025 to confirm its authentic.

**ALERTA DE ESTAFA DE TARIFAS:** Tenga cuidado con las estafas de facturas falsas, si recibe una factura inesperada relacionada con un proyecto del condado, llame al Centro de Permisos del Condado al 831-755-5025 para confirmar su autenticidad.

The Planning Commission is pleased to announce a six-month Pilot Program for Interpretation Services, commencing in December 2024. This initiative aims to enhance accessibility and participation in our meetings.

To utilize interpretation services during the Planning Commission meetings, please access the meeting via the below link or use the QR Code on our website. Once logged in, select your preferred language and click on 'Attend' to join.

Thank you for your cooperation and we look forward to your participation.

La Comisión de Planificación se complace en anunciar un Programa Piloto de Servicios de Interpretación de seis meses de duración, que comenzará en diciembre de 2024. Esta iniciativa tiene como objetivo mejorar la accesibilidad y la participación en nuestras reuniones.

Para utilizar los servicios de interpretación durante las reuniones de la Comisión de Planificación, acceda a la reunión a través del siguiente enlace o utilice el código QR en nuestro sitio web. Una vez que haya iniciado sesión, seleccione su idioma preferido y haga clic en "Asistir" para unirse.

Gracias por su colaboración y esperamos contar con su participación.

<https://attend.wordly.ai/join/THCT-8529>

For optimal audio quality, please use a headset with your device. If you require assistance or do not have a device, reach out to the Clerk of the Planning Commission for support.

Para una calidad de audio óptima, utilice auriculares con su dispositivo. Si necesita ayuda o no tiene un dispositivo, comuníquese con el secretario(a) de la Comisión de Planificación para obtener ayuda.

The Recommended Action indicates the staff recommendation at the time the agenda was prepared. That recommendation does not limit the Planning Commission alternative actions on any matter before it.

NOTE: All agenda titles related to numbered agenda items are live web links. Click on the title to be directed to the corresponding staff report and associated documents.

In addition to attending in person, public participation will be available by ZOOM and/or telephonic means:

You may participate through ZOOM. For ZOOM participation please join by computer audio at: <https://montereycty.zoom.us/j/95316276581>

OR to participate by phone call any of these numbers below:

- + 1 669 900 6833 US (San Jose)
- + 1 346 248 7799 US (Houston)
- + 1 312 626 6799 US (Chicago)
- + 1 929 205 6099 US (New York)
- + 1 253 215 8782 US
- + 1 301 715 8592 US

Enter this Meeting ID number 953 1627 6581 when prompted.

**PLEASE NOTE: IF ALL COMMISSIONERS ARE PRESENT IN PERSON, PUBLIC PARTICIPATION BY ZOOM IS FOR CONVENIENCE ONLY AND IS NOT REQUIRED BY LAW. IF THE ZOOM FEED IS LOST FOR ANY REASON, THE MEETING MAY BE PAUSED WHILE A FIX IS ATTEMPTED BUT THE MEETING MAY CONTINUE AT THE DISCRETION OF THE CHAIRPERSON.**

If you choose not to attend the Planning Commission meeting in person, but desire to make general public comment, or comment on a specific item on the agenda, you may do so in two ways:

- a. Submit your comment via email by 5:00 p.m. on the Tuesday prior to the Planning Commission meeting. Please submit your comment to the Clerk at [phearingcomments@co.monterey.ca.us](mailto:phearingcomments@co.monterey.ca.us) . In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Planning Commission Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the meeting.
- b. You may participate through ZOOM or telephonically. For ZOOM or telephonic participation please join by computer audio using the links above.

**DOCUMENT DISTRIBUTION:** Documents related to agenda items that are distributed to the Planning Commission less than 72 hours prior to the meeting shall be available for public inspection at the meeting the day of the Planning Commission meeting and in the Housing and Community

Development Office located at 1441 Schilling Place, 2nd Floor, Salinas California. Documents submitted in-person at the meeting, will be distributed to the Planning Commission. All documents submitted by the public at the meeting the day of the Planning Commission must have no less than sixteen (16) copies. Comments received after the agenda item will be made part of the record if received prior to the end of the meeting.

**ALTERNATIVE FORMATS:** If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda, please call the Monterey County Housing and Community Development at (831) 755-5025.

**INTERPRETATION SERVICE POLICY:** The Monterey County Planning Commission invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Monterey County Housing and Community Development Department by phone at (831) 755-5025. The Clerk will make every effort to accommodate requests for interpreter assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting.

La medida recomendada indica la recomendación del personal en el momento en que se preparó la agenda. Dicha recomendación no limita las acciones alternativas de la Comisión de Planificación sobre cualquier asunto que se le haya sometido.

Además de asistir en persona, la participación del público estará disponible por ZOOM y/o medios telefónicos:

Puede participar a través de ZOOM. Para la participación de ZOOM, únase por computadora en: <https://montereycty.zoom.us/j/95316276581>

O para participar por teléfono, llame a cualquiera de estos números a continuación:

- + 1 669 900 6833 US (San Jose)
- + 1 346 248 7799 US (Houston)
- + 1 312 626 6799 US (Chicago)
- + 1 929 205 6099 US (New York)
- + 1 253 215 8782 US
- + 1 301 715 8592 US

Presione el código de acceso de reunión: 953 1627 6581 cuando se le solicite.

**TENGA EN CUENTA: SI TODOS LOS COMISIONADOS ESTÁN PRESENTES EN PERSONA, LA PARTICIPACIÓN PÚBLICA DE ZOOM ES SOLO POR CONVENIENCIA Y NO ES**



**REQUERIDA POR LA LEY. SI LA TRANSMISIÓN DE ZOOM SE PIERDE POR CUALQUIER MOTIVO, LA REUNIÓN PUEDE PAUSARSE MIENTRAS SE INTENTA UNA SOLUCIÓN, PERO LA REUNIÓN PUEDE CONTINUAR A DISCRECIÓN DEL PRESIDENTE DE LA REUNIÓN.**

Si decide no asistir a la reunión de la Comisión de Planificación en persona, pero desea hacer comentarios públicos generales o comentar sobre un tema específico de la agenda, puede hacerlo de dos maneras:

- a. Envíe su comentario por correo electrónico antes de las 5:00 p.m. del martes anterior a la reunión de la Comisión de Planificación. Por favor, envíe su comentario al asistente de la Comisión de Planificación a: [phearingcomments@co.monterey.ca.us](mailto:phearingcomments@co.monterey.ca.us) . En un esfuerzo por ayudar al asistente a identificar el tema de la agenda relacionado con su comentario público, indique en la Línea de Asunto, la audiencia de la reunión (ejemplo, la Junta de la Comisión de Planificación) y número de artículo (ejemplo, artículo n.º 10). Su comentario se incluirá en el registro de la reunión.
- b. Puede participar a través de ZOOM o telefónicamente. Para ZOOM o participación telefónica, únase por audio de computadora utilizando los enlaces anteriores.

**DISTRIBUCIÓN DE DOCUMENTOS:** Los documentos relacionados con los temas de la agenda que se distribuyan a la Comisión de Planificación menos de 72 horas antes de la reunión estarán disponibles para inspección pública en la reunión el día de la reunión de la Comisión de Planificación y en la Oficina de Vivienda y Desarrollo Comunitario ubicada en 1441 Schilling Place, 2nd Floor, Salinas California. Los documentos presentados en persona en la reunión se distribuirán a la Comisión de Planificación. Todos los documentos presentados por el público en la reunión del día de la Comisión de Planificación deben tener no menos de dieciséis (16) copias. Las observaciones recibidas después del tema del programa pasarán a formar parte del acta si se reciben antes de que finalice la sesión.

**FORMATOS ALTERNATIVOS:** Si se solicita, la agenda se pondrá a disposición de las personas con discapacidad en formatos alternativos apropiados, según lo exige la Sección 202 de la Ley de Estadounidenses con Discapacidades de 1990 (42 USC Sec. 12132) y las reglas y regulaciones federales adoptadas en implementación de la misma. Para obtener información sobre cómo, a quién y cuándo una persona con una discapacidad que requiere una modificación o adaptación para participar en la reunión pública puede hacer una solicitud de modificación o adaptación relacionada con la discapacidad, incluidas las ayudas o servicios auxiliares, o si tiene alguna pregunta sobre cualquiera de los temas enumerados en esta agenda, llame al Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey al (831) 755-5025.

**POLÍZA DE SERVICIO DE INTERPRETACIÓN:** Los miembros de la Comisión de Planificación del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un intérprete, por favor comuníquese con el Departamento de Vivienda y Desarrollo Comunitario localizado en el Centro de Gobierno del Condado de Monterey, (County of Monterey Government Center), 1441 Schilling Place, segundo

piso sur, Salinas – o por teléfono al (831) 755-5025. La asistente hará el esfuerzo para acomodar los pedidos de asistencia de un intérprete. Los pedidos se deberán hacer lo más pronto posible, y no más de lo mínimo de 24 horas de anticipo para cualquier reunión.

**NOTA:** Todos los títulos de la agenda relacionados con los puntos numerados de la agenda son enlaces web en vivo. Haga clic en el título para dirigirse al informe del personal correspondiente y los documentos asociados.

**COMENTARIO PÚBLICO:** Los miembros del público pueden dirigir comentarios a la Comisión de Planificación sobre cada punto del orden del día. El momento de los comentarios públicos será a discreción del presidente.

**PUBLIC COMMENT:** Members of the public may address comments to the Planning Commission concerning each agenda item. The timing of public comment shall be at the discretion of the Chair.

**NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Staff Report.**

**9:00 A.M. - CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Jessica Hartzell  
Paul C. Getzelman  
Christine Shaw  
Ernesto G. Gonzalez  
Ramon Gomez  
Francisco Javier Mendoza  
Martha Diehl  
Amy Roberts  
Etna Monsalve  
Ben Work

**PUBLIC COMMENTS**

This is a time set aside for the public to comment on a matter that is not on the agenda.

**AGENDA ADDITIONS, DELETIONS AND CORRECTIONS**

The Commission Clerk will announce agenda corrections, deletions and proposed additions, which may be acted on by the Planning Commission as provided in Sections 54954.2 of the California Government Code.

**COMMISSIONER COMMENTS, REQUESTS AND REFERRALS**

This is a time set aside for the Commissioners to comment, request, or refer a matter that is on or not on the agenda.

**APPROVAL OF CONSENT CALENDAR**

1. Acknowledge the resignation of Bill Bartosh from the South County Land Use Advisory Committee.

**Attachments:**     [Cover Letter](#)  
                             [Exhibit A - LUAC Resignation](#)

2. Acknowledge the resignation of Joy Jacobs from the Greater Monterey Peninsula Land Use Advisory Committee.

**Attachments:**     [Cover Letter](#)  
                             [Exhibit A - LUAC Resignation](#)

3. Acknowledge the resignation of Steve Turley from the South County Land Use Advisory Committee.

**Attachments:**     [Cover Letter](#)  
                          [Exhibit A - LUAC Resignation](#)

4. Acknowledge the resignation of Steve McMurtrie from the Toro Land Use Advisory Committee.

**Attachments:**     [Cover Letter](#)  
                          [Exhibit A - LUAC Resignation](#)

5. Acknowledge the resignation of Gregory Traynor from the South County Land Use Advisory Committee.

**Attachments:**     [Cover Letter](#)  
                          [Exhibit A - LUAC Resignation](#)

6. Acknowledge the resignation of Dan Keig from the Carmel Highlands/Unincorporated Land Use Advisory Committee.

**Attachments:**     [Cover Letter](#)  
                          [Exhibit A - LUAC Resignation](#)

#### **APPROVAL/ACCEPTANCE OF MINUTES**

7. Approval of the January 14, 2026, Planning Commission Meeting Minutes.

**Attachments:**     [Cover Page](#)  
                          [Draft PC Minutes - 011426](#)

#### **9:00 A.M. – SCHEDULED MATTERS**

**8. COUNTY OF MONTEREY PLANNING COMMISSION**

The Planning Commission will receive nominations from the Planning Commission Nomination Committee for a new Commission Chair and Vice Chair, and the Commission will elect a new Chair and Vice Chair for 2026.

**Attachments:**     [Cover Report](#)

**9. REF250042 [COASTAL] & REF250043 [INLAND] - AMENDED VACATION RENTAL ORDINANCES**

Public Hearing to consider a recommendation to the Board of Supervisors to consider an Addendum,

together with the Final Environmental Impact Report (SCH # 2022080643), adopt an ordinance amending Title 7 of Monterey County Code to amend Section 7.02.060 and amend Chapter 7.120 - *Regulations for Vacation Rentals*, adopt a resolution of intent to adopt an ordinance amending Title 20 of the Monterey County Code (coastal) to amend Section 20.64.290 - *Regulations for Vacation Rentals*, and adopt an ordinance amending Title 21 of the Monterey County Code (inland) to amend Section 21.64.290 - *Regulations for Vacation Rentals*.

**Project Location:** Countywide

**Proposed CEQA action:** Consider an Addendum, together with the Final Environmental Impact Report (SCH # 2022080643) for the Monterey County Vacation Rental Ordinances Project (Resolution No. 24-355) pursuant to CEQA Guidelines Section 15164.

**Attachments:** [Staff Report](#)  
[Exhibit A - Draft Resolution](#)  
[Exhibit B - Detailed Discussion](#)  
[Exhibit C - Addendum to the Final Environmental Impact Report](#)  
[Exhibit D - Redlined – Title 7 amendment to Chapter 7.02.060 and amendment to Chapter 7.120 of Regulations for Vacation Rental Operation License](#)  
[Exhibit E - Redlined – Title 20 amendment to Coastal Zoning Ordinance Regulations for Vacation Rentals in the Coastal Zone](#)  
[Exhibit F - Redlined – Title 21 amendment to Inland Zoning Ordinance Regulations for Vacation Rentals in the Non-coastal Zone](#)

#### 10. PLN230339 - LEATON MICHAEL GUY & TRACY PIAZZA LEATON

Continued from January 25, 2026 - Public hearing to consider a Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B); and to partially clear Code Enforcement case 23CE00194 with Restoration of 6 Monterey Pines and development on slopes in excess of 30 percent on Adjusted Parcel B; and consider after-the-fact construction of a detached 320 square foot garden shed on Adjusted Parcel A.

**Project Location:** 58 Mt. Devon Road, Carmel, Carmel Area Land Use Plan

**Proposed CEQA action:** Find the project qualifies as a Class 1, 5, and 33 Categorical Exemption pursuant to CEQA Guidelines sections 15301, 15305(a) and 15333, and there are no exceptions pursuant to Section 15300.2

**Attachments:** [Staff Report](#)  
[Exhibit A - Project Data Table](#)  
[Exhibit B - Draft Resolution](#)  
[Exhibit C - Vicinity Map](#)  
[Exhibit D - Tree Assessment](#)

**DEPARTMENT REPORT**

**ADJOURNMENT**



# County of Monterey

## Item No.1

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 26-015

February 11, 2026

**Introduced:** 1/26/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

Acknowledge the resignation of Bill Bartosh from the South County Land Use Advisory Committee.

Exhibit A - LUAC Resignation



# County of Monterey

## Planning Commission

## Item No.1

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

### Agenda Item No. 1

**Legistar File Number: PC 26-015**

**February 11, 2026**

**Introduced:** 1/26/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

Acknowledge the resignation of Bill Bartosh from the South County Land Use Advisory Committee.

Exhibit A - LUAC Resignation



# Exhibit A

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**From:** [Zoom](#)  
**To:** [Caro, Carissa](#)  
**Subject:** New Voicemail from BARTOSH BART (805) 689-9179 to Carissa Caro (Ext. 7091) on Wed Jan 14, 2026 12:28  
**Date:** Wednesday, January 14, 2026 12:28:50 PM  
**Attachments:** [msg\\_70ff6538-d144-416f-a1e9-424db16de166.mp3](#)

**This Message Is From an External Sender**

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Zoom Logo



[Sign In](#)



# You have a new voicemail



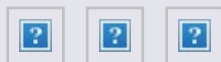
<b>Time</b>	Wed Jan 14, 2026 12:28
<b>From</b>	BARTOSH BART (805) 689-9179
<b>To</b>	Carissa Caro (Ext. 7091)
<b>Duration</b>	00:45

## Voicemail Transcription

"Hello there, Carissa. My name is Bart, or William Bartosch. I'm on the South County LUAC, except I think I'm not anymore. I think my term ended, and I told, Mr. Lopez, I did not wish to continue. But if you could call me back and confirm that, I'd appreciate it. I see that there's a meeting scheduled. And, I think you need to have a replacement for my place on the I'm the LUAC. Again, it's William Bartosh. B-A-R-T-O-S-H. My phone

number is 805. 689-9179. Way down in the South County. 805-689-9179. Thank you. Bye-bye. "

To listen to this message, you can open the attachment or use any [Zoom Applications](#) to have instant access to all your messages.



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San Jose, CA 95113



# County of Monterey

## Item No.2

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 26-016

February 11, 2026

**Introduced:** 1/26/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

Acknowledge the resignation of Joy Jacobs from the Greater Monterey Peninsula Land Use Advisory Committee.

Exhibit A - Resignation



# County of Monterey

## Planning Commission

## Item No.2

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

### Agenda Item No. 2

Legistar File Number: PC 26-016

February 11, 2026

**Introduced:** 1/26/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

Acknowledge the resignation of Joy Jacobs from the Greater Monterey Peninsula Land Use Advisory Committee.

Exhibit A - LUAC Resignation

# Exhibit A

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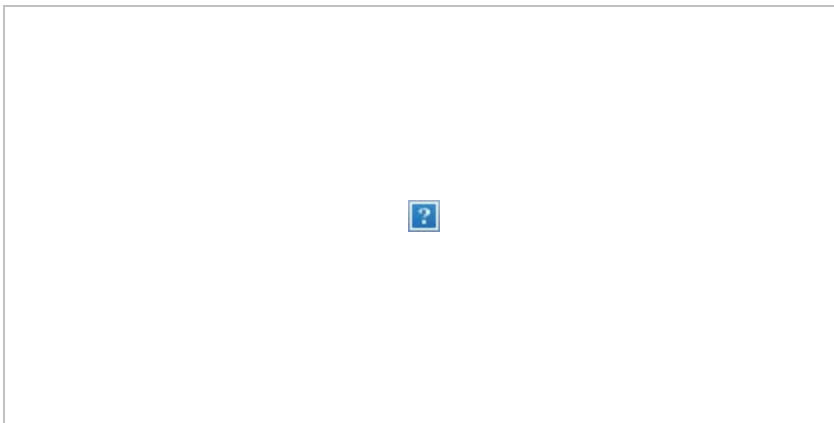
**From:** [Joy Jacobs](#)  
**To:** [Caro, Carissa](#)  
**Subject:** Re: Memorandum Re: Site Visit Procedures for LUAC Agenda Items  
**Date:** Friday, June 27, 2025 2:44:26 PM  
**Attachments:** [image001.png](#)

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[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. ]

HI Carissa,

I seem to be the one who doesn't make meetings and based on my availability, I'm going to exit the committee. What do I need to sign to do that?



On Fri, Jun 27, 2025 at 12:07 PM Caro, Carissa <[CaroC@countyofmonterey.gov](mailto:CaroC@countyofmonterey.gov)> wrote:

LUAC Members, Planning Commission, and HCD Staff,

Attached, please find a memorandum regarding updated procedures for LUAC agenda item site visits. This memo provides clarification on how site visits will be scheduled moving forward, including quorum requirements and staff attendance, in accordance with the LUAC Procedures and the Brown Act. You may also access the full Land Use Advisory Committee Guidelines on our website at [Housing and Community Development | County of Monterey, CA](#) under **Committees, Hearings & Agendas > Land Use Advisory Committee**.

If you have any questions about the updates or need further clarification, please don't hesitate to reach out to me directly via email or phone at (831) 783-7091.

Thank you for your continued commitment to the land use process.

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# County of Monterey

## Item No.3

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 26-017

February 11, 2026

**Introduced:** 1/27/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

Acknowledge the resignation of Steve Turley from the South County Land Use Advisory Committee.

Exhibit A - LUAC Resignation



# County of Monterey

## Planning Commission

### Item No.3

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

### Agenda Item No. 3

Legistar File Number: PC 26-017

February 11, 2026

**Introduced:** 1/27/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

Acknowledge the resignation of Steve Turley from the South County Land Use Advisory Committee.

Exhibit A - LUAC Resignation

# Exhibit A

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**From:** [Steven Turley](#)  
**To:** [Caro, Carissa](#)  
**Subject:** Re: South County LUAC Meeting- June 18, 2025  
**Date:** Monday, June 16, 2025 2:47:39 PM

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[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. ]

Hi Carissa -

I just wanted to confirm that you received my resignation from LUAC.

Thank you,

Steven

Sent from my iPhone

On Jun 16, 2025, at 13:40, Caro, Carissa <[CaroC@countyofmonterey.gov](mailto:CaroC@countyofmonterey.gov)> wrote:

Good afternoon Members,

I'm writing to confirm if there will be a quorum for the upcoming meeting on June 18, 2025. Please let me know at your earliest convenience.

Thank you!

<image001.png>

**Carissa Caro**  
Secretary  
Housing and Community Development  
1441 Schilling Place, 2<sup>nd</sup> Floor, Salinas, CA 93901  
HCD Main Line: (831) 755-5025  
Email: [caroc@countyofmonterey.gov](mailto:caroc@countyofmonterey.gov)

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# County of Monterey

## Item No.4

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 26-018

February 11, 2026

**Introduced:** 1/27/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

Acknowledge the resignation of Steve McMurtrie from the Toro Land Use Advisory Committee.

Exhibit A - LUAC Resignation



# County of Monterey Planning Commission

## Agenda Item No.4

Legistar File Number: PC 26-018

## Item No.4

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

February 11, 2026

**Introduced:** 1/27/2026

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** Planning Item

Acknowledge the resignation of Steve McMurtrie from the Toro Land Use Advisory Committee.

Exhibit A - LUAC Resignation

# Exhibit A

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**From:** [McDougal, Melissa](#)  
**To:** [Caro, Carissa](#)  
**Subject:** FW: Resignation Request  
**Date:** Friday, June 27, 2025 10:04:38 AM  
**Attachments:** [image001.png](#)

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Hi Carissa,

Could you please remove Steven McMurtrie from the roster, website and the distribution list for Toro LUAC?

Please let me know if you have any questions.

Thank you,

**MELISSA  
MCDUGAL**

---



Administrative Secretary Confidential  
County of Monterey  
Housing and Community Development  
Direct Line: 831.755.5146  
Fax: 831.757.9516  
[www.countyofmonterey.gov](http://www.countyofmonterey.gov)  
1441 Schilling Place, 2<sup>nd</sup> Floor, Salinas, CA, 93901

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**From:** Michael Weaver <michaelrweaver@mac.com>  
**Sent:** Thursday, June 26, 2025 4:53 PM  
**To:** McDougal, Melissa <McDougalM@countyofmonterey.gov>  
**Cc:** tamara Schwartz <831tschwartz@gmail.com>  
**Subject:** Fwd: Resignation Request

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. ]

Hello Ms. McDougal,

Attached is the email I received from Steven McMurtrie as a c.c., April 3, 2025.

I was Chair of the Toro LUAC at the time.

Mr. McMurtrie's resignation request letter speaks for itself. It was sent to Ms. Ruiz.

I was notified by phone from Ms. Schwartz this afternoon that there is a question regarding a quorum

on the most recent Toro LUAC meeting.

Please call me at your earliest convenience.

Thank you and best wishes,

Mike Weaver

484-2243

.....

Begin forwarded message:

**From:** Steven McMurtrie <[mcmurtriesteven@gmail.com](mailto:mcmurtriesteven@gmail.com)>

**Subject:** Resignation Request

**Date:** April 3, 2025 at 6:58:20 AM PDT

**To:** [ruiz13@countyofmonterey.gov](mailto:ruiz13@countyofmonterey.gov)

**Cc:** Michael Weaver <[michaelrweaver@mac.com](mailto:michaelrweaver@mac.com)>

Ms. Ruiz,

I received your letter requesting LUAC members to indicate their appointment status with LUAC.

I have already planned two extended international trips this year and one international trip for 2026. So, I have decided to "Request Resignation" from the TORO LUAC. It would not be fair, or allowable, for me to serve on this committee and not be able to attend the meetings.

I have enjoyed my years volunteering with this committee and working with the TORO LUAC committee members. The TORO LUAC is in great hands with the current dedicated, professional and very knowledgeable volunteers.

I have encouraged other county citizens to participate and request appointments to LUAC.

Should you have any questions, please do not hesitate to contact me.

Have a very nice day,

Steven McMurtrie,

[mcmurtriesteven@gmail.com](mailto:mcmurtriesteven@gmail.com)

831-854-2116



# County of Monterey

## Item No.5

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 26-019

February 11, 2026

**Introduced:** 1/28/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

Acknowledge the resignation of Gregory Traynor from the South County Land Use Advisory Committee.

Exhibit A - LUAC Resignation



# County of Monterey Planning Commission

## Agenda Item No.5

Legistar File Number: PC 26-019

## Item No.5

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

February 11, 2026

**Introduced:** 1/28/2026

**Version:** 1

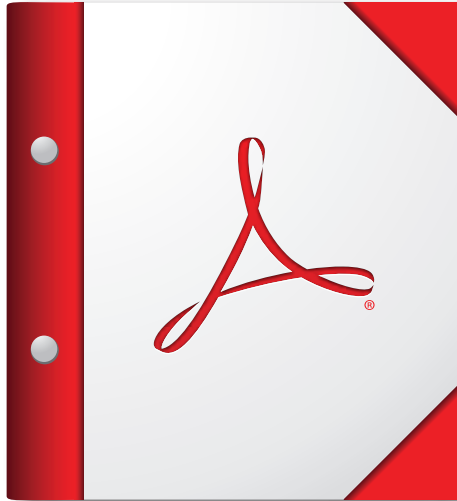
**Current Status:** Agenda Ready

**Matter Type:** Planning Item

Acknowledge the resignation of Gregory Traynor from the South County Land Use Advisory Committee.

Exhibit A - LUAC Resignation





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# County of Monterey

## Item No.6

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 26-020

February 11, 2026

**Introduced:** 1/28/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

Acknowledge the resignation of Dan Keig from the Carmel Highlands/Unincorporated Land Use Advisory Committee.

Exhibit A - LUAC Resignation



# County of Monterey Planning Commission

## Agenda Item No.6

Legistar File Number: PC 26-020

## Item No.6

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

February 11, 2026

**Introduced:** 1/28/2026

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** Planning Item

Acknowledge the resignation of Dan Keig from the Carmel Highlands/Unincorporated Land Use Advisory Committee.

Exhibit A - LUAC Resignation

# Exhibit A

This page intentionally left blank.

**From:** [Dan & Dasha Keig](#)  
**To:** [Caro, Carissa](#)  
**Subject:** Re: LUAC Secretary Support  
**Date:** Wednesday, July 9, 2025 10:26:26 AM  
**Attachments:** [image001.png](#)

---

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. ]

Hello Carissa,

Thanks for your email.

Could I ask you please to remove Dan Keig's name from the LUAC list. Dan's term ended on June 30, 2025, and he sent in the paperwork indicating that he would not be continuing for another term. Dan has greatly enjoyed his time on LUAC and was pleased to participate in facilitating neighborhood representation on projects in our part of Monterey County.

Best of success to you, going forward. May you enjoy the LUAC experience as much as Dan did.

Dasha Keig

On Tuesday, July 8, 2025 at 09:29:00 AM PDT, Caro, Carissa <caroc@countyofmonterey.gov> wrote:

Dear LUAC Members,

I hope this message finds you well.

My name is Carissa Caro, and I wanted to take a moment to formally introduce myself. I am a new Secretary with the Housing & Community Development Department and will be serving as your primary point of contact for LUAC-related matters moving forward. I look forward to supporting each of your committees and assisting with meeting coordination, agenda preparation, and related logistics.

Please note that while I will be running point on LUACs, other members of the HCD Secretary Team may continue to provide backup support as needed. Our goal is to ensure that each committee receives timely and consistent support.

Thank you for your continued service and dedication to your communities. I look forward to working with you all.

Best regards,

Carissa Caro  
Secretary



Housing and Community Development

1441 Schilling Place, 2<sup>nd</sup> Floor, Salinas, CA 93901

HCD Main Line: (831) 755-5025

Email: [caroc@countyofmonterey.gov](mailto:caroc@countyofmonterey.gov)



# County of Monterey

## Item No.7

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 26-022

February 11, 2026

**Introduced:** 2/3/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

Approval of the January 14, 2026, Planning Commission Meeting Minutes.





# County of Monterey Planning Commission

## Agenda Item No.7

Legistar File Number: PC 26-022

## Item No.7

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

February 11, 2026

**Introduced:** 2/3/2026

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** Planning Item

Approval of the January 14, 2026, Planning Commission Meeting Minutes.

# **County of Monterey**

Government Center - Board Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901



## **Meeting Minutes - Draft**

**Wednesday, January 14, 2026**

**9:00 AM**

### **County of Monterey Planning Commission**

**9:00 A.M. - CALL TO ORDER**

The meeting was called to order by Chair Gonzales at 9:02 a.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Monsalve.

**ROLL CALL**

**Present:**

**Paul C. Getzelman**

**Martha Diehl arrived at 9:09 a.m.**

**Jessica Hartzell**

**Ernesto Gonzalez**

**Ben Work**

**Etna Monsalve**

**Christine Shaw**

**Ramon Gomez arrived at 9:05 a.m.**

**Absent:**

**Francisco Javier Mendoza**

**Amy Roberts**

Secretary Beretti reviewed the Zoom Protocols.

**PUBLIC COMMENTS**

None

**AGENDA ADDITIONS, DELETIONS AND CORRECTIONS**

Clerk McDougal informed the Commission that there are no agenda additions, deletions or corrections.

**COMMISSIONER COMMENTS, REQUESTS AND REFERRALS**

None

**APPROVAL/ACCEPTANCE OF MINUTES**

1. **APPROVAL OF THE DECEMBER 10, 2025, PLANNING COMMISSION MEETING MINUTES.**

**Public Comment: None**

**It was moved by Commissioner Monsalve, seconded by Commissioner Work and passed by the following vote to approve the December 10, 2025, Planning Commission Meeting Minutes.**

**AYES: Getzelman, Hartzell, Gonzalez, Work, Monsalve, Shaw**

**NOES: None**

**ABSENT: Mendoza, Roberts, Diehl**

**ABSTAIN: Gomez**

**APPROVAL OF CONSENT CALENDAR**

- 2. APPOINT ANTONIO DIAZ TO THE CASTROVILLE LAND USE ADVISORY COMMITTEE.**
- 3. APPOINT SRIVIDYA SHANKAR TO THE CARMEL UNINCORPORATED/HIGHLANDS LAND USE ADVISORY COMMITTEE.**
- 4. APPOINT JUDITH RILEY TO THE TORO LAND USE ADVISORY COMMITTEE.**
- 5. APPOINT ETHAN DUNTON COLBURN TO THE SOUTH COAST LAND USE ADVISORY COMMITTEE.**

**Public Comment: None**

**It was moved by Commissioner Shaw, seconded by Commissioner Monsalve and passed by the following vote to approve the Consent Calendar.**

**AYES: Getzelman, Diehl, Gomez, Hartzell, Gonzalez, Work, Monsalve, Shaw**

**NOES: None**

**ABSENT: Mendoza, Roberts**

**ABSTAIN: None**

**9:00 A.M. – SCHEDULED MATTERS**

- 6. CONSIDER AND ADOPT THE 2026 PLANNING COMMISSION MEETING SCHEDULE.**

**Melanie Beretti presented the item.**

**Public Comment: None**

**It was moved by Commissioner Gomez, seconded by Commissioner Work and passed by the following vote to approve the alternative meeting schedule for the 2026 Planning Commission meetings.**

**AYES: Getzelman, Diehl, Gomez, Hartzell, Gonzalez, Work, Monsalve, Shaw**

**NOES: None**

**ABSENT: Mendoza, Roberts**

**ABSTAIN: None**

- 7. PLN230235 - PEBBLE TREE LLC**

**Public hearing to consider the construction of a 5,202 square foot two-story single-family residence**

with an attached 831 square foot garage, a detached 869 square foot Accessory Dwelling Unit, and associated site improvements, including the removal of up to 34 protected trees

**Project Location:** 1266 Portola Road, Pebble Beach.

**Proposed CEQA action:** Find the project Categorically Exempt pursuant to CEQA Guidelines section 15303, and there are no exceptions under Section 15300.2

**Joey Alameda, Project Planner presented the item.**

**Applicant Representative: Tom Meaney**

**Public Comment: None**

**It was moved by Commissioner Diehl, seconded by Commissioner Hartzell and passed by the following vote to find the project qualifies as a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303, and there are no exceptions pursuant to section 15300.2 and approve a Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval to allow the construction of a 5,202 square foot two-story single-family residence with an attached 831 square foot garage, and associated site improvements, a Coastal Administrative Permit and Design Approval to allow construction of an 869 square foot Accessory Dwelling Unit with a 100 square foot covered patio, and a Coastal Development Permit to allow the removal of up to 34 protected trees with the addition to require non reflective windows on the coast facing side of the single-family residence and garage.**

**AYES: Getzelman, Diehl, Gomez, Hartzell, Gonzalez, Work, Monsalve, Shaw**

**NOES: None**

**ABSENT: Mendoza, Roberts**

**ABSTAIN: None**

#### **OTHER MATTERS**

**None**

#### **DEPARTMENT REPORT**

**Secretary Beretti informed the Commission of the following items:**

- Staff will look into additional meeting locations for the Del Monte Forest Land Use Advisory Committee.**
- The Land Use Fee Update is scheduled before the Board of Supervisors on February 3, 2026.**
- The Vacation Rental Ordinance went before the Board of Supervisors on January 6, 2026, and will be back before the Planning Commission in February at the Board or Supervisors direction.**

**Public Comment: None**

**ADJOURNMENT**

**The meeting was adjourned by Chair Gonzales at 9:59 a.m.**



# County of Monterey

## Item No.8

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 26-024

February 11, 2026

**Introduced:** 2/3/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

#### COUNTY OF MONTEREY PLANNING COMMISSION

The Planning Commission will receive nominations from the Planning Commission Nomination Committee for a new Commission Chair and Vice Chair, and the Commission will elect a new Chair and Vice Chair for 2026.



# County of Monterey Planning Commission

## Agenda Item No.8

Legistar File Number: PC 26-024

## Item No.8

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

February 11, 2026

**Introduced:** 2/3/2026

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** Planning Item

### COUNTY OF MONTEREY PLANNING COMMISSION

The Planning Commission will receive nominations from the Planning Commission Nomination Committee for a new Commission Chair and Vice Chair, and the Commission will elect a new Chair and Vice Chair for 2026.





# County of Monterey

## Item No.9

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 26-025

February 11, 2026

Introduced: 2/5/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

#### **REF250042 [COASTAL] & REF250043 [INLAND] - AMENDED VACATION RENTAL ORDINANCES**

Public Hearing to consider a recommendation to the Board of Supervisors to consider an Addendum, together with the Final Environmental Impact Report (SCH # 2022080643), adopt an ordinance amending Title 7 of Monterey County Code to amend Section 7.02.060 and amend Chapter 7.120 - *Regulations for Vacation Rentals*, adopt a resolution of intent to adopt an ordinance amending Title 20 of the Monterey County Code (coastal) to amend Section 20.64.290 - *Regulations for Vacation Rentals*, and adopt an ordinance amending Title 21 of the Monterey County Code (inland) to amend Section 21.64.290 - *Regulations for Vacation Rentals*.

**Project Location:** Countywide

**Proposed CEQA action:** Consider an Addendum, together with the Final Environmental Impact Report (SCH # 2022080643) for the Monterey County Vacation Rental Ordinances Project (Resolution No. 24-355) pursuant to CEQA Guidelines Section 15164.

#### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution recommending that the Board of Supervisors:

- a. Consider an Addendum, together with the Final Environmental Impact Report (SCH # 2022080643) for the Monterey County Vacation Rental Ordinances Project (Resolution No. 24-355) pursuant to CEQA Guidelines Section 15164;
- b. Adopt an ordinance amending Title 7 of Monterey County Code to amend Section 7.02.060 and amend Chapter 7.120 - *Regulations for Vacation Rentals* (**Attachment 1**)
- c. Adopt a resolution of intent to adopt an ordinance amending Title 20 of the Monterey County Code (coastal) to amend Section 20.64.290 - *Regulations for Vacation Rentals* (**Attachment 2**); and
- d. Adopt an ordinance amending Title 21 of the Monterey County Code (inland) to amend Section 21.64.290 - *Regulations for Vacation Rentals* (**Attachment 3**).

#### PROJECT INFORMATION:

Planning File Number: REF250042 & REF250043

Project Location: Countywide

Plan Area: Big Sur Land Use Plan, Cachagua Area Plan, Carmel Area Land Use Plan, Carmel Valley Master Plan, Central Salinas Valley Area Plan, Del Monte Forest Land Use Plan, Greater Monterey Peninsula Area Plan, Greater Salinas Area Plan, North County Area Plan, North County Land Use Plan, South County Area Plan, and Toro Area Plan.

SUMMARY:

In 2024 and 2025, the County adopted ordinances amending Title 7, Title 20 (Coastal Zoning), and Title 21 (Inland Zoning) of the Monterey County Code to regulate vacation rentals in unincorporated Monterey County, collectively referred to as the “approved ordinances” or “approved regulations”. The approved ordinances are operative and timelines for unpermitted vacation rental operations to come into compliance past. On January 6, 2026, the Board of Supervisors conducted a public workshop regarding the vacation rental regulations, and directed staff to develop ordinances to: 1) address two provisions of the original ordinances that have been legally challenged; 2) prohibit vacation rentals in residential zoning districts except those with commercial agricultural operations; 3) maintain that unique neighborhoods with existing developments established with the intent of allowing managed short-term or transient rentals such as Monterey Dunes Colony are exempt from the regulations; and 4) providing for a ministerial approval process for vacation rentals on lands with agricultural operations.

The draft ordinances would amend Title 7, Title 20, and Title 21 of the Monterey County Code to implement the Board’s direction. Collectively these draft ordinances are referred to as the “amended vacation rental ordinances” or “amended ordinances”, and they would amend Monterey County Code Title 7 (Business Taxes, Licenses, and Regulations) Section 7.02.060 and Chapter 7.120, amend Title 20 (Coastal Zoning Ordinance) definition and zoning use sections and Section 20.64.290, and amend Title 21 (Inland Zoning Ordinance) definition and zoning use sections and Section 21.64.290 to regulate vacation rentals in unincorporated Monterey County.

The proposed Amended Vacation Rental Ordinances would modify a number of key provisions of the County’s approved vacation rental ordinances including:

- a. Prohibit vacation rentals in all residential zoning districts, except as may be accessory to an agricultural use and a vetted commercial agricultural operation.
  - i. Carmel Valley - Would allow vacation rentals in rural density residential zoning district.
- b. Delete homestay, limited vacation rental, and commercial vacation rental types, and distinguish between vacation rentals that are hosted and/or non-hosted.
  - i. Big Sur - Would allow only hosted vacation rentals.
- c. Allow vacation rentals as an allowed use without discretionary permits in commercial, visitor serving, and agricultural zones, and as an accessory use to a commercial agricultural operation.

The amended ordinances would also include minor edits and revisions to certain provisions including: clarifying definitions; adding agricultural definitions and evidence requirement for commercial agriculture; adding amortization of investment and phase out provisions for vacation rentals permitting or pending decision under the current vacation rental regulations; establishing occupancy limits based on building, health and safety laws; prohibiting events unless approved with a separate entitlement. The amended ordinances further modify regulations and add enforcement provisions for hosting platforms to include: requirements to disclose URL and License numbers for listings; clarify timing for when License numbers must be included with a listing; civil penalties of up to \$1,000 per day per violation; and ability for County to serve administrative subpoenas. See **Exhibits D, E and F** for the redlined versions of the draft ordinances.

Staff seeks the Commission's recommendation of the final draft ordinances to the Board of Supervisors. Staff prepared a draft resolution (**Exhibit A**) to memorialize the Commission's recommendation to the Board. The draft ordinances are attached to the draft Commission resolution (**Attachments 1, 2, and 3 to Exhibit A**). An Addendum to the Final Environmental Impact Report was prepared, which identifies that. The Addendum is included as **Exhibit C**.

CEQA:

Following Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, an Addendum was prepared to identify minor modifications and clarifications to the County's vacation rental regulations through the proposed amended ordinances. Staff reviewed the Monterey County Vacation Rental Ordinance Project EIR and the proposed Amended Vacation Rental Ordinances for consistency with the environmental considerations contained within. The County has considered the proposed amendments (REF250042/REF250043) and determined the scope does not alter the conclusions of the certified EIR for the Monterey County Vacation Rental Ordinance Project. Based on review of the proposed amended ordinances and EIR, no other potentially significant issues were identified for the proposed ordinances and implementation of the proposed amended vacation rental ordinances do not change the overall potential impacts as they remain no impact or less than significant impact. The proposed amended ordinances do not alter the analysis or conclusions reached by the previous environmental document. See **Exhibit C** for additional information.

DISCUSSION:

**Exhibit B** - Detailed Discussion.

OTHER AGENCY INVOLVEMENT

HCD staff are working in collaboration with the Treasurer-Tax Collector's Office, County of Monterey Environmental Health, and Agricultural Commissioner's Office to develop the amended ordinances and with the Office of County Counsel to review as to form.

Prepared by and Approved by: Melanie Beretti, AICP, Chief of Planning, 831-755-5285

EXHIBITS

Exhibit A - Draft Resolution, including:

- *Attachment 1* - Title 7 amendment to Chapter 7.02.060 and amendment to Chapter 7.120 of Regulations for Vacation Rental Operation License
- *Attachment 2* - Title 20 amendment to Coastal Zoning Ordinance Regulations for Vacation Rentals in the Coastal Zone
- *Attachment 3* - Title 21 amendment to Inland Zoning Ordinance Regulations for Vacation Rentals in the Non-coastal Zone

Exhibit B - Detailed Discussion

Exhibit C - Addendum to the Final Environmental Impact Report

Exhibit D - Redlined - Title 7 amendment to Chapter 7.02.060 and amendment to Chapter 7.120 of Regulations for Vacation Rental Operation License

Exhibit E - Redlined - Title 20 amendment to Coastal Zoning Ordinance Regulations for Vacation Rentals in the Coastal Zone

Exhibit F - Redlined - Title 21 amendment to Inland Zoning Ordinance Regulations for

Vacation Rentals in the Non-coastal Zone

cc: Front Counter Copy; Vacation Rental Public Distribution List; County of Monterey Treasurer-Tax Collector; Monterey County Regional Fire; County of Monterey Health Department Environmental Health Bureau; California Coastal Commission; Monterey County LandWatch; Keep Big Sur Wild; Monterey County Agricultural Commissioner's Office; Liz Gonzales, Permit Center Manager; Sarah Wike, Principal Planner; Fionna Jensen, Principal Planner; Jacquelyn Nickerson, Principal Planner; Stacy Giles, Permit Technician III; Karen Riley-Olms, Management Analyst II; Josh Bowling, Chief of Building Services; Evan Nuckles, HCD Building Services Manager; Craig Spencer, HCD Director; Project Files REF250042 and REF250043.



# County of Monterey Planning Commission

## Agenda Item No.9

Legistar File Number: PC 26-025

## Item No.9

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

February 11, 2026

Introduced: 2/5/2026

Version: 1

Current Status: Agenda Ready

Matter Type: Planning Item

### REF250042 [COASTAL] & REF250043 [INLAND] - AMENDED VACATION RENTAL ORDINANCES

Public Hearing to consider a recommendation to the Board of Supervisors to consider an Addendum, together with the Final Environmental Impact Report (SCH # 2022080643), adopt an ordinance amending Title 7 of Monterey County Code to amend Section 7.02.060 and amend Chapter 7.120 - *Regulations for Vacation Rentals*, adopt a resolution of intent to adopt an ordinance amending Title 20 of the Monterey County Code (coastal) to amend Section 20.64.290 - *Regulations for Vacation Rentals*, and adopt an ordinance amending Title 21 of the Monterey County Code (inland) to amend Section 21.64.290 - *Regulations for Vacation Rentals*.

**Project Location:** Countywide

**Proposed CEQA action:** Consider an Addendum, together with the Final Environmental Impact Report (SCH # 2022080643) for the Monterey County Vacation Rental Ordinances Project (Resolution No. 24-355) pursuant to CEQA Guidelines Section 15164.

#### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution recommending that the Board of Supervisors:

- a. Consider an Addendum, together with the Final Environmental Impact Report (SCH # 2022080643) for the Monterey County Vacation Rental Ordinances Project (Resolution No. 24-355) pursuant to CEQA Guidelines Section 15164;
- b. Adopt an ordinance amending Title 7 of Monterey County Code to amend Section 7.02.060 and amend Chapter 7.120 - *Regulations for Vacation Rentals* (**Attachment 1**)
- c. Adopt a resolution of intent to adopt an ordinance amending Title 20 of the Monterey County Code (coastal) to amend Section 20.64.290 - *Regulations for Vacation Rentals* (**Attachment 2**); and
- d. Adopt an ordinance amending Title 21 of the Monterey County Code (inland) to amend Section 21.64.290 - *Regulations for Vacation Rentals* (**Attachment 3**).

#### PROJECT INFORMATION:

Planning File Number: REF250042 & REF250043

Project Location: Countywide

Plan Area: Big Sur Land Use Plan, Cachagua Area Plan, Carmel Area Land Use Plan, Carmel Valley Master Plan, Central Salinas Valley Area Plan, Del Monte Forest Land Use Plan, Greater Monterey Peninsula Area Plan, Greater Salinas Area Plan, North County Area Plan, North County Land Use Plan, South County Area Plan, and Toro Area Plan.

SUMMARY:

In 2024 and 2025, the County adopted ordinances amending Title 7, Title 20 (Coastal Zoning), and Title 21 (Inland Zoning) of the Monterey County Code to regulate vacation rentals in unincorporated Monterey County, collectively referred to as the “approved ordinances” or “approved regulations”. The approved ordinances are operative and timelines for unpermitted vacation rental operations to come into compliance past. On January 6, 2026, the Board of Supervisors conducted a public workshop regarding the vacation rental regulations, and directed staff to develop ordinances to: 1) address two provisions of the original ordinances that have been legally challenged; 2) prohibit vacation rentals in residential zoning districts except those with commercial agricultural operations; 3) maintain that unique neighborhoods with existing developments established with the intent of allowing managed short-term or transient rentals such as Monterey Dunes Colony are exempt from the regulations; and 4) providing for a ministerial approval process for vacation rentals on lands with agricultural operations.

The draft ordinances would amend Title 7, Title 20, and Title 21 of the Monterey County Code to implement the Board’s direction. Collectively these draft ordinances are referred to as the “amended vacation rental ordinances” or “amended ordinances”, and they would amend Monterey County Code Title 7 (Business Taxes, Licenses, and Regulations) Section 7.02.060 and Chapter 7.120, amend Title 20 (Coastal Zoning Ordinance) definition and zoning use sections and Section 20.64.290, and amend Title 21 (Inland Zoning Ordinance) definition and zoning use sections and Section 21.64.290 to regulate vacation rentals in unincorporated Monterey County.

The proposed Amended Vacation Rental Ordinances would modify a number of key provisions of the County’s approved vacation rental ordinances including:

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- c. Allow vacation rentals as an allowed use without discretionary permits in commercial, visitor serving, and agricultural zones, and as an accessory use to a commercial agricultural operation.

The amended ordinances would also include minor edits and revisions to certain provisions including: clarifying definitions; adding agricultural definitions and evidence requirement for commercial agriculture; adding amortization of investment and phase out provisions for vacation rentals permitting or pending decision under the current vacation rental regulations; establishing occupancy limits based on building, health and safety laws; prohibiting events unless approved with a separate entitlement. The amended ordinances further modify regulations and add enforcement provisions for hosting platforms to include: requirements to disclose URL and License numbers for listings; clarify timing for when License numbers must be included with a listing; civil penalties of up to \$1,000 per day per violation; and ability for County to serve administrative subpoenas. See **Exhibits D, E and F** for the redlined versions of the draft ordinances.

Staff seeks the Commission's recommendation of the final draft ordinances to the Board of Supervisors. Staff prepared a draft resolution (**Exhibit A**) to memorialize the Commission's recommendation to the Board. The draft ordinances are attached to the draft Commission resolution (**Attachments 1, 2, and 3 to Exhibit A**). An Addendum to the Final Environmental Impact Report was prepared, which identifies that. The Addendum is included as **Exhibit C**.

CEQA:

Following Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, an Addendum was prepared to identify minor modifications and clarifications to the County's vacation rental regulations through the proposed amended ordinances. Staff reviewed the Monterey County Vacation Rental Ordinance Project EIR and the proposed Amended Vacation Rental Ordinances for consistency with the environmental considerations contained within. The County has considered the proposed amendments (REF250042/REF250043) and determined the scope does not alter the conclusions of the certified EIR for the Monterey County Vacation Rental Ordinance Project. Based on review of the proposed amended ordinances and EIR, no other potentially significant issues were identified for the proposed ordinances and implementation of the proposed amended vacation rental ordinances do not change the overall potential impacts as they remain no impact or less than significant impact. The proposed amended ordinances do not alter the analysis or conclusions reached by the previous environmental document. See **Exhibit C** for additional information.

DISCUSSION:

**Exhibit B** - Detailed Discussion.

OTHER AGENCY INVOLVEMENT

HCD staff are working in collaboration with the Treasurer-Tax Collector's Office, County of Monterey Environmental Health, and Agricultural Commissioner's Office to develop the amended ordinances and with the Office of County Counsel to review as to form.

Prepared by and Approved by: Melanie Beretti, AICP, Chief of Planning, 831-755-5285

EXHIBITS

Exhibit A - Draft Resolution, including:

- *Attachment 1* - Title 7 amendment to Chapter 7.02.060 and amendment to Chapter 7.120 of Regulations for Vacation Rental Operation License
- *Attachment 2* - Title 20 amendment to Coastal Zoning Ordinance Regulations for Vacation Rentals in the Coastal Zone
- *Attachment 3* - Title 21 amendment to Inland Zoning Ordinance Regulations for Vacation Rentals in the Non-coastal Zone

Exhibit B - Detailed Discussion

Exhibit C - Addendum to the Final Environmental Impact Report

Exhibit D - Redlined - Title 7 amendment to Chapter 7.02.060 and amendment to Chapter 7.120 of Regulations for Vacation Rental Operation License

Exhibit E - Redlined - Title 20 amendment to Coastal Zoning Ordinance Regulations for Vacation Rentals in the Coastal Zone

Exhibit F - Redlined - Title 21 amendment to Inland Zoning Ordinance Regulations for Vacation  
Rentals in the Non-coastal Zone

cc: Front Counter Copy; Vacation Rental Public Distribution List; County of Monterey Treasurer-Tax Collector; Monterey County Regional Fire; County of Monterey Health Department Environmental Health Bureau; California Coastal Commission; Monterey County LandWatch; Keep Big Sur Wild; Monterey County Agricultural Commissioner's Office; Liz Gonzales, Permit Center Manager; Sarah Wike, Principal Planner; Fionna Jensen, Principal Planner; Jacquelyn Nickerson, Principal Planner; Stacy Giles, Permit Technician III; Karen Riley-Olms, Management Analyst II; Josh Bowling, Chief of Building Services; Evan Nuckles, HCD Building Services Manager; Craig Spencer, HCD Director; Project Files REF250042 and REF250043.



# Exhibit A

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## **EXHIBIT A DRAFT RESOLUTION**

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

In the matter of the application of:

**VACATION RENTAL ORDINANCES AMENDMENTS (REF230042 [Coastal] &  
REF250043 [Inland])**

**RESOLUTION NO.**

Resolution by the County of Monterey Planning Commission recommending that the County of Monterey Board of Supervisors:

- a) Consider an Addendum, together with the Final Environmental Impact Report SCH # 2022080643) for the Monterey County Vacation Rental Ordinances Project (Resolution No. 24-355) pursuant to CEQA Guidelines Section 15164;
- b) Adopt an ordinance amending Title 7 of Monterey County Code to amend Section 7.02.060 and amend Chapter 7.120 – *Regulations for Vacation Rentals (Attachment 1)*;
- c) Adopt a resolution of intent to adopt an ordinance amending Title 20 of the Monterey County Code (coastal) to amend Section 20.64.290 – *Regulations for Vacation Rentals (Attachment 2)*; and
- d) Adopt an ordinance amending Title 21 of the Monterey County Code (inland) to amend Section 21.64.290 – *Regulations for Vacation Rentals (Attachment 3)*.

**The proposed ordinances amending the Monterey County Code amend regulations for Vacation Rentals came before the Planning Commission at a duly noticed public hearing on February 11, 2026. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors with reference to the following facts:**

#### **I. RECITALS**

1. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey 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 citizens.

2. If not properly regulated, vacation (also known as short-term or transient) rental operations have the potential to reduce availability of long-term housing and disrupt the sense of safety, security, and peaceful enjoyment of homes in residential neighborhoods.

3. Agriculture and tourism are top economic drivers of the regional economy, and Monterey County is recognized globally as a premier tourist destination. Regulations 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: to provide accommodations for visitors to stay in Monterey County; to provide the opportunity for the agriculture industry to participate in the tourist economy to enhance the economic viability of agriculture in the region; and to safeguard the reputation of Monterey County and the economic benefits tourism provides the region.

4. Regulation of vacation rentals is also necessary because they potentially could create impacts that are different than residential uses, including but not limited to: different character, density, and intensity than residential uses; removal of long-term housing from the market; and hazards to the public health, safety and general welfare in residential areas known to have infrastructure limitations.

5. On August 27, 2024, the County of Monterey (County) adopted Ordinance No. 5422 amending Title 21 (Non-coastal Zoning Ordinance) to regulate the short-term vacation rental of residential property in unincorporated Monterey County. On September 10, 2024, the County adopted Ordinance No. 5424 to require business licenses and vacation rental operation licenses for any vacation rental operations in unincorporated Monterey County. The vacation rental regulations for the inland areas became operative on October 14, 2024.

6. On August 27, 2024, the County adopted a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County.

7. On August 13, 2025, the California Coastal Commission (CCC) approved the Monterey County Local Coastal Program (LCP) Amendment No. LCP-3-MCO-24-0039-1 (Vacation Rentals), an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate vacation rental as submitted by the County.

8. On September 23, 2025, the County adopted Ordinance No. 5439 amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County. The vacation rental regulations for the coastal zone became operative on October 24, 2025. The Vacation Rental Ordinances that were adopted and operative in 2024 and 2025 are herein collectively referred to as the “original vacation rental ordinances”.

9. On December 12, 2025, due to a lawsuit challenging the County’s original vacation rental ordinances, including homestays (*Monterey County Vacation Rental Alliance v. County of Monterey*, Monterey County Superior Court Case No. 24CV004922), the County suspended from permit and license consideration and enforcement two provisions being challenged and generally related to ownership provisions.

10. On January 6, 2026, the Board of Supervisors directed staff to develop ordinances to address the two challenged provisions of the original ordinances and to prohibit vacation rentals in residential zoning districts except those with commercial agricultural operations, maintaining that unique neighborhoods with existing developments established with the intent of allowing managed short-term or transient rentals such as Monterey Dunes Colony are exempt from the regulations, and providing for a ministerial approval process for vacation rentals on lands with agricultural operations (“Amended Vacation Rental Ordinances”).

11. This Ordinances amend the original vacation rental ordinances and aims to strike a balance by allowing opportunity for property owners and residents of unincorporated Monterey County to benefit from the tourism economy, while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals.

12. This Ordinances establish that vacation rentals are consistent with the character, density and intensity of commercial and visitor serving uses and uses accessory to agriculture, and are therefore an allowed use in commercial zoning districts, visitor serving zoning districts, and zoning districts in which agriculture is an allowed use, with a vacation rental operation license, business license, and transient occupancy tax certificate.

13. Regulation of vacation rentals is necessary because they have the potential to impact the character and intensity of an otherwise residential use in residential zoning districts. Impacts include, removing long-term housing from the market, or posing hazards to public health, safety and general welfare in residential areas known to have infrastructure limitations. Vacation rental uses, therefore, are prohibited in residential zoning districts.

14. This Ordinances recognize that unique neighborhoods with existing developments were established with the intent of allowing managed short-term rentals, such as Monterey Dunes Colony, and these developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a vacation rental operation license. Such developments are not exempt from compliance with Chapter 5.40, requiring payment of transient occupancy tax, and Chapter 7.02, requiring a business license.

15. Vacation rentals do not count towards any visitor-serving units or guestroom caps established by Monterey County Code, Monterey County Coastal Implementation Plan, or Monterey County Land Use Plan.

16. 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 October 24, 2025 and the operator is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 20.64.290 of the Monterey County Code as adopted by Ordinance No. 5439. Further, this Ordinance provides for a defined time period that commercial vacation rentals issued coastal development permits pursuant to Section 20.64.290 adopted by Ordinance No. 5439 may continue to operate.

17. In accordance with the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (EIR) was prepared and circulated and a Final EIR for the Vacation Rental Ordinances Project made available to the public prior to certification by the Board of Supervisors. The County of Monterey adopted a certified Final EIR for the Vacation Rental Ordinances project (SCH # 2022080643) in compliance with CEQA prior to the adoption of the original vacation rental ordinances and reflects the independent judgment and analysis of the County (Resolution No. 24-355).

18. Section 15162 of the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) provides that, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that either: 1) substantial changes to the project or its circumstances would require major revisions of the previous EIR, due to the involvement of new or worsened significant environmental effects; or 2) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows that the project would have new or worse environmental effects than disclosed in the previous EIR; or 3) that new or newly-feasible mitigation measures would reduce the severity of a significant impact but the project proponent declines to implement them.

19. In accordance with CEQA Guidelines Section 15164(d), an addendum to the certified Final EIR (SCH# 2022080643) was prepared for the Amended Vacation Rental Ordinances project. The County has determined, on the basis of substantial evidence in light of the whole record, that the Amended Vacation Rental Ordinances would not result in substantial project changes that would require major revisions to the Final EIR. There are no changes in circumstances and no new information, not known at the time the Final EIR was certified, that shows the Amended Vacation Rental Ordinances may have a significant environmental effect or a substantial increase in the severity of previously identified significant effects. The County finds that the Amended Vacation Rental Ordinances require minor revisions to the original vacation rental ordinances, but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.

20. State law requires the Planning Commission to hold a noticed public hearing on proposed amendments to zoning ordinances and to make a written recommendation to the Board of Supervisors.

21. On February 11, 2026, the Planning Commission held a duly noticed public hearing to and recommended that the Board consider the Addendum to the EIR and adopted the proposed ordinances (Attachments 1, 2, and 3). At least 20 days before the hearing date, notices of the hearing before the Planning Commission were published in the Monterey County Weekly.

## II. DECISION

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission hereby recommends that the Board of Supervisors:

- a) Consider an Addendum, together with the Final Environmental Impact Report SCH # 2022080643) for the Monterey County Vacation Rental Ordinances Project (Resolution No. 24-355) pursuant to CEQA Guidelines Section 15164;
- b) Adopt an ordinance amending Title 7 of Monterey County Code to amend Section 7.02.060 and amend Chapter 7.120 – *Regulations for Vacation Rentals* (**Attachment 1**);
- c) Adopt a resolution of intent to adopt an ordinance amending Title 20 of the Monterey County Code (coastal) to amend Section 20.64.290 – *Regulations for Vacation Rentals* (**Attachment 2**); and
- d) Adopt an ordinance amending Title 21 of the Monterey County Code (inland) to amend Section 21.64.290 – *Regulations for Vacation Rentals* (**Attachment 3**).

PASSED AND ADOPTED on this 11<sup>th</sup> day of February 2026, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

By: \_\_\_\_\_  
Melanie Beretti, Secretary

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# Attachment 1

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Attachment 1 to Exhibit A  
Draft Ordinance Title 7

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,  
AMENDING SECTION 7.02.060 AND AMENDING CHAPTER 7.120 OF THE  
MONTEREY COUNTY CODE RELATING TO VACATION RENTAL ACTIVITIES**

**County Counsel Summary**

*This ordinance amends Section 7.02.060 and Chapter 7.120 of the Monterey County Code to regulate the vacation (also known as short-term or transient) rental of residential property. This ordinance aims to strike a balance, allowing opportunity for property owners and residents of unincorporated Monterey County to benefit from the tourism economy, while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals. This ordinance requires a business license and a vacation rental operation license for any vacation rental operations in unincorporated Monterey County. This ordinance further requires that vacation rentals meet certain operational requirements, and safety and health standards. This ordinance details the vacation rental operation license application requirements, the criteria for granting the license, and the fees. This ordinance also includes requirements that online vacation rental platforms are required to satisfy to ensure unlicensed vacation rentals are not advertised or rented. Lastly, this ordinance details the process for revocation and enforcement against vacation rental operations that are violating their licenses.*

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 (also known as short-term or transient) 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. Agriculture and tourism are top economic drivers of the regional economy, and Monterey County is recognized globally as a premier tourist destination. Regulations 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: to provide accommodations for visitors to stay in Monterey County; to provide the opportunity for the agriculture industry to participate in the tourist economy to enhance the economic viability of agriculture in the region; and to safeguard the reputation of Monterey County and the economic benefits tourism provides the region.

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D. Regulation of vacation rentals is also necessary because they potentially could create impacts that are different than residential uses, including but not limited to: different character, density, and intensity than residential uses; removal of long-term housing from the market; and hazards to the public health, safety and general welfare in areas known to have infrastructure limitations.

E. On August 27, 2024, the County of Monterey (County) adopted Ordinance No. 5422 amending Title 21 (Non-coastal Zoning Ordinance) to regulate the short-term vacation rental of residential property in unincorporated Monterey County. On September 10, 2024, the County adopted Ordinance No. 5424 to require business licenses and vacation rental operation licenses for any vacation rental operations in unincorporated Monterey County. The vacation rental regulations for the inland areas became operative on October 14, 2024.

F. On August 27, 2024, the County adopted a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County.

G. On August 13, 2025, the California Coastal Commission (CCC) approved the Monterey County Local Coastal Program (LCP) Amendment No. LCP-3-MCO-24-0039-1 (Vacation Rentals), an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate vacation rental as submitted by the County.

H. On September 23, 2025, the County adopted Ordinance No. 5439 amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County. The vacation rental regulations for the coastal zone became operative on October 24, 2025. The Vacation Rental Ordinances that were adopted and operative in 2024 and 2025 are herein collectively referred to as the “original vacation rental ordinances”.

I. On December 12, 2025, due to a lawsuit challenging the County’s original vacation rental ordinances, including homestays (*Monterey County Vacation Rental Alliance v. County of Monterey*, Monterey County Superior Court Case No. 24CV004922), the County suspended from permit and license consideration and enforcement two provisions being challenged and generally related to ownership provisions.

J. On January 6, 2026, the Board of Supervisors directed staff to develop ordinances to address the two challenged provisions of the original ordinances and to prohibit vacation rentals in residential zoning districts except those with commercial agricultural operations, maintaining that unique neighborhoods with existing developments were established with the intent of allowing managed short-term or transient rentals such as Monterey Dunes Colony are exempt from the regulations, and providing a ministerial approval process for vacation rentals on lands with agricultural operations (“Amended Vacation Rental Ordinances”).

K. This Ordinance amends the original vacation rental ordinances and aims to strike a balance, allowing opportunity for property owners and residents of unincorporated Monterey

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County to benefit from the tourism economy, while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation (also known as short-term or transient) rentals.

L. Vacation rentals do not count towards any visitor-serving units or guestroom caps established by Monterey County Code, Monterey County Coastal Implementation Plan, Monterey County Land Use Plan, 2010 County of Monterey General Plan, or any associated Area Plan established by the 2010 County of Monterey General Plan.

M. This Ordinance requires licenses for vacation rental operations in unincorporated Monterey County, and requires that vacation rentals meet certain operational requirements, and safety and health standards. This Ordinance details the vacation rental operation license application requirements, the criteria for granting the license, and the fees. Lastly, this Ordinance contains the process for revocation and enforcement against vacation rental operations that are violating their licenses.

N. This Ordinance recognizes that the Transient Occupancy Tax Certificate is a one-time issuance provided to operators prior to the commencement of business. A transient occupancy tax certificate does not expire and does not indicate to the public whether an operator is in good standing with the County of Monterey. Accordingly, this Ordinance requires a business license for all vacation rentals.

O. This Ordinance recognizes that unique neighborhoods with existing developments were established with the intent of managed short-term or transient rentals, such as Monterey Dunes Colony, and these developments are exempt from the regulations set forth in this Ordinance. Such developments are not exempt from compliance with Chapter 5.40, requiring payment of transient occupancy tax, and Chapter 7.02, requiring a business license.

P. In accordance with the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (EIR) was prepared and circulated and a Final EIR for the Vacation Rental Ordinances Project made available to the public prior to certification by the Board of Supervisors. The County of Monterey adopted a certified Final EIR for the Vacation Rental Ordinances project (SCH # 2022080643) in compliance with CEQA prior to the adoption of the original vacation rental ordinances and reflects the independent judgment and analysis of the County (Resolution No. 24-355).

Q. Section 15162 of the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) provides that, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that either: 1) substantial changes to the project or its circumstances would require major revisions of the previous EIR, due to the involvement of new or worsened significant environmental effects; or 2) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows that the project would have new or worse environmental effects than disclosed in the previous EIR; or

## **Draft Ordinance Title 7**

3) that new or newly-feasible mitigation measures would reduce the severity of a significant impact but the project proponent declines to implement them.

R. In accordance with CEQA Guidelines Section 15164(d), an addendum to the certified Final EIR (SCH# 2022080643) was prepared for this Amended Vacation Rental Ordinances project. The County has determined, on the basis of substantial evidence in light of the whole record, that the Amended Vacation Rental Ordinances would not result in substantial project changes that would require major revisions to the Final EIR. There are no changes in circumstances and no new information, not known at the time the Final EIR was certified, that shows the amendment to Amended Vacation Rental Ordinances may have a significant environmental effect or a substantial increase in the severity of previously identified significant effects. The County finds that the Amended Vacation Rental Ordinances require minor revisions to the original vacation rental ordinances, but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.

**SECTION 2.** Subsection (C) is amended to Section 7.02.060 of the Monterey County Code to read as follows:

C. All Vacation Rentals as defined by Section 7.120.020 of the Monterey County Code, as may be amended from time to time.

**SECTION 3.** Chapter 7.120 of the Monterey County Code is amended to read as follows:

### **Chapter 7.120 VACATION RENTAL OPERATION LICENSE**

#### **Sections:**

<b>7.120.010</b>	<b>Purpose.</b>
<b>7.120.020</b>	<b>Definitions.</b>
<b>7.120.030</b>	<b>Applicability.</b>
<b>7.120.040</b>	<b>Regulations for Vacation Rentals.</b>
<b>7.120.050</b>	<b>Repealed.</b>
<b>7.120.060</b>	<b>Repealed.</b>
<b>7.120.070</b>	<b>Repealed.</b>
<b>7.120.080</b>	<b>Regulations for Hosting Platforms.</b>
<b>7.120.090</b>	<b>License Application Process.</b>
<b>7.120.100</b>	<b>Criteria for Grant of License.</b>
<b>7.120.110</b>	<b>License Renewal Process and Grounds for Denial.</b>
<b>7.120.120</b>	<b>Fees.</b>
<b>7.120.130</b>	<b>Grounds for Revocation.</b>
<b>7.120.140</b>	<b>Process for Hearing by Hearing Officer.</b>
<b>7.120.150</b>	<b>Service Requirements.</b>
<b>7.120.160</b>	<b>Enforcement.</b>
<b>7.120.170</b>	<b>Enforcement – Hosting Platforms.</b>
<b>7.120.180</b>	<b>Phasing Out Previously Licensed Operations.</b>

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### 7.120.010 Purpose.

A. The purpose of this Chapter, includes but is not limited to the following:

1. Ensure that vacation rentals are operated in a manner that complies with all rules and regulations, and are not detrimental to the health, safety, and welfare of neighborhoods in which vacation rentals are operating.

2. Preserve and enhance the residential character of the zoning districts established in Titles 20 and 21 of the Monterey County Code.

3. Preserve long-term housing and the sense of security and safety in stable residential neighborhoods.

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

B. This Chapter seeks to restrict the following inharmonious and injurious outcomes associated with unregulated and uncontrolled residential vacation rentals, including but not limited to:

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

2. Risk to economic well-being associated with the reputation of Monterey County as a premier tourism destination.

### 7.120.020 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 range of advertised nightly rates. The Advertised Rental Rate shall not include deposits or ancillary fees.

B. “Agricultural Operation” means cultivating the soil, harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture, and forestry; the science and art of the production of plants and animals useful to man.

C. “Agricultural Processing Facility” means a structure, building, area, open or enclosed, or any other location for the refinement, treatment, or conversion of agricultural products where a physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include, but are not limited to, coolers, dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale or shipment in their natural form, including all customarily incidental uses. Agricultural processing facilities include wineries.

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D. “Agricultural Support Facility” means the use of a structure, land, or land and structure principally established to support on-site and/or off-site farming or ranching activities including but not limited to coolers, cold storage, loading docks, and workshops.

E. “Appropriate Authority” means the County of Monterey Housing and Community Development Department Director or their designee.

F. “Bedroom” means any habitable room of a dwelling unit which is: 1) 70 square feet or greater in size for the first individual in the room and 50 square feet of space for each additional individual in the room; 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.

G. “Booking Service” means any reservation and/or payment service provided by a Person who facilitates Vacation Rental transactions between the Operator and the Occupant for which the Hosting Platform collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment service provided for the transaction.

H. “Commercial Agricultural Operation” means an Agricultural Operation that produces agricultural goods or services for sale.

I. “Common public viewing area” means a public area such as a public street, road, designated vista point, or public park from which the general public ordinarily views the surrounding viewshed.

J. “County” means County of Monterey.

K. "Guesthouse" means an attached or detached living quarters of a permanent type of construction lacking internal circulation with the main dwelling, without kitchen or cooking facilities, clearly subordinate and incidental to the main structure, on the same lot, and not to be separately rented, let, or leased, whether compensation is direct or indirect.

L. "Hearing Officer" means a person appointed by the County to conduct an administrative hearing under this Chapter. The appointed Hearing Officer shall be an impartial decision-maker selected by a process that eliminates risk of bias, such as:

1. An administrative law judge provided by the State of California Office of Administrative Hearings to function as the County Hearing Officer pursuant to Chapter 14 of Part 3 of Division 2 of Title 3 of the California Government Code;

2. A person selected randomly from a panel of attorneys willing to serve as a Hearing Officer; or



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3. An independent contractor assigned by an organization or entity which provides hearing officers.

M. “Hosted” means a Vacation Rental in which the Operator occupies at least one Bedroom within the Vacation Rental while it is being rented as a Vacation Rental. The Vacation Rental must be the Operator’s Primary Residence.

N. “Hosting Platform” means a Person who advertises Vacation Rentals by conducting a Booking Service transaction using any medium of facilitation.

O. “License” means a Vacation Rental Operation License issued by the County to an Operator to operate a Vacation Rental under this Chapter.

P. “Non-hosted” means that an Operator does not occupy the Vacation Rental while it is being rented.

Q. “Occupant” means a person who occupies a Vacation Rental by reason of concession, permit, rent, right of access, license, or other agreement for a period of 30 consecutive calendar days or less.

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

S. “Owner” means the person or persons who hold fee title to the real property upon which a Vacation Rental is operated.

T. “Operator’s Primary Residence” means a Residential Property lived in by the Operator for at least 183 days per calendar year, which is documented by at least two of the following: motor vehicle registration, voter registration, homeowner’s exemption on their property taxes, a lease, or utility bills.

U. “OWTS” means an onsite wastewater treatment system, also referred to as a septic system, as regulated by Chapter 15.20 of the Monterey County Code.

V. “Person” means any individual, corporation, partnership, firm, business or similar entity, public or private agency, municipality, city, state or federal agency.

W. “Property Manager” means the person who is designated by the Operator as being responsible for managing the Vacation Rental operation, and it may include the Owner, professional property manager, realtor, other resident, or Operator of the subject property.

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

Y. “Single Family Dwelling” means a detached structure, including a mobilehome or manufactured dwelling unit, containing only one kitchen and used to house not more than one household.

Z. “Vacation Rental” means the use, by any person, of Residential Property for transient lodging for remuneration where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 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.

### **7.120.030 Applicability.**

A. This Chapter shall apply in the unincorporated area of Monterey County.

B. This Chapter shall apply to:

1. Use Permits issued for Commercial Vacation Rentals pursuant to Section 21.64.290 of the Monterey County Code adopted by Ordinance No. 5422; and

2. Coastal Development Permits issued for Commercial Vacation Rentals pursuant to Section 20.64.290 of the Monterey County Code adopted by Ordinance No. 5439.

C. This Chapter shall not apply to:

1. Administrative Permits issued pursuant to Section 21.64.280 of the Monterey County Code for the transient use of residential property adopted by Ordinance No. 3911.

2. Permits or entitlements issued for the transient use of a property for remuneration as a use similar to a Bed and Breakfast facility or other visitor-serving use (such as hotels, motels, and inns), pursuant to Title 20 of the Monterey County Code.

3. Unique neighborhoods with existing developments that were established with the intent of allowing managed Vacation Rentals. The existing permitted unique neighborhoods with managed Vacation Rentals must operate according to the regulations and conditions approved through their original land use entitlements.

### **7.120.040 Regulations for Vacation Rentals.**

## **Draft Ordinance Title 7**

- A. Vacation Rentals are an allowable use in designated zoning districts, pursuant to Titles 20 and 21 of the Monterey County Code, and shall meet all the requirements for Vacation Rentals in Sections 20.64.290 (coastal) or 21.64.290 (inland).
- B. Vacation Rentals are limited to only one rental contract at any given time.
- C. The Operator who intends to operate a Vacation Rental shall obtain a License that is renewable annually for the fixed location and dwelling in which the Vacation Rental is to occur.
- D. The Operator shall register the Vacation Rental with the County and obtain a Transient Occupancy Tax Certificate in accordance with the provisions of Chapter 5.40 of the Monterey County Code.
- E. The Operator shall obtain a business license from the County pursuant to Chapter 7.02 of the Monterey County Code before commencing the Vacation Rental use and must maintain a valid business license throughout the Vacation Rental use.
- F. The maximum allowable vacation rental operation licenses to be issues at any given time shall be based on the limitations set forth in Section 20.64.290 and Section 21.64.290 of the Monterey County Code.
- G. Upon receipt of an approved License, an Operator shall mail an informational letter to owners and occupants of properties within a 300-foot radius of the licensed property; and if applicable, to all properties with ownership or access rights to any shared private road utilized to access the Vacation Rental. At a minimum, the informational letter shall include: License Number; address of the Vacation Rental; identification if the Vacation Rental is hosted and/or non-hosted; name and contact information for the Property Manager; and contact information and procedures for contacting the County.
- H. Vacation Rentals are prohibited from housing any animal that creates a habitual nuisance, and shall comply with Chapter 8.36 of the Monterey County Code.
- I. Vacation Rentals are prohibited at all times of day and night from making, assisting in making, allowing, creating, or causing to be made outside amplified sound. Vacation Rentals shall also comply with Chapter 10.60 of the Monterey County Code, specifically including adherence to nighttime noise and quiet time requirements set forth in Section 10.60.040.
- J. Vacation Rentals shall post one outdoor sign no larger than one square foot, which shall be posted in a visible place on a wall, fence, or post immediately inside or on the front boundary of the property where it is easy to see from the common public viewing area or private road. This outdoor sign shall only include the Vacation Rental Operation License number, the Property Manager's contact information, and the property's address. No other signs associated with the vacation rental use shall be allowed, and there shall be no direct illumination of the required sign.

**Attachment 1 to Exhibit A**  
**Draft Ordinance Title 7**

K. All Vacation Rentals must have a Property Manager who is available 24 hours per day, during all times that the property is rented as a Vacation Rental. The Property Manager must be able to respond to complaints and arrive at the site within 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 License and shall notify the County, in writing, of any change of Property Manager.

L. Vacation Rentals shall require a rental contract signed by the Operator and the 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 Occupant who is 18 years or older who shall be responsible for compliance with all the regulations in this Chapter.

M. All advertisements and listings for the Vacation Rental shall include all of the following:

1. License number for that particular Vacation Rental;
2. Maximum occupancy – overnight occupancy limits;
3. Notification of quiet hours; and
4. Advertised Rental Rate.

N. All rental contracts for Vacation Rentals shall include, and Vacation Rentals shall have a clearly visible and legible written notice posted within the unit in a prominent place within six feet of the front door of the unit and shall include, all of the following information:

1. License number for that particular Vacation Rental;
2. Maximum occupancy – overnight occupancy limits;
3. Notification of quiet hours;
4. Minimum and Maximum Advertised Rental Rate per 12 month period;
5. A copy of the business license;
6. A copy of their Transient Occupancy Tax Certificate;
7. The name and contact information of the Property Manager;
8. Notification that occupants may be cited and fined for creating amplified noise;

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9. Notification to limit excessive water usage;
  10. Notification of evacuation routes in the event of an emergency, with a clear map detailing the routes;
  11. Notification of 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; and
  12. Notification of contact information for County emergency services for fire, police and emergency medical.
- O. The Operator shall maintain precise records and documentation of the Vacation Rental operation, that shall, at a minimum, make record of the following information for each 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 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 provided that such requests shall be supported by reasonable cause to believe a violation of this Code or other law may have occurred or are part of an administrative inspection program not targeted at a specific property or licensee. The Operator shall retain the written rental contracts and other records of all of the Vacation Rentals during the term of the License and two years thereafter.
- P. No Person, including but not limited to the Operator, shall maintain any advertisements of a Vacation Rental if the Vacation Rental is prohibited by this Chapter.
- Q. Vacation Rentals shall comply with Monterey County Code Chapter 10.41. All solid waste and recycling must be contained within appropriate receptacles with lids.
- R. Vacation Rentals shall comply with the water quality standards specified in Monterey County Code Section 15.04.110 and relevant state and federal law to demonstrate that they meet bacteriological and/or acute inorganic primary drinking water standards, to the satisfaction of the County, at the time of License issuance and prior to each annual renewal. The drinking water is presumed to meet water quality standards if the Vacation Rental provides evidence that it is served by a water system that has 200 or more service connections.
- S. If the Vacation Rental is found to be part of an unpermitted water system or if the Vacation Rental results in the need for a permit for a water system, the Operator must obtain a water system permit pursuant to Monterey County Code Chapter 15.04 prior to issuance of the License and must keep the water system permit in good standing throughout the Vacation Rental use.
- T. If the Vacation Rental is served by OWTS, it must comply with Monterey County Code Chapter 15.20. Occupants 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

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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.

U. Outdoor fire areas, including approved recreational fire containers and portable fireplace containers, shall be prohibited at all Vacation Rentals.

V. Vacation Rentals shall be allowed only in Residential Property and are prohibited in structures intended for temporary occupancy or non-habitable structures.

W. Vacation Rentals shall be allowed only in a Single Family Dwelling. Vacation Rentals are prohibited in all of the following structures: duplex dwellings; condominiums; multiple-family dwellings; accessory dwelling units; junior accessory dwelling units; structures intended for temporary occupancy; and in dwellings subject to a recorded governmental restriction, including, covenants or agreements for an affordable housing unit, agricultural employee unit, and farmworker housing. Guesthouses cannot be rented separately from the Single Family Dwelling as a Vacation Rental.

X. The Owner of the Vacation Rental shall only have an ownership interest in one Vacation Rental real property within the unincorporated Monterey County at a time.

Y. If there is an active agricultural operation on the property, the Owner, Operator or Property Manager shall concurrently reside on the property while the Vacation Rental is rented. If there is an active agricultural processing or support facility on the property, the Owner, Operator or Property Manager shall be present on site during hours of active operation of the facility while the Vacation Rental is rented.

Z. The maximum occupancy limits for Vacation Rentals shall comply with state and local building and health and safety laws.

AA. The Vacation Rental property shall only be rented for transient residential-related use. The property shall not be rented or used for the purpose of holding an event, large party, gathering or assemblage of persons, including but not limited to a corporate or private event, unless the County approves a separate entitlement to allow such events on the property.

**7.120.050 Repealed.**

**7.120.060 Repealed.**

**7.120.070 Repealed.**

**7.120.080 Regulations for Hosting Platforms.**

A. Subject to applicable laws and as requested by the County, Hosting Platforms shall disclose to the County the URL and License number for each Vacation Rental listing located in the unincorporated areas of Monterey County.

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B. All Hosting Platforms that display vacation rental listings for properties located in the unincorporated areas of Monterey County shall require all Operators using the platform to include a License number in any listing for a Vacation Rental on the platform, at the time the Hosting Platform receives a fee for the booking transaction.

C. A Hosting Platform shall remove any listing for a Vacation Rental from the platform after notification by the County that the Vacation Rental listing lacks a License number or the License number is invalid, expired, or has been revoked. The notification must identify the listing(s) to be removed by its URL and state the reason for removal. The platform shall remove the listing within 10 business days of notification.

D. A Hosting Platform that collects money on behalf of the Vacation Rental Owner or Operator must collect and remit to the County of Monterey all transit occupancy taxes payable pursuant to Monterey County Code Chapter 5.40.

E. Safe Harbor. A Hosting Platform operating exclusively on the internet, which operates in compliance with subsections (A), (B), (C), and (D) above, shall be presumed to be in compliance with this Chapter, except that the Hosting Platform remains responsible for compliance with the administrative subpoena provisions of this Chapter.

F. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and federal law(s) and will not apply if determined by the County to be in violation of, or preempted by, any such law(s).

### **7.120.090 License Application Process.**

A. Each application for a License shall be submitted to the County in the manner prescribed by the Appropriate Authority.

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

1. Owner, Operator, and/or Property Manager contact information, including name, address, telephone number, and e-mail address.

2. Plans drawn to scale and labeled, in the form and manner required by the Appropriate Authority, 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. For Hosted Vacation Rentals, the Owner must indicate on the floor plans which bedroom(s) the Operator will occupy when rented.

3. An operations plan including, at a minimum, the following information:

- a. Indicate if the Vacation Rental will be Hosted and/or Non-hosted;

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b. Safety and emergency plan, including a list of local emergency numbers and addresses for nearest fire, police, emergency room, and 24-hour clinics, evacuation maps;

c. Number of employees anticipated;

d. Provide an on-site parking plan;

e. Evidence of solid waste collection; and

f. Such other information as the Appropriate Authority, or his or her designee may require.

4. An inspection report from a home inspector certified by the California Real Estate Inspection Association, American Society of Home Inspectors, International Code Council, International Association of Certified Home Inspectors, or a similar certification that provides and verifies the following information, 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; verification that the Residential Property conforms with applicable state building and fire codes at the time the building was constructed; installation of accessible fire extinguishers; fire alarms; and a carbon monoxide alarm on each level.

5. Evidence that the source of water that serves the proposed Vacation Rental meets bacteriological and acute inorganic primary drinking water standards.

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

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

C. For Vacation Rental operations in a Rural Density Residential zoning district, evidence that the agricultural use of the property is a commercial agricultural operation, agricultural processing facility, or an agricultural support facility. Such evidence may include one or more of the following:

1. Redacted tax forms or other business documentation (LLC/partnership/incorporation);

2. Issued Operator ID;

3. Restricted Materials Pesticide Permit;

4. Certified Producer Certificate;



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5. California State Organic Program Registration;
6. California Department of Agriculture Livestock Identification Number;
7. Industry Association Letter;
8. USDA Documentation for Commercial Livestock Producer;
9. USDA Farm Services Agency Farm Number;
10. Brand number and/or Brand Certification Documentation;
11. Agricultural Lease or Williamson Act Documentation;
12. Proof of planning use permit or similar entitlement for a permitted commercial; agricultural operation, agricultural processing facility, or agricultural support facility; and/or
13. Other evidence as deemed acceptable by the County of Monterey Agricultural Commissioner.

### **7.120.100 Criteria for Grant of License.**

- A. The Appropriate Authority shall deem the application complete if it contains all required information and documents, and all required application fees have been paid.
- B. Upon review of a complete application, the Appropriate Authority shall grant the License ministerially to the Operator if the proposed Vacation Rental complies with a checklist, in the form prescribed by the Appropriate Authority, enumerating the requirements for a License as set forth in this Chapter.
- C. A License is issued to the Operator and covers only the Operator identified on the License solely with respect to the premises identified on the License. The License does not run with the land and is not transferable.
- D. Each License 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 arising from or related to the approval of the License 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 License and the conduct of the activities under said License. This requirement shall remain operative and in effect

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notwithstanding any proceeding or litigation which may result in invalidation or rescission of the License.

E. The initial License shall be issued for a one-year term and may be renewed annually.

### **7.120.110 License Renewal Process and Grounds for Denial.**

A. The Operator shall notify the County at least 30 calendar days before the expiration of the License that the Operator wishes to renew their License together with a renewal application submittal and renewal fees. If the County does not receive the notice of renewal and, as applicable, updated information at least 30 days prior to the expiration date, the License shall expire, and the Operator must apply for a new License.

B. Any application for renewal shall be denied if:

1. The Operator fails to conform to the criteria set forth in this Chapter;
2. The Operator does not have a valid business license pursuant to Chapter 7.02 or has not paid their Transient Occupancy Tax pursuant to Chapter 5.40 of the Monterey County Code;
3. The Licensed property has active and substantiated code enforcement action;
4. The Licensed property has two or more substantiated code enforcement violations within the past year; or
5. The License is revoked pursuant to Section 7.120.130 at the time of the application.

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

### **7.120.120 Fees.**

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.

### **7.120.130 Grounds for Revocation.**

A. Any of the following shall be grounds for revocation of a License:

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1. Any act or omission pertinent to the License by an Operator in contravention of federal law, state law, or the Monterey County Code;
2. If such License was granted on the basis of false material information, written or oral, given willfully or negligently by the Operator;
3. Operating a Vacation Rental in an unlawful manner or in such a manner as to be a nuisance to the health, safety, or welfare of the public; and
4. Failure to pay all applicable taxes, fees, and penalties pertinent to the License required by the County.

B. If the Appropriate Authority determines that grounds for revocation of the License exist pursuant to this Section, the Appropriate Authority shall issue a written notice of intention to revoke the License. The notice of intention shall be served on the Owner and Operator in accordance with the requirements set forth in Section 7.120.140 of this Chapter. The notice of intention shall describe the property, the intention to revoke the License, the grounds for revocation, 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 Owner and Operator of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the License should not be revoked, and shall notify them of the 10-day deadline to submit a written request for a hearing.

C. No Person may secure any License if that Person has had any License issued under this Chapter revoked within the preceding 12 months.

### **7.120.140 Process for Hearing by Hearing Officer.**

A. The Owner or Operator shall have 10 calendar days from the service of the notice of intention to submit a written request for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the revocation of the License and a failure to exhaust administrative remedies. If the hearing is not timely requested, the Appropriate Authority may revoke the License in accordance with the notice of intention.

B. Upon receipt of a timely written request for a hearing, the Appropriate Authority shall set a date for a hearing to be held within 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 served in accordance with the requirements set forth in this Section.

C. Hearing by the Hearing Officer.

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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 revocation of the License.

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.

3. 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.

4. 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.

5. Within 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 but shall be subject to a timely request for judicial review.

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

E. If neither Owner nor Operator, nor their authorized representatives, appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

### **7.120.150 Service Requirements.**

Wherever this Chapter requires the County to serve notice to an Owner, Operator, or Property Manager such notice shall be given 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.

### **7.120.160 Enforcement.**

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

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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 shall be guilty of a misdemeanor except as provided in Section 1.20.040(a)(4) of this Code. No proof of knowledge, intent, or other mental state is required to establish a violation; ownership or control of property out of compliance with this Code is itself 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 the Monterey County Code, and any other action authorized by law.

D. The Enforcement Officer, as defined by Monterey County Code Chapter 1.22, is authorized and empowered to enforce the provisions of this Chapter. The Enforcement Officer may issue an administrative citation for the violation of this Chapter as a civil penalty as follows:

1. A civil penalty not exceeding 175% of the Maximum Advertised Rental Rate per day, or part thereof, or \$1,000 per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a first violation;

2. A civil penalty not exceeding 275% of the Maximum Advertised Rental Rate per day, or part thereof, or \$2,500 per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of this Chapter within any 12-month period; and

3. A civil penalty not exceeding 375% of the Maximum Advertised Rental Rate per day, or part thereof, or \$5,000 per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a third violation of this Chapter within any 12-month period.

E. 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. Each and every day a violation continues 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, attorneys fees, and any other relief or remedy available in law or in equity.

### **7.120.170 Enforcement – Hosting Platforms.**

A. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and federal law(s) and will not apply if determined by the County to be in violation of, or preempted by, any such law(s).

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B. In addition to any other remedy provided by law, any Hosting Platform that violates its obligations under Section 7.120.080 shall be subject to a civil penalty of up to one thousand dollars (\$1,000) per violation per day. Such penalties may be issued and processed per any procedure authorized under State or local law.

C. Any interested person may seek an injunction or other relief to prevent or remedy violations of Section 7.120.080. The prevailing party in such an action shall be entitled to recover reasonable costs and attorney's fees.

D. The Appropriate Authority may issue and serve upon hosting platforms administrative subpoenas as necessary to obtain information regarding vacation rental listings located in the County, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay, to determine whether the home-sharing and short-term rental listings comply with this Chapter. Any subpoena issued pursuant to this Section shall not require the production of information sooner than 30 days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that 30-day period. No such request shall issue absent reasonable basis to conclude a violation of this Code may exist or as a part of an administrative inspection program not targeted at a particular property or licensee.

E. The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law.

### **7.120.180 Phase Out Previously Licensed Operations**

A. All vacation rental operation licenses issued for homestays, limited vacation rentals, or commercial vacation rentals prior to Effective Date pursuant to this Chapter 7.120 adopted by Ordinance No. 5424 shall be required to comply with this Section upon expiration of their existing License. If the prior Licensed use is no longer allowed pursuant to this Section, the Operator must cease operations upon expiration of their License.

**SECTION 4. 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 5. EFFECTIVE DATE.** This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote:

**Draft Ordinance Title 7**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Wendy Askew, Chair  
County of Monterey Board of Supervisors

ATTEST

VALERIE RALPH  
Clerk of the Board of Supervisors

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

APPROVED AS TO FORM:

KELLY L. DONLON  
Chief Assistant County Counsel

## Attachment 2



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Attachment 2 to Exhibit A  
Draft Ordinance Title 20

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**

*This Ordinance amends numerous definition and zoning district use sections of Title 20 and repeals and replaces Section 20.64.290 to the Monterey County Code to regulate the vacation (also known as short-term or transient) rental of residential property. This Ordinance aims to strike a balance, allowing opportunity for property owners and residents of unincorporated Monterey County to benefit from the tourism economy while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals. This Ordinance prohibits vacation rentals in residential zoning districts except as accessory to agricultural uses, and allows vacation rentals in commercial zoning districts, visitor serving zoning districts, and zoning districts in which agriculture is an allowed use. Lastly, this Ordinance contains the process for phasing out unpermitted vacation rentals with applications pending a decision by the County of Monterey and amortization of prior permitted vacation rentals.*

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 (also known as short-term or transient) rental operations have the potential to reduce availability of long-term housing and disrupt the sense of safety, security, and peaceful enjoyment of homes in residential neighborhoods.

C. Agriculture and tourism are top economic drivers of the regional economy, and Monterey County is recognized globally as a premier tourist destination. Regulations 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: to provide accommodations for visitors to stay in Monterey County; to provide the opportunity for the agriculture industry to participate in the tourist economy to enhance the economic viability of agriculture in the region; and to safeguard the reputation of Monterey County and the economic benefits tourism provides the region.

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D. Regulation of vacation rentals is also necessary because they potentially could create impacts that are different than residential uses, including but not limited to: different character, density, and intensity than residential uses; removal of long-term housing from the market; and hazards to the public health, safety and general welfare in residential areas known to have infrastructure limitations.

E. On August 27, 2024, the County of Monterey (County) adopted Ordinance No. 5422 amending Title 21 (Non-coastal Zoning Ordinance) to regulate the short-term vacation rental of residential property in unincorporated Monterey County. On September 10, 2024, the County adopted Ordinance No. 5424 to require business licenses and vacation rental operation licenses for any vacation rental operations in unincorporated Monterey County. The vacation rental regulations for the inland areas became operative on October 14, 2024.

F. On August 27, 2024, the County adopted a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County.

G. On August 13, 2025, the California Coastal Commission (CCC) approved the Monterey County Local Coastal Program (LCP) Amendment No. LCP-3-MCO-24-0039-1 (Vacation Rentals), an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate vacation rental as submitted by the County.

H. On September 23, 2025, the County adopted Ordinance No. 5439 amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County. The vacation rental regulations for the coastal zone became operative on October 24, 2025. The Vacation Rental Ordinances that were adopted and operative in 2024 and 2025 are herein collectively referred to as the “original vacation rental ordinances”.

I. On December 12, 2025, due to a lawsuit challenging the County’s original vacation rental ordinances, including homestays (*Monterey County Vacation Rental Alliance v. County of Monterey*, Monterey County Superior Court Case No. 24CV004922), the County suspended from permit and license consideration and enforcement two provisions being challenged and generally related to ownership provisions.

J. On January 6, 2026, the Board of Supervisors directed staff to develop ordinances to address the two challenged provisions of the original ordinances and to prohibit vacation rentals in residential zoning districts except those with commercial agricultural operations, maintaining that unique neighborhoods with existing developments established with the intent of allowing managed short-term or transient rentals such as Monterey Dunes Colony are exempt from the regulations, and providing for a ministerial approval process for vacation rentals on lands with agricultural operations (“Amended Vacation Rental Ordinances”).

K. This Ordinance amends the original vacation rental ordinances and aims to strike a balance by allowing opportunity for property owners and residents of unincorporated Monterey

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County to benefit from the tourism economy, while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals.

L. This Ordinance establishes that vacation rentals are consistent with the character, density and intensity of commercial and visitor serving uses and uses accessory to agriculture, and are therefore an allowed use in commercial zoning districts, visitor serving zoning districts, and zoning districts in which agriculture is an allowed use, with a vacation rental operation license, business license, and transient occupancy tax certificate.

M. Regulation of vacation rentals is necessary because they have the potential to impact the character and intensity of an otherwise residential use in residential zoning districts. Impacts include, removing long-term housing from the market, or posing hazards to public health, safety and general welfare in residential areas known to have infrastructure limitations. Vacation rental uses, therefore, are prohibited in residential zoning districts.

N. This Ordinance recognizes that unique neighborhoods with existing developments were established with the intent of allowing managed short-term rentals, such as Monterey Dunes Colony, and these developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a vacation rental operation license. Such developments are not exempt from compliance with Chapter 5.40, requiring payment of transient occupancy tax, and Chapter 7.02, requiring a business license.

O. Vacation rentals do not count towards any visitor-serving units or guestroom caps established by Monterey County Code, Monterey County Coastal Implementation Plan, or Monterey County Land Use Plan.

P. 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 October 24, 2025 and the operator is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 20.64.290 of the Monterey County Code as adopted by Ordinance No. 5439. Further, this Ordinance provides for a defined time period that commercial vacation rentals issued coastal development permits pursuant to Section 20.64.290 adopted by Ordinance No. 5439 may continue to operate.

Q. In accordance with the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (EIR) was prepared and circulated and a Final EIR for the Vacation Rental Ordinances Project made available to the public prior to certification by the Board of Supervisors. The County of Monterey adopted a certified Final EIR for the Vacation Rental Ordinances project (SCH # 2022080643) in compliance with CEQA prior to the adoption of the original vacation rental ordinances and reflects the independent judgment and analysis of the County (Resolution No. 24-355).

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R. Section 15162 of the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) provides that, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that either: 1) substantial changes to the project or its circumstances would require major revisions of the previous EIR, due to the involvement of new or worsened significant environmental effects; or 2) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows that the project would have new or worse environmental effects than disclosed in the previous EIR; or 3) that new or newly-feasible mitigation measures would reduce the severity of a significant impact but the project proponent declines to implement them.

S. In accordance with CEQA Guidelines Section 15164(d), an addendum to the certified Final EIR (SCH# 2022080643) was prepared for the Amended Vacation Rental Ordinances project. The County has determined, on the basis of substantial evidence in light of the whole record, that the Amended Vacation Rental Ordinances would not result in substantial project changes that would require major revisions to the Final EIR. There are no changes in circumstances and no new information, not known at the time the Final EIR was certified, that shows the Amended Vacation Rental Ordinances may have a significant environmental effect or a substantial increase in the severity of previously identified significant effects. The County finds that the Amended Vacation Rental Ordinances require minor revisions to the original vacation rental ordinances, but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.

T. The County intends to carry out the amendments in a manner fully in conformity with the Coastal Act.

U. This Ordinance amends the Monterey County Coastal Implementation Plan, which is part of the County's Local Coastal Program. Pursuant to the Coastal Act, the County may amend the certified Local Coastal Program provided the County follows certain procedures. The procedures include the following: the County's Planning Commission holds a notice public hearing and make a recommendation to the Board of Supervisors on the proposed amendment; the Board of Supervisors holds a noticed public hearing, adopts a resolution of intent, and submits the proposed amendment to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review; the Coastal Commission certifies the amendment; the Board of Supervisors takes subsequent final action on the ordinance after the Coastal Commission acts; and the Coastal Commission confirms the County's action. Accordingly, this Ordinance will not go into effect until after the Coastal Commission certifies the amendment and confirms the Board's action.

**SECTION 2.** Subsection (DD) of Section 20.10.050 of the Monterey County Code [High Density Residential District] is amended to read as follows:

DD. Repealed.

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**SECTION 3.** Subsection (DD) of Section 20.12.050 of the Monterey County Code [Medium Density Residential District] is amended to read as follows:

DD. Repealed.

**SECTION 4.** Subsection (FF) of Section 20.14.050 of the Monterey County Code [Low Density Residential District] is amended to read as follows:

FF. Repealed.

**SECTION 5.** Subsection (VV) of to Section 20.16.050 of the Monterey County Code [Rural Density Residential District] is amended to read as follows:

VV. Repealed.

**SECTION 6.** Subsection (PP) of Section 20.17.050 of the Monterey County Code [Watershed And Scenic Conservation District] is amended to read as follows:

PP. Repealed.

**SECTION 7.** Subsection (RR) of Section 20.18.060 of the Monterey County Code [Coastal General Commercial] is amended to read as follows:

RR. Repealed.

**SECTION 8.** Subsection (X) of Section 20.20.060 of the Monterey County Code [Moss Landing Commercial District] is amended to read as follows:

X. Repealed.

**SECTION 9.** Subsection (BB) of Section 20.22.060 of the Monterey County Code [Visitor-Serving Commercial District] is amended to read as follows:

BB. Repealed.

**SECTION 10.** Subsection (GG) of Section 20.30.050 of the Monterey County Code [Coastal Agriculture Preserve] is amended to read as follows:

GG. Repealed.

**SECTION 11.** Subsection (KK) of Section 20.32.050 of the Monterey County Code [Agricultural Conservation] is amended to read as follows:

KK. Repealed.

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**SECTION 12.** Subsection (Q) of Section 20.60.090 of the Monterey County Code is amended to read as follows:

Q. Outdoor signs, pursuant to Section 7.120.040.J.

**SECTION 13.** Section 20.64.290 of the Monterey County Code is amended to read as follows:

**A. Purpose:** It is the purpose of this Section to:

1. Preserve and enhance the residential character of the coastal zoning districts established in Title 20, long-term housing, and the sense of security and safety in stable neighborhoods of residential properties.
2. Provide opportunity for visitors to access public areas of the unincorporated areas of Monterey 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 property owners and residents to offer Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of housing, increase the vitality of commercial and visitor serving areas, and increase the economic stability of agriculture in the region.
4. Establish that Vacation Rental uses are similar in character, density, and intensity to commercial uses, visitor serving uses, and residential uses accessory to agriculture.

**B. Definitions:** The definitions in Chapter 20.06 shall apply. Unless otherwise expressly stated, whenever used in this Section, the following words shall have the meanings set forth below:

1. “Bedroom” means any habitable room of a dwelling unit which is: 1) 70 square feet or greater in size for the first individual in a bedroom and 50 square feet of space for each additional individual in the room; 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.

2. “County” means County of Monterey.

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3. “Effective Date” means the date on which the Ordinance adding this Section 20.64.290 to the Monterey County Code took effect.

4. “Hosted” means a Vacation Rental in which the Operator occupies at least one Bedroom within the Vacation Rental while it is being rented as a Vacation Rental. The Vacation Rental must be the Operator’s Primary Residence.

5. “Non-hosted” means that an Operator does not occupy the Vacation Rental while it is being rented.

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

7. “Owner” means the person or persons who hold fee title to the real property upon which a Vacation Rental is operated.

8. “Operator’s Primary Residence” means a Residential Property lived in by the Operator for at least 183 days per calendar year, which is documented by at least two of the following: motor vehicle registration, voter registration, homeowner’s exemption on their property taxes, lease, or utility bills.

9. “OWTS” means an onsite wastewater treatment system, also referred to as a septic system, as regulated by Chapter 15.20 of the Monterey County Code.

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

11. “Vacation Rental” means the use, by any person, of Residential Property for transient lodging for remuneration where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 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.

**C. Applicability:** This Section applies in the unincorporated coastal zone of the County of Monterey.

**D. Repealed.**

**E. Repealed.**

**F. Regulations for Vacation Rentals:**

1. Vacation Rentals are allowed in the following zoning districts, subject to the requirements of this Section:

- a. Rural Density Residential accessory to the agricultural use of the property (RDR(CZ));



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- b. Watershed and Scenic Conservation (WSC(CZ));
  - c. Coastal General Commercial (CGC(CZ));
  - d. Moss Landing Commercial (MLC(CZ));
  - e. Visitor-serving Commercial (VSC(CZ));
  - f. Coastal Agriculture Preserve (CAP(CZ)); and
  - g. Agricultural Conservation (AC(CZ)).
2. Vacation Rentals shall be prohibited in any other zoning district.
3. Vacation Rentals are subject to the following additional limitations:
- a. Big Sur Coast Land Use Plan as follows: Non-hosted Vacation Rentals are prohibited in the Big Sur Coast Land Use Plan area.
  - b. Based on a maximum allowable limit of Vacation Rentals to be licensed pursuant to Chapter 7.120 of Monterey County Code at any given time of four percent of the total single family residential dwelling unit count within each area as follows:

<b>Planning Area</b>	<b>Maximum Allowed Number of Vacation Rentals (Non-hosted)</b>	<b>Maximum Allowed Number of Vacation Rentals (Hosted)</b>
Big Sur Coast Land Use Plan	0	Unlimited
Carmel Area Land Use Plan	118	Unlimited
Del Monte Forest Land Use Plan	57	Unlimited
Moss Landing Community Plan	2	Unlimited
North County Coastal Land Use Plan	157	Unlimited

- c. Permitted short-term, transient, and vacation rentals existing as of the dates noted will count against their respective Land Use Plan maximum allowable vacation rental cap as follows:
  - i. All existing transient use of a property for remuneration as a similar use to a Bed and Breakfast facility or other visitor-serving uses (such as hotels, motels, and inns) permits or entitlements issued prior to the October 24, 2025 will count against their respective Land Use Plan cap until the permit or entitlement expiration date or within seven years of the October 24, 2025, whichever is sooner;
  - ii. All existing commercial vacation rental permits or entitlements issued prior to Effective Date pursuant to Section 20.64.290 adopted by Ordinance No. 5439 will count until the permit or entitlement expiration date; and

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iii. If within 30 days of the expiration of a prior permitted short-term, transient, or vacation rental, the Operator does not make an application for all permits, licenses, certificates, or other entitlements required by County regulations; the unit count will be added back to the Land Use Plan cap.

4. Only one Hosted 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 provision does not apply to other types of developments, such as planned unit developments or similar cluster residential subdivisions. This provision does not apply to Coastal General Commercial (CGC(CZ)), Moss Landing Commercial (MLC(CZ)), and Visitor-Serving Commercial (VSC(CZ)) zoning districts. These districts shall be allowed more than one Hosted Vacation Rental per legal lot of record and shall not exceed the number of residential units per legal lot of record.

5. For Vacation Rentals on a property in a Rural Density Residential zoning district, the Vacation Rental must be accessory to the agricultural use of the property which includes a commercial agricultural operation, agricultural processing facility, or an agricultural support facility.

### **G. Phasing Out Unpermitted Operations:**

1. To provide time for Operators of Vacation Rentals that were unpermitted prior to the October 24, 2025 to bring the Vacation Rental into compliance with this Section, an Operator may continue the operation for a limited period of time, if the Operator, pursuant to Section 20.64.290 as adopted by Ordinance No. 5439, by or before December 24, 2025:

a. Demonstrated that the Vacation Rental use was established and operating on the subject property prior to October 24, 2025; and

b. Applied for all permits, licenses, certificates, or other entitlements required by Section 20.64.290 as adopted by Ordinance No. 5439 by or before December 24, 2025. The Operator will be allowed to continue to operate as a Vacation Rental until County takes action on the Operator's application for all required permits, licenses, and entitlements made pursuant to this Code, unless County requires earlier termination of the Vacation Rental use due to a risk to public health, safety and welfare. The Operator must diligently pursue the approval and issuance of the required permits, licenses, and entitlements, or the County can require earlier termination of the Vacation Rental.

2. Pending applications submitted by a qualified applicant to the County, pursuant to Section 20.64.290 as adopted by Ordinance No. 5439, that have not been approved by the Appropriate Authority prior to the Effective Date shall be required to

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comply with this Section. Applications that have not yet been considered and that do not qualify under this Section may be voided and, if voided, the Housing and Community Development Department will refund permit fees paid.

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.

### **H. Phasing Out Previously Permitted Operations:**

1. All transient use of a property for remuneration as a similar use to a Bed and Breakfast facility or other visitor-serving uses (such as hotels, motels, and inns) permits or entitlements issued prior to the October 24, 2025, shall be required to comply with this Section upon expiration of their existing permits or entitlements. If the prior use is no longer allowed pursuant to this Section, the Operator must cease operations upon expiration of their permit or entitlement.

2. All transient use of a property for remuneration as a similar use to a Bed and Breakfast facility or other visitor-serving uses (such as hotels, motels, and inns) permits or entitlements issued prior to the October 24, 2025 without expiration dates shall comply with this Section within seven years of October 24, 2025.

3. All Coastal Development Permits issued pursuant to Section 20.64.290 as adopted by Ordinance No. 5439 for a commercial vacation rental prior to the Effective Date of this Section shall comply with this Section upon expiration of their existing permit. If the prior use is no longer allowed pursuant to this Section, the Operator must cease operations upon expiration of their permit.

4. The Operator shall maintain a valid business license pursuant to Chapter 7.02 and a valid Vacation Rental Operation License pursuant to Chapter 7.120 of this Code throughout the permitted term of the Commercial Vacation Rental use.

5. 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.

### **I. Request for Extended Phase Out Period:**

1. An Operator may request to extend the phase out period for a vacation rental, if they claim to have a unique circumstance that entitles the Operator to a longer phase out period. The request shall be made in writing on a form prescribed by the Director of Housing and Community Development and submitted to the County within 30 calendar days following the

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Effective Date. The request must be accompanied by evidence supporting the request, and in all cases must contain, without limitation, the following:

- a. Owner, Operator, and/or Property Manager contact information including name, address, telephone number and e-mail address;
- b. Property Address and Assessor's Parcel Number;
- c. Clear description of the unique circumstances demonstrating that:
  - i. Investments were made in preparation of a property to operate as a Vacation Rental;
  - iii. The ordinance phase out period is insufficient to recover reasonable investments made based on verifiable rental rates and rental booking frequency; and
  - iv. Definitive documented evidence exists that substantiates the claim, including but not limited to receipts, tax records, rental contracts.

2. The Director of Housing and Community Development is the Appropriate Authority to consider requests. The Director shall, upon receipt of a written request containing all required information pursuant to this Subsection, consider and render a decision on the request, in writing, within 60 days.

- a. If the request is approved, the vacation rental shall conform with the regulations for vacation rentals pursuant to Chapter 7.120 of Monterey County Code, as applicable.
- b. If the request denied, the Director's decision is appealable pursuant to Chapter 20.86 of the Monterey County Code.

**J. Exemptions:** The regulations set forth in this Section do not apply to unique neighborhoods with existing developments that were established with the intent of allowing managed Vacation Rentals. The existing permitted unique neighborhoods with managed Vacation Rentals must operate according to the regulations and conditions approved through their original land use entitlements.

**SECTION 14.** Subsection (S) of Section 20.70.120 of the Monterey County Code is amended to read as follows:

- S. Repealed.

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**SECTION 15.** Subsection (T) of Section 20.70.120 of the Monterey County Code is amended to read as follows:

T. Repealed.

**SECTION 16.** Subsection (U) of Section 20.70.120 of the Monterey County Code is added to read as follows:

U. Vacation Rentals, pursuant to Section 20.64.290, are exempt in the following zoning districts: Rural Density Residential accessory to the agricultural use of the property (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 (AC(CZ)).

**SECTION 17. 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 18. 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 \_\_\_\_\_, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Wendy Askew, Chair  
County of Monterey Board of Supervisors

ATTEST

VALERIE RALPH  
Clerk of the Board of Supervisors

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

APPROVED AS TO FORM:

KELLY L. DONLON  
Chief Assistant County Counsel

## Attachment 3

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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**

*This Ordinance amends numerous definition and zoning district use sections of Title 21, repeals and replaces Section 21.64.290 to the Monterey County Code to regulate the vacation (also known as short-term or transient) rental of residential property. This Ordinance aims to strike a balance, allowing opportunity for property owners and residents of unincorporated Monterey County to benefit from the tourism economy while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals. This Ordinance prohibits vacation rentals in residential zoning districts except as accessory to agricultural uses, and allows vacation rentals in commercial zoning districts, visitor serving zoning districts, and zoning districts in which agriculture is an allowed use. Lastly, this Ordinance contains the process for phasing out unpermitted vacation rentals with applications pending a decision by the County of Monterey and amortization of prior permitted vacation rentals.*

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 (also known as short-term or transient) rental operations have the potential to reduce availability of long-term housing and disrupt the sense of safety, security, and peaceful enjoyment of homes in residential neighborhoods.

C. Agriculture and tourism are top economic drivers of the regional economy, and Monterey County is recognized globally as a premier tourist destination. Regulations 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: to provide accommodations for visitors to stay in Monterey County; to provide the opportunity for the agriculture industry to participate in the tourist economy to enhance the economic viability of agriculture in the region; and to safeguard the reputation of Monterey County and the economic benefits tourism provides the region.



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D. Regulation of vacation rentals is also necessary because they potentially could create impacts that are different than residential uses, including but not limited to: different character, density, and intensity than residential uses; removal of long-term housing from the market; and hazards to the public health, safety and general welfare in residential areas known to have infrastructure limitations.

E. On August 27, 2024, the County of Monterey (County) adopted Ordinance No. 5422 amending Title 21 (Non-coastal Zoning Ordinance) to regulate the short-term vacation rental of residential property in unincorporated Monterey County. On September 10, 2024, the County adopted Ordinance No. 5424 to require business licenses and vacation rental operation licenses for any vacation rental operations in unincorporated Monterey County. The vacation rental regulations for the inland areas became operative on October 14, 2024.

F. On August 27, 2024, the County adopted a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County.

G. On August 13, 2025, the California Coastal Commission (CCC) approved the Monterey County Local Coastal Program (LCP) Amendment No. LCP-3-MCO-24-0039-1 (Vacation Rentals), an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate vacation rental as submitted by the County.

H. On September 23, 2025, the County adopted Ordinance No. 5439 amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County. The vacation rental regulations for the coastal zone became operative on October 24, 2025. The Vacation Rental Ordinances that were adopted and operative in 2024 and 2025 are herein collectively referred to as the “original vacation rental ordinances”.

I. On December 12, 2025, due to a lawsuit challenging the County’s original vacation rental ordinances, including homestays (*Monterey County Vacation Rental Alliance v. County of Monterey*, Monterey County Superior Court Case No. 24CV004922), the County suspended from permit and license consideration and enforcement two provisions being challenged and generally related to ownership provisions.

J. On January 6, 2026, the Board of Supervisors directed staff to develop ordinances to address the two challenged provisions of the original ordinances and to prohibit vacation rentals in residential zoning districts except those with commercial agricultural operations, maintaining that unique neighborhoods with existing developments established with the intent of allowing managed short-term or transient rentals such as Monterey Dunes Colony are exempt from the regulations, and providing for a ministerial approval process for vacation rentals on lands with agricultural operations (“Amended Vacation Rental Ordinances”).

K. This Ordinance amends the original vacation rental ordinances and aims to strike a balance by allowing opportunity for property owners and residents of unincorporated Monterey

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County to benefit from the tourism economy, while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals.

L. This Ordinance establishes that vacation rentals are consistent with the character, density and intensity of commercial and visitor serving uses and uses accessory to agriculture, and are therefore an allowed use in commercial zoning districts, visitor serving zoning districts, and zoning districts in which agriculture is an allowed use, with a vacation rental operation license, business license, and transient occupancy tax certificate.

M. Regulation of vacation rentals is necessary because they have the potential to impact the character and intensity of an otherwise residential use in residential zoning districts. Impacts include removing long-term housing from the market, or posing hazards to public health, safety and general welfare in residential areas known to have infrastructure limitations. Vacation rental uses, therefore, are prohibited in residential zoning districts.

N. This Ordinance recognizes that unique neighborhoods with existing developments were established with the intent of allowing managed short-term rentals, such as Monterey Dunes Colony, and these developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a vacation rental operation license. Such developments are not exempt from compliance with Chapter 5.40, requiring payment of transient occupancy tax, and Chapter 7.02, requiring a business license.

O. Vacation rentals do not count towards any visitor-serving units or guestroom caps established by Monterey County Code, 2010 County of Monterey General Plan, or any associated Area Plan established by the 2010 County of Monterey General Plan.

P. To allow for a reasonable amortization of investment for existing vacation rentals 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 October 14, 2024 and the operator is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 21.64.290 of the Monterey County Code adopted by Ordinance 5422. Further, this Ordinance provides for a defined time period that short-term or transient rentals issued administrative permits pursuant to Section 21.64.280 adopted by Ordinance Number 3911 and commercial vacation rentals issued use permits pursuant to Section 21.64.290 adopted by Ordinance 5422 may continue to operate.

Q. In accordance with the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (EIR) was prepared and circulated and a Final EIR for the Vacation Rental Ordinances Project made available to the public prior to certification by the Board of Supervisors. The County of Monterey adopted a certified Final EIR for the Vacation Rental Ordinances project (SCH # 2022080643) in compliance with CEQA prior to the adoption of the original vacation rental ordinances and reflects the independent judgment and analysis of the County (Resolution No. 24-355).

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R. Section 15162 of the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) provides that, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that either: 1) substantial changes to the project or its circumstances would require major revisions of the previous EIR, due to the involvement of new or worsened significant environmental effects; or 2) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows that the project would have new or worse environmental effects than disclosed in the previous EIR; or 3) that new or newly-feasible mitigation measures would reduce the severity of a significant impact but the project proponent declines to implement them.

S. In accordance with CEQA Guidelines Section 15164(d), an addendum to the certified Final EIR (SCH# 2022080643) was prepared for the Amended Vacation Rental Ordinances project. The County has determined, on the basis of substantial evidence in light of the whole record, that the Amended Vacation Rental Ordinances would not result in substantial project changes that would require major revisions to the Final EIR. There are no changes in circumstances and no new information, not known at the time the Final EIR was certified, that shows the Amended Vacation Rental Ordinances may have a significant environmental effect or a substantial increase in the severity of previously identified significant effects. The County finds that the Amended Vacation Rental Ordinances require minor revisions to the original vacation rental ordinances, but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.

**SECTION 2.** Subsection (S) of Section 21.10.030 of the Monterey County Code [High Density Residential District] is amended to read as follows:

S. Repealed.

**SECTION 3.** Subsection (T) of Section 21.10.030 of the Monterey County Code [High Density Residential District] is amended to read as follows:

T. Repealed.

**SECTION 4.** Subsection (AA) of Section 21.10.050 of the Monterey County Code [High Density Residential District] is amended to read as follows:

AA. Repealed.

**SECTION 5.** Subsection (R) of to Section 21.12.030 of the Monterey County Code [Medium Density Residential District] is amended to read as follows:

R. Repealed.

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**SECTION 6.** Subsection (S) of Section 21.12.030 of the Monterey County Code [Medium Density Residential District] is amended to read as follows:

S. Repealed.

**SECTION 7.** Subsection (Y) of Section 21.12.050 of the Monterey County Code [Medium Density Residential District] is amended to read as follows:

Y. Repealed.

**SECTION 8.** Subsection (U) of to Section 21.14.030 of the Monterey County Code [Low Density Residential District] is amended to read as follows:

U. Repealed.

**SECTION 9.** Subsection (V) of Section 21.14.030 of the Monterey County Code [Low Density Residential District] is amended to read as follows:

V. Repealed.

**SECTION 10.** Subsection (EE) of Section 21.14.050 of the Monterey County Code [Low Density Residential District] is amended to read as follows:

EE. Repealed.

**SECTION 11.** Subsection (W) of Section 21.16.030 of the Monterey County Code [Rural Density Residential District] is amended to read as follows:

W. Repealed.

**SECTION 12.** Subsection (X) of to Section 21.16.030 of the Monterey County Code [Rural Density Residential District] is amended to read as follows:

X. Repealed.

**SECTION 13.** Subsection (Y) is added to Section 21.16.030 of the Monterey County Code [Rural Density Residential District] to read as follows:

Y. Vacation Rentals accessory to agricultural uses, pursuant to Section 21.64.290.

**SECTION 14.** Subsection (RR) of Section 21.16.050 of the Monterey County Code [Rural Density Residential District] is amended to read as follows:

RR. Repealed.

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**SECTION 15.** Subsection (E) of Section 21.18.040 of the Monterey County Code [Light Commercial District] is amended to read as follows:

E. Repealed.

**SECTION 16.** Subsection (F) of Section 21.18.040 of the Monterey County Code [Light Commercial District] is amended to read as follows:

F. Repealed.

**SECTION 17.** Subsection (G) is added to Section 21.18.040 of the Monterey County Code [Light Commercial District] to read as follows:

G. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 18.** Subsection (HH) of Section 21.18.060 of the Monterey County Code [Light Commercial District] is amended to read as follows:

HH. Repealed.

**SECTION 19.** Subsection (E) of Section 21.20.040 of the Monterey County Code [Heavy Commercial District] is amended to read as follows:

E. Repealed.

**SECTION 20.** Subsection (F) of Section 21.20.040 of the Monterey County Code [Heavy Commercial District] is amended to read as follows:

F. Repealed.

**SECTION 21.** Subsection (G) is added to Section 21.20.040 of the Monterey County Code [Heavy Commercial District] to read as follows:

G. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 22.** Subsection (OO) of Section 21.20.060 of the Monterey County Code [Heavy Commercial District] is amended to read as follows:

OO. Repealed.

**SECTION 23.** Subsection (D) of Section 21.22.040 of the Monterey County Code [Visitor-Serving/Professional Office District] is amended to read as follows:

D. Repealed.

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**SECTION 24.** Subsection (E) of Section 21.22.040 of the Monterey County Code [Visitor-Serving/Professional Office District] is amended to read as follows:

E. Repealed.

**SECTION 25.** Subsection (F) is added to Section 21.22.040 of the Monterey County Code [Visitor-Serving/Professional Office District] to read as follows:

F. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 26.** Subsection (X) of Section 21.22.060 of the Monterey County Code [Visitor-Serving/Professional Office District] is amended to read as follows:

X. Repealed.

**SECTION 27.** Subsection (R) of Section 21.30.030 of the Monterey County Code [Farmland] is amended to read as follows:

R. Repealed.

**SECTION 28.** Subsection (S) of Section 21.30.030 of the Monterey County Code [Farmland] is amended to read as follows:

S. Repealed.

**SECTION 29.** Subsection (T) is added to Section 21.30.030 of the Monterey County Code [Farmland] to read as follows:

T. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 30.** Subsection (JJ) of Section 21.30.050 of the Monterey County Code [Farmland] is amended to read as follows:

JJ. Repealed.

**SECTION 31.** Subsection (R) of Section 21.32.030 of the Monterey County Code [Rural Grazing] is amended to read as follows:

R. Repealed.

**SECTION 32.** Subsection (S) of Section 21.32.030 of the Monterey County Code [Rural Grazing] is amended to read as follows:

S. Repealed.

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**SECTION 33.** Subsection (T) is added to Section 21.32.030 of the Monterey County Code [Rural Grazing] to read as follows:

T. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 34.** Subsection (KK) of Section 21.32.050 of the Monterey County Code [Rural Grazing] is amended to read as follows:

KK. Repealed.

**SECTION 35.** Subsection (Q) of Section 21.34.030 of the Monterey County Code [Permanent Grazing] is amended to read as follows:

Q. Repealed.

**SECTION 36.** Subsection (R) of Section 21.34.030 of the Monterey County Code [Permanent Grazing] is amended to read as follows:

R. Repealed.

**SECTION 37.** Subsection (S) is added to Section 21.34.030 of the Monterey County Code [Permanent Grazing] to read as follows:

S. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 38.** Subsection (II) of Section 21.34.050 of the Monterey County Code [Permanent Grazing] is amended to read as follows:

II. Repealed.

**SECTION 39.** Subsection (V) of Section 21.36.030 of the Monterey County Code [Resource Conservation District] is amended to read as follows:

V. Repealed.

**SECTION 40.** Subsection (W) of Section 21.36.030 of the Monterey County Code [Resource Conservation District] is amended to read as follows:

W. Repealed.

**SECTION 41.** Subsection (X) is added to Section 21.36.030 of the Monterey County Code [Resource Conservation District] to read as follows:

X. Vacation Rentals, pursuant to Section 21.64.290.

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**SECTION 42.** Subsection (JJ) of Section 21.36.050 of the Monterey County Code [Resource Conservation District] is amended to read as follows:

JJ. Repealed.

**SECTION 43.** Section 21.64.290 of the Monterey County Code is amended to read as follows:

**A. Purpose:** It is the purpose of this Section to:

1. Preserve and enhance the residential character of the zoning districts established in Title 21, long-term housing, and the sense of security and safety in stable neighborhoods of residential properties.
2. Provide opportunity for visitors to access public areas of the unincorporated areas of Monterey 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 property owners and residents to offer Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of housing , increase the vitality of commercial and visitor-serving areas, and increase the economic stability of agriculture in the region.
4. Establish that Vacation Rental uses are similar in character, density, and intensity to commercial uses, visitor serving uses, and residential uses accessory to agriculture.

**B. Definitions:** The definitions in Chapter 21.06 shall apply. Unless otherwise expressly stated, whenever used in this Section, the following words shall have the meanings set forth below:

1. “Bedroom” means any habitable room of a dwelling unit which is: 1) 70 square feet or greater in size for the first individual in a bedroom and 50 square feet of space for each additional individual in the room; 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.

2. “County” means County of Monterey.



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3. “Hosted” means a Vacation Rental in which the Operator occupies at least one Bedroom within the Vacation Rental while it is being rented as a Vacation Rental. The Vacation Rental must be the Operator’s Primary Residence.

4. “Non-hosted” means that an Operator does not occupy the Vacation Rental while it is being rented.

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

6. “Owner” means the person or persons who hold fee title to the real property upon which a Vacation Rental is operated.

7. “Operator’s Primary Residence” means a Residential Property lived in by the Operator for at least 183 days per calendar year, which is documented by at least two of the following: motor vehicle registration, voter registration, homeowner’s exemption on their property taxes, lease, or utility bills.

8. “OWTS” means an onsite wastewater treatment system, also referred to as a septic system, as regulated by Chapter 15.20 of the Monterey County Code.

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

10. “Vacation Rental” means the use, by any person, of Residential Property for transient lodging for remuneration where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 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.

**C. Applicability:** This Section applies in the unincorporated inland areas of the County of Monterey.

**D. Repealed.**

**E. Repealed.**

**F. Regulations for Vacation Rentals:**

1. Vacation Rentals are allowed in the following zoning districts, subject to the requirements of this Section:

- a. Rural Density Residential accessory to the agricultural use of the property (RDR);

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- b. Light Commercial (LC);
- c. Heavy Commercial (HC);
- d. Visitor-serving/Professional Office (VO);
- e. Farmland (F);
- f. Rural Grazing (RG);
- g. Permanent Grazing (PG);
- h. Resource Conservation (RC);
- i. Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed) except residential, industrial and public/quasi-public land use designations within the CP districts; and
- j. Specific Plan (SP), subject to Section 21.41.030.B (Regulations for Specific Plan Zoning Districts or “SP” Districts – Uses Allowed) except residential, industrial and public/quasi-public land use designations within the SP district.

2. Vacation Rentals shall be prohibited in any other zoning district.3.  
Vacation Rentals are subject to the following additional limitations:

- a. Based on a maximum allowable limit of Hosted Vacation Rentals to be licensed pursuant to Chapter 7.120 of Monterey County Code at any given time of four percent of the total single family residential dwelling unit count within each area as follows:

<b>Planning Area</b>	<b>Maximum Allowed Number of Vacation Rentals (Non-hosted)</b>	<b>Maximum Allowed Number of Vacation Rentals (Hosted)</b>
Cachagua Area Plan	20	Unlimited
Carmel Valley Master Plan	201	Unlimited
Central Salinas Valley Area Plan	66	Unlimited
Fort Ord Master Plan	40	Unlimited
Greater Monterey Peninsula Area Plan	155	Unlimited
Greater Salinas Area	80	Unlimited
North County Inland Area Plan	226	Unlimited
South County Area Plan	52	Unlimited
Toro Area Plan	173	Unlimited

- b. Permitted short-term, transient, and vacation rentals existing as of the dates noted will count against their respective Master Plan or Area Plan maximum allowable vacation rental cap as follows:

- i. All existing transient use of residential property permits or entitlements issued prior to October 14, 2024 pursuant to Section 21.64.280 adopted by Ordinance No. 3911 will count against their

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respective Area or Master Plan cap, until the permit or entitlement expiration date or within seven years of October 14, 2024, whichever is sooner;

ii. All existing commercial vacation rental permits or entitlements issued prior to Effective Date pursuant to Section 21.64.290 adopted by Ordinance No. 5422 will count until the permit or entitlement expiration date; and

iii. If within 30 days of the expiration date of a prior permitted operation, the Operator does not make an application for all permits, licenses, certificates, or other entitlements required by County regulations, the unit count will be added back to the Area or Master Plan cap.

4. Only one Hosted 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 provision does not apply to other types of developments, such as planned unit developments or similar cluster residential subdivisions. 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 Hosted Vacation Rental per legal lot of record and shall not exceed the number of residential units per legal lot of record.

5. For Vacation Rentals on a property in a Rural Density Residential zoning district, the Vacation Rental must be accessory to the agricultural use of the property which includes a commercial agricultural operation, agricultural processing facility, or an agricultural support facility.

### **G. Phasing Out Unpermitted Operations:**

1. To provide time for the Operator of a Vacation Rental that was unpermitted prior to October 14, 2024 to bring the Vacation Rental into compliance with this Section, an Operator may continue the operation for a limited period of time, if the Operator, pursuant to Section 21.64.290 as adopted by Ordinance No. 5422, by or before April 14, 2025:

a. Demonstrated that the Vacation Rental use was established and operating on the subject property prior to October 14, 2024; and

b. Applied for all permits, licenses, certificates, or other entitlements required by this Section 21.64.290 as adopted by Ordinance No. 5422 by or before April 14, 2025. The Operator will be allowed to continue to operate as a Vacation Rental until County takes action on the Operator's application for all required permits, licenses, and entitlements made pursuant to this Code, unless County requires earlier termination of the Vacation Rental use due to a risk to

## **Draft Ordinance Title 21**

public health, safety and welfare. The Operator must diligently pursue the approval and issuance of the required permits, licenses, and entitlements, or the County can require earlier termination of the Vacation Rental.

2. Pending applications submitted by a qualified applicant to the County, pursuant to Section 21.64.290 as adopted by Ordinance No. 5422, that have not been approved by the Appropriate Authority by the Effective Date of this Section shall be required to comply with this Section. Applications that have not yet been considered and that do not qualify under this Section may be voided and, if voided, the Housing and Community Development Department will refund permit fees paid.

3. An Operator may apply for a variance from this Subsection G if they claim to have a unique circumstance(s) that entitles them to a longer amortization period, including but not limited to an unusual investment in the property. Such a variance request will be governed by Chapter 21.72 of this Code.

4. 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.

### **H. Phasing Out Previously Permitted Operations:**

1. All Administrative Permits issued pursuant to Section 21.64.280 as adopted by Ordinance No. 3911 for the transient use of residential property prior to October 14, 2024, shall be required to comply with this Section upon expiration of their existing permit. If the prior use is no longer allowed pursuant to this Section, the Operator must cease operations upon expiration of their permit.

2. All Administrative Permits issued pursuant to Section 21.64.280 as adopted by Ordinance No. 3911 for the transient use of residential property prior to October 14, 2024, without expiration dates shall be required to comply with this Section within seven years of October 14, 2024.

3. All Use Permits issued pursuant to Section 21.64.290 as adopted by Ordinance No. 5422 for a commercial vacation rental prior to Effective Date of this Section shall be required to comply with this Section upon expiration of their existing permit. If the prior use is no longer allowed pursuant to this Section, the Operator must cease operations upon expiration of their permit.

4. The Operator shall maintain a valid business license pursuant to Chapter 7.02 and a valid Vacation Rental Operation License pursuant to Chapter 7.120 of this Code throughout the permitted term of the Commercial Vacation Rental use.

## Draft Ordinance Title 21

5. An Operator may apply for a variance from this Subsection H if they claim to have a unique circumstance that entitles them to a longer amortization period, including but not limited to an unusual investment in the property. Such a variance request will be governed by the provisions of Chapter 21.72 of this Code.

6. 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.

### **I. Request for Extended Phase Out Period:**

1. An Operator may request to extend the phase out period for a vacation rental, if they claim to have a unique circumstance that entitles the Operator to a longer phase out period. The request shall be made in writing on a form prescribed by the Director of Housing and Community Development and submitted to the County within 30 calendar days following the Effective Date. The request must be accompanied by evidence supporting the request, and in all cases must contain, without limitation, the following:

- a. Owner, Operator, and/or Property Manager contact information including name, address, telephone number and e-mail address;
- b. Property Address and Assessor's Parcel Number;
- c. Clear description of the unique circumstances demonstrating that:
  - i. Investments were made in preparation of a property to operate as a Vacation Rental;
  - iii. The ordinance phase out period is insufficient to recover reasonable investments made based on verifiable rental rates and rental booking frequency; and
  - iv. Definitive documented evidence exists that substantiates the claim, including but not limited to receipts, tax records, rental contracts.

2. The Director of Housing and Community Development is the Appropriate Authority to consider requests. The Director shall, upon receipt of a written request containing all required information pursuant to this Subsection, consider and render a decision on the request, in writing, within 60 days.

## Draft Ordinance Title 21

a. If the request is approved, the vacation rental shall conform with the regulations for vacation rentals pursuant to Chapter 7.120 of Monterey County Code, as applicable.

b. If the request denied, the Director's decision is appealable pursuant to Chapter 21.80 of the Monterey County Code.

**J. Exemptions:** The regulations set forth in this Section do not apply to unique neighborhoods with existing developments that were established with the intent of allowing managed Vacation Rentals. The existing permitted unique neighborhoods with managed Vacation Rentals must operate according to the regulations and conditions approved through their original land use entitlements.

**SECTION 44. 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 45. EFFECTIVE DATE.** This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Wendy Askew, Chair  
Monterey County Board of Supervisors

APPROVED AS TO FORM:

**Draft Ordinance Title 21**

ATTEST

VALERIE RALPH  
Clerk of the Board of Supervisors

KELLY L. DONLON Chief Assistant County Counsel
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By: \_\_\_\_\_  
Deputy

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## Exhibit B

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## **Exhibit B – Detailed Discussion**

### **Vacation Rental Ordinances Background**

On August 27, 2024, the County of Monterey (County) adopted Ordinance No. 5422 amending Title 21 (Non-coastal Zoning Ordinance) to regulate the short-term vacation rental of residential property in unincorporated Monterey County. On September 10, 2024, the County adopted Ordinance No. 5424 to require business licenses and vacation rental operation licenses for any vacation rental operations in unincorporated Monterey County. The vacation rental regulations for the inland areas became operative on October 14, 2024, and timeline for unpermitted vacation rental operations to come into compliance in the Inland areas past April 14, 2025.

On August 27, 2024, the County adopted a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County. On August 13, 2025, the California Coastal Commission (CCC) approved the Monterey County Local Coastal Program (LCP) Amendment No. LCP-3-MCO-24-0039-1 (Vacation Rentals), an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate vacation rental as submitted by the County. On September 23, 2025, the County adopted Ordinance No. 5439 amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County. The vacation rental regulations for the coastal zone became operative on October 24, 2025 and the timeline for unpermitted vacation rental operations to come into compliance in the coastal zone past December 24, 2025. The Vacation Rental Ordinances that were adopted and operative in 2024 and 2025 are herein collectively referred to as the “original vacation rental ordinances”.

These approved ordinances establish three vacation rental types that may be permitted in residential, commercial and agricultural zones in all planning areas. Homestays must have an owner or their representative residing in the rental unit while being rented and are allowed in all planning areas with ministerial approval. Limited Vacation Rentals are whole house (non-hosted) rentals that may be rented up to 3 times per year and are allowed in all planning areas with a ministerial approval. Commercial Vacation Rentals are whole house (non-hosted) rentals that may be rented an unlimited number of times per year and are allowed with discretionary permit in all planning areas except Big Sur, low density residential zones in Carmel, and residential zones in Carmel Valley. All vacation rentals must obtain a Vacation Rental Operators Permit, Business License, and register to pay Transient Occupancy Taxes.

### **Vacation Rental Implementation**

As of January 6, 2026, the County has received a total of 271 vacation rental applications that are in various stages of consideration and approval (or denial). Table 1 summarizes the vacation rental application counts by type.

TABLE 1 – Vacation Rental Application Status (Inland and Coastal)

## Exhibit B – Detailed Discussion

Type	Denied Void Withdrawn	Pending Incomplete	Approved	Prior Approved
<b>INLAND</b>				
Homestay	2	35	22	N/A
Limited Vacation Rental	0	17	13	N/A
Commercial Vacation Rental	2	46	2	34*
<b>COASTAL</b>				
Homestay	0	23	2	N/A
Limited Vacation Rental	1	7	0	N/A
Commercial Vacation Rental	13	101	0	None

*\*Prior permitted transient/short-term rentals that are operating pursuant to the phase out provisions of the approved regulations.*

### Amended Vacation Rental Ordinances

The County's approved vacation rental regulations are subject to lawsuit that alleges numerous causes of action, including two claims that the regulations violate: 1) U.S. Constitution's Dormant Commerce Clause by treating non-resident property owners differently for homestays; and 2) U.S. and California Constitutions' Equal Protection Clauses by treating corporate or other non-individual entity owners differently from natural person owners for all types of vacation rentals. On December 12, 2025, due to a lawsuit challenging the County's vacation rental ordinances, including homestays (*Monterey County Vacation Rental Alliance v. County of Monterey*, Monterey County Superior Court Case No. 24CV004922), the County has suspended from permit/license consideration and enforcement, two provisions being challenged and generally related to ownership provisions. This pause will stay in place until such time as the court finishes its analysis and makes an official ruling. Additional information is available at <https://comry.us/VacationRentals>.

On January 6, 2026, the Board of Supervisors conducted a public workshop regarding the vacation rental regulations, and directed staff to develop ordinances to: 1) address two provisions of the original ordinances that have been legally challenged; 2) prohibit vacation rentals in residential zoning districts except those with commercial agricultural operations; 3) maintain that unique neighborhoods with existing developments established with the intent of allowing managed short-term or transient rentals such as Monterey Dunes Colony are exempt from the regulations; and 4) providing for a ministerial approval process for vacation rentals on lands with agricultural operations. The amended ordinances seek to implement the Board's January 6, 2026 direction.

The draft ordinances would amend Title 7, Title 20, and Title 21 of the Monterey County Code to implement the Board's direction. Collectively these draft ordinances are referred to as the

## **Exhibit B – Detailed Discussion**

“amended vacation rental ordinances” or “amended ordinances”, and they would amend Monterey County Code Title 7 (Business Taxes, Licenses, and Regulations) Section 7.02.060 and Chapter 7.120, amend Title 20 (Coastal Zoning Ordinance) definition and zoning use sections and Section 20.64.290, and amend Title 21 (Inland Zoning Ordinance) definition and zoning use sections and Section 21.64.290 to regulate vacation rentals in unincorporated Monterey County.

The proposed Amended Vacation Rental Ordinances would modify a number of key provisions of the County’s approved vacation rental ordinances including:

- a. Prohibit vacation rentals in all residential zoning districts, except as may be accessory to an agricultural use and a vetted commercial agricultural operation.
  - i. Carmel Valley - Would allow vacation rentals in rural density residential zoning district.
- b. Delete homestay, limited vacation rental, and commercial vacation rental types, and distinguish between vacation rentals that are hosted and/or non-hosted.
  - i. Big Sur – Would allow only hosted vacation rentals.
- c. Allow vacation rentals as an allowed use without discretionary permits in commercial, visitor serving, and agricultural zones, and as an accessory use to a commercial agricultural operation.

The amended ordinances would also include minor edits and revisions to certain provisions including: clarifying definitions; adding agricultural definitions and evidence requirement for commercial agriculture; adding amortization of investment and phase out provisions for vacation rentals permitting or pending decision under the current vacation rental regulations; establishing occupancy limits based on building, health and safety laws; prohibiting events unless approved with a separate entitlement. The amended ordinances further modify regulations and add enforcement provisions for hosting platforms to include: requirements to disclose URL and License numbers for listings; clarify timing for when License numbers must be included with a listing; civil penalties of up to \$1,000 per day per violation; and ability for County to serve administrative subpoenas.

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# Exhibit C

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# **Addendum Pursuant to the California Environmental Quality Act**

## **ARTICLE 11 Section 15164**

*Prepared by the County of Monterey Housing and Community Development Department  
February 5, 2026*

### **Amended Vacation Rental Ordinances**

#### **File Nos. REF250042 (Coastal) and REF250043 (Inland)**

**Ordinances amending Monterey County Code Title 7 (Business Taxes, Licenses, and Regulations) Section 7.02.060 and Chapter 7.120, amending Title 20 (Coastal Zoning Ordinance) definition and zoning use sections and Section 20.64.290, and amending Title 21 (Non-Coastal Zoning Ordinance) definition and zoning use sections and Section 21.64.290 to regulate vacation rentals in unincorporated Monterey County.**

#### **1. Introduction**

In accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, codified in Sections 15000 *et seq.* of Title 14 of the California Code of Regulations, a lead agency shall prepare an addendum to a previously certified environmental impact report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15612 calling for preparation of a subsequent EIR have occurred. Under Section 15162(a), where an EIR has been certified for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that there are substantial changes in the project or circumstances or substantially important new information that will cause the project to have significant new impacts or substantially increase previously identified significant impacts.

Specifically, the CEQA Guidelines state:

- The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred (Section 15164 (a)).
- An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration (Section 15164 (c)).
- The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project (Section 15164 (d)).
- A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence (Section 15164 (e)).

According to Section 15164 of the CEQA Guidelines, an addendum to a previously certified EIR is the appropriate environmental document in instances when “some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of subsequent EIR have occurred.” Here, this Addendum has been prepared in accordance with relevant provisions of CEQA (California Public Resources Code §21000, *et seq.*) and the CEQA Guidelines to make minor changes to the regulations analyzed in the Monterey County Vacation Rental Ordinance Project Final Environmental Impact Report (EIR), certified August 27, 2024, by Board of Supervisors Resolution No. 24-355 (SCH # 2022080643). None of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

## **2. Scope and Purpose of this Addendum**

### *Approved Vacation Rental Ordinances:*

In 2024 and 2025, the County of Monterey (County) adopted regulations for vacation rentals (also known as short-term or transient rentals for 30 days or less) within the unincorporated areas of Monterey County. The project amended Title 7, Title 20, and Title 21 of the Monterey County Code (MCC) for the purpose of establishing regulations 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 operations for a limited time, provided the vacation rental activity was established prior to the operative or effective date of the respective ordinances and that the operator is pursuing all necessary County permits, licenses, and entitlements. The regulations do not permit or allow any specific development or construction. The regulations provide definitions for terms not already defined, limit the establishment of vacation rentals to existing and established single-family dwellings, clarify which zoning districts vacation rentals would be allowed, what type of permit(s) and licenses are required, and provide specific regulations and operation requirements for vacation rentals. They also include regulations for hosting platforms, application and renewal process, fees, grounds for revocation, process for hearing by a hearing officer, service requirements, and enforcement provisions.

The regulations establish three types of vacation rentals. Homestays, which require that the owner<sup>1</sup> to occupy at least one bedroom within the vacation rental while it is rented and that it be the owner's<sup>1</sup> primary residence. Two types of non-hosted vacation rental types are established, where the owner or primary resident does not occupy the vacation rental while it is being rented. Limited vacation rentals allow for the vacation rental to be rented not more than three times per 12-month period. Commercial vacation rentals allow for unlimited non-hosted rentals per 12-month period. All vacation rentals must register to pay Transient Occupancy Tax, obtain an annual business license, and a vacation rental operation license. Commercial vacation rentals require a discretionary permit, are limited to no more than a total permitted cap of 4 percent of the total residential single family dwelling units in each land use planning area in the County, and are prohibited in the following areas: Big Sur Coast Land Use Plan; Low density residential zoning districts (LDR) of the Carmel Area Land Use Plan; and residential zoning districts in the Carmel Valley Master Plan, and the Moss Land Community Plan.

*Proposed Amended Ordinances:* The proposed Amended Vacation Rental Ordinances would modify the County's approved vacation rental ordinances to:

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<sup>1</sup> Memorandum Regarding Vacation Rental Regulations-Limited Suspension of Specific Terms dated December 12, 2025 accessible at <https://www.countyofmonterey.gov/home/showpublisheddocument/143728/639038902350270000>.

- Prohibit vacation rentals in all residential zoning districts, except as may be accessory to an agricultural use and a vetted commercial agricultural operation.
  - Carmel Valley - Would allow vacation rentals in rural density residential zoning district.
- Delete homestay, limited vacation rental, and commercial vacation rental types, and distinguish between vacation rentals that are hosted and/or non-hosted.
  - Big Sur – Would allow only hosted vacation rentals.
- Allow vacation rentals without discretionary permits in commercial, visitor serving zones and as an accessory use to a commercial agricultural operation.

The amended ordinances would also include minor edits and revisions to certain provisions including: clarifying definitions; adding agricultural definitions and evidence requirement for commercial agriculture; adding amortization of investment and phase out provisions for vacation rentals permitting or pending decision under the current vacation rental regulations; establishing occupancy limits based on building, health and safety laws; prohibiting events unless approved with a separate entitlement. The amended ordinances further modify regulations and add enforcement provisions for hosting platforms to include: requirements to disclose URL and License numbers for listings; clarify timing for when License numbers must be included with a listing; civil penalties of up to \$1,000 per day per violation; and ability for County to serve administrative subpoenas.

Discretionary permits for vacation rentals will no longer be required; However, a vacation rental operation license (pursuant to Title 7 of the County Code), business license, and transient occupancy tax certificate will still be needed. The total maximum number of allowable vacation rentals remains capped at not more than four percent of total residential (single family) dwelling units per planning area. Hosted vacation rentals will continue to be allowed without caps.

*Addendum Purpose:* The purpose of this addendum is to identify minor modifications and clarifications to the County’s vacation rental regulations through the proposed amended ordinances. Staff’s analysis of the Monterey County Vacation Rental Ordinance Project Certified EIR indicated that implementation of the vacation rental regulations would result in no impacts or less than significant impacts to resources (see Analysis below). The result of this analysis informed the final form of the current vacation rental regulations.

### **3. Subsequent Environmental Impact Report Analysis**

None of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a Subsequent EIR have occurred:

#### **Section 15162(a)(1) Analysis**

No substantial changes are proposed to the project scope analyzed under the EIR through the proposed amended ordinances that would require major revisions to the EIR due to the involvement of new significant environmental effects.

The Initial Study ( Appendix A to EIR) prepared by the County to address potential impacts of the Monterey County Vacation Rental Ordinances Project (current regulations) determined that implementation of the current regulations would have no impact for the following resources identified: Aesthetics; Biological Resources; Cultural Resources; Geology and Soils; Hydrology and Water Quality;

Hazards and Hazardous Materials; Mineral Resources; Public Services; and Recreation. The EIR analyzed and found that implementation of the current regulations would have less than significant impact for the following resources identified: Agricultural Resources; Air Quality; Energy; Greenhouse Gas Emissions and Climate change; Land Use and Planning; Noise; Population and Housing; Transportation; Tribal Cultural Resources; Utilities and Service Systems (water supply); and Wildfire. The EIR also considered Social and Economic factors, including preparation of a socioeconomic conditions analysis. CEQA does not require consideration of social and economic effects, however this was an area of controversy so the County elected to include it.

Implementation of the current vacation rental regulations does not authorize or facilitate any new development, as vacation rental use only applies to existing dwelling units; the same is true for the proposed amended ordinances. The proposed amended ordinances do not increase the total number of permissible vacation rental operations in unincorporated Monterey County, but rather they further restrict where vacation rentals are permissible by prohibiting them in residential zoning districts. By restricting vacation rentals to operating only in commercial zoning districts, visitor serving zoning districts, and zoning districts in which agriculture is an allowed use while also retaining the maximum cap on permissible vacation rentals, it enables vacation rental uses in areas with similar and compatible uses, thereby better addressing many of the social and economic factors associated with vacation rentals impacts to long-term housing in residential neighborhoods. By eliminating the discretionary permit requirement and allowing vacation rentals with ministerial approvals, the proposed amended ordinances provide a streamlined permitting process for vacation rentals in visitor serving and commercial zones and accessory to an agricultural use. Therefore, the scope of work analyzed under the EIR remains stable and the proposed project scope requires no major revisions to the EIR or that would involve new significant environmental impacts.

#### **No Impact:**

The EIR found no impacts to Aesthetics; Biological Resources; Cultural Resources; Geology and Soils; Hydrology and Water Quality; Hazards and Hazardous Materials; Mineral Resources; Public Services; and Recreation. The primary reasons given for the no impact finding was that the ordinances did not authorize any new construction or development. Under the revised project description, the same circumstances apply. No new development is proposed or authorized. No changes in the impacts have been identified as a result of the proposed changes.

#### **Agricultural resources:**

The Final EIR states (pg 4.3-4) *“The proposed regulations would allow for existing dwelling units and structures on Williamson Act parcels to be permitted as vacation rentals. Currently, vacation rentals are not listed as an allowable use by the County on Williamson Act land; however, use as vacation rentals would not alter the designations of land under Williamson Act contract or change any existing uses of the land. By providing an additional source of income, vacation rentals could support the economic viability of agriculture. Therefore, the project would not conflict with Williamson Act contracts.”*

The amended regulations will continue to allow the use of existing structures on agricultural lands with the intent of providing additional sources of income to support the agricultural economy. There is no change in impacts on agriculture as a result of this ordinance.

#### **Air Quality:**

EIR (pg 4.4-16) *“... the project would not involve development of any kind. Therefore, no construction*

*activity and associated emissions would occur. Operationally, it is assumed that most vacation rentals would function as households and that permanent residential vehicular trips would be replaced by trips by guests staying at the properties. In addition, it is assumed that permanent residential utility and energy consumption would be replaced by utility and energy consumption by guests staying at the properties. Although there are no default land uses for Air Quality Ascent Environmental Monterey County 4.4-16 Vacation Rental Ordinances Project Draft EIR vacation rentals in standard air quality models, the utility consumption associated with a hotel land use (the land use that most closely resembles a vacation rental) is similar to that associated with residential units on a per-unit basis (when comparing a single residential dwelling unit to a single hotel room). Thus, assuming that the activity of guests staying at rental properties would replace the activity of residential households, there would be no increase in overall emissions in the project area. Because implementing the project would not result in an increase in population or long-term emissions beyond what has been planned for in the 2016 AQMP, indirect emissions associated with the project are deemed to be consistent with the AQMP. The project would not directly conflict with any control measures identified in the AQMP and would not conflict with or otherwise obstruct implementation of the AQMP. Moreover, implementing the project would not result in new emissions that exceed MBARD numerical thresholds. Therefore, this impact would be less than significant.”*

The amended regulations will continue to allow the use of existing structures in a manner consistent with the residential use or similar to a hotel use. All assumptions made in the original EIR remain and there is no change in impacts on air quality as a result of this ordinance.

**Energy:**

*EIR (pg 4.5-10) “As discussed above, the project would not involve development of any kind. Therefore, no construction activity and associated fuel consumption would occur. Operationally, it is assumed that most vacation rentals would function as households and that permanent residential vehicular trips would be replaced by trips by guests staying at the properties. In addition, it is assumed that that permanent residential utility and energy consumption would be replaced by utility and energy consumption by guests staying at the properties. Thus, assuming that the activity of guests staying at rental properties would replace the activity of residential households, there would be no increase in overall fuel consumption in the project area.”*

The amended regulations will continue to allow the use of existing structures. All assumptions made in the original EIR remain and there is no change in impacts on energy as a result of this ordinance.

**Greenhouse Gas Emissions:**

*EIR (pg 4.6-12) “At the state level, the 2022 Scoping Plan includes various recommendations that local governments can implement to align their planning and development review processes with the state’s climate goals. As noted, the project does not propose nor would it result in new land use development. There would be no population growth and no growth in permanent emission sources. Thus, the project would not conflict with the 2022 Scoping Plan. Implementing the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. This impact would be less than significant.”*

The amended regulations will continue to allow the use of existing structures. All assumptions made in the original EIR remain and there is no change in impacts on greenhouse gas emissions and climate change as a result of this ordinance.

### **Land Use and Planning:**

EIR (pg 4.7-10) *“Vacation rentals would be limited to single-family residences in zoning districts where single-family dwellings and/or multiple-family dwellings are allowed uses. Limited vacation rentals are considered similar in character, density, and intensity to existing residential land uses because the limited frequency would not substantially alter the traditional residential nature of the use and would therefore not require a discretionary permit. However, commercial vacation rentals have the potential to be similar to recreational/visitor-serving uses, which could potentially result in a conflict with the residential land use. Limited vacation rentals and commercial vacation rentals would allow a maximum occupancy limit that could cause conflict with residential use regulations. Limited and commercial vacation rentals with an overnight occupancy would be limited to two persons per bedroom and could not exceed a total count of 10 persons per unit, regardless of the number of bedrooms in a unit. Daytime occupancy of limited and commercial vacation rentals would be limited to 1.5 times the maximum overnight occupancy and would not exceed 15 persons per unit, regardless of the number of bedrooms in a unit. Allowing three to four times the average number of people per household in Monterey County would likely create a sense of increased density and a commercial use of a residence in a neighborhood otherwise dedicated to typical long-term neighbors.”*

The amended regulations will have fewer impacts than described in the EIR because the amended regulations will prohibit vacation rentals in residential neighborhoods. The proposed regulations will remove the limitations on “Daytime occupancy limits” and instead prohibit the use of vacation rentals for event space. Additionally, subsequent discretionary review will be removed. With these changes, it is possible that occupants of a vacation rental can gather others during the day. Because vacation rentals will not be allowed in residential neighborhoods the concerns and impacts around day-time occupancies will be less intense. Commercial and visitor serving areas already have more densities of people during the day and this won’t be exacerbated by allowing residential units on those properties to be used as vacation rentals. Agricultural operations similarly have employees and equipment and often occur on large lots in the unincorporated areas. Restricting vacation rentals in residential neighborhoods reduces the type of conflicts and concerns that occur surrounding gatherings of people. Additionally, the change from day-time occupancies to event restrictions addresses can be more easily enforced by the County.

EIR (pg 4.7-11) *“Limits on the number of permitted vacation rentals within the Coastal Zone may be inconsistent with the Coastal Act requirement to prioritize the use of private lands for visitor-serving commercial recreational facilities rather than private resident uses (PRC Section 302222). However, as mentioned above, permits would require vacation rentals to abide by current rules and regulations pertaining to residential zoning uses and would not adversely affect the health, safety, and welfare of the community. In addition, the proposed regulations would not impede or limit coastal access...It is estimated that approximately half the homes that are currently used as vacation rentals are homes that are currently used seasonally by the owner. If this trend continues under the ordinance, it can be assumed that conversion of a home to a commercial vacation rental would result in the displacement of current occupants from the home. The proposed regulations would limit commercial vacation rentals through a 6 percent cap, which would restrict the level of displacement that would occur within the*

*County as a result of vacation rentals. The proposed regulations would not limit the number of people that have access to the coastal zone but there could be a shift from long-term residents to short-term visitors in some instances. Therefore, implementation of the proposed regulations would be consistent with coastal access policies related to the LCP, and would not create a conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. This impact would be less than significant.”*

As recognized in the EIR, restrictions on vacation rentals may conflict with Coastal Act provisions that encourage use of private lands for commercial and visitor serving uses that increase access to the coast. Under the proposed ordinance, lands zoned for commercial and visitor serving use will allow vacation rentals without a discretionary review and vacation rentals will be restricted in residential zones. Caps on the number of hosted vacation rentals allowed in each area will not change. It is likely that the changes in the regulations will reduce the number of vacation rentals because the majority of vacation rentals occur in residential structures which are often found in residential zoning districts; however, in some cases, new opportunities may exist. For instance, commercial vacation rentals are not permitted in the Carmel Valley area. The new regulations will allow vacation rentals on properties with agricultural uses opening some potential for rentals in the area. Access to the coast will not be physically impacted and opportunities for visitors to stay near the coast will continue to be provided in Monterey County in commercial and visitor serving areas, and accessory to agricultural uses.

Reductions in residential areas will reduce conflicts and impacts to residential neighborhoods and conversion of long-term housing in the coastal zone. The amended regulations will allow for unlimited hosted vacation rentals and no longer limits hosted rentals to one contract per seven days, as homestays are limited in the approved regulations. Additionally, on agricultural lands, ministerial approvals provide opportunity for vacation rentals to promote and provide opportunity for economic sustainability of agriculture in the region, better supporting Coastal Act priorities to protect coastal-dependent agriculture..

**Noise:**

EIR (pg 4.8-2) *“The project would not authorize or facilitate any new development. Therefore, implementing the project would not result in the introduction of any new stationary noise sources typically associated with new development (e.g., HVAC equipment) that could potentially generate a substantial increase in operational noise.”*

The amended regulations will continue to allow the use of existing structures and not authorize or facilitate any new development. All assumptions made in the EIR remain and there is no change in impacts on greenhouse gas emissions and climate change as a result of this ordinance.

EIR (pg 4.8-2) *“On-site noise-generating activity associated with implementation of the project is expected to be associated with noise sources typical of family and friend gatherings, such as raised voices and amplified music... However, these types of noise (raised voices and amplified music) could also be generated by occupants of any residential unit...Much of the noise concerns are attributable to human behavior...The County of Monterey’s Noise Ordinance establishes enforceable standards related to noise, provided in Chapter 10.60 of the County’s Code which all vacation rentals would be subject to...Furthermore, enforcement action may be taken if the County’s Noise Ordinance is violated...With all*

*this in mind, it is not anticipated that implementing the project would frequently result in noise in excess of the noise thresholds identified in Chapter 10.60 and proposed Chapter 7.120, Title 20, and Title 21 of the County's County Code. This is not to suggest that violations would never occur, but the disincentives to allow violations are strong and would be expected to eliminate most or all multiple violations. Under CEQA, a significant impact is defined as an "adverse and substantial effect." Occasional violations of a noise ordinance would be considered adverse but would not be expected to be substantial—in this case, frequent. Given the intent of the ordinance to strongly penalize noise violations and the relatively low occurrence of reported violations under current conditions, repeated offenses are not expected. For these reasons, the project would not be expected to generate a substantial increase in non-transportation operational noise, and the impact would be less than significant."*

The amended regulations will continue to allow vacation rentals in commercial and visitor serving areas. Commercial and visitor serving zones often have higher ambient noise levels than residential areas and are less sensitive to noise sources. Vacation rentals will also continue to be allowed in agricultural areas where agricultural operations similarly have employees and equipment and often occur on large lots in the unincorporated areas. Restricting vacation rentals from residential neighborhoods reduces the type of conflicts and concerns related to noise complaints at vacation rentals, and therefore the amended regulations would have fewer impacts than described in the EIR.

EIR (pg 4.8-12) *"As detailed in the "Environmental Setting" section, above, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments, which corresponds to a doubling of sound energy and, in this instance, a doubling of traffic volume. However, as discussed in Section 4.10, "Transportation," average trip rates would likely decrease for residences that are converted from single-family residences to vacation rentals. As discussed above, the exact locations of individual future vacation rentals in the unincorporated Monterey County are not known at this time; thus, the roadways on which project-generated trips would travel cannot be known. However, the intent of the proposed regulations is to allow a maximum of 6 percent of vacation rentals in any planning area, which would ensure that vacation rentals are not concentrated in one area in the unincorporated Monterey County. Therefore, even if implementation of the project did result in an increase in the number of vehicular trips in the County, the increase would be slight, and any new trips would be dispersed throughout the roadway network of the unincorporated Monterey County. Because the doubling of a noise source is required to result in an increase of 3 dB, which is perceived as barely noticeable by humans (Egan 2007), any slight increase in vehicle trips would result in far less than a doubling of traffic volume on area roadways and thus would not result in a perceptible increase in noise. Therefore, implementation of the project would not generate a substantial increase in traffic noise. This impact would be less than significant."*

The amended regulations will continue to allow the use of existing structures and a maximum capped number of vacation rentals in any planning area. All assumptions made in the original EIR remain and there is no change in impacts on noise as a result of this ordinance.

### **Population and Housing:**

EIR (pg 4.9-4) *"Based on DOF projections from the past 3 years, it is assumed that in the near term, the population throughout the County would be steady or continue to decrease. Longer-term projections, however, indicate an increase in the County's population of more than 40,000 residents by 2040. The*



*proposed regulations are for vacation rentals—specifically, limited vacation rentals and commercial vacation rentals—which are temporary lodging. Because the lodging affected by the proposed regulations would be temporary, the population using the rentals would not affect the overall population of the County.”*

The amended regulations will continue to allow the use of existing structures for temporary lodging. All assumptions made in the EIR remain and there is no change in impacts on population and housing as a result of this ordinance.

*EIR pg 4.9-4) “Employment opportunities are associated with maintenance and services for vacation rentals, including property managers, house cleaners, gardeners and other tourist-oriented workers (employees at restaurants, local attractions, retail, etc.) Section 7.120.040 of the proposed amendment to Title 7 of the MCC states that property managers would be required for the vacation rentals. Property managers would not be required to reside on the property of the vacation rentals unless the limited or commercial vacation rentals are located in a Coastal Agricultural Preserve, Agricultural Conservation, Farmland, Rural Grazing, or Permanent Grazing zones. Pursuant to the ordinance, property managers of Monterey County vacation rentals would be required to arrive at the site within 30 minutes to respond to complaints. Typically, a property manager is responsible for several properties so the employment opportunities, relative to the County’s population, would be limited. It is also difficult to predict the total employment demand from other service sectors; Monterey County employs over 40,000 people in the accommodations, retail, and arts and entertainment sectors, around 20 percent of total county employment (Monterey County Workforce Development Board 2023). While some employment growth could be associated with additional vacation rentals, given the relatively high cost of housing (rent currently averages \$1,900, 14 percent higher than the State median) and modest wages associated with this employment, and an already well-established tourist industry, it is not expected that additional employment associated with growth in vacation rentals would result in substantial unplanned population growth. Based on the discussion above, implementing the proposed regulations would not induce a substantial population increase or housing demand. This impact would be less than significant.”*

The amended regulations will not increase employment opportunities or have the potential to displace people from housing leading to housing impacts beyond those considered in the EIR. Caps will not change and some opportunity for vacation rental use will continue to be provided. The cost of housing in Monterey County continues to be relatively high and wages modest associated with this employment. All assumptions made in the EIR remain and there is no change in impacts on population and housing substantial unplanned growth as a result of this ordinance.

*EIR (pg4.9-7) “Implementing the project would not result in any development, nor would it result in the removal or destruction of existing housing units. The County is currently and is expected to continue to approve new housing development. While the conversion of homes that are currently occupied could result in some displacement of people, who need to seek housing elsewhere, this displacement would occur over time. If recent trends are an indication, new housing development within the County might occur at a quicker rate than the loss of homes to vacation rentals. In addition, demand for vacation rentals are primarily in coastal areas, where housing is already expensive. In the areas where housing is more affordable there is less demand for vacation rentals. As such, as a result of the 6 percent cap, ongoing housing development within the County, and that the project would not result in any removal or destruction of housing units, implementing the project would not be expected to displace substantial*

*numbers of residents or homes. Therefore, this impact would be less than significant.”*

The amended regulations will continue to allow the use of existing structures and a maximum capped number of vacation rentals in any planning area. All assumptions made in the EIR remain and there is no change in impacts on population and housing displacement as a result of this ordinance.

**Transportation:**

EIR (pg 4.10-9, 4.10-10) *“...single-family homes generate close to three times the number of daily trips as compared to vacation rentals. In addition, the ITE Trip Generation Manual does not differentiate between a recreational home used as a second home by its owner and one rented on a seasonal basis. Thus, it is assumed that existing residential homes used primarily as a second home for owners would not generate a substantial increase in the average number of daily trips if they were converted to vacation rental properties. However, vacation rental properties could be owner occupied, which assumes that owners would continue to live in the unit while renting out a portion of it to visitors. This scenario would have a trip generation pattern different from that of the dedicated vacation rental units analyzed above...Because the exact locations of individual future vacation rentals in the unincorporated County are not known, the travel patterns and trip lengths associated with implementation of the project cannot be known or forecasted at this time. Therefore, any estimate of average trip length for trips associated with vacation rentals in unincorporated Monterey County would be too speculative. Thus, although daily trip generation associated with vacation rentals would likely be less intensive than that of the single-family detached housing it would replace, the uncertainty related to trip lengths associated with vacation rentals makes accurately quantifying the change in total VMT associated with implementation of the project too speculative.”*

The amended regulations will continue to allow the use of existing structures and a maximum capped number of vacation rentals in any planning area, however, the location of individual vacation rentals, travel patterns and trip lengths remain unknowable. All assumptions made in the EIR remain and there is no change in the no significance conclusion for transportation as a result of this ordinance.

**Tribal Cultural Resources:**

EIR (pg 4.11-8) *“...no tribal cultural resources, as defined by PRC Section 21074, were identified. The proposed regulations would not authorize or facilitate any new development. The ordinance applies only to existing dwelling units. Regulations for vacation rentals limit the use of these developed properties to legally established residences. Such use does not include the need to further disturb the land or affect resources. No grading or excavation would be proposed as part of the project, and no such activities would be reasonably foreseeable consequences of activities authorized by the project. Because the project would not include ground-disturbing activities, it could not disturb or destroy tribal cultural resources; therefore, there would be no impact.”*

The amended regulations will continue to allow the use of existing structures and no grading or excavation would be proposed nor foreseeable as part of the project. All assumptions made in the EIR remain and there is no change in impacts to tribal cultural resources as a result of this ordinance.

**Utilities and Service Systems (water supply):**

EIR (pg 4.12-7, 4.12-8) *“Water use by people occupying a residence as a vacation rental would be expected to follow typical residential water use and would be related primarily to use of showers and toilets, cooking and cleaning, as well as water used to maintain landscaping. Because the ordinances applies to vacation rentals, it is highly likely that all landscaping—which can have great variance in water consumption--would be irrigated automatically; maintenance by the renters would be impractical. Water used in homes can vary... Vacation rentals would not be used full time. There is no basis by which an accurate occupancy rate for vacation rentals can be determined. Based on the lack of available data, it is reasonable to conclude that water use under the vacation rental ordinances would likely be similar if the proposed regulations were not in place, and less than if the residence was occupied full time, that is, occupancy by an owner or full-time renter. There is no evidence to suggest that, on an annualized basis, water use under the ordinances would be greater than existing conditions. Therefore, even though water resources in the County continue to face a variety of challenges, the project would not be expected to have any effect on these resources compared to current conditions. Therefore, this impact would be less than significant.”*

The amended regulations will continue to allow the use of existing structures for short-term, temporary lodging. All assumptions made in the EIR remain and there is no change in impacts to water resources as a result of this ordinance.

**Wildfire:**

EIR (pg 4.13-13) *“The use of an existing residential dwelling unit as a vacation rental would not interfere with the County’s existing adopted emergency response and evacuation plans, including the Monterey County EOP and the EOP Evacuation and Transportation Annex. The use of these units as temporary vacation rentals would not introduce a substantial number of new residents or result in a permanent increase in population in the County; therefore, it would not introduce a population that could impede emergency response or evacuation during a wildfire. While some may argue that people using vacation rentals may not be familiar with designated evacuation routes, this fact holds true for the vast number of people visiting Monterey County, a large tourist destination. It can also be reasonably argued that existing residents are not familiar with which routes are designated evacuation routes; this simply is not common knowledge even if written in planning documents. It is more reasonable to suggest that the large majority of residents do not read governmental planning documents. In addition, the proposed regulations would limit the number of vacation rentals in areas of the County that have limited emergency access, which would reduce the number of evacuees associated with vacation rentals in areas that may be more susceptible to wildfire or other natural hazards. The proposed regulations also require vacation rentals to comply with the State Minimum Fire Safe Regulations from CCR Title 14 and with local emergency safety regulations, which were established to protect public safety... implementation of the proposed regulations would not represent a change in existing conditions as they relate to emergency response and evacuation, and it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, this impact would be less than significant.”*

The amended regulations will continue to allow the use of existing structures and require compliance with State Minimum Fire Safe Regulations. All assumptions made in the EIR remain and there is no change in impacts to wildfire or impairment of an emergency response or

evacuation plan as a result of this ordinance.

EIR (pg 4.13-14) ” *The proposed regulations would affect only the use of existing dwelling units. No new development would be authorized or be reasonably foreseeable. Because existing dwelling units would likely otherwise be used in a similar fashion (by people residing in them), the use of these units as temporary vacation rentals would not introduce new residents or a new use that could reasonably be foreseen to increase fire risk in the County. There is no evidence to show that people who rent a residence have different behaviors from other residents that would result in increased wildfire risk. Also, the proposed regulations would not incentivize or increase the use of vacation rental properties; but they would place a cap and other restrictions on their use. The proposed regulations would also prohibit commercial rentals in Big Sur, which is one of the areas of the County with increased fire risk; therefore, it would reduce (from existing conditions) the number of properties available for rent in this area. In addition, the project would not involve the construction of new roadways or transportation facilities that could introduce people or vehicles to previously undeveloped and potentially fire-prone areas.*”

The amended regulations will continue to allow the use of existing structures and require compliance with State Minimum Fire Safe Regulations. All assumptions made in the EIR remain and there is no change in impacts to wildfire risks or pollutant exposures as a result of this ordinance.

EIR (pg 4.13-14) “*In addition, the proposed regulations would limit the number of vacation rentals in areas of the County that have limited emergency access. They also would require vacation rentals to comply with the State Minimum Fire Safe Regulations from CCR Title 14 and with local emergency safety regulations, which were established to protect public safety. Consistent with existing state and local requirements, including PRC Section 4291 for dwelling units in an SRA and applicable sections of Chapter 18 of the Monterey County Code for dwelling units in an LRA, the property owners of vacation rentals would be required to maintain defensible spaces around their homes to reduce the amount of flammable vegetation and fuel for wildfires. Therefore, although wildfire risk poses a hazard to Monterey County, which has experienced several large wildfires in recent years, implementation of the proposed regulations would not exacerbate the risk of wildfire, nor would it expose people or structures to significant post-wildfire hazards. This impact would be less than significant.*”

The amended regulations will continue to allow the use of existing structures, limit the number of vacation rentals in areas with limited emergency access, and require compliance with State Minimum Fire Safe Regulations. Discretionary permits are no longer required, however, the areas where vacation rentals may be ministerially approved that are outside commercial or visitor serving areas, are in agricultural zones or likely with active agricultural operations. Active agricultural operations are required to have a property manager reside at the property while being rented. In Big Sur, hosted vacation rentals (similar to homestays in the approved regulations) continue to be allowed with a ministerial approval. All assumptions made in the EIR remain and there is no change in impacts to wildfire risks or post-wildfire hazards as a result of this ordinance.

***Section 15162(a)(2) Analysis:***

No substantial changes have occurred with respect to the circumstances under which the proposed amended ordinances are being taken that would require major revisions to the EIR due to the involvement of new significant environmental impacts.

The EIR for the approved regulations was certified in August 2024, approximately 18 months prior to the date of this Addendum. Since the EIR was certified there have been no substantial changes to the underlying regulatory and environmental conditions for the resources impacted including: *Population and Housing; and social and economic factors (not required to be considered for CEQA)*. The Final EIR establishes the total number of dwelling units in unincorporated Monterey County was 34,626 as of 2022, with an average housing growth of 200 additional new housing units annually over the past decade. The EIR further establishes a baseline of 825 advertised vacation rentals operating in unincorporated Monterey County as of 2023 and an allowable maximum number of permissible commercial vacation rentals based on four percent calculation of the total dwelling units available for a total not to exceed 1,345 distributed across each planning area; Allowing for modest growth of vacation rentals per the approved regulations. See Attachment 1 – Final EIR Table 2-1 Allowable Commercial Vacation Rentals for Each Planning Area.

State law continues to streamline and remove discretionary review for certain types of housing development, and the County is in the process of updating its Housing Element to its General Plan to accommodate and facilities more housing, particularly affordable housing. In spite of these efforts, it is reasonable to assume that this growth trend remains constant and there has been no substantial change in circumstances that would substantially change the residential unit baseline evaluated in the EIR. Additionally, the adopted regulations have been in effect since October 2024 (inland) and October 2025 (coastal), and correspondingly proposed amended ordinances continue to allow the use of existing structures only and maintains a four percent maximum cap on the number of vacation rentals (hosted and/or non-hosted) by planning area. Enforcement of the adopted regulations has been increasing throughout 2025 and continues, which may have resulted in some unpermitted prior operating (quantified as advertising rentals in the EIR) ceasing operation, however, the number of vacation rental operating/advertising on a year to year basis is variable and any change in the number would not be substantial compared to the numbers evaluated in the EIR. Even with modest housing growth, the proposed regulations continue to only allow vacation rentals in existing dwelling units and maintains the four percent cap on vacation rentals by planning areas based on the count from the Final EIR. See Attachment 2 – Table of Allowable Vacation Rentals in Proposed Regulations (Limited Zones) Compared to Approved Regulations. Therefore, no substantial change in circumstances have occurred that would require major revisions to the EIR due to new significant environmental impacts; in fact, an increase in housing units while maintaining a constant numeric cap on the number of vacation rentals allowed would modestly reduce impacts to housing and population as a result of the proposed amended ordinances.

Since the EIR was certified, there have been no substantial changes to the underlying regulatory and environmental conditions for the resources impacted including: *Air Quality; Energy; Greenhouse Gas Emissions and Climate Change; Noise; and Transportation*. As described in the subsection above, the underlying conditions considered in the EIR regarding housing and population as well as the number and distribution of vacation rentals proposed to be allowed in unincorporated Monterey County has not substantially changed. Therefore, the underlying circumstances, conditions and assumptions analyzed in the EIR associated with air quality, energy, greenhouse gas emissions, climate change, noise and transportation remain substantially unchanged.

Since the EIR was certified, there have been no substantial changes to the underlying regulatory and

environmental conditions for the resources impacted including: Agricultural Resources; Tribal Cultural Resources; and Utilities and Service Systems (water supply). Agricultural lands and resources, tribal cultural resources, and water supply in Monterey County are relatively fixed and finite resources and the presence and trends of these resources in unincorporated Monterey County remain constant and there is no evidence of changed circumstances nor new information warranting further environmental review.

Since the EIR was certified, there have been no substantial changes to the underlying regulatory and environmental conditions for the resources impacted including: *Land Use and Planning*. Since the EIR was certified, the state has adopted regulations to further construction of housing for long-term use, and the County adopted ordinances in the Coastal Zone regulating accessory dwelling units and junior accessory dwelling units, prohibiting vacation (short-term) rental of these units. The proposed vacation rental ordinances are consistent with these policies and regulations. No significant changes in land use plans, policies or regulations have occurred that would create inconsistencies with implementation of the proposed amended ordinances. Implementing the proposed amended ordinances would not impact any resources identified. Therefore there is no evidence of changed circumstances nor new information warranting further environmental review.

Since the EIR was certified, there have been no substantial changes to the underlying regulatory and environmental conditions for the resources impacted including: *Wildfire*. CalFire updated the Fire Hazard Safety Zone maps for State Responsibility Areas (SRAs) and Local Responsibility Areas (LRAs). The new maps adjust areas that are designated as being moderate, high and very-high fire hazard, including adding moderate and high hazard designations in LRAs. On August 19, 2025, the County adopted FHSZ maps as recommended by the State Fire Marshall. The updated FHSZ maps do not substantially change the underlying wildfire hazards in the county, and the California Building code sets various building codes and defensible space requirements, to ensure new development matches the hazards of that area. No significant changes in wildfire hazards, risk, or emergency/evacuation planning that would require revision to the EIR with implementation of the proposed amended ordinances. Implementing the proposed amended ordinances would not impact any resources identified. Therefore, there is no evidence of changed circumstances nor new information warranting further environmental review.

#### ***Section 15162(a)(3) Analysis***

No new information of substantial importance, which was not known or could not have been known at the time the EIR was certified, has become available warranting further environmental review.

The EIR for the approved regulations was certified in August 2024. In the past approximately 18 months since the EIR was certified, the County has not been made aware of and no public correspondence has been received, making any new information of substantial importance available.

#### **4. Conclusion**

Staff has reviewed the Monterey County Vacation Rental Ordinance Project EIR and the proposed Amended Vacation Rental Ordinances for consistency with the environmental considerations contained within. The County has considered the proposed amendments (REF250042/REF250043) and determined the scope does not alter the conclusions of the certified EIR for the Monterey County Vacation Rental Ordinance Project. Therefore, based on review of the proposed amended ordinances and EIR, no other

potentially significant issues were identified for the proposed ordinances and implementation of the proposed amended vacation rental ordinances do not change the overall potential impacts as they remain no impact or less than significant impact. The proposed amended ordinances do not alter the analysis or conclusions reached by the previous environmental document.

**Attachments:**

Attachment 1 – Final EIR Table 2-1 Allowable Commercial Vacation Rentals in Each Planning Area

Attachment 2 – Table of Allowable Vacation Rentals in Proposed Regulations (Limited Zones)

Compared to Approved Regulations

Attachment 3 – Certified Monterey County Vacation Rental Ordinances EIR

## **ATTACHMENT 1**

### **Final EIR Table 2-1 Allowable Commercial Vacation Rentals in Each Planning Area**



Table 2-1 Allowable Commercial Vacation Rentals for Each Planning Area

Planning Area	Number of Residential Dwelling Units Identified by Assessor's Office	Number of Residential Dwelling Units Allowed for Commercial Vacation Rentals (4% per Planning Area)	Number of Current Advertised Vacation Rental Dwelling Units <sup>1</sup>	Number of Additional Allowable Residential Units Available for Commercial Vacation Rentals
Cachagua	512	20	43	-23 <sup>4</sup>
Carmel <sup>2</sup>	2,948	117	218	-101 <sup>4</sup>
Carmel Valley <sup>6</sup>	5,033	201	163	38
Central Salinas Valley	1,642	66	6	59
Big Sur Coast	925	0 <sup>3</sup>	37	-37 <sup>3</sup>
Del Monte Forest	1,432	57	83	-26 <sup>3</sup>
Fort Ord	1,007	40	4	36
Greater Monterey Peninsula	3,879	155	114	41
Greater Salinas	2,001	80	11	69
Moss Landing	61	2	11	-9 <sup>4</sup>
North County – Inland	5,653	226	21	205/
North County – Coastal	3,916	157	52	105
South County	1,296	52	14	38
Toro	4,321	173	48	125
TOTAL	34,626 <sup>5</sup>	1,345	825	520

Source: Data Provided by County of Monterey, 2022 and EPS, 2023 (Appendix C of this EIR)

Notes:

- <sup>1</sup> The number of existing vacation rentals is based on advertised data per data received from AirDNA (Appendix C of this EIR). Most vacation rentals are currently not permitted and would be required to obtain a permit upon adoption of the ordinances. In addition, these data do not distinguish whether the operation qualifies as a commercial or limited vacation rental. However, it is assumed that most if not all are used more than three times per year, which would qualify them as commercial vacation rentals.
- <sup>2</sup> Per the draft regulations, the overall number of commercial vacation units allowable within the overall Carmel planning area remains set by the 4 percent cap for commercial vacation rentals, but none of the units can be located in the low-density residential zoning district.
- <sup>3</sup> For purposes of this analysis, the Big Sur Coast includes two privately owned residential units located in the Coast Non-Coastal area, which are on the border between Big Sur Coast and the Coastal Non-Coastal areas. However, in accordance with the draft regulations, commercial vacation rentals are not allowed in the Big Sur Coast area. Therefore, the existing rentals would no longer be allowed as commercial vacation rentals, and there would likely be a reduction in the number of rentals in this area (decrease by 37 units). However, limited vacation rentals are allowed.
- <sup>4</sup> 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. To stay within the allowable number of units for commercial vacation rentals in each planning area, the County would approve up to only 4 percent of the total units as of the residential dwelling unit count data as provided by the County as of 2022. This means there would be an overall reduction (from current levels) in commercial vacation units rentals permitted in certain planning areas. This affects the Cachagua area, Carmel area, Del Monte Forest, and Moss Landing area.
- <sup>5</sup> It should be noted that the total number of 46,830 housing units in the Socioeconomic Analysis prepared by EPS (Appendix C of this EIR) is higher than the 34,626 units identified in this table. The total units reported in the EPS analysis is an overcount. Because census tract data does not necessarily align with the corporate boundaries of cities, the total units in the County are overreported by approximately 25 percent compared to assessor parcel data. However, 34,626 units is the total number of units within the unincorporated planning areas, which is the

area subject to the proposed ordinances. Therefore, this number is used to determine the available units for rent under the commercial vacation ordinance cap.

- <sup>6</sup> Per the draft regulations, the overall number of commercial vacation units allowable within the overall Carmel Valley Master Plan Area remains set by the 4 percent cap for commercial vacation rentals, but none of the units can be located in the rural density residential, low-density residential, medium density residential, or high-density residential zoning district.

## **ATTACHMENT 2**

### **Table of Allowable Vacation Rentals Proposed Regulations (Limited Zones) Compared to Approved Regulations**

**Allowable Vacation Rentals Proposed Regulations (Limited Zones) Compared to Approved Regulations**

Planning Area	Number of Total Single Family Dwelling (SFD) Units <sup>1</sup>	Number of SFD Units Allowed for Vacation Rentals (4% per Planning Area)	Number of SFD Units Available for Vacation Rentals <sup>3</sup> PROPOSED	Difference Between Allowed and Available SFDs for Vacation Rentals PROPOSED
Cachagua	512	20	320	300
Carmel	2,948	117	42	-75
Carmel Valley	5,033	201	196	-5
Central Salinas Valley	1,642	66	612	546
Big Sur Coast (Hosted only-not capped) <sup>4</sup>	925	0	644	644
Del Monte Forest	1,432	57	24	-33
Fort Ord	1,007	40	0	-40
Greater Monterey Peninsula	3,879	155	709	554
Greater Salinas	2,001	80	176	96
Moss Landing	61	2	4	2
North County – Inland	5,653	226	2,381	2,155
North County – Coastal	3,916	157	1,148	991
South County	1,296	52	628	576
Toro	4,321	173	624	451
<b>TOTAL</b>	<b>34,626</b>	<b>1,345</b>	<b>7,508</b>	<b>6,162</b>

<sup>1</sup> Source: Final EIR Table 2-1 provide by County of Monterey Assessor's data 2022

<sup>2</sup> In approved regulations the cap applies to commercial vacation rentals; homestays and limited vacation rentals are unlimited. In proposed amended ordinances the cap applies to all vacation rentals, except in Big Sur which only allows hosted vacation rentals to which no cap applies.

<sup>3</sup> Source: Final EIR Table 2-1 provided by County of Monterey Assessor's data 2022, filtered to exclude high density, medium density, and low density residential zones. Note, in rural density residential zones, the number of eligible agricultural operations is not known and therefore County includes all SFDs in the count, providing likely a high estimate of available SFDs for vacation rental.

<sup>4</sup> Big Sur Coast area only allows hosted vacation rentals and therefore the proposed regulations do not impose a cap in Big Sur.

## **ATTACHMENT 3**

### **Monterey County Vacation Rental Ordinances Project**

**Final Environmental Impact Report is available at:**

<https://www.countyofmonterey.gov/home/showpublisheddocument/144386>

**Draft Environmental Impact Report is available at:**

<https://www.countyofmonterey.gov/home/showpublisheddocument/144380>

## Exhibit D

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ORDINANCE NO. \_\_\_\_

### AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 7.02.060 AND AMENDING CHAPTER 7.120 OF THE MONTEREY COUNTY CODE RELATING TO VACATION RENTAL ACTIVITIES

#### County Counsel Summary

*This ordinance amends Section 7.02.060 and Chapter 7.120 of the Monterey County Code to regulate the vacation (also known as short-term or transient) rental of residential property. This ordinance aims to strike a balance, allowing opportunity for property owners and residents of unincorporated Monterey County to benefit from the tourism economy, while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals. This ordinance requires a business license and a vacation rental operation license for any vacation rental operations in unincorporated Monterey County. This ordinance further requires that vacation rentals meet certain operational requirements, and safety and health standards. This ordinance details the vacation rental operation license application requirements, the criteria for granting the license, and the fees. This ordinance also includes requirements that online vacation rental platforms are required to satisfy to ensure unlicensed vacation rentals are not advertised or rented. Lastly, this ordinance details the process for revocation and enforcement against vacation rental operations that are violating their licenses.*

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 (also known as short-term or transient) 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. Agriculture and tourism are top economic drivers of the regional economy, and Monterey County is recognized globally as a premier tourist destination. Regulations 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: to provide accommodations for visitors to stay in Monterey County; to provide the opportunity for the agriculture industry to participate in the tourist economy to enhance the economic viability of agriculture in the region; and to safeguard the reputation of Monterey County and the economic benefits tourism provides the region.

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D. Regulation of vacation rentals is also necessary because they potentially could create impacts that are different than residential uses, including but not limited to: different character, density, and intensity than residential uses; removal of long-term housing from the market; and hazards to the public health, safety and general welfare in areas known to have infrastructure limitations.

E. On August 27, 2024, the County of Monterey (County) adopted Ordinance No. 5422 amending Title 21 (Non-coastal Zoning Ordinance) to regulate the short-term vacation rental of residential property in unincorporated Monterey County. On September 10, 2024, the County adopted Ordinance No. 5424 to require business licenses and vacation rental operation licenses for any vacation rental operations in unincorporated Monterey County. The vacation rental regulations for the inland areas became operative on October 14, 2024.

F. On August 27, 2024, the County adopted a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County.

G. On August 13, 2025, the California Coastal Commission (CCC) approved the Monterey County Local Coastal Program (LCP) Amendment No. LCP-3-MCO-24-0039-1 (Vacation Rentals), an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate vacation rental as submitted by the County.

H. On September 23, 2025, the County adopted Ordinance No. 5439 amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County. The vacation rental regulations for the coastal zone became operative on October 24, 2025. The Vacation Rental Ordinances that were adopted and operative in 2024 and 2025 are herein collectively referred to as the “original vacation rental ordinances”.

I. On December 12, 2025, due to a lawsuit challenging the County’s original vacation rental ordinances, including homestays (*Monterey County Vacation Rental Alliance v. County of Monterey*, Monterey County Superior Court Case No. 24CV004922), the County suspended from permit and license consideration and enforcement two provisions being challenged and generally related to ownership provisions.

J. On January 6, 2026, the Board of Supervisors directed staff to develop ordinances to address the two challenged provisions of the original ordinances and to prohibit vacation rentals in residential zoning districts except those with commercial agricultural operations, maintaining that unique neighborhoods with existing developments were established with the intent of allowing managed short-term or transient rentals such as Monterey Dunes Colony are exempt from the regulations, and providing a ministerial approval process for vacation rentals on lands with agricultural operations (“Amended Vacation Rental Ordinances”).

K. This Ordinance amends the original vacation rental ordinances and aims to strike a balance, allowing opportunity for property owners and residents of unincorporated Monterey



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County to benefit from the tourism economy, while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation (also known as short-term or transient) rentals.

L. Vacation rentals do not count towards any visitor-serving units or guestroom caps established by Monterey County Code, Monterey County Coastal Implementation Plan, Monterey County Land Use Plan, 2010 County of Monterey General Plan, or any associated Area Plan established by the 2010 County of Monterey General Plan.

M. This Ordinance requires licenses for vacation rental operations in unincorporated Monterey County, and requires that vacation rentals meet certain operational requirements, and safety and health standards. This Ordinance details the vacation rental operation license application requirements, the criteria for granting the license, and the fees. Lastly, this Ordinance contains the process for revocation and enforcement against vacation rental operations that are violating their licenses.

N. This Ordinance recognizes that the Transient Occupancy Tax Certificate is a one-time issuance provided to operators prior to the commencement of business. A transient occupancy tax certificate does not expire and does not indicate to the public whether an operator is in good standing with the County of Monterey. Accordingly, this Ordinance requires a business license for all vacation rentals.

O. This Ordinance recognizes that unique neighborhoods with existing developments were established with the intent of managed short-term or transient rentals, such as Monterey Dunes Colony, and these developments are exempt from the regulations set forth in this Ordinance. Such developments are not exempt from compliance with Chapter 5.40, requiring payment of transient occupancy tax, and Chapter 7.02, requiring a business license.

P. In accordance with the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (EIR) was prepared and circulated and a Final EIR for the Vacation Rental Ordinances Project made available to the public prior to certification by the Board of Supervisors. The County of Monterey adopted a certified Final EIR for the Vacation Rental Ordinances project (SCH # 2022080643) in compliance with CEQA prior to the adoption of the original vacation rental ordinances and reflects the independent judgment and analysis of the County (Resolution No. 24-355).

Q. Section 15162 of the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) provides that, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that either: 1) substantial changes to the project or its circumstances would require major revisions of the previous EIR, due to the involvement of new or worsened significant environmental effects; or 2) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows that the project would have new or worse environmental effects than disclosed in the previous EIR; or

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3) that new or newly-feasible mitigation measures would reduce the severity of a significant impact but the project proponent declines to implement them.

R. In accordance with CEQA Guidelines Section 15164(d), an addendum to the certified Final EIR (SCH# 2022080643) was prepared for this Amended Vacation Rental Ordinances project. The County has determined, on the basis of substantial evidence in light of the whole record, that the Amended Vacation Rental Ordinances would not result in substantial project changes that would require major revisions to the Final EIR. There are no changes in circumstances and no new information, not known at the time the Final EIR was certified, that shows the amendment to Amended Vacation Rental Ordinances may have a significant environmental effect or a substantial increase in the severity of previously identified significant effects. The County finds that the Amended Vacation Rental Ordinances require minor revisions to the original vacation rental ordinances, but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.

**SECTION 2.** Subsection (C) is amended to Section 7.02.060 of the Monterey County Code to read as follows:

C. All ~~Commercial~~ Vacation Rentals, ~~Homestays, and Limited Vacation Rentals~~ as defined ~~respectively~~ by Section 7.120.020 ~~(E), (J), and (N)~~ of the Monterey County Code, as may be amended from time to time.

**SECTION 3.** Chapter 7.120 of the Monterey County Code is amended to read as follows:

### Chapter 7.120 VACATION RENTAL OPERATION LICENSE

#### Sections:

7.120.010	Purpose.
7.120.020	Definitions.
7.120.030	Applicability.
7.120.040	Regulations for Vacation Rentals.
7.120.050	<del>Regulations for Homestays</del> <u>Repealed.</u>
7.120.060	<del>Repealed Regulations for Limited Vacation Rentals.</del>
7.120.070	<del>Repealed Regulations for Commercial Vacation Rentals.</del>
7.120.080	Regulations for Hosting Platforms.
7.120.090	License Application Process.
7.120.100	Criteria for Grant of License.
7.120.110	License Renewal Process and Grounds for Denial.
7.120.120	Fees.
7.120.130	Grounds for Revocation.
7.120.140	Process for Hearing by Hearing Officer.
7.120.150	Service Requirements.
7.120.160	Enforcement.
7.120.170	<u>Enforcement – Hosting Platforms</u> <del>Operative Date.</del>

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### **7.120.180 Phasing Out Previously Licensed Operations.**

#### **7.120.010 Purpose.**

A. The purpose of this Chapter, includes but is not limited to the following:

1. Ensure that vacation rentals are operated in a manner that complies with all rules and regulations, and are not detrimental to the health, safety, and welfare of ~~residential~~ neighborhoods in which vacation rentals are operating.

2. Preserve and enhance the residential character of the zoning districts established in Titles 20 and 21 of the Monterey County Code.

3. Preserve long-term housing and the sense of security and safety in stable residential neighborhoods.

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

B. This Chapter seeks to restrict the following inharmonious and injurious outcomes associated with unregulated and uncontrolled residential vacation rentals, including but not limited to:

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

2. Risk to economic well-being associated with the reputation of Monterey County as a premier tourism destination.

#### **7.120.020 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 range of advertised nightly rates. The Advertised Rental Rate shall not include deposits or ancillary fees.

B. “Agricultural Operation” means cultivating the soil, harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture, and forestry; the science and art of the production of plants and animals useful to man.

C. “Agricultural Processing Facility” means a structure, building, area, open or enclosed, or any other location for the refinement, treatment, or conversion of agricultural products where a physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include, but are not limited to, coolers, dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale or shipment in their natural form, including all customarily incidental uses. Agricultural processing facilities include wineries.

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D. “Agricultural Support Facility” means the use of a structure, land, or land and structure principally established to support on-site and/or off-site farming or ranching activities including but not limited to coolers, cold storage, loading docks, and workshops.

BE. “Appropriate Authority” means the County of Monterey Housing and Community Development Department Director or their designee.

CE. “Bedroom” means any habitable room of a dwelling unit which is: 1) 70 square feet or greater in size for the first individual in the room and 50 square feet of space for each additional individual in the room; 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.

DG. “Booking Service” means any reservation and/or payment service provided by a Person who facilitates Vacation Rental transactions between the Operator and the Occupant for which the Hosting Platform collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment service provided for the transaction.

H. “Commercial Agricultural Operation” means an Agricultural Operation that produces agricultural goods or services for sale.

~~E. “Commercial Vacation Rental” means a Vacation Rental that is Non-hosted and rented for more than three times per 12-month period.~~

FI. “Common public viewing area” means a public area such as a public street, road, designated vista point, or public park from which the general public ordinarily views the surrounding viewshed.

JG. “County” means County of Monterey.

KH. “Guesthouse” means an attached or detached living quarters of a permanent type of construction lacking internal circulation with the main dwelling, without kitchen or cooking facilities, clearly subordinate and incidental to the main structure, on the same lot, and not to be separately rented, let, or leased, whether compensation is direct or indirect.

LI. “Hearing Officer” means a person appointed by the County to conduct an administrative hearing under this Chapter. The appointed Hearing Officer shall be an impartial decision-maker selected by a process that eliminates risk of bias, such as:

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1. An administrative law judge provided by the State of California Office of Administrative Hearings to function as the County Hearing Officer pursuant to Chapter 14 of Part 3 of Division 2 of Title 3 of the California Government Code;

2. A person selected randomly from a panel of attorneys willing to serve as a Hearing Officer; or

3. An independent contractor assigned by an organization or entity which provides hearing officers.

**MJ.** “~~Homestay Hosted~~” means a Vacation Rental in which the ~~Owner-Operator~~ occupies at least one Bedroom within the Vacation Rental while it is being rented as a Vacation Rental. The Vacation Rental must be the ~~Operator~~~~wner~~’s Primary Residence.

**NK.** “Hosting Platform” means a Person who advertises Vacation Rentals ~~through an agent or intermediary that~~~~by~~ conducting a Booking Service transaction using any medium of facilitation.

~~**L.** “Individual” means a natural person.~~

**OM.** “License” means a Vacation Rental Operation License issued by the County to an Operator to operate a Vacation Rental under this Chapter.

~~**N.** “Limited Vacation Rental” means a Vacation Rental that is Non-hosted and rented for not more than three times per 12-month period.~~

**PQ.** “Non-hosted” means that an Operator does not occupy the Vacation Rental while it is being rented.

**QP.** “Occupant” means a person who occupies a Vacation Rental by reason of concession, permit, rent, right of access, license, or other agreement for a period of 30 consecutive calendar days or less.

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

**SR.** “Owner” means the person or persons who hold fee title to the real property upon which a Vacation Rental is operated.

**TS.** “~~Owner’s-Operator’s~~ Primary Residence” means a Residential Property lived in by the ~~Owner-Operator~~ for at least 183 days per calendar year, which is documented by at least two of the following: motor vehicle registration, voter registration, homeowner’s exemption on their property taxes, a lease, or ~~a~~-utility bills.

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**UT.** “OWTS” means an onsite wastewater treatment system, also referred to as a septic system, as regulated by Chapter 15.20 of the Monterey County Code.

**VU.** “Person” means any individual, corporation, partnership, firm, business or similar entity, public or private agency, municipality, city, state or federal agency.

**WV.** “Property Manager” means the person who is designated by the Operator as being responsible for managing the Vacation Rental operation, and it may include the Owner, professional property manager, realtor, other resident, or ~~nonresident owner~~Operator of the subject property.

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

**YX.** “Single Family Dwelling” means a detached structure, including a mobilehome or manufactured dwelling unit, containing only one kitchen and used to house not more than one familyhousehold.

**ZY.** “Vacation Rental” means the use, by any person, of Residential Property for transient lodging for remuneration where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 30 consecutive calendar days or fewer, counting portions of calendar days as full days. ~~“Vacation Rental” includes Commercial Vacation Rentals, Homestays, and Limited Vacation Rentals.~~ “Vacation Rental” does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

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

### 7.120.030 Applicability.

A. This Chapter shall apply in the unincorporated area of Monterey County.

B. This Chapter shall apply to:

1. Use Permits issued for Commercial Vacation Rentals pursuant to Section 21.64.290 of the Monterey County Code adopted by Ordinance No. 5422; and

2. Coastal Development Permits issued for Commercial Vacation Rentals pursuant to Section 20.64.290 of the Monterey County Code adopted by Ordinance No. 5439.

CB. This Chapter shall not apply to:

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1. Administrative Permits issued pursuant to Section 21.64.280 of the Monterey County Code for the transient use of residential property adopted by Ordinance No. 3911.
2. Permits or entitlements issued for the transient use of a property for remuneration as a ~~similar~~-use similar to a Bed and Breakfast facility or other visitor-serving uses (such as hotels, motels, and inns), pursuant to Title 20 of the Monterey County Code.
3. Unique neighborhoods with existing developments that were established with the intent of allowing managed Vacation Rentals. The existing permitted unique neighborhoods with managed Vacation Rentals must operate according to the regulations and conditions approved through ~~its~~-their original land use entitlements.

### 7.120.040 Regulations for Vacation Rentals.

A. Vacation Rentals are an allowable use in designated zoning districts, pursuant to Titles 20 and 21 of the Monterey County Code, and shall meet all the requirements for Vacation Rentals in Sections 20.64.290 (coastal) or 21.64.290 (inland).

B. Vacation Rentals are limited to only one rental contract at any given time.

CA. The Operator who intends to operate a Vacation Rental shall obtain a License that is renewable annually for the fixed location and dwelling in which the Vacation Rental is to occur.

~~B. The Operator 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 Operator commences the Vacation Rental operations.~~

DC. The Operator shall register the Vacation Rental with the County and obtain a Transient Occupancy Tax Certificate in accordance with the provisions of Chapter 5.40 of the Monterey County Code.

ED. The Operator shall obtain a business license from the County pursuant to Chapter 7.02 of the Monterey County Code before commencing the Vacation Rental use and must keep maintain a valid business license throughout the Vacation Rental use.

F. The maximum allowable vacation rental operation licenses to be issues at any given time shall be based on the limitations set forth in Section 20.64.290 and Section 21.64.290 of the Monterey County Code.

GE. Upon receipt of an approved License, ~~the~~-an Operator shall mail an informational letter to neighboring owners and occupants of properties within a 300-foot radius of the licensed property; and if applicable, to all properties with ownership or access rights to any shared private road utilized to access the Vacation Rental. At a minimum, the informational letter shall



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include: License Number; address of the Vacation Rental; identification if the Vacation Rental is ~~Commercial, Homestay, or Limited~~ hosted and/or non-hosted; name and contact information for the Property Manager; and ~~procedures and~~ contact information and procedures -for contacting the County.

**FH.** Vacation Rentals are prohibited from housing any animal that creates a habitual nuisance, and shall comply with Chapter 8.36 of the Monterey County Code.

**GI.** Vacation Rentals are prohibited at all times of day and night from making, assisting in making, allowing, creating, or causing to be made outside amplified sound. Vacation Rentals shall also comply with Chapter 10.60 of the Monterey County Code, specifically including adherence to nighttime noise and quiet time requirements set forth in Section 10.60.040.

**HJ.** Vacation Rentals shall post one outdoor sign no larger than one square foot, which shall be posted in a visible place on a wall, fence, or post immediately inside or on the front boundary of the property where it is easy to see from the ~~c~~Common public viewing area or private road. This outdoor sign shall only include the Vacation Rental Operation License number, the Property Manager's contact information, and the property's address. No other signs associated with the vacation rental use shall be allowed, and there shall be no direct illumination of the required sign.

**IK.** All Vacation Rentals must have a Property Manager who is available 24 hours per day, during all times that the property is rented as a Vacation Rental. The Property Manager must be able to respond to complaints and arrive at the site within 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 License and shall notify the County, in writing, of any change of Property Manager.

**JL.** Vacation Rentals shall require a rental contract signed by the Operator and the 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 Occupant who is 18 years or older who shall be responsible for compliance with all the regulations in this Chapter.

**KM.** All ~~rental contracts~~, advertisements, and listings for the Vacation Rental shall include all of the following:

1. License number for that particular Vacation Rental;
2. Maximum occupancy – overnight ~~and daytime~~ occupancy limits;
3. Notification of quiet hours; and
4. Advertised Rental Rate.



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~~NL.~~ All rental contracts for Vacation Rentals shall include,- and Vacation Rentals shall ~~shall~~ have a clearly visible and legible written notice posted within the unit in a prominent place within six feet of the front door of the unit and shall include, all of the following information:

1. License number for that particular Vacation Rental;
2. Maximum occupancy – overnight ~~and daytime~~ occupancy limits;
3. Notification of quiet hours;
4. Minimum and Maximum Advertised Rental Rate per 12 month period;
5. A copy of the business license;
6. A copy of their Transient Occupancy Tax Certificate;
7. The name and contact information of the Property Manager;
8. Notification that occupants may be cited and fined for creating amplified noise;
9. Notification to limit excessive water usage; ~~and~~
10. Notification of evacuation routes in the event of an emergency, with a clear map detailing the routes;
11. Notification of 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; and
12. Notification of contact information for County emergency services for fire, police and emergency medical.

~~MO.~~ The Operator shall maintain precise records and documentation of the Vacation Rental operation, that shall, at a minimum, make record of the following information for each 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 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 provided that such requests shall be supported by reasonable cause to believe a violation of this Code or other law may have occurred or are part of an administrative inspection program not targeted at a specific property or licensee. The Operator shall retain the written rental contracts and other records of all of the Vacation Rentals during the term of the License ~~plus and~~ two years thereafter.

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**NP.** No Person, including but not limited to the Operator, shall maintain any advertisements of a Vacation Rental if the Vacation Rental is prohibited by this Chapter.

**QQ.** Vacation Rentals shall comply with Monterey County Code Chapter 10.41. 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.~~

**PR.** Vacation Rentals shall comply with the water quality standards specified in Monterey County Code Section 15.04.110 and relevant state and federal law to demonstrate that they meet bacteriological and/or acute inorganic primary drinking water standards, to the satisfaction of the County, at the time of License issuance and prior to each annual renewal. The drinking water is presumed to meet water quality standards if the 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.

**QS.** If the Vacation Rental is found to be part of an unpermitted water system or if the Vacation Rental results in the need for a permit for a water system, the Operator must obtain a water system permit pursuant to Monterey County Code Chapter 15.04 ~~before commencing the Vacation Rental use prior to issuance of the License~~ and must keep the water system permit in good standing throughout the Vacation Rental use.

**RT.** If the Vacation Rental is served by OWTS, it must comply with Monterey County Code Chapter 15.20. Occupants 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.

**SU.** Outdoor fire areas, including approved recreational fire containers and portable fireplace containers, shall be prohibited at all Vacation Rentals.

**TV.** Vacation Rentals shall be allowed only in Residential Property and are prohibited in structures intended for temporary occupancy or non-habitable structures.

**UW.** Vacation Rentals shall be allowed only in a Single Family Dwelling. Vacation Rentals are prohibited in all of the following structures: duplex dwellings; condominiums; multiple-family dwellings; accessory dwelling units; junior accessory dwelling units; structures intended for temporary occupancy; and in dwellings subject to a recorded governmental restriction, including, covenants or agreements for an affordable housing unit, agricultural employee unit, and farmworker housing. Guesthouses cannot be rented separately from the Single Family Dwelling as a Vacation Rental.

**X.** The Owner of the Vacation Rental shall only have an ownership interest in one Vacation Rental real property within the unincorporated Monterey County at a time.

**YW.** If there is an active agricultural operation on the property, the Owner, Operator or Property Manager shall concurrently reside on the property while the Vacation Rental is rented.

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If there is an active agricultural processing or support facility on the property, the Owner, Operator or Property Manager shall be present on site during hours of active operation of the facility while the Vacation Rental is rented.

Z. The maximum occupancy limits for Vacation Rentals shall comply with state and local building and health and safety laws.

AA. The Vacation Rental property shall only be rented for transient residential-related use. The property shall not be rented or used for the purpose of holding an event, large party, gathering or assemblage of persons, including but not limited to a corporate or private event, unless the County approves a separate entitlement to allow such events on the property.

W. The Owner of the Vacation Rental must be an Individual, except if the Vacation Rental is held in a trust, in which case the trustee may apply for a License and operate the Vacation Rental on behalf of the trust beneficiaries.

### **7.120.050 Regulations for Homestays~~Repealed.~~**

~~A. Homestays are an allowable use in designated zoning districts, pursuant to Titles 20 and 21 of the Monterey County Code, and shall meet all the requirements for Homestays in Section 20.64.290 or Section 21.64.290.~~

~~B. Homestays are limited to only one rental contract at any given time and only one rental contract per seven day period.~~

~~C. The maximum occupancy limits for Homestays are as follows:~~

~~1. The maximum number of overnight Occupants shall be calculated and limited to a not to exceed count of two persons per Bedroom plus one and not counting infants (0—12 months) and shall not exceed a total count of ten persons per unit, no matter how many Bedrooms.~~

~~2. The maximum daytime occupancy of Occupants and Visitors 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 persons per unit, no matter how many Bedrooms.~~

### **7.120.060 Regulations for Limited Vacation Rentals~~Repealed.~~**

~~A. Limited Vacation Rentals are an allowable use in designated zoning districts, pursuant to Titles 20 and 21 of the Monterey County Code, and shall meet all the requirements for Limited Vacation Rentals in Section 20.64.290 or Section 21.64.290.~~

~~B. Limited Vacation Rentals are limited to only one rental contract at any given time and only one rental contract per seven day period.~~

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

~~1. The maximum number of overnight Occupants shall be calculated and limited to a not to exceed count of two persons per Bedroom plus one and not counting infants (0—12 months) and shall not exceed a total count of ten persons per unit, no matter how many Bedrooms.~~

~~2. The maximum daytime occupancy of Occupants and Visitors 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 persons per unit, no matter how many Bedrooms.~~

### **7.120.070 Regulations for Commercial Vacation Rentals~~Repealed~~.**

~~A. Commercial Vacation Rentals are an allowable use in designated zoning districts, pursuant to Titles 20 and 21 of the Monterey County Code, and shall meet all the requirements for Commercial Vacation Rentals in Section 20.64.290 or Section 21.64.290.~~

~~B. Commercial Vacation Rentals are limited to only one rental contract at any given time.~~

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

~~1. The maximum number of overnight Occupants shall be calculated and limited to a not to exceed count of two persons per Bedroom plus one and not counting infants (0—12 months) and shall not exceed a total count of ten persons per unit, no matter how many Bedrooms.~~

~~2. The maximum daytime occupancy of Occupants and Visitors 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 persons per unit, no matter how many Bedrooms.~~

### **7.120.080 Regulations for Hosting Platforms.**

A. Subject to applicable laws and as requested by the County, Hosting Platforms shall disclose to the County the URL and License number for each Vacation Rental listing located in the unincorporated areas of Monterey County. The Hosting Platform shall require the Operator for each listing to include the License number in the advertisement on the Hosting Platform in unincorporated Monterey County.

B. All Hosting Platforms that display vacation rental listings for properties located in the unincorporated areas of Monterey County shall require all Operators using the platform to include a License number in any listing for a Vacation Rental on the platform, at the time the Hosting Platform receives a fee for the booking transaction. Hosting Platforms with listings shall provide the County with contact information for an employee or representative responsible for

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~~responding to requests for information on behalf of the Hosting Platform, including requests related to possible violations of this Chapter.~~

C. ~~A Hosting Platform shall remove any listing for a Vacation Rental from the platform after notification by the County that the Vacation Rental listing lacks a License number or the License number is invalid, expired, or has been revoked. The notification must identify the listing(s) to be removed by its URL and state the reason for removal. The platform shall remove the listing within 10 business days of notification.~~~~All Hosting Platforms shall provide the following information in a notice to any user listing a Vacation Rental: Monterey County Code Chapter 7.120, Sections 20.64.290 and 21.64.290 regulate Vacation Rentals; violation of the Monterey County Code may result in penalties.~~

D. ~~A Hosting Platform that collects money on behalf of the Vacation Rental Owner or Operator must collect and remit to the County of Monterey all transit occupancy taxes payable pursuant to Monterey County Code Chapter 5.40.~~~~Subject to applicable laws, commencing three months after October 14, 2024 and no later than the fifteenth day of every month thereafter, the Hosting Platform shall provide in a form acceptable to the County each applicable Vacation Rental listing, the License number of each listing, the name of the Operator for each listing, the street address for each listing, and the length of stay for each listing within the reporting period.~~

E. ~~Safe Harbor. A Hosting Platform operating exclusively on the internet, which operates in compliance with subsections (A), (B), (C), and (D) above, shall be presumed to be in compliance with this Chapter, except that the Hosting Platform remains responsible for compliance with the administrative subpoena provisions of this Chapter.~~~~The County shall, upon completion of a Hosting Platform review or the discovery of a potentially non-compliant listing, immediately provide notice to the Hosting Platform by electronic mail of all listings that do not have a valid License or are otherwise not in compliance with the Monterey County Code.~~

F. ~~The provisions of this Section shall be interpreted in accordance with otherwise applicable State and federal law(s) and will not apply if determined by the County to be in violation of, or preempted by, any such law(s).~~~~Hosting Platforms, within 10 calendar days of receiving notice from the County of non-compliant listings, shall remove those listings from their Hosting Platform.~~

G. ~~The County may fine a Hosting Platform an amount not to exceed \$1,000 per offense, for each violation of this Section. 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.~~

### **7.120.090 License Application Process.**

A. Each application for a License shall be submitted to the County in the manner prescribed by the Appropriate Authority.

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

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1. Owner, Operator, and/or Property Manager contact information, including name, address, telephone number, and e-mail address.
2. Plans drawn to scale and labeled, in the form and manner required by the Appropriate Authority, 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. For ~~Homestays~~Hosted Vacation Rentals, the Owner must indicate on the floor plans which bedroom(s) the ~~Owner~~Operator will occupy when rented.
3. An operations plan including, at a minimum, the following information:
  - a. Indicate if ~~it the Vacation Rental~~ will be ~~a Homestay~~a Homestay-Hosted and/or Non-hosted ~~and the number of Non-hosted rentals per calendar year~~;
  - b. Safety and emergency plan, including a list of local emergency numbers and addresses for nearest fire, police, emergency room, and 24-hour clinics, evacuation maps;
  - c. Number of employees anticipated;
  - d. Provide an on-site parking plan;
  - e. Evidence of solid waste collection; and
  - f. Such other information as the Appropriate Authority, or his or her designee may require.
4. An inspection report from a home inspector certified by the California Real Estate Inspection Association, American Society of Home Inspectors, International Code Council, International Association of Certified Home Inspectors, or a similar certification that provides and verifies the following information, 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; verification that the Residential Property conforms with applicable state building and fire codes at the time the building was constructed; installation of accessible fire extinguishers; fire alarms; and a carbon monoxide alarm on each level.
5. Evidence that the source of water that serves the proposed Vacation Rental meets bacteriological and acute inorganic primary drinking water standards.
6. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

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

C. For Vacation Rental operations in a Rural Density Residential zoning district, evidence that the agricultural use of the property is a commercial agricultural operation, agricultural processing facility, or an agricultural support facility. Such evidence may include one or more of the following:

1. Redacted tax forms or other business documentation (LLC/partnership/incorporation);
2. Issued Operator ID;
3. Restricted Materials Pesticide Permit;
4. Certified Producer Certificate;
5. California State Organic Program Registration;
6. California Department of Agriculture Livestock Identification Number;
7. Industry Association Letter;
8. USDA Documentation for Commercial Livestock Producer;
9. USDA Farm Services Agency Farm Number;
10. Brand number and/or Brand Certification Documentation;
11. Agricultural Lease or Williamson Act Documentation;
12. Proof of planning use permit or similar entitlement for a permitted commercial; agricultural operation, agricultural processing facility, or agricultural support facility; and/or
13. Other evidence as deemed acceptable by the County of Monterey Agricultural Commissioner.

~~C. Unpermitted Vacation Rental operations have six months from October 14, 2024 to make an application for all permits, licenses, certificates, or other entitlements required by the County. The Operator will be allowed to continue to operate as a Vacation Rental for up to six months from October 14, 2024 or until County takes action on the Operator's application for all~~



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~~required permits, licenses, and entitlements made pursuant to this Chapter, Chapter 7.02, and Sections 20.64.290, and 21.64.290 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.~~

### 7.120.100 Criteria for Grant of License.

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

B. Upon review of a complete application, the Appropriate Authority shall grant the License ministerially to the Operator if ~~all of the following requirements are met:~~

~~1. The proposed Vacation Rental complies with a checklist, in the form prescribed by the Appropriate Authority, enumerating the requirements for a License as set forth in this Chapter.~~

~~2. The Operator, if applicable, has received all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the Monterey County Code.~~

C. A License is issued to the Operator and covers only the Operator identified on the License solely with respect to the premises identified on the License. The License does not run with the land and is not transferable.

D. Each License 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 ~~arising from or related to the~~ ~~of~~ approval of the License 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 License and the conduct of the activities under said License. This requirement shall remain operative and in effect notwithstanding any proceeding or litigation which may result in invalidation or rescission of the License.

E. The initial License shall be issued for a one-year term and may be renewed annually.

### 7.120.110 License Renewal Process and Grounds for Denial.

A. The Operator shall notify the County at least 30 calendar days before the expiration of the License that the Operator wishes to renew their License together with a renewal application submittal and renewal fees. If the County does not receive the notice of renewal and,



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as applicable, updated information at least 30 days prior to the expiration date, the License shall expire, and the Operator must apply for a new License.

B. Any application for renewal shall be denied if:

~~1. The application is filed fewer than 30 calendar days before the License's expiration;~~

~~12.~~ The Operator fails to conform to the criteria set forth in this Chapter;

~~32.~~ The Operator does not have a valid business license pursuant to Chapter 7.02 or has not paid their Transient Occupancy Tax pursuant to Chapter 5.40 of the Monterey County Code;

~~43.~~ The Licensed property has active and substantiated code enforcement action;

~~54.~~ The Licensed property has two or more substantiated code enforcement violations within the past year; or

~~65.~~ The License is revoked pursuant to Section 7.120.130 at the time of the application.

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

### **7.120.120 Fees.**

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.

### **7.120.130 Grounds for Revocation.**

A. Any of the following shall be grounds for revocation of a License:

1. Any act or omission pertinent to the License by an Operator in contravention of federal law, state law, or the Monterey County Code;

2. If such License was granted on the basis of false material information, written or oral, given willfully or negligently by the Operator;

3. Operating a Vacation Rental in an unlawful manner or in such a manner as to be a nuisance to the health, safety, or welfare of the public; and

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4. Failure to pay all applicable taxes, fees, and penalties pertinent to the License required by the County.

B. If the Appropriate Authority determines that grounds for revocation of the License exist pursuant to this Section, the Appropriate Authority shall issue a written notice of intention to revoke the License. The notice of intention shall be served on the Owner and Operator in accordance with the requirements set forth in Section 7.120.140 of this Chapter. The notice of intention shall describe the property, the intention to revoke the License, the grounds for revocation, 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 Owner and Operator of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the License should not be revoked, and shall notify them of the 10-day deadline to submit a written request for a hearing.

C. No Person may secure any License if that Person has had any License issued under this Chapter revoked within the preceding ~~twelve~~ 12 months.

### **7.120.140 Process for Hearing by Hearing Officer.**

A. The Owner or Operator shall have 10 calendar days from the service of the notice of intention to submit a written request for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the revocation of the License and a failure to exhaust administrative remedies. If the hearing is not timely requested, the Appropriate Authority may revoke the License in accordance with the notice of intention.

B. Upon receipt of a timely written request for a hearing, the Appropriate Authority shall set a date for a hearing to be held within 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 served in accordance with the requirements set forth in this Section.

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 revocation of the License.

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.

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3. 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.

4. 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.

5. Within 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 but shall be subject to a timely request for judicial review.

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

E. If neither Owner nor Operator, nor their authorized representatives, appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

### **7.120.150 Service Requirements.**

Wherever this Chapter requires the County to serve notice to an Owner, Operator, or Property Manager such notice shall be given 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.

### **7.120.160 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 shall be guilty of a misdemeanor except as provided in Section 1.20.040(a)(4) of this Code. No proof of knowledge, intent, or other mental state is required to establish a violation; ownership or control of property out of compliance with this Code is itself 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

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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.

D. The Enforcement Officer, as defined by Monterey County Code Chapter 1.22, is authorized and empowered to enforce the provisions of this Chapter. The Enforcement Officer may issue an administrative citation for the violation of this Chapter as a civil penalty as follows:

1. A civil penalty not exceeding 175% of the Maximum Advertised Rental Rate per day, or part thereof, or \$1,000 per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a first violation;

2. A civil penalty not exceeding 275% of the Maximum Advertised Rental Rate per day, or part thereof, or \$2,500 per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of this Chapter within ~~one~~ any 12-month period; and

3. A civil penalty not exceeding 375% of the Maximum Advertised Rental Rate per day, or part thereof, or \$5,000 per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a third violation of this Chapter within ~~one~~ any 12-month period.

E. 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. Each and every day a violation continues ~~it~~ 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, attorneys fees, and any other relief or remedy available in law or in equity.

### 7.120.170 Operative Date Enforcement – Hosting Platforms.

A. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and federal law(s) and will not apply if determined by the County to be in violation of, or preempted by, any such law(s).

B. In addition to any other remedy provided by law, any Hosting Platform that violates its obligations under Section 7.120.080 shall be subject to a civil penalty of up to one thousand dollars (\$1,000) per violation per day. Such penalties may be issued and processed per any procedure authorized under State or local law.

C. Any interested person may seek an injunction or other relief to prevent or remedy violations of Section 7.120.080. The prevailing party in such an action shall be entitled to recover reasonable costs and attorney's fees.

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D. The Appropriate Authority may issue and serve upon hosting platforms administrative subpoenas as necessary to obtain information regarding vacation rental listings located in the County, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay, to determine whether the home-sharing and short-term rental listings comply with this Chapter. Any subpoena issued pursuant to this Section shall not require the production of information sooner than 30 days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that 30-day period. No such request shall issue absent reasonable basis to conclude a violation of this Code may exist or as a part of an administrative inspection program not targeted at a particular property or licensee.

E. The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law. ~~This Chapter shall become operative on October 14, 2024.~~

### **7.120.180 Phase Out Previously Licensed Operations**

A. All vacation rental operation licenses issued for homestays, limited vacation rentals, or commercial vacation rentals prior to Effective Date pursuant to this Chapter 7.120 adopted by Ordinance No. 5424 shall be required to comply with this Section upon expiration of their existing License. If the prior Licensed use is no longer allowed pursuant to this Section, the Operator must cease operations upon expiration of their License.

**SECTION 4. 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 5. EFFECTIVE DATE.** This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Wendy Askew, Chair  
County of Monterey Board of Supervisors

**Draft Ordinance Title 7**

ATTEST

VALERIE RALPH  
Clerk of the Board of Supervisors

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

APPROVED AS TO FORM:

KELLY L. DONLON  
Chief Assistant County Counsel

# Exhibit E

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## Draft Ordinance Title 20

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

*This Ordinance amends numerous definition and zoning district use sections of Title 20 and repeals and replaces Section 20.64.290 to the Monterey County Code to regulate the vacation (also known as short-term or transient) rental of residential property. This Ordinance aims to strike a balance, allowing opportunity for property owners and residents of unincorporated Monterey County to benefit from the tourism economy while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals. This Ordinance prohibits vacation rentals in residential zoning districts except as accessory to agricultural uses, and allows vacation rentals in commercial zoning districts, visitor serving zoning districts, and zoning districts in which agriculture is an allowed use. Lastly, this Ordinance contains the process for phasing out unpermitted vacation rentals with applications pending a decision by the County of Monterey and amortization of prior permitted vacation rentals.*

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 (also known as short-term or transient) rental operations have the potential to reduce availability of long-term housing and disrupt the sense of safety, security, and peaceful enjoyment of homes in residential neighborhoods.

C. Agriculture and tourism are top economic drivers of the regional economy, and Monterey County is recognized globally as a premier tourist destination. Regulations 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: to provide accommodations for visitors to stay in Monterey County; to provide the opportunity for the agriculture industry to participate in the tourist economy to enhance the economic viability of agriculture in the region; and to safeguard the reputation of Monterey County and the economic benefits tourism provides the region.

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D. Regulation of vacation rentals is also necessary because they potentially could create impacts that are different than residential uses, including but not limited to: different character, density, and intensity than residential uses; removal of long-term housing from the market; and hazards to the public health, safety and general welfare in residential areas known to have infrastructure limitations.

E. On August 27, 2024, the County of Monterey (County) adopted Ordinance No. 5422 amending Title 21 (Non-coastal Zoning Ordinance) to regulate the short-term vacation rental of residential property in unincorporated Monterey County. On September 10, 2024, the County adopted Ordinance No. 5424 to require business licenses and vacation rental operation licenses for any vacation rental operations in unincorporated Monterey County. The vacation rental regulations for the inland areas became operative on October 14, 2024.

F. On August 27, 2024, the County adopted a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County.

G. On August 13, 2025, the California Coastal Commission (CCC) approved the Monterey County Local Coastal Program (LCP) Amendment No. LCP-3-MCO-24-0039-1 (Vacation Rentals), an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate vacation rental as submitted by the County.

H. On September 23, 2025, the County adopted Ordinance No. 5439 amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County. The vacation rental regulations for the coastal zone became operative on October 24, 2025. The Vacation Rental Ordinances that were adopted and operative in 2024 and 2025 are herein collectively referred to as the “original vacation rental ordinances”.

I. On December 12, 2025, due to a lawsuit challenging the County’s original vacation rental ordinances, including homestays (*Monterey County Vacation Rental Alliance v. County of Monterey*, Monterey County Superior Court Case No. 24CV004922), the County suspended from permit and license consideration and enforcement two provisions being challenged and generally related to ownership provisions.

J. On January 6, 2026, the Board of Supervisors directed staff to develop ordinances to address the two challenged provisions of the original ordinances and to prohibit vacation rentals in residential zoning districts except those with commercial agricultural operations, maintaining that unique neighborhoods with existing developments established with the intent of allowing managed short-term or transient rentals such as Monterey Dunes Colony are exempt from the regulations, and providing for a ministerial approval process for vacation rentals on lands with agricultural operations (“Amended Vacation Rental Ordinances”).

K. This Ordinance amends the original vacation rental ordinances and aims to strike a balance by allowing opportunity for property owners and residents of unincorporated Monterey

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County to benefit from the tourism economy, while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals.

L. This Ordinance establishes that vacation rentals are consistent with the character, density and intensity of commercial and visitor serving uses and uses accessory to agriculture, and are therefore an allowed use in commercial zoning districts, visitor serving zoning districts, and zoning districts in which agriculture is an allowed use, with a vacation rental operation license, business license, and transient occupancy tax certificate.

M. Regulation of vacation rentals is necessary because they have the potential to impact the character and intensity of an otherwise residential use in residential zoning districts. Impacts include, removing long-term housing from the market, or posing hazards to public health, safety and general welfare in residential areas known to have infrastructure limitations. Vacation rental uses, therefore, are prohibited in residential zoning districts.

N. This Ordinance recognizes that unique neighborhoods with existing developments were established with the intent of allowing managed short-term rentals, such as Monterey Dunes Colony, and these developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a vacation rental operation license. Such developments are not exempt from compliance with Chapter 5.40, requiring payment of transient occupancy tax, and Chapter 7.02, requiring a business license.

O. Vacation rentals do not count towards any visitor-serving units or guestroom caps established by Monterey County Code, Monterey County Coastal Implementation Plan, or Monterey County Land Use Plan.

P. 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 October 24, 2025 and the operator is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 20.64.290 of the Monterey County Code as adopted by Ordinance No. 5439. Further, this Ordinance provides for a defined time period that commercial vacation rentals issued coastal development permits pursuant to Section 20.64.290 adopted by Ordinance No. 5439 may continue to operate.

Q. In accordance with the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (EIR) was prepared and circulated and a Final EIR for the Vacation Rental Ordinances Project made available to the public prior to certification by the Board of Supervisors. The County of Monterey adopted a certified Final EIR for the Vacation Rental Ordinances project (SCH # 2022080643) in compliance with CEQA prior to the adoption of the original vacation rental ordinances and reflects the independent judgment and analysis of the County (Resolution No. 24-355).

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R. Section 15162 of the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) provides that, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that either: 1) substantial changes to the project or its circumstances would require major revisions of the previous EIR, due to the involvement of new or worsened significant environmental effects; or 2) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows that the project would have new or worse environmental effects than disclosed in the previous EIR; or 3) that new or newly-feasible mitigation measures would reduce the severity of a significant impact but the project proponent declines to implement them.

S. In accordance with CEQA Guidelines Section 15164(d), an addendum to the certified Final EIR (SCH# 2022080643) was prepared for the Amended Vacation Rental Ordinances project. The County has determined, on the basis of substantial evidence in light of the whole record, that the Amended Vacation Rental Ordinances would not result in substantial project changes that would require major revisions to the Final EIR. There are no changes in circumstances and no new information, not known at the time the Final EIR was certified, that shows the Amended Vacation Rental Ordinances may have a significant environmental effect or a substantial increase in the severity of previously identified significant effects. The County finds that the Amended Vacation Rental Ordinances require minor revisions to the original vacation rental ordinances, but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.

T. The County intends to carry out the amendments in a manner fully in conformity with the Coastal Act.

U. This Ordinance amends the Monterey County Coastal Implementation Plan, which is part of the County's Local Coastal Program. Pursuant to the Coastal Act, the County may amend the certified Local Coastal Program provided the County follows certain procedures. The procedures include the following: the County's Planning Commission holds a notice public hearing and make a recommendation to the Board of Supervisors on the proposed amendment; the Board of Supervisors holds a noticed public hearing, adopts a resolution of intent, and submits the proposed amendment to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review; the Coastal Commission certifies the amendment; the Board of Supervisors takes subsequent final action on the ordinance after the Coastal Commission acts; and the Coastal Commission confirms the County's action. Accordingly, this Ordinance will not go into effect until after the Coastal Commission certifies the amendment and confirms the Board's action.

**SECTION 2.** Subsection (DD) of Section 20.10.050 of the Monterey County Code [High Density Residential District] is amended to read as follows:

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

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**SECTION 3.** Subsection (DD) of Section 20.12.050 of the Monterey County Code [Medium Density Residential District] is amended to read as follows:

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

**SECTION 4.** Subsection (FF) of Section 20.14.050 of the Monterey County Code [Low Density Residential District] is amended to read as follows:

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

**SECTION 5.** Subsection (VV) of to Section 20.16.050 of the Monterey County Code [Rural Density Residential District] is amended to read as follows:

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

**SECTION 6.** Subsection (PP) of Section 20.17.050 of the Monterey County Code [Watershed And Scenic Conservation District] is amended to read as follows:

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

**SECTION 7.** Subsection (RR) of Section 20.18.060 of the Monterey County Code [Coastal General Commercial] is amended to read as follows:

RR. ~~Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA) Repealed.~~

**SECTION 8.** Subsection (X) of Section 20.20.060 of the Monterey County Code [Moss Landing Commercial District] is amended to read as follows:

X. ~~Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA) Repealed.~~

**SECTION 9.** Subsection (BB) of Section 20.22.060 of the Monterey County Code [Visitor-Serving Commercial District] is amended to read as follows:

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

**SECTION 10.** Subsection (GG) of Section 20.30.050 of the Monterey County Code [Coastal Agriculture Preserve] is amended to read as follows:

GG. ~~Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA) Repealed.~~

**SECTION 11.** Subsection (KK) of Section 20.32.050 of the Monterey County Code [Agricultural Conservation] is amended to read as follows:

KK. ~~Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA) Repealed.~~

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**SECTION 12.** Subsection (Q) of Section 20.60.090 of the Monterey County Code is amended to read as follows:

Q. Outdoor signs, pursuant to Section 7.120.040. ~~JH~~.

**SECTION 13.** Section 20.64.290 of the Monterey County Code is amended to read as follows:

**A. Purpose:** It is the purpose of this Section to:

1. Preserve and enhance the residential character of the coastal zoning districts established in Title 20, long-term housing, and the sense of security and safety in stable neighborhoods of residential properties.

2. Provide opportunity for visitors to access public areas of the unincorporated areas of Monterey 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 ~~property~~ homeowners and residents to offer Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of living housing, increase the vitality of commercial and visitor serving areas, and increase the economic stability of agriculture in Monterey Countythe region.

4. Establish that ~~Limited~~ Vacation Rental ~~and Homestay~~ uses are similar in character, density, and intensity to residential-commercial uses, visitor serving uses, and residential uses accessory to agricultureuse, are not anticipated to convert long term housing to nonresidential use.

~~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 to nonresidential use, or pose hazards to public health, safety, and general welfare in areas known to have infrastructure limitations.~~

**B. Definitions:** The definitions in Chapter 20.06 shall apply. Unless otherwise expressly stated, whenever used in this Section, the following words shall have the meanings set forth below:

1. “Bedroom” means any habitable room of a dwelling unit which is: 1) 70 square feet or greater in size for the first individual in a bedroom and 50 square feet of space for each additional individual in the room; 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

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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.

~~2. “Commercial Vacation Rental” means a Vacation Rental that is Non-hosted and rented for more than three times per 12-month period.~~

~~23.~~ “County” means County of Monterey.

~~34.~~ “Effective Date” means the date on which the Ordinance adding this Section 20.64.290 to the Monterey County Code took effect.

~~54.~~ “Homestay Hosted” means a Vacation Rental in which the Owner-Operator occupies at least one Bedroom within the Vacation Rental while it is being rented as a Vacation Rental. The Vacation Rental must be the Owner’s Operator’s Primary Residence.

~~6. “Limited Vacation Rental” means a Vacation Rental that is Non-hosted and rented for not more than three times per 12-month period.~~

~~75.~~ “Non-hosted” means that an Operator does not occupy the Vacation Rental while it is being rented.

~~86.~~ “Operator” means a person who operates the Vacation Rental and, if not the Owner, a person, who has the ~~legal~~ permission of the Owner to operate the Vacation Rental on the subject real property.

~~97.~~ “Owner” means the person or persons who hold fee title to the real property upon which a Vacation Rental is operated.

~~108.~~ “Owner’s Operator’s Primary Residence” means a Residential Property lived in by the Owner-Operator for at least 183 days per calendar year, which is documented by at least two of the following: motor vehicle registration, voter registration, homeowner’s exemption on their property taxes, lease, or ~~a~~ utility bills.

~~119.~~ “OWTS” means an onsite wastewater treatment system, also referred to as a septic system, as regulated by Chapter 15.20 of the Monterey County Code.

~~12. “Property Manager” means the person who is designated by the Operator as being responsible for managing the Vacation Rental operation and it may include the Owner, professional property manager, realtor, other resident, or nonresident owner of the subject property.~~

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~~1310.~~ “Residential Property” means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

~~1411.~~ “Vacation Rental” means the use, by any person, of Residential Property for transient lodging for remuneration where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 30 consecutive calendar days or fewer, counting portions of calendar days as full days. ~~“Vacation Rental” includes Commercial Vacation Rentals, Homestays, and Limited Vacation Rentals.~~ “Vacation Rental” does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

**C. Applicability:** This Section applies in the unincorporated coastal zone of the County of Monterey.

**D. ~~Regulations for Homestays: Repealed.~~**

~~1. Homestays 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:~~

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

~~2. Homestays shall be prohibited in any other zoning district.~~

**E. ~~Repealed. Regulations for Limited Vacation Rentals:~~**

~~1. Limited Vacation Rentals are allowed and exempt from a Coastal Development Permit pursuant to 20.70.120(T), in the following zoning districts, subject to the requirements of this Section:~~

- ~~— 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));~~



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- ~~a. Visitor-Serving Commercial (VSC(CZ));~~
- ~~a. Coastal Agriculture Preserve (CAP(CZ)); and~~
- ~~a. Agricultural Conservation (AC(CZ)).~~

~~2. Limited Vacation Rentals shall be prohibited in any other zoning district.~~

### F. 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:

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

2. ~~Commercial~~ Vacation Rentals shall be prohibited in any other zoning district.

3. ~~Commercial~~ Vacation Rentals are subject to the following additional limitations:

a. Big Sur Coast Land Use Plan as follows: Non-hosted Vacation Rentals are prohibited in the Big Sur Coast Land Use Plan area.

b. ~~B~~based on a maximum allowable limit of ~~permitted Commercial~~ Vacation Rentals to be licensed pursuant to Chapter 7.120 of Monterey County Code at any given time of not to exceed four percent of the total single family residential dwelling unit count within each area as follows:

<u>Planning Area</u>	<u>Maximum Allowed Number of Vacation Rentals (Non-hosted)</u>	<u>Maximum Allowed Number of Vacation Rentals (Hosted)</u>
<u>Big Sur Coast Land Use Plan</u>	<u>0</u>	<u>Unlimited</u>
<u>Carmel Area Land Use Plan</u>	<u>118</u>	<u>Unlimited</u>
<u>Del Monte Forest Land Use Plan</u>	<u>57</u>	<u>Unlimited</u>
<u>Moss Landing Community Plan</u>	<u>2</u>	<u>Unlimited</u>

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<u>North County Coastal Land Use Plan</u>	<u>157</u>	<u>Unlimited</u>
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~~a. — Big Sur Coast Land Use Plan Area as follows: 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.~~

~~ii. — A total of 118 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: A total of 157 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: A total of 57 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.~~

~~e. — Moss Landing Community Plan as follows:~~

~~i. — Commercial Vacation Rentals are prohibited in LDR(CZ) and MDR(CZ) zoning districts within the Moss Landing Community Plan area.~~

~~ii. — A total of two maximum Coastal Development Permits shall be issued at any given time for Commercial Vacation Rental uses within the Moss Landing Community Plan area, excluding LDR(CZ) and MDR (CZ) zoning districts.~~

cf. Permitted short-term, transient, and vacation rentals existing as of the dates noted will count against their respective Land Use Plan maximum allowable vacation rental cap as follows:

i. All existing transient use of a property for remuneration as a similar use to a Bed and Breakfast facility or other visitor-serving uses (such as hotels, motels, and inns) permits or entitlements issued prior to the ~~Effective Date~~ October 24, 2025 of this Chapter will count against their respective Land Use Plan cap until the ~~. If upon the~~ permit or entitlement expiration date or within seven years of the ~~Effective Date of this Chapter~~ October 24, 2025, whichever is sooner;

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ii. All existing commercial vacation rental permits or entitlements issued prior to; Effective Date pursuant to Section 20.64.290 adopted by Ordinance No. 5439 will count until the permit or entitlement expiration date; and

iii. If within 30 days of the expiration of a prior permitted short-term, transient, or vacation rental, the Operator does not make an application for all permits, licenses, certificates, or other entitlements required by County regulations; the unit count will be added back to the Land Use Plan cap.

~~4. A Commercial Vacation Rental that is not accessible directly from a public road shall be subject to Monterey County Code Chapter 16.80. Upon making an application with the County for Vacation Rental use, the Operator 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 Property Manager; and procedures and contact information for the County.~~

~~5. Commercial Vacation Rentals must demonstrate that response times for County emergency services for fire and emergency medical will be adequate. Adequate is defined as 5-8 minutes within Community Areas, Community Plans, and Sphere of Influence, 12 minutes within Rural Centers, and 45 minutes for all other areas. Commercial Vacation Rentals must provide contact information for County emergency services for fire and emergency medical. Notice of emergency services contact information shall be included in rental contracts and posted within the unit in a prominent place within six 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.~~

~~6. Commercial Vacation Rentals shall provide parking as required for the dwelling type by Section 20.58.040, or the applicable parking regulations at the time the dwelling was built.~~

74. Only one Commercial Hosted 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 provision does not apply to other types of developments, such as planned unit developments or similar cluster residential subdivisions. This provision does not apply to Coastal General Commercial (CGC(CZ)), Moss Landing Commercial (MLC(CZ)), and Visitor-Serving Commercial (VSC(CZ)) zoning districts. These districts shall be allowed more than one Commercial Hosted -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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~~8. A Commercial Vacation Rental served by an OWTS shall maintain the system in good working order and ensure it is functioning properly at all times. The OWTS shall comply with Chapter 15.20 of this Code.~~

~~9. If the Commercial Vacation Rental is served by an OWTS, the Operator shall submit evidence that the system is in good working order and functioning properly by providing a performance evaluation report completed by a qualified OWTS professional in the form and manner required by the County. Any OWTS component noted to be in unacceptable condition shall be repaired or replaced prior to County approval of a Coastal Development Permit.~~

~~10. The Owner of the Vacation Rental shall only have an ownership interest in one Commercial Vacation Rental real property within the unincorporated Monterey County at a time.~~

~~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 Chapter 20.70 and complies with all requirements of this Section.~~

~~12. 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 years.~~

~~b. The Operator may apply to extend the Coastal Development Permit prior to the expiration date of the Coastal Development Permit pursuant to Section 20.70.110. The extension application shall be made at least 30 days prior to the expiration of the Coastal Development Permit. The Coastal Development Permit shall be extended by the Appropriate Authority by seven years upon each renewal, unless the Appropriate Authority finds that the operation is subject to revocation or modification accordingly to the criteria set forth in Section 20.70.060.~~

~~c. The Operator shall maintain a valid business license pursuant to Chapter 7.02 and a valid Vacation Rental Operation License pursuant to Chapter 7.120 of this Code throughout the permitted term of the Commercial Vacation Rental use.~~

~~d. The purpose of the seven-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.~~

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5. For Vacation Rentals on a property in a Rural Density Residential zoning district, the Vacation Rental must be accessory to the agricultural use of the property which includes a commercial agricultural operation, agricultural processing facility, or an agricultural support facility.

### G. Phasing Out Unpermitted Operations:

1. To provide time for Operators of Vacation Rentals that were unpermitted prior to the ~~Effective Date~~October 24, 2025 to bring the Vacation Rental into compliance with this Section, an Operator may continue the operation for a limited period of time, if the Operator, pursuant to Section 20.64.290 as adopted by Ordinance No. 5439, by or before December 24, 2025:

a. ~~who can d~~Demonstrated that ~~a the~~ Vacation Rental use was established and operating on the subject property prior to ~~the Effective Date~~October 24, 2025; and

~~may continue the operation for a limited period of time.~~

2. ~~For unpermitted Vacation Rental uses, the Operator has two months from the Effective Date to make~~b. Applied an application for all permits, licenses, certificates, or ~~other entitlements~~ required by ~~this Section 20.64.290 as adopted by Ordinance No. 5439~~Code by or before December 24, 2025. The Operator will be allowed to continue to operate as a Vacation Rental ~~for up to two months from the Effective Date, or until County takes action on the Operator's application for all required permits, licenses, and entitlements made pursuant to this Code, whichever is later, unless County requires earlier termination of the Vacation Rental use due to a risk to public health, safety and welfare. The Operator must diligently pursue the approval and issuance of the required permits, licenses, and entitlements, or the County can require earlier termination of the Vacation Rental.~~

2. -

4. ~~Pending applications for transient use of a property for remuneration as a similar use to a Bed and Breakfast facility or other visitor serving uses (such as hotels, motels, and inns), submitted by a qualified applicant to the County, pursuant to Title 20.64.290 as adopted by Ordinance No. 5439, that have not been approved by the Appropriate Authority prior to the Effective Date shall be required to comply with this Section. Applications that have not yet been considered and that do not qualify under this Section may be voided and, if voided, the Housing and Community Development Department will refund permit fees paid.~~

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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.

### H. Phasing Out Previously Permitted Operations:

1. All ~~existing~~ transient use of a property for remuneration as a similar use to a Bed and Breakfast facility or other visitor-serving uses (such as hotels, motels, and inns) permits or entitlements issued prior to the ~~Effective Date~~ October 24, 2025, shall be required to comply with this Section upon expiration of their existing permits or entitlements. If the prior use is no longer allowed pursuant to this Section, the Operator must cease operations ~~at the time of the~~ upon expiration of their permit or entitlement.

2. All ~~existing~~ transient use of a property for remuneration as a similar use to a Bed and Breakfast facility or other visitor-serving uses (such as hotels, motels, and inns) permits or entitlements issued prior to the October 24, 2025 ~~Effective Date~~ without expiration dates shall ~~be required to~~ comply with this Section within seven years of October 24, 2025 ~~the Effective Date~~.

3. All Coastal Development Permits issued pursuant to Section 20.64.290 as adopted by Ordinance No. 5439 for a commercial vacation rental prior to the Effective Date of this Section shall comply with this Section upon expiration of their existing permit. If the prior use is no longer allowed pursuant to this Section, the Operator must cease operations at the time of the upon expiration of their permit.

4. The Operator shall maintain a valid business license pursuant to Chapter 7.02 and a valid Vacation Rental Operation License pursuant to Chapter 7.120 of this Code throughout the permitted term of the Commercial Vacation Rental use.

35. 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.

### I. Request for Extended Phase Out Period:

1. An Operator may request to extend the phase out period for a vacation rental, if they claim to have a unique circumstance that entitles the Operator to a longer phase out period. The request shall be made in writing on a form prescribed by the Director of Housing and Community Development and submitted to the County within 30 calendar days following the Effective Date. The request must be accompanied by evidence supporting the request, and in all cases must contain, without limitation, the following:

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- a. Owner, Operator, and/or Property Manager contact information including name, address, telephone number and e-mail address;
- b. Property Address and Assessor's Parcel Number;
- c. Clear description of the unique circumstances demonstrating that:
  - i. Investments were made in preparation of a property to operate as a Vacation Rental;
  - iii. The ordinance phase out period is insufficient to recover reasonable investments made based on verifiable rental rates and rental booking frequency; and
  - iv. Definitive documented evidence exists that substantiates the claim, including but not limited to receipts, tax records, rental contracts.

2. The Director of Housing and Community Development is the Appropriate Authority to consider requests. The Director shall, upon receipt of a written request containing all required information pursuant to this Subsection, consider and render a decision on the request, in writing, within 60 days.

- a. If the request is approved, the vacation rental shall conform with the regulations for vacation rentals pursuant to Chapter 7.120 of Monterey County Code, as applicable.
- b. If the request denied, the Director's decision is appealable pursuant to Chapter 20.86 of the Monterey County Code.

**IJ.** **Exemptions:** The regulations set forth in this Section do not apply to unique neighborhoods with existing developments that were established with the intent of allowing managed Vacation Rentals. The existing permitted unique neighborhoods with managed Vacation Rentals must operate according to the regulations and conditions approved through its their original land use entitlements.

**SECTION 14.** Subsection (S) of Section 20.70.120 of the Monterey County Code is amended to read as follows:

~~S. Homestays, 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 Seenie 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 (AC(CZ))~~Repealed.



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**SECTION 15.** Subsection (T) of Section 20.70.120 of the Monterey County Code is amended to read as follows:

T. ~~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 (AC(CZ))~~Repealed.

**SECTION 16.** Subsection (U) of Section 20.70.120 of the Monterey County Code is added to read as follows:

U. Vacation Rentals, pursuant to Section 20.64.290, are exempt in the following zoning districts: Rural Density Residential accessory to the agricultural use of the property (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 (AC(CZ)).

**SECTION 17. 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 18. 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 \_\_\_\_\_, 2026, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Wendy Askew, Chair  
County of Monterey Board of Supervisors

ATTEST

APPROVED AS TO FORM:



**Draft Ordinance Title 20**

VALERIE RALPH  
Clerk of the Board of Supervisors

KELLY L. DONLON  
Chief Assistant County Counsel

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

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## Exhibit F

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## Draft Ordinance Title 21

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

*This Ordinance amends numerous definition and zoning district use sections of Title 21, repeals and replaces Section 21.64.290 to the Monterey County Code to regulate the vacation (also known as short-term or transient) rental of residential property. This Ordinance aims to strike a balance, allowing opportunity for property owners and residents of unincorporated Monterey County to benefit from the tourism economy while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals. This Ordinance prohibits vacation rentals in residential zoning districts except as accessory to agricultural uses, and allows vacation rentals in commercial zoning districts, visitor serving zoning districts, and zoning districts in which agriculture is an allowed use. Lastly, this Ordinance contains the process for phasing out unpermitted vacation rentals with applications pending a decision by the County of Monterey and amortization of prior permitted vacation rentals.*

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 (also known as short-term or transient) rental operations have the potential to reduce availability of long-term housing and disrupt the sense of safety, security, and peaceful enjoyment of homes in residential neighborhoods.

C. Agriculture and tourism are top economic drivers of the regional economy, and Monterey County is recognized globally as a premier tourist destination. Regulations 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: to provide accommodations for visitors to stay in Monterey County; to provide the opportunity for the agriculture industry to participate in the tourist economy to enhance the economic viability of agriculture in the region; and to safeguard the reputation of Monterey County and the economic benefits tourism provides the region.

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D. Regulation of vacation rentals is also necessary because they potentially could create impacts that are different than residential uses, including but not limited to: different character, density, and intensity than residential uses; removal of long-term housing from the market; and hazards to the public health, safety and general welfare in residential areas known to have infrastructure limitations.

E. On August 27, 2024, the County of Monterey (County) adopted Ordinance No. 5422 amending Title 21 (Non-coastal Zoning Ordinance) to regulate the short-term vacation rental of residential property in unincorporated Monterey County. On September 10, 2024, the County adopted Ordinance No. 5424 to require business licenses and vacation rental operation licenses for any vacation rental operations in unincorporated Monterey County. The vacation rental regulations for the inland areas became operative on October 14, 2024.

F. On August 27, 2024, the County adopted a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County.

G. On August 13, 2025, the California Coastal Commission (CCC) approved the Monterey County Local Coastal Program (LCP) Amendment No. LCP-3-MCO-24-0039-1 (Vacation Rentals), an ordinance amending Title 20 (Coastal Zoning Ordinance) to regulate vacation rental as submitted by the County.

H. On September 23, 2025, the County adopted Ordinance No. 5439 amending Title 20 (Coastal Zoning Ordinance) to regulate the vacation rental of residential property in the coastal zone of unincorporated Monterey County. The vacation rental regulations for the coastal zone became operative on October 24, 2025. The Vacation Rental Ordinances that were adopted and operative in 2024 and 2025 are herein collectively referred to as the “original vacation rental ordinances”.

I. On December 12, 2025, due to a lawsuit challenging the County’s original vacation rental ordinances, including homestays (*Monterey County Vacation Rental Alliance v. County of Monterey*, Monterey County Superior Court Case No. 24CV004922), the County suspended from permit and license consideration and enforcement two provisions being challenged and generally related to ownership provisions.

J. On January 6, 2026, the Board of Supervisors directed staff to develop ordinances to address the two challenged provisions of the original ordinances and to prohibit vacation rentals in residential zoning districts except those with commercial agricultural operations, maintaining that unique neighborhoods with existing developments established with the intent of allowing managed short-term or transient rentals such as Monterey Dunes Colony are exempt from the regulations, and providing for a ministerial approval process for vacation rentals on lands with agricultural operations (“Amended Vacation Rental Ordinances”).

K. This Ordinance amends the original vacation rental ordinances and aims to strike a balance by allowing opportunity for property owners and residents of unincorporated Monterey

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County to benefit from the tourism economy, while ensuring that residential neighborhoods are protected from loss of long-term housing and the potential negative social and behavioral impacts of vacation rentals.

L. This Ordinance establishes that vacation rentals are consistent with the character, density and intensity of commercial and visitor serving uses and uses accessory to agriculture, and are therefore an allowed use in commercial zoning districts, visitor serving zoning districts, and zoning districts in which agriculture is an allowed use, with a vacation rental operation license, business license, and transient occupancy tax certificate.

M. Regulation of vacation rentals is necessary because they have the potential to impact the character and intensity of an otherwise residential use in residential zoning districts. Impacts include removing long-term housing from the market, or posing hazards to public health, safety and general welfare in residential areas known to have infrastructure limitations. Vacation rental uses, therefore, are prohibited in residential zoning districts.

N. This Ordinance recognizes that unique neighborhoods with existing developments were established with the intent of allowing managed short-term rentals, such as Monterey Dunes Colony, and these developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a vacation rental operation license. Such developments are not exempt from compliance with Chapter 5.40, requiring payment of transient occupancy tax, and Chapter 7.02, requiring a business license.

O. Vacation rentals do not count towards any visitor-serving units or guestroom caps established by Monterey County Code, 2010 County of Monterey General Plan, or any associated Area Plan established by the 2010 County of Monterey General Plan.

P. To allow for a reasonable amortization of investment for existing vacation rentals 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 October 14, 2024 and the operator is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 21.64.290 of the Monterey County Code adopted by Ordinance 5422. Further, this Ordinance provides for a defined time period that short-term or transient rentals issued administrative permits pursuant to Section 21.64.280 adopted by Ordinance Number 3911 and commercial vacation rentals issued use permits pursuant to Section 21.64.290 adopted by Ordinance 5422 may continue to operate.

Q. In accordance with the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (EIR) was prepared and circulated and a Final EIR for the Vacation Rental Ordinances Project made available to the public prior to certification by the Board of Supervisors. The County of Monterey adopted a certified Final EIR for the Vacation Rental Ordinances project (SCH # 2022080643) in compliance with CEQA prior to the adoption of the original vacation rental ordinances and reflects the independent judgment and analysis of the County (Resolution No. 24-355).

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R. Section 15162 of the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) provides that, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that either: 1) substantial changes to the project or its circumstances would require major revisions of the previous EIR, due to the involvement of new or worsened significant environmental effects; or 2) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows that the project would have new or worse environmental effects than disclosed in the previous EIR; or 3) that new or newly-feasible mitigation measures would reduce the severity of a significant impact but the project proponent declines to implement them.

S. In accordance with CEQA Guidelines Section 15164(d), an addendum to the certified Final EIR (SCH# 2022080643) was prepared for the Amended Vacation Rental Ordinances project. The County has determined, on the basis of substantial evidence in light of the whole record, that the Amended Vacation Rental Ordinances would not result in substantial project changes that would require major revisions to the Final EIR. There are no changes in circumstances and no new information, not known at the time the Final EIR was certified, that shows the Amended Vacation Rental Ordinances may have a significant environmental effect or a substantial increase in the severity of previously identified significant effects. The County finds that the Amended Vacation Rental Ordinances require minor revisions to the original vacation rental ordinances, but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.

**SECTION 2.** Subsection (S) of Section 21.10.030 of the Monterey County Code [High Density Residential District] is amended to read as follows:

S. ~~Homestays, pursuant to Section 21.64.290~~Repealed.

**SECTION 3.** Subsection (T) of Section 21.10.030 of the Monterey County Code [High Density Residential District] is amended to read as follows:

T. ~~Repealed Limited Vacation Rentals, pursuant to Section 21.64.290.~~

**SECTION 4.** Subsection (AA) of Section 21.10.050 of the Monterey County Code [High Density Residential District] is amended to read as follows:

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

**SECTION 5.** Subsection (R) of to Section 21.12.030 of the Monterey County Code [Medium Density Residential District] is amended to read as follows:

R. ~~Repealed Homestays, pursuant to Section 21.64.290~~.



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**SECTION 6.** Subsection (S) of Section 21.12.030 of the Monterey County Code [Medium Density Residential District] is amended to read as follows:

- S. ~~Repealed~~~~Limited Vacation Rentals, pursuant to Section 21.64.290.~~

**SECTION 7.** Subsection (Y) of Section 21.12.050 of the Monterey County Code [Medium Density Residential District] is amended to read as follows:

- Y. ~~Repealed~~~~Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA).~~

**SECTION 8.** Subsection (U) of to Section 21.14.030 of the Monterey County Code [Low Density Residential District] is amended to read as follows:

- U. ~~Homestays, pursuant to Section 21.64.290~~~~Repealed~~;

**SECTION 9.** Subsection (V) of Section 21.14.030 of the Monterey County Code [Low Density Residential District] is amended to read as follows:

- V. ~~Limited Vacation Rentals, pursuant to Section 21.64.290~~~~Repealed~~.

**SECTION 10.** Subsection (EE) of Section 21.14.050 of the Monterey County Code [Low Density Residential District] is amended to read as follows:

- EE. ~~Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA)~~~~Repealed~~.

**SECTION 11.** Subsection (W) of Section 21.16.030 of the Monterey County Code [Rural Density Residential District] is amended to read as follows:

- W. ~~Homestays, pursuant to Section 21.64.290~~~~Repealed~~;

**SECTION 12.** Subsection (X) of to Section 21.16.030 of the Monterey County Code [Rural Density Residential District] is amended to read as follows:

- X. ~~Limited Vacation Rentals, pursuant to Section 21.64.290~~~~Repealed~~.

**SECTION 13.** Subsection (Y) is added to Section 21.16.030 of the Monterey County Code [Rural Density Residential District] to read as follows:

- Y. Vacation Rentals accessory to agricultural uses, pursuant to Section 21.64.290.

**SECTION 14.** Subsection (RR) of Section 21.16.050 of the Monterey County Code [Rural Density Residential District] is amended to read as follows:

- RR. ~~Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA)~~~~Repealed~~.

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**SECTION 15.** Subsection (E) of Section 21.18.040 of the Monterey County Code [Light Commercial District] is amended to read as follows:

- E. ~~Homestays, pursuant to Section 21.64.290~~Repealed.

**SECTION 16.** Subsection (F) of Section 21.18.040 of the Monterey County Code [Light Commercial District] is amended to read as follows:

- F. ~~Limited Vacation Rentals, pursuant to Section 21.64.290~~Repealed.

**SECTION 17.** Subsection (G) is added to Section 21.18.040 of the Monterey County Code [Light Commercial District] to read as follows:

- G. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 18.** Subsection (HH) of Section 21.18.060 of the Monterey County Code [Light Commercial District] is amended to read as follows:

- HH. ~~Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA)~~Repealed.

**SECTION 19.** Subsection (E) of Section 21.20.040 of the Monterey County Code [Heavy Commercial District] is amended to read as follows:

- E. ~~Homestays, pursuant to Section 21.64.290~~Repealed.

**SECTION 20.** Subsection (F) of Section 21.20.040 of the Monterey County Code [Heavy Commercial District] is amended to read as follows:

- F. ~~Limited Vacation Rentals, pursuant to Section 21.64.290~~Repealed.

**SECTION 21.** Subsection (G) is added to Section 21.20.040 of the Monterey County Code [Heavy Commercial District] to read as follows:

- G. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 22.** Subsection (OO) of Section 21.20.060 of the Monterey County Code [Heavy Commercial District] is amended to read as follows:

- OO. ~~Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA)~~Repealed.

**SECTION 23.** Subsection (D) of Section 21.22.040 of the Monterey County Code [Visitor-Serving/Professional Office District] is amended to read as follows:

- D. ~~Homestays, pursuant to Section 21.64.290~~Repealed.

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**SECTION 24.** Subsection (E) of Section 21.22.040 of the Monterey County Code [Visitor-Serving/Professional Office District] is amended to read as follows:

- E. ~~Limited Vacation Rentals, pursuant to Section 21.64.290~~Repealed.

**SECTION 25.** Subsection (F) is added to Section 21.22.040 of the Monterey County Code [Visitor-Serving/Professional Office District] to read as follows:

- F. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 26.** Subsection (X) of Section 21.22.060 of the Monterey County Code [Visitor-Serving/Professional Office District] is amended to read as follows:

- X. ~~Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA)~~Repealed.

**SECTION 27.** Subsection (R) of Section 21.30.030 of the Monterey County Code [Farmland] is amended to read as follows:

- R. ~~Homestays, pursuant to Section 21.64.290~~Repealed.;

**SECTION 28.** Subsection (S) of Section 21.30.030 of the Monterey County Code [Farmland] is amended to read as follows:

- S. ~~Limited Vacation Rentals, pursuant to Section 21.64.290~~Repealed.

**SECTION 29.** Subsection (T) is added to Section 21.30.030 of the Monterey County Code [Farmland] to read as follows:

- T. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 30.** Subsection (JJ) of Section 21.30.050 of the Monterey County Code [Farmland] is amended to read as follows:

- JJ. ~~Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA)~~Repealed.

**SECTION 31.** Subsection (R) of Section 21.32.030 of the Monterey County Code [Rural Grazing] is amended to read as follows:

- R. ~~Homestays, pursuant to Section 21.64.290~~Repealed.;

**SECTION 32.** Subsection (S) of Section 21.32.030 of the Monterey County Code [Rural Grazing] is amended to read as follows:

- S. ~~Limited Vacation Rentals, pursuant to Section 21.64.290~~Repealed.

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**SECTION 33.** Subsection (T) is added to Section 21.32.030 of the Monterey County Code [Rural Grazing] to read as follows:

T. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 34.** Subsection (KK) of Section 21.32.050 of the Monterey County Code [Rural Grazing] is amended to read as follows:

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

**SECTION 35.** Subsection (Q) of Section 21.34.030 of the Monterey County Code [Permanent Grazing] is amended to read as follows:

Q. ~~Homestays, pursuant to Section 21.64.290 Repealed;.~~

**SECTION 36.** Subsection (R) of Section 21.34.030 of the Monterey County Code [Permanent Grazing] is amended to read as follows:

R. ~~Limited Vacation Rentals, pursuant to Section 21.64.290 Repealed.~~

**SECTION 37.** Subsection (S) is added to Section 21.34.030 of the Monterey County Code [Permanent Grazing] to read as follows:

S. Vacation Rentals, pursuant to Section 21.64.290.

**SECTION 38.** Subsection (II) of Section 21.34.050 of the Monterey County Code [Permanent Grazing] is amended to read as follows:

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

**SECTION 39.** Subsection (V) of Section 21.36.030 of the Monterey County Code [Resource Conservation District] is amended to read as follows:

V. ~~Homestays, pursuant to Section 21.64.290 Repealed;.~~

**SECTION 40.** Subsection (W) of Section 21.36.030 of the Monterey County Code [Resource Conservation District] is amended to read as follows:

W. ~~Limited Vacation Rentals, pursuant to Section 21.64.290 Repealed.~~

**SECTION 41.** Subsection (X) is added to Section 21.36.030 of the Monterey County Code [Resource Conservation District] to read as follows:

X. Vacation Rentals, pursuant to Section 21.64.290.

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**SECTION 42.** Subsection (JJ) of Section 21.36.050 of the Monterey County Code [Resource Conservation District] is amended to read as follows:

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

**SECTION 43.** Section 21.64.290 of the Monterey County Code is amended to read as follows:

**A. Purpose:** It is the purpose of this Section to:

1. Preserve and enhance the residential character of the zoning districts established in Title 21, long-term housing, and the sense of security and safety in stable neighborhoods of residential properties.
2. Provide opportunity for visitors to access public areas of the unincorporated areas of Monterey 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 property owners and residents to offer Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of living housing in Monterey County, increase the vitality of commercial and visitor-serving areas, and increase the economic stability of agriculture in the region.
4. Establish that Limited Vacation Rental and Homestay uses are similar in character, density, and intensity to residential-commercial uses, visitor serving uses, and residential uses accessory to agriculture use, are not anticipated to convert long term housing to nonresidential use.
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 to nonresidential use, or pose hazards to public health, safety, and general welfare in areas known to have infrastructure limitations.~~

**B. Definitions:** The definitions in Chapter 21.06 shall apply. Unless otherwise expressly stated, whenever used in this Section, the following words shall have the meanings set forth below:

1. “Bedroom” means any habitable room of a dwelling unit which is: 1) 70 square feet or greater in size for the first individual in a bedroom and 50 square feet of space for each additional individual in the room; 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

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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.

~~2. “Commercial Vacation Rental” means a Vacation Rental that is Non-hosted and rented for more than three times per 12-month period.~~

~~32.~~ “County” means County of Monterey.

~~43.~~ “Homestay Hosted” means a Vacation Rental in which the Owner-Operator occupies at least one Bedroom within the Vacation Rental while it is being rented as a Vacation Rental. The Vacation Rental must be the Owner’s-Operator’s Primary Residence.

~~5. “Limited Vacation Rental” means a Vacation Rental that is Non-hosted and rented for not more than three times per 12-month period.~~

~~46.~~ “Non-hosted” means that an Operator does not occupy the Vacation Rental while it is being rented.

~~57.~~ “Operator” means a person who operates the Vacation Rental and, if not the Owner, a person who has the ~~legal~~ permission of the Owner to operate the Vacation Rental on the subject real property.

~~68.~~ “Owner” means the person or persons who hold fee title to the real property upon which a Vacation Rental is operated.

~~79.~~ “Owner’s-Operator’s Primary Residence” means a Residential Property lived in by the Owner-Operator for at least 183 days per calendar year, which is documented by at least two of the following: motor vehicle registration, voter registration, homeowner’s exemption on their property taxes, lease, or ~~a~~-utility bills.

~~810.~~ “OWTS” means an onsite wastewater treatment system, also referred to as a septic system, as regulated by Chapter 15.20 of the Monterey County Code.

~~11. “Property Manager” means the person who is designated by the Operator as being responsible for managing the Vacation Rental operation and it may include the Owner, professional property manager, realtor, other resident, or nonresident owner of the subject property.~~

~~912.~~ “Residential Property” means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

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103. “Vacation Rental” means the use, by any person, of Residential Property for transient lodging for renumeration where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 30 consecutive calendar days or fewer, counting portions of calendar days as full days. ~~“Vacation Rental” includes Commercial Vacation Rentals, Homestays, and Limited Vacation Rentals.~~ “Vacation Rental” does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

C. **Applicability:** This Section applies in the unincorporated inland areas of the County of Monterey.

D. **Regulations for Homestays Repealed.**

~~1. Homestays are allowed in the following zoning districts, subject to the requirements of this Section:~~

~~High Density Residential (HDR);~~

~~Medium Density Residential (MDR);~~

~~Low Density Residential (LDR);~~

~~Rural Density Residential (RDR);~~

~~Light Commercial (LC);~~

~~Heavy Commercial (HC);~~

~~Visitor serving/Professional Office (VO);~~

~~Farmland (F);~~

~~Rural Grazing (RG);~~

~~Permanent Grazing (PG);~~

~~Resource Conservation (RC);~~

~~Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts—Uses Allowed) except industrial and public/quasi-public land use designations within the CP 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.~~

~~2. Homestays shall be prohibited in any other zoning district.~~

E. **Regulations for Limited Vacation Rentals Repealed.**

~~1. Limited Vacation Rentals are allowed in the following zoning districts, subject to the requirements of this Section:~~

~~High Density Residential (HDR);~~

~~Medium Density Residential (MDR);~~

~~Low Density Residential (LDR);~~

~~Rural Density Residential (RDR);~~

~~Light Commercial (LC);~~



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~~Heavy Commercial (HC);~~  
~~Visitor-serving/Professional Office (VO);~~  
~~Farmland (F);~~  
~~Rural Grazing (RG);~~  
~~Permanent Grazing (PG);~~  
~~Resource Conservation (RC);~~  
~~Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed) except industrial and public/quasi-public land use designations within the CP 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.~~

~~2. Limited Vacation Rentals shall be prohibited in any other zoning district.~~

### F. 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:
  - ~~a. High Density Residential (HDR);~~
  - ~~b. Medium Density Residential (MDR);~~
  - ~~c. Low Density Residential (LDR);~~
  - ~~d.a.~~ Rural Density Residential accessory to the agricultural use of the property (RDR);
  - ~~e.b.~~ Light Commercial (LC);
  - ~~f.c.~~ Heavy Commercial (HC);
  - ~~g.d.~~ Visitor-serving/Professional Office (VO);
  - ~~h.e.~~ Farmland (F);
  - ~~i.f.~~ Rural Grazing (RG);
  - ~~j.g.~~ Permanent Grazing (PG);
  - ~~k.h.~~ Resource Conservation (RC);
  - ~~l.i.~~ Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed) except residential, industrial and public/quasi-public land use designations within the CP districts; and
  - ~~m.j.~~ Specific Plan (SP), subject to Section 21.41.030.B (Regulations for Specific Plan Zoning Districts or “SP” Districts – Uses Allowed) except residential, industrial and public/quasi-public land use designations within the SP district.
- ~~2.~~ 2. ~~Commercial~~ Vacation Rentals shall be prohibited in any other zoning district.
3. ~~Commercial~~ Vacation ~~-~~ Rentals are subject to the following additional limitations:



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a. ~~Based on a maximum allowable limit of permitted Commercial Hosted Vacation Rentals to be licensed pursuant to Chapter 7.120 of Monterey County Code at any given time of not to exceed~~ four percent of the total single family residential dwelling unit count within each area as follows:

a.

<u>Planning Area</u>	<u>Maximum Allowed Number of Vacation Rentals (Non-hosted)</u>	<u>Maximum Allowed Number of Vacation Rentals (Hosted)</u>
<u>Cachagua Area Plan</u>	<u>20</u>	<u>Unlimited</u>
<u>Carmel Valley Master Plan</u>	<u>201</u>	<u>Unlimited</u>
<u>Central Salinas Valley Area Plan</u>	<u>66</u>	<u>Unlimited</u>
<u>Fort Ord Master Plan</u>	<u>40</u>	<u>Unlimited</u>
<u>Greater Monterey Peninsula Area Plan</u>	<u>155</u>	<u>Unlimited</u>
<u>Greater Salinas Area</u>	<u>80</u>	<u>Unlimited</u>
<u>North County Inland Area Plan</u>	<u>226</u>	<u>Unlimited</u>
<u>South County Area Plan</u>	<u>52</u>	<u>Unlimited</u>
<u>Toro Area Plan</u>	<u>173</u>	<u>Unlimited</u>

~~Central Salinas Valley Area Plan as follows: A total of 66 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Central Salinas Valley Area Plan area.~~

~~b. Cachagua Area Plan as follows: A total of 20 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Cachagua Area Plan area.~~

~~c. Carmel Valley Master Plan as follows:~~

~~i. Commercial Vacation Rentals are prohibited in the RDR, LDR, MDR, and HDR zoning districts within the Carmel Valley Master Plan area.~~

~~ii. A total of 201 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Carmel Valley Master Plan area, excluding RDR, LDR, MDR, and HDR zoning districts.~~

~~d. Toro Area Plan as follows: A total of 173 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Toro Area Plan area.~~

~~e. Fort Ord Master Plan as follows: A total of 40 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Fort Ord Master Plan area.~~

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~~f. Greater Monterey Peninsula Area Plan as follows: A total of 155 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Greater Monterey Peninsula Area Plan area.~~

~~g. North County Inland Area Plan as follows: A total of 226 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within North County Inland Area Plan area.~~

~~h. South County Area Plan as follows: A total of 52 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the South County Area Plan area.~~

~~i. Greater Salinas Area Plan as follows: A total of 80 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Greater Salinas Area Plan area.~~

bj. Permitted short-term, transient, and vacation rentals existing as of the dates noted will count against their respective Master Plan or Area Plan maximum allowable vacation rental cap as follows:

i. All existing transient use of residential property permits or entitlements issued prior to October 14, 2024 pursuant to Section 21.64.280 adopted by Ordinance No. 3911 of this Chapter will count against their respective Area or Master Plan cap, until . If upon the permit or entitlement expiration date or within seven years of October 14, 2024, whichever is sooner;

ii. of this Chapter All existing commercial vacation rental permits or entitlements issued prior to Effective Date pursuant to Section 21.64.290 adopted by Ordinance No. 5422 will count until the permit or entitlement expiration date; and

iii. If within 30 days of the expiration date of a prior permitted operation, the Operator does not make an application for all permits, licenses, certificates, or other entitlements required by County regulations, the unit count will be added back to the Area or Master Plan cap.

~~4. A Commercial Vacation Rental that is not accessible directly from a public road shall be subject to Monterey County Code Chapter 16.80. Upon making an application with the County for Vacation Rental use, the Operator 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 Property Manager; and procedures and contact information for the County.~~

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~~5. Commercial Vacation Rentals must demonstrate that response times for County emergency services for fire and emergency medical will be adequate pursuant to the 2010 County of Monterey General Plan Safety Element Policy PS-1.1 and Table PS-1. Commercial Vacation Rentals must provide contact information for County emergency services for fire and emergency medical. Notice of emergency services contact information shall be included in rental contracts and posted within the unit in a prominent place within six 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.~~

~~6. Commercial Vacation Rentals shall provide parking as required for the dwelling type by Monterey County Code Section 21.58.040, or the applicable parking regulations at the time the dwelling was built.~~

74. Only one Commercial-Hosted 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 provision does not apply to other types of developments, such as planned unit developments or similar cluster residential subdivisions. 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 Commercial-Hosted Vacation Rental per legal lot of record and shall not exceed the number of residential units per legal lot of record.

~~8. A Commercial Vacation Rental served by an OWTS shall maintain the system in good working order and ensure it is functioning properly at all times. The OWTS shall comply with Monterey County Code Chapter 15.20.~~

~~9. If the Commercial Vacation Rental is served by an OWTS, the Operator shall submit evidence that the system is in good working order and functioning properly by providing a performance evaluation report completed by a qualified OWTS professional in the form and manner required by the County. Any OWTS component noted to be in unacceptable condition shall be repaired or replaced prior to County approval of a Use Permit.~~

~~10. The Owner of the Vacation Rental shall only have an ownership interest in one Commercial Vacation Rental real property within the unincorporated Monterey County at a time.~~

~~11. 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.~~

## Draft Ordinance Title 21

~~12. 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 years.~~

~~b. The Operator may apply to extend the Use Permit prior to the expiration date of the Use Permit pursuant to Section 21.74.110 of this Title. The extension application shall be made at least 30 days prior to the expiration of the Use Permit. The Use Permit shall be extended by the Appropriate Authority by seven years upon each renewal, unless the Appropriate Authority finds that the operation is subject to revocation or modification according to the criteria set forth in Section 21.74.060.~~

~~d. The purpose of the seven 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.~~

5. For Vacation Rentals on a property in a Rural Density Residential zoning district, the Vacation Rental must be accessory to the agricultural use of the property which includes a commercial agricultural operation, agricultural processing facility, or an agricultural support facility.

### G. Phasing Out Unpermitted Operations:

1. To provide time for the Operator of a Vacation Rental that was unpermitted prior to October 14, 2024 to bring the Vacation Rental into compliance with this Section, an Operator may continue the operation for a limited period of time, if the Operator, pursuant to Section 21.64.290 as adopted by Ordinance No. 5422, by or before April 14, 2025; who can

~~a. Demonstrated that the Vacation Rental use was established and operating on the subject property prior to October 14, 2024; and may continue the operation for a limited period of time.~~

~~2. The Operator has six months from October 14, 2024, to make~~

~~b. Made an application~~Applied for all permits, licenses, certificates, or other entitlements required by this Section 21.64.290 as adopted by Ordinance No. 5422 by or before April 14, 2025~~Code~~. -The Operator will be allowed to continue to operate as a Vacation Rental ~~for up to six months from October 14, 2024, or~~ until County takes action on the Operator's application for all required permits, licenses, and entitlements made pursuant to this Code, ~~whichever is later~~, unless County requires earlier termination of the Vacation Rental use due to a risk to public health, safety and welfare. The Operator must diligently pursue the

## Draft Ordinance Title 21

approval and issuance of the required permits, licenses, and entitlements, or the County can require earlier termination of the Vacation Rental.

24. Pending applications submitted by a qualified applicant to the County, pursuant to Section 21.64.2980 as adopted by Ordinance No. 5422, that have not been approved by the Appropriate Authority by ~~October 14, 2024~~ the Effective Date of this Section shall be required to comply with this Section. Applications that have not yet been considered- and that do not qualify under this Section may be voided and, if voided, the Housing and Community Development Department will refund permit fees paid.

33. An Operator may apply for a variance from this Subsection G if they claim to have a unique circumstance(s) that entitles them to a longer amortization period, including but not limited to an unusual investment in the property. Such a variance request will be governed by Chapter 21.72 of this Code.

~~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.~~

4. 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.

### H. Phasing Out Previously Permitted Operations:

1. All Administrative Permits issued pursuant to Section 21.64.280 as adopted by Ordinance No. 3911 for the transient use of residential property prior to October 14, 2024, ~~of this Chapter~~ shall be required to comply with this Section upon expiration of their existing permit. If the prior use is no longer allowed pursuant to this Section, the Operator must cease operations at the time of the upon expiration of their permit.

2. All Administrative Permits issued pursuant to Section 21.64.280 as adopted by Ordinance No. 3911 for the transient use of residential property prior to October 14, 2024, ~~of this Section~~ without expiration dates shall be required to comply with this Section within seven years of October 14, 2024.

3. All Use Permits issued pursuant to Section 21.64.290 as adopted by Ordinance No. 5422 for a commercial vacation rental prior to the Effective Date of this Section shall be required to comply with this Section upon expiration of their existing permit. If the prior use is no longer allowed pursuant to this Section, the Operator must cease operations at the time of the upon expiration of their permit.

## Draft Ordinance Title 21

4. The Operator shall maintain a valid business license pursuant to Chapter 7.02 and a valid Vacation Rental Operation License pursuant to Chapter 7.120 of this Code throughout the permitted term of the Commercial Vacation Rental use.

5. An Operator may apply for a variance from this Subsection H if they claim to have a unique circumstance that entitles them to a longer amortization period, including but not limited to an unusual investment in the property. Such a variance request will be governed by the provisions of Chapter 21.72 of this Code.

~~63.~~ 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.

### I. Request for Extended Phase Out Period:

1. An Operator may request to extend the phase out period for a vacation rental, if they claim to have a unique circumstance that entitles the Operator to a longer phase out period. The request shall be made in writing on a form prescribed by the Director of Housing and Community Development and submitted to the County within 30 calendar days following the Effective Date. The request must be accompanied by evidence supporting the request, and in all cases must contain, without limitation, the following:

a. Owner, Operator, and/or Property Manager contact information including name, address, telephone number and e-mail address;

b. Property Address and Assessor's Parcel Number;

c. Clear description of the unique circumstances demonstrating that:

i. Investments were made in preparation of a property to operate as a Vacation Rental;

iii. The ordinance phase out period is insufficient to recover reasonable investments made based on verifiable rental rates and rental booking frequency; and

iv. Definitive documented evidence exists that substantiates the claim, including but not limited to receipts, tax records, rental contracts.

2. The Director of Housing and Community Development is the Appropriate Authority to consider requests. The Director shall, upon receipt of a written request containing all required information pursuant to this Subsection, consider and render a decision on the request, in writing, within 60 days.

## Draft Ordinance Title 21

a. If the request is approved, the vacation rental shall conform with the regulations for vacation rentals pursuant to Chapter 7.120 of Monterey County Code, as applicable.

b. If the request denied, the Director's decision is appealable pursuant to Chapter 21.80 of the Monterey County Code.

**J.** **Exemptions:** The regulations set forth in this Section do not apply to unique neighborhoods with existing developments that were established with the intent of allowing managed Vacation Rentals. The existing permitted unique neighborhoods with managed Vacation Rentals must operate according to the regulations and conditions approved through its their original land use entitlements.

~~**J.** **Operative Date:** This Section shall become operative on October 14, 2024.~~

**SECTION 44. 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 45. EFFECTIVE DATE.** This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Wendy Askew, Chair  
Monterey County Board of Supervisors

APPROVED AS TO FORM:

## Draft Ordinance Title 21

ATTEST

VALERIE RALPH  
Clerk of the Board of Supervisors

KELLY L. DONLON  
Chief Assistant County Counsel

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





# County of Monterey

Item No.10

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: PC 26-023

February 11, 2026

Introduced: 2/3/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

### PLN230339 - LEATON MICHAEL GUY & TRACY PIAZZA LEATON

Continued from January 25, 2026 - Public hearing to consider a Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B); and to partially clear Code Enforcement case 23CE00194 with Restoration of 6 Monterey Pines and development on slopes in excess of 30 percent on Adjusted Parcel B; and consider after-the-fact construction of a detached 320 square foot garden shed on Adjusted Parcel A.

**Project Location:** 58 Mt. Devon Road, Carmel, Carmel Area Land Use Plan

**Proposed CEQA action:** Find the project qualifies as a Class 1, 5, and 33 Categorical Exemption pursuant to CEQA Guidelines sections 15301, 15305(a) and 15333, and there are no exceptions pursuant to Section 15300.2

#### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Find the project qualifies as a Class 1, 5, and 33 Categorical Exemption pursuant to CEQA Guidelines section 15301, 15305(a), and 15333, and there are no exceptions pursuant to Section 15300.2
- b. Approve a Combined Development Permit to clear code enforcement case 23CE00194 consisting of:
  - 1) Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B); and
  - 2) A Restoration Permit to allow replanting of 6 Monterey Pine trees and restoring grading on slopes in excess of 30 percent on Adjusted Parcel B; and
  - 3) An After-the-Fact Design Approval to allow construction of a detached 320 square foot shed on Adjusted Parcel A.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval/denial subject to 8 conditions of approval.

#### PROJECT INFORMATION:

**Agent:** Matthew Sundt

**Property Owner:** Tracy Piazza

**APN:** 241-142-001-000 (Parcel A) & 241-142-002-000 (Parcel B)

**Parcel Size:** Parcel A, 1.59 acres and Parcel B 1.36 acres for a total of 2.95 acres, or 128,502 square feet collectively

**Zoning:** Low Density Residential, with 1 acre per unit density, Design Control overlay, Coastal Zone or "LDR/1-D (CZ)"

**Plan Area:** Carmel Area LUP

**Flagged and Staked:** No

**Project Planner:** McKenna Bowling, Associate Planner

bowlingmr@countyofmonterey.gov, (831) 755-5298

SUMMARY/DISCUSSION:

The subject properties are in Carmel, within the unincorporated area of Monterey County and labeled as Parcel A (APN: 241-142-001-000) and Parcel B (APN: 241-142-002-000) in the attached plans (Exhibit B). Parcel A is located at 58 Mount Devon Road and Parcel B is adjacent to this subject property with no assigned address. Parcel A is currently developed with a single-family dwelling with an attached garage and an unpermitted accessory structure (guesthouse) that straddles over Parcel A and B. Parcel B is currently undeveloped.

The application includes an after-the-fact Design Approval to convert an unpermitted guesthouse to a non-habitable garage, and a Lot Line Adjustment between Parcel A and Parcel B to adjust the property boundaries to ensure the unpermitted accessory structure is located entirely on Adjusted Parcel A and conforms to County site development standards. A Restoration Permit is included for Parcel B to allow the replanting of 6 five-gallon Monterey Pine trees and to restore approximately 1,500 square feet of slopes in excess of 30% that were graded for a new driveway without the necessary permit. The project site is supplied with potable water by CalAm, and the sewer connection is provided through an Onsite Wastewater Treatment System (OWTS). No additional fixtures or connections are needed for the proposed development.

Based on staff's review of the planning application materials, the project complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 1982 General Plan (General Plan), Carmel Area Land Use Plan (CAR LUP), Monterey County Coastal Implementation Plan, Part 4 (CIP), and applicable sections of the Monterey County zoning ordinance (Title 20).

*Code Enforcement*

The subject property had an inquiry opened on April 21, 2023 due to grading and tree removal. After a site visit from Code Enforcement, a case (23CE00194) was opened, and an Administrative Citation was sent to the property owner on May 8, 2023. The violation included development on slopes greater than 25 percent (grading of a new driveway to Parcel B), removal of 6 Monterey Pine Trees, and an unpermitted detached guesthouse without the benefit of a discretionary permit. The applicant applied for a Combined Development Permit to partially clear the code enforcement case in January of 2024. Through the implementation of this project and obtaining an after-the-fact construction permit, the code enforcement case will be cleared.

*Lot Line Adjustment*

The subject parcels are zoned Low Density Residential, with 1 acre per unit density, and a Design Control. Title 20 section 20.14.050.BB allows for Lot Line Adjustments (LLA) subject to the granting of a Coastal Development Permit. The LLA is between two legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel

A) and 1.22 acres (Adjusted Parcel B). There is an existing unpermitted accessory structure that straddles over Parcel A and B. The adjusted lot line would allow for the accessory structure to be entirely located on Adjusted Parcel A, resulting in a lot that conforms to County site development standards. Relocation of the accessory structure better meets the goals and policies outlined in the 1982 General Plan, the Carmel LUP, Carmel CIP and Monterey County Zoning ordinance Title 20. The proposed adjustment is between two existing adjacent parcels, and a greater number of parcels than originally existed will not be created as a result of implementation of this project.

#### *Restoration*

As required in Title 20 section 20.90.130, grading, vegetation removal, or tree removal violations must be abated through restoration unless demonstrated to be infeasible. As proposed, restoration is feasible, and thus a Restoration Permit has been applied to require replanting six Monterey Pines and restoration of all grading that occurred on slopes exceeding 30 percent. Restoration work will include replanting of trees in the same general area as the trees removed, and recontouring and revegetating the areas where unpermitted grading occurred. Implementation of the restoration plan will result in pre-violation conditions. The unpermitted shed was not constructed on slopes in excess of 30% and thus does not require restoration of this area. Condition No. 7 requires that restoration activities commence within 90 days of issuance of the requested Combined Development Permit.

#### *After-the-Fact Approval*

As mentioned above, the applicant originally constructed an unpermitted guesthouse but now wishes to convert this structure into a non-habitable structure, a garden shed. Converting the use from a guesthouse to a shed will require internal modifications, subject to a construction permit. The proposed after-the-fact Design Approval authorizes construction of the to-be converted shed, and does not allow the guesthouse to remain. The structure is minor in nature, and the colors and materials proposed are consistent with existing residence and the neighborhood character, as discussed below. The structure, with implementation of the lot line adjustment, conforms to the required setbacks outlined in Title 20. Condition No. 8 requires the Applicant/Owner to apply for and obtain a construction permit to fully abate this portion of the violation.

#### *Site Development Standards*

Title 20 section 20.14.060 establishes the side development standard applicable to structures within the LDR zoning district. Pursuant to Title 20 section 20.14.060.C, a non-habitable accessory structure shall have setbacks of at least 50 feet for the front, 6 feet for the sides, and 1 foot for the rear, and a maximum allowable height of 15 feet. The garden shed proposes a front setback over 50 feet, a side setback of 14 feet, a rear setback over 6 feet, and a height of 14.56 feet from average natural grade. The subject property (Adjusted Parcel A) has an allowable building site coverage of 15 percent, and as proposed, the lot coverage will be 0.37 percent. Adjusted Parcel B will be vacant. Therefore, the property complies with the required site development standards based on the applicable zoning district.

#### *Design and Visual Resources*

Title 20, Chapter 20.44 establishes regulations for Design Control zoning, or “D” districts, to help regulate the location, size, configuration, materials, and colors of structures and fences to

assure the protection of neighborhood character. The project includes after-the-fact consideration of an unpermitted 320 square foot detached shed. The structure has dark brown wood siding with stone veneer detailing, dark brown/red clay tile roofing, and dark brown black framing for windows and doors. The project only proposes internal conversion of the structure to make it non-habitable, and the exterior will remain as is. The detached garden shed is consistent with the surrounding area and blends into the property due to colors and materials, and mature vegetation surrounding the property.

According to Map A of the Carmel Area Land Use Plan, the subject property is within the public viewshed as seen from Highway 1 corridor and Scenic Road. However, the project is not visible from any of these areas due to intervening mature vegetation and development. The proposed project utilizes the same building footprint with no expansion or alteration to the unpermitted structure, and proposes colors and materials that blend with the surrounding area. Therefore, the proposed development will not create a negative impact on public viewshed points, Highway 1 corridor or Scenic Road. Carmel Area LUP Policy 2.2.3.6 requires that structures are subordinate to and blended into the environment, and proposes colors and materials that aid in reducing visual impacts. As designed and sited, the project proposes to utilize the footprint of the existing structure and proposes no exterior changes. The current structures on the property are consistent with this policy, as they cannot be seen from any public viewshed points, and the colors and materials are natural earth tone colors with the use of stone, so as not to detract from the natural beauty of the scenic shoreline and undeveloped ridgelines and slopes in the public viewshed. Therefore, the project, as designed and sited, assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity of the Carmel Area.

CEQA:

California Environmental Quality Act (CEQA) Guidelines section 15301 categorically exempts existing facilities and small structures with no or negligible expansion of use. As proposed, the project includes the conversion of an unpermitted detached 320 square foot guesthouse to a non-habitable accessory structure (garden shed). Further, CEQA Guidelines section 15305(a) categorically exempts minor Lot Line Adjustments where the adjustment doesn't result in the creation of any new parcel. As delineated on the project plans, the Lot Line Adjustment is to adjust lot lines for a more superior configuration to allow for the proposed detached garden shed to be located entirely on Parcel A. This addresses a portion of the violation, by relocating the accessory structure from a vacant lot (Parcel B) and correctly placing the accessory structure on Parcel A, the developed parcel with a residence and garage. This does not create any new lots or create any non-conforming setbacks as a result. Finally, the proposed restoration is less than 5 acres in size. The proposed project does not create impacts to an environmental resource, any scenic highways, or historical resources; this will not create any cumulative or significant impact, and this site is not a hazardous waste site. No evidence of significant adverse environmental effects was identified during staff's review of the development application.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau  
HCD-Engineering Services

HCD-Environmental Services  
Carmel Highlands Fire Protection District  
Carmel Highlands Land Use Advisory Committee

The proposed project was not reviewed by the Carmel Highlands Land Use Advisory Committee due to an ongoing lack of quorum issue, and therefore, the project was scheduled for the Planning Commission.

Prepared by: McKenna Bowling, Associate Planner, (831) 755-5298

Reviewed and Approved by: Jacquelyn M. Nickerson, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Project Data Table

Exhibit B - Draft Resolution

- Recommended Conditions of Approval
- Site Plans, Floor Plans & Elevations

Exhibit C - Vicinity Map

Exhibit D - Tree Assessment

cc: Front Counter Copy; Carmel Highland LUAC; Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; McKenna Bowling, Associate Planner; Jacquelyn M. Nickerson, Principal Planner; Tracy Piazza, Property Owner; Matthew Sundt, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild, Planning File PLN230339.



# County of Monterey Planning Commission

## Agenda Item No.10

Legistar File Number: PC 26-023

## Item No.10

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

February 11, 2026

Introduced: 2/3/2026

Version: 1

Current Status: Agenda Ready

Matter Type: Planning Item

### PLN230339 - LEATON MICHAEL GUY & TRACY PIAZZA LEATON

Continued from January 25, 2026 - Public hearing to consider a Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B); and to partially clear Code Enforcement case 23CE00194 with Restoration of 6 Monterey Pines and development on slopes in excess of 30 percent on Adjusted Parcel B; and consider after-the-fact construction of a detached 320 square foot garden shed on Adjusted Parcel A.

**Project Location:** 58 Mt. Devon Road, Carmel, Carmel Area Land Use Plan

**Proposed CEQA action:** Find the project qualifies as a Class 1, 5, and 33 Categorical Exemption pursuant to CEQA Guidelines sections 15301, 15305(a) and 15333, and there are no exceptions pursuant to Section 15300.2

### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Find the project qualifies as a Class 1, 5, and 33 Categorical Exemption pursuant to CEQA Guidelines section 15301, 15305(a), and 15333, and there are no exceptions pursuant to Section 15300.2
- b. Approve a Combined Development Permit to clear code enforcement case 23CE00194 consisting of:
  - 1) Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B); and
  - 2) A Restoration Permit to allow replanting of 6 Monterey Pine trees and restoring grading on slopes in excess of 30 percent on Adjusted Parcel B; and
  - 3) An After-the-Fact Design Approval to allow construction of a detached 320 square foot shed on Adjusted Parcel A.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval/denial subject to 8 conditions of approval.

### PROJECT INFORMATION:

**Agent:** Matthew Sundt

**Property Owner:** Tracy Piazza

**APN:** 241-142-001-000 (Parcel A) & 241-142-002-000 (Parcel B)

**Parcel Size:** Parcel A, 1.59 acres and Parcel B 1.36 acres for a total of 2.95 acres, or 128, 502 square feet collectively

**Zoning:** Low Density Residential, with 1 acre per unit density, Design Control overlay, Coastal Zone or “LDR/1-D (CZ)”

**Plan Area:** Carmel Area LUP

**Flagged and Staked:** No

**Project Planner:** McKenna Bowling, Associate Planner

bowlingmr@countyofmonterey.gov, (831) 755-5298

SUMMARY/DISCUSSION:

The subject properties are in Carmel, within the unincorporated area of Monterey County and labeled as Parcel A (APN: 241-142-001-000) and Parcel B (APN: 241-142-002-000) in the attached plans (Exhibit B). Parcel A is located at 58 Mount Devon Road and Parcel B is adjacent to this subject property with no assigned address. Parcel A is currently developed with a single-family dwelling with an attached garage and an unpermitted accessory structure (guesthouse) that straddles over Parcel A and B. Parcel B is currently undeveloped.

The application includes an after-the-fact Design Approval to convert an unpermitted guesthouse to a non-habitable garage, and a Lot Line Adjustment between Parcel A and Parcel B to adjust the property boundaries to ensure the unpermitted accessory structure is located entirely on Adjusted Parcel A and conforms to County site development standards. A Restoration Permit is included for Parcel B to allow the replanting of 6 five-gallon Monterey Pine trees and to restore approximately 1,500 square feet of slopes in excess of 30% that were graded for a new driveway without the necessary permit. The project site is supplied with potable water by CalAm, and the sewer connection is provided through an Onsite Wastewater Treatment System (OWTS). No additional fixtures or connections are needed for the proposed development.

Based on staff’s review of the planning application materials, the project complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 1982 General Plan (General Plan), Carmel Area Land Use Plan (CAR LUP), Monterey County Coastal Implementation Plan, Part 4 (CIP), and applicable sections of the Monterey County zoning ordinance (Title 20).

*Code Enforcement*

The subject property had an inquiry opened on April 21, 2023 due to grading and tree removal. After a site visit from Code Enforcement, a case (23CE00194) was opened, and an Administrative Citation was sent to the property owner on May 8, 2023. The violation included development on slopes greater than 25 percent (grading of a new driveway to Parcel B), removal of 6 Monterey Pine Trees, and an unpermitted detached guesthouse without the benefit of a discretionary permit. The applicant applied for a Combined Development Permit to partially clear the code enforcement case in January of 2024. Through the implementation of this project and obtaining an after-the-fact construction permit, the code enforcement case will be cleared.

*Lot Line Adjustment*

The subject parcels are zoned Low Density Residential, with 1 acre per unit density, and a Design Control. Title 20 section 20.14.050.BB allows for Lot Line Adjustments (LLA) subject to the granting of a Coastal Development Permit. The LLA is between two legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting

in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B). There is an existing unpermitted accessory structure that straddles over Parcel A and B. The adjusted lot line would allow for the accessory structure to be entirely located on Adjusted Parcel A, resulting in a lot that conforms to County site development standards. Relocation of the accessory structure better meets the goals and policies outlined in the 1982 General Plan, the Carmel LUP, Carmel CIP and Monterey County Zoning ordinance Title 20. The proposed adjustment is between two existing adjacent parcels, and a greater number of parcels than originally existed will not be created as a result of implementation of this project.

#### *Restoration*

As required in Title 20 section 20.90.130, grading, vegetation removal, or tree removal violations must be abated through restoration unless demonstrated to be infeasible. As proposed, restoration is feasible, and thus a Restoration Permit has been applied to require replanting six Monterey Pines and restoration of all grading that occurred on slopes exceeding 30 percent. Restoration work will include replanting of trees in the same general area as the trees removed, and recontouring and revegetating the areas where unpermitted grading occurred. Implementation of the restoration plan will result in pre-violation conditions. The unpermitted shed was not constructed on slopes in excess of 30% and thus does not require restoration of this area. Condition No. 7 requires that restoration activities commence within 90 days of issuance of the requested Combined Development Permit.

#### *After-the-Fact Approval*

As mentioned above, the applicant originally constructed an unpermitted guesthouse but now wishes to convert this structure into a non-habitable structure, a garden shed. Converting the use from a guesthouse to a shed will require internal modifications, subject to a construction permit. The proposed after-the-fact Design Approval authorizes construction of the to-be converted shed, and does not allow the guesthouse to remain. The structure is minor in nature, and the colors and materials proposed are consistent with existing residence and the neighborhood character, as discussed below. The structure, with implementation of the lot line adjustment, conforms to the required setbacks outlined in Title 20. Condition No. 8 requires the Applicant/Owner to apply for and obtain a construction permit to fully abate this portion of the violation.

#### *Site Development Standards*

Title 20 section 20.14.060 establishes the side development standard applicable to structures within the LDR zoning district. Pursuant to Title 20 section 20.14.060.C, a non-habitable accessory structure shall have setbacks of at least 50 feet for the front, 6 feet for the sides, and 1 foot for the rear, and a maximum allowable height of 15 feet. The garden shed proposes a front setback over 50 feet, a side setback of 14 feet, a rear setback over 6 feet, and a height of 14.56 feet from average natural grade. The subject property (Adjusted Parcel A) has an allowable building site coverage of 15 percent, and as proposed, the lot coverage will be 0.37 percent. Adjusted Parcel B will be vacant. Therefore, the property complies with the required site development standards based on the applicable zoning district.

#### *Design and Visual Resources*

Title 20, Chapter 20.44 establishes regulations for Design Control zoning, or “D” districts, to help regulate the location, size, configuration, materials, and colors of structures and fences to assure the



protection of neighborhood character. The project includes after-the-fact consideration of an unpermitted 320 square foot detached shed. The structure has dark brown wood siding with stone veneer detailing, dark brown/red clay tile roofing, and dark brown black framing for windows and doors. The project only proposes internal conversion of the structure to make it non-habitable, and the exterior will remain as is. The detached garden shed is consistent with the surrounding area and blends into the property due to colors and materials, and mature vegetation surrounding the property.

According to Map A of the Carmel Area Land Use Plan, the subject property is within the public viewshed as seen from Highway 1 corridor and Scenic Road. However, the project is not visible from any of these areas due to intervening mature vegetation and development. The proposed project utilizes the same building footprint with no expansion or alteration to the unpermitted structure, and proposes colors and materials that blend with the surrounding area. Therefore, the proposed development will not create a negative impact on public viewshed points, Highway 1 corridor or Scenic Road. Carmel Area LUP Policy 2.2.3.6 requires that structures are subordinate to and blended into the environment, and proposes colors and materials that aid in reducing visual impacts. As designed and sited, the project proposes to utilize the footprint of the existing structure and proposes no exterior changes. The current structures on the property are consistent with this policy, as they cannot be seen from any public viewshed points, and the colors and materials are natural earth tone colors with the use of stone, so as not to detract from the natural beauty of the scenic shoreline and undeveloped ridgelines and slopes in the public viewshed. Therefore, the project, as designed and sited, assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity of the Carmel Area.

#### CEQA:

California Environmental Quality Act (CEQA) Guidelines section 15301 categorically exempts existing facilities and small structures with no or negligible expansion of use. As proposed, the project includes the conversion of an unpermitted detached 320 square foot guesthouse to a non-habitable accessory structure (garden shed). Further, CEQA Guidelines section 15305(a) categorically exempts minor Lot Line Adjustments where the adjustment doesn't result in the creation of any new parcel. As delineated on the project plans, the Lot Line Adjustment is to adjust lot lines for a more superior configuration to allow for the proposed detached garden shed to be located entirely on Parcel A. This addresses a portion of the violation, by relocating the accessory structure from a vacant lot (Parcel B) and correctly placing the accessory structure on Parcel A, the developed parcel with a residence and garage. This does not create any new lots or create any non-conforming setbacks as a result. Finally, the proposed restoration is less than 5 acres in size. The proposed project does not create impacts to an environmental resource, any scenic highways, or historical resources; this will not create any cumulative or significant impact, and this site is not a hazardous waste site. No evidence of significant adverse environmental effects was identified during staff's review of the development application.

#### OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- HCD-Engineering Services
- HCD-Environmental Services

Carmel Highlands Fire Protection District  
Carmel Highlands Land Use Advisory Committee

The proposed project was not reviewed by the Carmel Highlands Land Use Advisory Committee due to an ongoing lack of quorum issue, and therefore, the project was scheduled for the Planning Commission.

Prepared by: McKenna Bowling, Associate Planner, (831) 755-5298

Reviewed and Approved by: Jacquelyn M. Nickerson, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Project Data Table

Exhibit B - Draft Resolution

- Recommended Conditions of Approval
- Site Plans, Floor Plans & Elevations

Exhibit C - Vicinity Map

Exhibit D - Tree Assessment

cc: Front Counter Copy; Carmel Highland LUAC; Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; McKenna Bowling, Associate Planner; Jacquelyn M. Nickerson, Principal Planner; Tracy Piazza, Property Owner; Matthew Sundt, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild, Planning File PLN230339.

# Exhibit A

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## EXHIBIT A

### Project Information for PLN230339

**Application Name:** Leaton Michael Guy & Tracy Piazza Leaton  
**Location:** 58 Mt Devon Rd, Carmel  
**Applicable Plan:** Carmel LUP  
**Advisory Committee:** Carmel/Carmel Highlands Advisory Committee  
**Permit Type:** Combined Development Permit  
**Environmental Status:**  
**Zoning:** LDR/1-D(CZ)  
**Primary APN:** 241-142-001-000  
**Coastal Zone:** Yes  
**Final Action Deadline (884):**  
**Land Use Designation:** Residential - Low Density

#### Project Site Data:

**Lot Size:** 69260  
**Existing Structures (sf):**  
**Proposed Structures (sf):**  
**Total Sq. Ft.:**  
**Coverage Allowed:** 10389  
**Coverage Proposed:**  
**Height Allowed:**  
**Height Proposed:**  
**FAR Allowed:**  
**FAR Proposed:**  
**Special Setbacks on Parcel:**

#### Resource Zones and Reports:

**Seismic Hazard Zone:** III  
**Erosion Hazard Zone:** High  
**Fire Hazard Zone:** Very High  
**Flood Hazard Zone:** X (unshaded)  
**Archaeological Sensitivity:** high  
**Visual Sensitivity:** None  
**Soils Report #:** LIB240299/LIB240298  
**Biological Report #:** LIB240297  
**Forest Management Rpt. #:** LIB240294  
**Geologic Report #:** tbd  
**Archaeological Report #:** LIB240295  
**Traffic Report #:**  
**Historic Report #:**

#### Other Information:

**Water Source:**  
**Water Purveyor:**  
**Fire District:** Carmel Highlands FPD  
**Tree Removal:** 6/PINE  
**Grading (cubic yds.):**  
**Sewage Disposal (method):**  
**Sewer District Name:**

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## Exhibit B

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## DRAFT RESOLUTION

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

In the matter of the application of:

**LEATON MICHAEL GUY & TRACY PIAZZA LEATON (PLN230339)**

#### **RESOLUTION NO. 26-**

Resolution by the County of Monterey Planning Commission:

- 1) Finding the project qualifies as a Class 1 and 5 and 33 Categorical Exemption pursuant to CEQA Guidelines sections 15301, and 15305, and 15333, and there are no exceptions pursuant to section 15300.2; and
- 2) Approve a Combined Development Permit to partially clear code enforcement case 23CE00194 consisting of:
  - a) Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B) and
  - b) Restoration Permit to allow the replanting of 6 Monterey Pines and development on slopes in excess of 30 percent on Adjusted Parcel B to clear Code Enforcement case 23CE00194; and
  - c) An after-the-fact Design Approval to allow construction of a detached 320 square foot garden shed on Adjusted Parcel A.

[PLN230339, Michael Guy Leaton and Tracy Piazza Leaton, 58 Mount Devon Road, Carmel, (APN: 241-142-001 and 241-142-002-000), Carmel Area Land Use Plan, Coastal Zone]

**The LEATON MICHAEL GUY & TRACY PIAZZA LEATON application (PLN230339) came on for public hearing before the County of Monterey Planning Commission on January 25, 2026, and February 11, 2026. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

#### **FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the 1928 Monterey County General Plan (General Plan);
  - Carmel Area Land Use Plan (CAR LUP);
  - Monterey County Coastal Implementation Plan Part 4 (CIP);
  - Monterey County Zoning Ordinance (Title 20); and
  - Monterey County Subdivision Ordinance (Title 19).

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) Project. The proposed project is to partially clear code enforcement case 23CE00194, by restoring areas of unpermitted grading on slopes in excess of 30 percent, replanting 6 Coast Live Oaks, constructing a 320 square foot garden shed, and a Lot Line Adjustment (LLA) between Parcel A and Parcel B. The project includes grading quantities of 12 cubic yards of cut and 17 cubic yards of fill, with an area of disturbance of 3,275 square feet. According to the Soils Report (County of Monterey Library No. LIB240299) the grading on Parcel B included a cut of an approximately 3 feet high embankment (containing slopes in excess of 30%) immediately adjacent to Mount Devon Road to access the site, excavation of slope southwest of the unpermitted shed, and the bottom section of the steep gradient slope (containing slopes in excess of 30%) when descending west from the main residence on Parcel A. As proposed, the areas disturbed are to be restored to original condition and contours, and the access roadway will be restored to grey rock/gravel. Given that accessory structures cannot be on vacant lots without the granting of additional discretionary permits, the purpose of the LLA is to relocate the unpermitted garden shed from Parcel B, a vacant lot, to Parcel A, which is currently developed with a single-family dwelling and garage. As required in Title 20 section 20.90.130, grading, vegetation removal, or tree removal violations must be abated through restoration unless demonstrated to be infeasible. As proposed, restoration is feasible, and thus a Restoration Permit has been applied to require replanting six Monterey Pines and restoration of all grading that occurred on slopes exceeding 30 percent. The unpermitted shed was not constructed on slopes in excess of 30% and thus does not require restoration of this area. The unpermitted shed requires the granting of an After-the-fact Design Approval. Therefore, the property owner has applied for the appropriate permits to abate the violations by restoring the disturbed areas on Parcel B to original conditions, and construct a 320 square foot detached garden shed.
- c) The properties are located at 58 Mount Devon Road and No Address, Carmel (Assessor's Parcel Numbers: 241-142-001-000 and 241-142-002-000), Carmel Area Land Use Plan. The parcels are both zoned Low Density Residential, with 1 acre per unit density, Design Control overlay (Coastal Zone) [LDR/1-D(CZ)], which allows lot line adjustments (LLA) with the granting of a Coastal Development Permit subject to Title 20 section 20.14.050.BB. Lastly, the Design Control district, Title 20 section 20.44, allows for construction or alterations to structures, subject to the granting of a Design Approval. Therefore, the project is an allowed land use for this site.
- d) The project planner conducted a site inspection on September 16, 2025 to verify that the project on the subject parcel conforms to the plans listed above.
- e) Lot Legality. The subject lots (1.59 acres and 1.36 acres) are shown in their current configurations and under separate ownership in the

County's 1964 and 1972 Assessor's Parcel Maps. Therefore, the County recognizes it as a legal lot of record.

- f) Subdivision Map Act Consistency. Pursuant to section 66412(d) of the Subdivision Map Act (SMA), the SMA is inapplicable to the lot line adjustment due to the fact that the final outcome of the LLA is not more than four adjoining parcels, and a greater number of parcels than previously existed is not being created. See also Finding No. 7 and supporting evidence.
- g) Review of Development Standards – Structural Coverage & Floor Area Ratio. Pursuant to Title 20 section 20.14.060.E and 20.14.060.F, the maximum site coverage and floor area ratio in this LDR district are 15 percent and 20 percent, respectively. Development on Existing Parcels A and B is below the allowable coverage and floor area ratio. Adjusted Parcel B will become vacant with implementation of this project. Adjusted Parcel A will contain an existing residence and the unpermitted 320 square foot detached garden shed, and will continue to be below the maximum allowed of 15 percent. Therefore, the resulting parcels continue to conform to the maximum allowed site coverage and floor area ratio.
- h) Review of Development Standards – Setbacks & Height. Pursuant to Title 20 section 20.14.060.C, the required non-habitable accessory structure setbacks in this LDR district are 50 feet (front), 6 feet (sides), 1 foot (rear), and 15 feet (height). Existing development on Parcel A will continue to comply with the required setbacks with implementation of the proposed lot line adjustment. As delineated on the project plans, the garden shed being relocated to Adjusted Parcel A will have a front setback over 50 feet, a side setback of 14 feet, a rear setback over 6 feet, and a height of 14.56 feet from average natural grade, which complies with applicable requirements. Adjusted Parcel B will be vacant.
- i) Review of Development Standards- Minimum Lot Size & Density. Pursuant to Title 20 section 20.14.060.B, the maximum development density shall not exceed the units/acre as shown for the specific “LDR” district as shown on the zoning map. The subject parcels are zoned LDR/1-D (CZ), which has a maximum gross density of 1 unit per acre. Existing Parcel A (1.59 acres) is currently developed with a single-family dwelling, and existing Parcel B (1.36 acres) is currently undeveloped. An unpermitted 320 square foot shed currently straddles both Parcels A and B, and with implementation of this project, will be entirely on Adjusted Parcel A. As proposed, the project does not involve any new structural development. Maximum allowed development would remain the same for both parcels with implementation of this LLA, and the existing development will continue to conform to the maximum development density requirement. Any future permitting of additional residences or accessory structures would depend on other factors in addition to zoning (e.g., potable water credits and sewage disposal) and would require separate discretionary review.
- j) Design and Visual Resources. Title 20, Chapter 20.44 establishes regulations for Design Control zoning, or “D” districts, to help regulate the location, size, configuration, materials, and colors of structures and fences to assure the protection of neighborhood character. The project

includes construction of a detached 320 square foot non-habitable accessory structure (garden shed). The structure has dark brown wood siding with stone veneer detailing, dark brown/red clay tile roofing, and dark brown framing for windows and doors. The project only proposes internal conversion of the structure to make it non-habitable, and the exterior will remain as is. The detached garden shed is consistent with the surrounding area and blends into the property due to colors and materials, and the mature vegetation surrounding the property.

According to Map A of the Carmel Area Land Use Plan, the subject property is within the public viewshed as seen from Highway 1 corridor and Scenic Road. However, the project is not visible from any of these areas due to intervening mature vegetation and development. The proposed project utilizes the same building footprint with no expansion or alteration to the unpermitted structure, and proposes colors and materials that blend with the surrounding area. Therefore, the proposed development will not create a negative impact on public viewshed points, Highway 1 corridor, or Scenic Road. Carmel Area LUP Policy 2.2.3.6 requires that structures are subordinate to and blended into the environment, and proposes colors and materials that aid in reducing visual impacts. As designed and sited, the project proposes to utilize the footprint of the existing structure and proposes no exterior changes. The current structures on the property are consistent with this policy, as they cannot be seen from any public viewshed points, and the colors and materials are natural earth tone colors with the use of stone, so as not to detract from the natural beauty of the scenic shoreline and undeveloped ridgelines and slopes in the public viewshed. Therefore, the project, as designed and sited, assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity of the Carmel Area.

- k) Restoration. The project includes restoration of development on slopes greater than 25 percent, to include grading of a new driveway to Parcel B and removal of 6 Monterey Pine Trees. As required in Title 20, section 20.90.130, no application for a discretionary land use permit under the authority of the Director of Planning and Building Inspection, Zoning Administrator, Planning Commission or the Board of Supervisors, except for a restoration project shall be deemed complete if there is an on-going violation of a County ordinance which regulates grading, vegetation removal or tree removal until restoration has been deemed implemented on that property and monitoring agreements are in place. A Restoration Permit has been applied to require replanting 6 Monterey Pines and restoration of development on slopes exceeding 30 percent. According to the prepared Arborist Report (County of Monterey Library No. LIB240294), the 6 Monterey Pines that were removed were greater than 6-inch Diameter Breast Height (DBH) but less than 24 inches DBH. The recommendation from the project arborist includes replanting six 5-15 gallon Monterey Pine seedlings or saplings on a 1:1 ratio in order to mitigate impacts of non-permitted tree removal. Condition No. 7 requires the applicant to replant (6) five to fifteen gallon Monterey Pines in the same location as the trees removed.

Therefore, the property owner has applied for the appropriate permits to abate the land clearing and tree removal violations by restoring the disturbed areas on Parcel B to original condition.

- l) Cultural Resources. Per County of Monterey Geographic Informational System, the project site has a high archaeological sensitivity. Carmel CIP section 20.146.090.B states that project sites in high archaeological sensitivity zones shall provide an archaeological survey for any development. According to the prepared report (County of Monterey Library No. LIB240295), there were no cultural resources observed during the pedestrian survey, and no further archaeological survey work is recommended. Therefore, there will be no impacts on archaeological resources. To ensure no impacts to archaeological or cultural resources will occur, staff has added standard Condition No.3, to require the applicant notify a professional archaeologist in the event a resource is discovered during construction.
- m) The project was not referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review due to an ongoing lack of quorum issue; this project was scheduled for the Planning Commission.
- n) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN230339.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD- Planning, Carmel Highlands Fire Protection District, HCD-Engineering Services, HCD-Environmental Services, and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) The following reports have been prepared:
    - “Fuel Management Plan” prepared by Rob Thompson, Monterey, CA, August 17, 2024 (County of Monterey Library No. LIB240300).
    - “Soils Report” prepared by Belinda Taluban, Salinas, CA, October 1, 2024 (County of Monterey Library No. LIB240299).
    - “Geotechnical Investigation” prepared by Belinda Taluban, Salinas, CA, July 12, 2024 (County of Monterey Library No. LIB240298).
    - “Biological Assessment” prepared by Rob Thompson, Monterey, CA, August 16, 2024 (County of Monterey Library. No LIB240297).
    - “Archaeological Survey” prepared by Vanessa Potter, Monterey, CA (County of Monterey Library No. LIB240295).
    - “Tree Removal Assessment” prepared by Rob Thompson, Monterey, CA, August 14, 2024 (County of Monterey Library No. LIB240294).

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would

indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on September 16, 2025 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD - Planning for the proposed development found in Project File PLN230339.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvements in the neighborhood; or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD - Planning, Carmel Highlands Fire Protection District, HCD-Engineering Services, Environmental Health Bureau, and HCD-Environmental Services. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Potable water will continue to be provided by the California American Water (MPWMD) for both Parcels A and B. Both properties are connected to an existing Onsite Wastewater Treatment System (EHB Record ID: ON0102064) and through implementation of this plan, the location of the existing system will better meet the setback to the property line. Additional water fixtures or connections will not be needed with the implementation of this project.
  - c) Staff conducted a site inspection on September 16, 2025 to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD - Planning for the proposed development found in Project File PLN230339.

4. **FINDING:** **VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, and applicable provisions of the County's zoning ordinance. Violations exist on the property. The approval of this permit will correct the violations and bring the property into compliance.

- EVIDENCE:**
- a) Staff reviewed County of Monterey HCD - Planning and Building Services Department records and is aware of any violations existing on subject property (23CE00194).
  - b) Staff conducted a site inspection on September 16, 2025 and researched County records to assess if any violation exists on the subject property.
  - c) On April 21, 2023 the subject properties had an inquiry opened due to grading and tree removal. After a site visit from Code Enforcement, a case (23CE00194) was opened. An Administrative Citation was sent to the property owner on May 8, 2023 and cited the property owner for development on slopes greater than 25 percent, to include grading of a

new driveway to Parcel B, removal of 6 Monterey Pine Trees, and an unpermitted detached guesthouse without the benefit of a discretionary permit. As part of the submittal to partially abate the violations, a Restoration Plan has been reviewed and includes replanting 6 five-gallon Monterey Pines and restoring approximately 1,500 square feet of slopes in excess of 30% that were graded without the benefit of proper permits to pre-violation conditions by re-contouring and revegetating the slopes. In addition, an after-the-fact Design Approval has applied, pursuant to Title 20 section 20.44, to authorize construction of the existing accessory structure, which will be converted to a shed with approval of this Design Approval. Implementation of the Lot Line Adjustment to relocate the garden shed from Parcel B to Adjusted Parcel A brings the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations. Therefore, the property owner has applied for the appropriate permits to partially abate the violations by restoring the disturbed areas on Parcel B to original conditions, and after-the-fact construction of a 320 square foot detached garden shed. Upon issuance of an after-the-fact construction permit, the violation will be fully abated.

- d) The violation (Code Enforcement No. 23CE00194) will be abated upon completion of the restoration work, after the fact approval and final inspection of the garden shed. Ministerial permits are required.
- e) The application, plans and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN230339.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines sections 15301 and 15305(a) and 15333 categorically exempts existing facilities and small structures, minor lot line adjustments not resulting in the creation of any new parcel, and small habitat restoration projects, not exceeding five acres in size.
  - b) The project includes legalization of an existing 320 square foot garden shed, a minor lot line adjustment between two legal lots of record: Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B), and restoration of disturbed areas on Parcel B and the replanting of 6 Monterey Pine trees. The unpermitted shed already exists, no new lots will be created by the Lot Line Adjustment, and the restoration will be less than 5 acres. Therefore, the project qualifies as a Class 1, Class 5, and Class 33 Categorical Exemption.
  - c) The lot line adjustment will not intensify the level of development allowed on the parcels, either individually or cumulatively. After the implementation of the proposed lot line adjustment, the adjusted/resulting parcels will continue to conform with regard to site coverage, floor area ratio, and setbacks. Therefore, the proposed

development is consistent with CEQA Guidelines Section 15305(a) and Title 19 Section 19.09.005.C.

- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve alterations to a designated historical resource, a hazardous waste site, nor development that would result in a cumulatively significant impact. Although the project would allow development (Title 20 section 20.06.310.4.b, defines a lot line adjustment as development), the lot line adjustment will not intensify the level of development allowed on the parcels. There are no unusual circumstances associated with undertaking the project that would create the reasonable possibility that the project would have a significant effect on the environment.
- e) No adverse environmental effects were identified during staff review of the development application during a site visit on September 16, 2025.
- f) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN230339.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) Although the subject properties are shown in an area where the applicable Local Coastal Program requires public access (Figure 3, Public Access, Carmel Area Land Use Plan), no evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - c) County staff conducted a site inspection on September 16, 2025, to verify that the proposed project will not impact public access.
  - d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN230339.

7. **FINDING:** **LOT LINE ADJUSTMENT-** Section 66412(d) of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance – Coastal) of the Monterey County Code (MCC) allow a lot line adjustment that meets the following standards:

1. The lot line adjustment is between four or fewer existing adjoining parcels;
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment; and

The parcels resulting from the lot line adjustment conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.



- EVIDENCE:**
- a) The parcels are zoned Low Density Residential, 1 unit per acre, with a Design Control overlay (Coastal Zone) [LDR/1-D (CZ)].
  - b) The lot line adjustment is between four or fewer existing adjoining parcels. Existing Parcel A contains 1.59 acres, and Parcel B contains 1.36 acres. The two existing legal lots of record have a total combined area of 2.59 acres. After the adjustment, there will be two lots of record containing 1.73 [Adjusted Parcel A] and 1.22 acres [Adjusted Parcel B].
  - c) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted, resulting in two contiguous separate legal parcels of record. Therefore, no new parcels will be created.
  - d) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). County staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, and that no violations exist on the property (see Finding Nos. 1, 2, 3, and 4; and supporting evidence).
  - e) The subject properties are zoned for residential purposes. Parcel A is currently developed with single family dwelling, which will remain on Adjusted Parcel A. Parcel B is currently developed with an unpermitted 320 square foot garden shed, which will be relocated onto Adjusted Parcel A. The garden shed meets the site development standards under LDR zoning for non-habitable accessory structures, and the property's site coverage remains at 0.37 percent, below the maximum allowed. After-the-fact permitting of the accessory structure better meets the goals and policies of Monterey County Code, and resolves the code enforcement case. No changes in use are proposed. None of the property area is under Williamson Act contract or used for agricultural purposes.
  - f) The proposed lot line adjustment does not interfere with existing access and/or utility easements, which will remain unchanged.
  - g) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. To appropriately document the boundary changes, execution and recordation of deeds reflecting the lot line adjustment as well as a Certificate of Compliance for each adjusted lot is required per incorporated standard conditions of approval (Condition Nos. 4 and 5; and supporting evidence).
  - h) The project planner conducted a site inspection on September 16, 2025, to verify that the project will not conflict with zoning or building ordinances.
  - i) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN230339.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors. Section 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allows an appeal to be made to the Board of Supervisors by any public agency or person

aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.

- b) Coastal Commission. Pursuant to Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

### **DECISION**

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

1. Find that the project qualifies as Class 1, and 5 and 33 Categorical Exemption pursuant to CEQA Guidelines sections 15301 and 15305(a), and 15333, and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Combined Development Permit to partially clear code enforcement case 23CE00194 consisting of:
  - a) Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B); and
  - b) A Restoration Permit to allow the replanting of six Coast Live Oaks and restoring grading on slopes in excess of 30 percent; and
  - c) An after-the-fact Design Approval to allow construction of a detached 320 square foot garden shed on Adjusted Parcel A.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of February 2026 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Melanie Beretti, AICP  
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION,

CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

#### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

# County of Monterey HCD Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN230339

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN230339) allows a Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B); and a Restoration Permit to replant 6 Monterey Pine trees and restore development on slopes in excess of 30 percent on Adjusted Parcel B; and a after-the-fact Design Approval to allow construction of a 320 square foot shed on Adjusted Parcel A. The property is located at 58 Mount Devon Road, and No Address Carmel (Assessor's Parcel Number 241-142-001-000 and 241-142-002-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:** "A Combined Development Permit (Resolution Number 26-XXX) was approved by Planning Commission for Assessor's Parcel Numbers 241-142-001-000 and 241-142-002-000 on February 11, 2026. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

## 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning

**Condition/Mitigation** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.  
(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

#### 4. LOT LINE ADJUSTMENT DEED (NON-STANDARD CONDITION)

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:**

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN230339) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
  - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
  - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
  - c. The purpose of the deed shall be stated on the first page of the deed, as follows:

"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN230339. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
  - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
  - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to HCD-Planning for final processing.
  - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
  - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.

## 5. PD045 - COC (LOT LINE ADJUSTMENTS)

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to HCD -Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the Certificates of Compliance.

Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

## 6. PD050 - RAPTOR/MIGRATORY BIRD NESTING

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to HCD -Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

## 7. PD048 - TREE REPLACEMENT/RELOCATION

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Within 90 days of project approval, the Applicant/Owner shall demonstrate completion of the recontouring and revegetating necessary to restore those impacted slopes in excess of 30%.

Within 60 days of completed restoration (Grading), the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio recommended by arborist: Replant six 5-15 gallon Monterey Pines
- Other:

Replacement tree(s) shall be located within the same general location as the tree being removed. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Within 90 days of project approval, the Applicant/Owner shall demonstrate to HCD-Planning completion of the recontouring and revegetating necessary to restore those impacted slopes in excess of 30%.

Within 60 days of completed recontouring and revegetation, The Owner/Applicant shall submit evidence of tree replacement to HCD -Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

## 8. PDSP001 - CONSTRUCTION PERMITS

**Responsible Department:** Planning

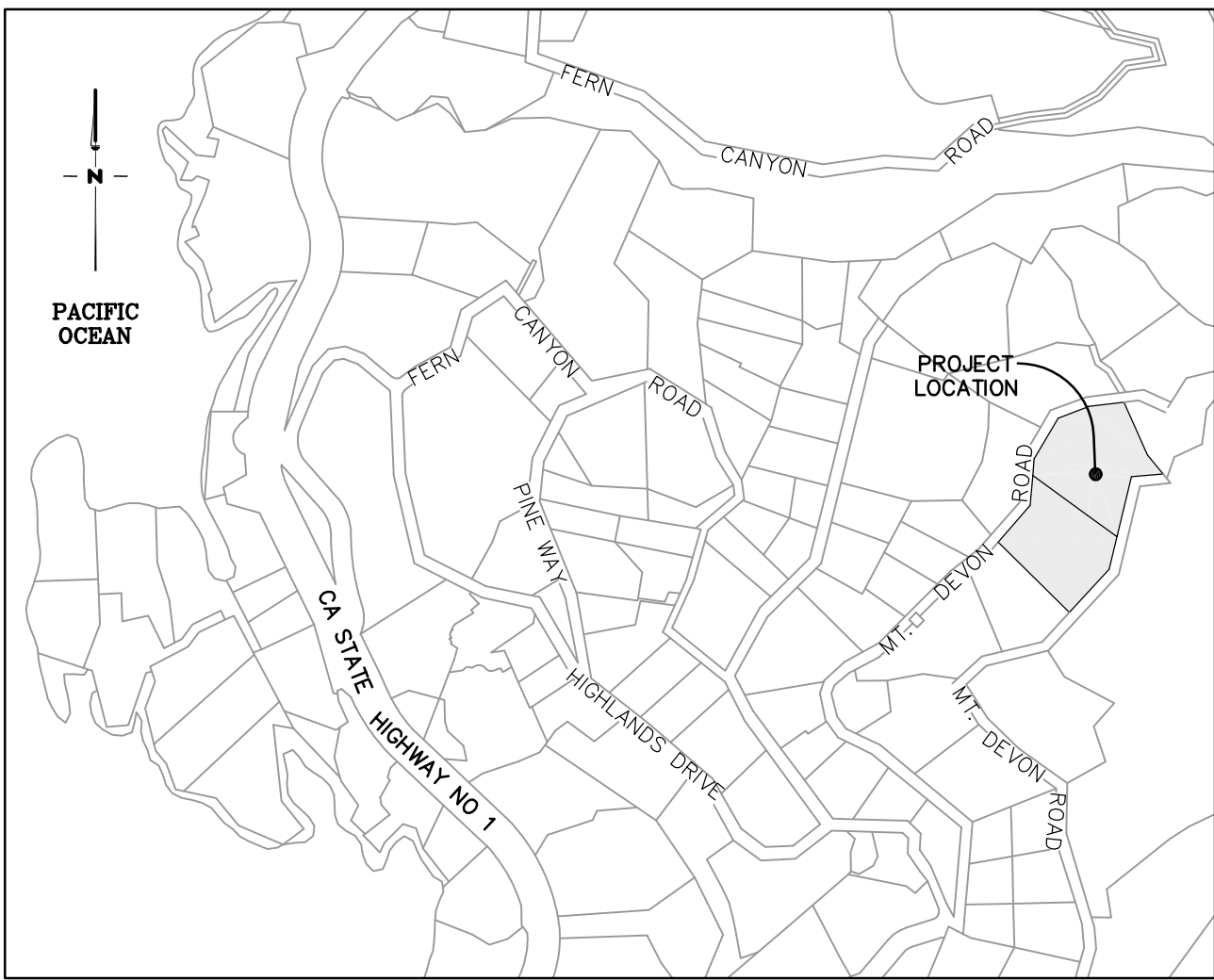
**Condition/Mitigation Monitoring Measure:** Within 60 days of project approval, the Applicant/Owner shall apply for required construction permits to authorize construction of the unpermitted accessory structure on Adjusted Parcel A. The construction plans shall demonstrate conversion of this structure to a non-habitable structure. The Applicant/Owner shall diligently pursue issuance of this construction permit.

**Compliance or Monitoring Action to be Performed:** Within 60 days of project approval, the Applicant/Owner shall apply for required construction permits to authorize construction of the unpermitted accessory structure on Adjusted Parcel A. The construction plans shall demonstrate conversion of this structure to a non-habitable structure. The Applicant/Owner shall diligently pursue issuance of this construction permit.



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VICINITY MAP  
NOT TO SCALE

PARCEL AREA TABULATION			
EXISTING AREA (SF)		PROPOSED AREA (SF)	
APN#	ACRES	PARCEL	ACRES
241-142-001	1.59	NORTH PARCEL	1.73
241-142-002	1.36	SOUTH PARCEL	1.22
TOTAL	2.95	TOTAL	2.95

APN:  
241-093-001

## PROJECT INFORMATION

### SITE ADDRESSES

58 MOUNT DEVON ROAD  
CARMEL, CA 93923-9606

APN 241-142-002,  
NO ADDRESS

### OWNER:

TRACY PIAZZA  
58 MOUNT DEVON ROAD  
CARMEL, CA 93923-9606

### SURVEYOR:

CENTRAL COAST SURVEYORS  
5 HARRIS COURT, SUITE N-11  
MONTEREY, CA 93940

### ASSESSORS PARCEL NUMBERS

241-142-001  
241-142-002

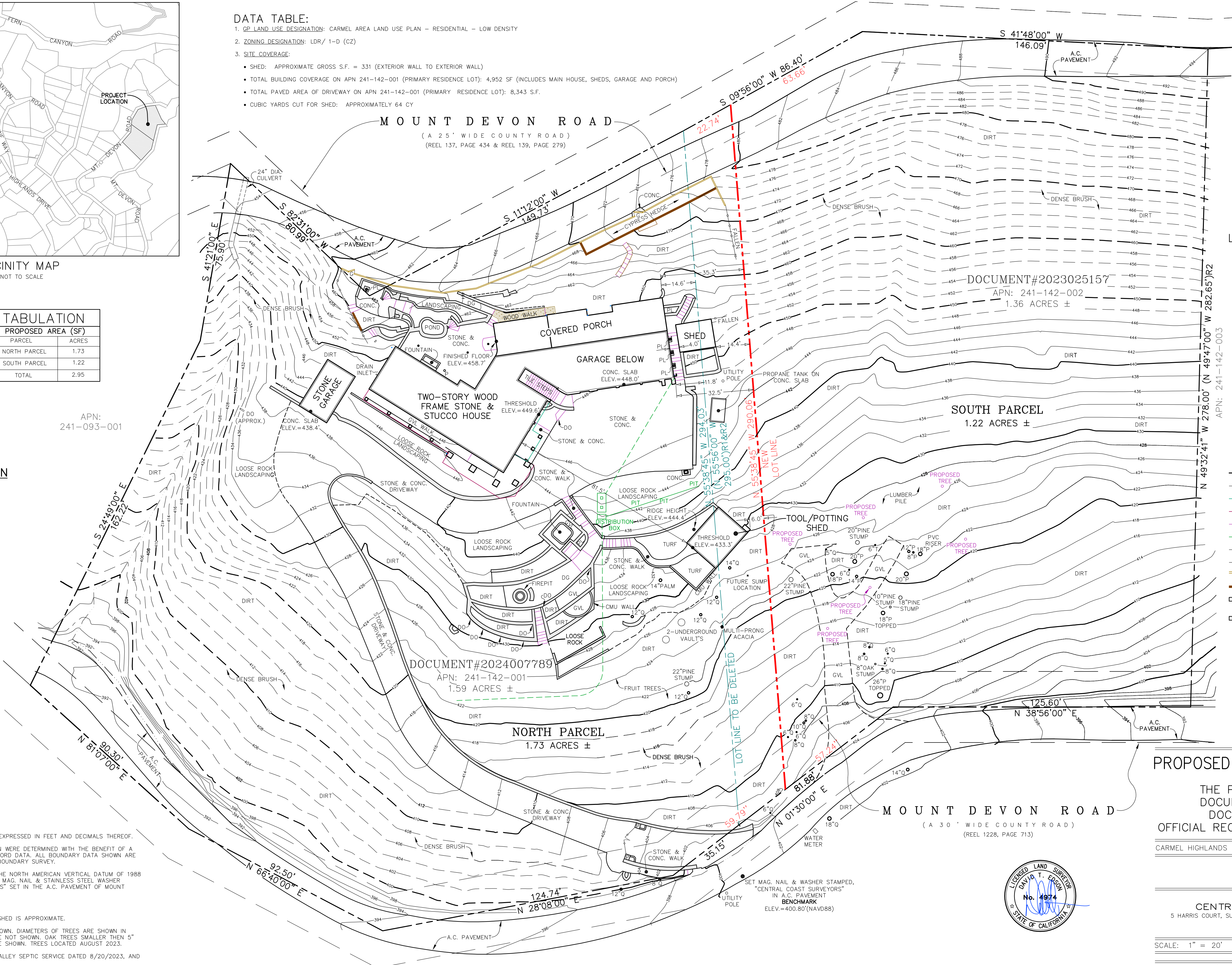
## NOTES:

- ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
- BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN ARE FROM THE RECORDS. THIS IS NOT A BOUNDARY SURVEY.
- ELEVATIONS SHOWN ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). PROJECT BENCHMARK IS A MAG. NAIL & STAINLESS STEEL WASHER STAMPED "CENTRAL COAST SURVEYORS" SET IN THE A.C. PAVEMENT OF MOUNT DEVON ROAD, AS SHOWN.  
ELEVATION = 400.80 FEET (NAVD88)
- CONTOUR INTERVAL = TWO FOOT. DASHED IS APPROXIMATE.
- TREE TYPES ARE INDICATED WHEN KNOWN. DIAMETERS OF TREES ARE SHOWN IN INCHES. TREES SMALLER THAN 6" ARE NOT SHOWN. OAK TREES SMALLER THAN 5" ARE NOT SHOWN. NOT ALL TREES ARE SHOWN. TREES LOCATED AUGUST 2023.
- SEPTIC INFO PROVIDED BY SALINAS VALLEY SEPTIC SERVICE DATED 8/20/2023, AND IS APPROXIMATE.
- FIELD WORK COMPLETED ON MAY 20, 2024.

## DATA TABLE:

- GP LAND USE DESIGNATION: CARMEL AREA LAND USE PLAN - RESIDENTIAL - LOW DENSITY
- ZONING DESIGNATION: LDR/ 1-D (CZ)
- SITE COVERAGE:
  - SHED: APPROXIMATE GROSS S.F. = 331 (EXTERIOR WALL TO EXTERIOR WALL)
  - TOTAL BUILDING COVERAGE ON APN 241-142-001 (PRIMARY RESIDENCE LOT): 4,952 SF (INCLUDES MAIN HOUSE, SHEDS, GARAGE AND PORCH)
  - TOTAL PAVED AREA OF DRIVEWAY ON APN 241-142-001 (PRIMARY RESIDENCE LOT): 8,343 S.F.
  - CUBIC YARDS CUT FOR SHED: APPROXIMATELY 64 CY

MOUNT DEVON ROAD  
(A 25' WIDE COUNTY ROAD)  
(REEL 137, PAGE 434 & REEL 139, PAGE 279)



## LEGEND:

CMU	CONCRETE MASONRY UNIT
CSA	CRAWL SPACE ACCESS
DG	DECOMPOSED GRANITE
DO	DRAIN OUTLET
G	GATE
GVL	GRAVEL
P	PILLAR
PL	PLANTER
CONC.	DENOTES PORTLAND CEMENT CONCRETE
TURF	DENOTES ARTIFICIAL TURF
( )R1	DENOTES RECORD DATA PER DOC#2024007789
( )R2	DENOTES RECORD DATA PER DOC#2023025157
•	DENOTES A DOWNSPOUT
◊	DENOTES A AREA DRAIN
◊	DENOTES A STUCCO COLUMN
○10"Q	DENOTES A 10" DIA. OAK TREE (TYP.)
○10"P	DENOTES A 10 DIA. PINE TREE (TYP.)
- - -	DENOTES PROTRACTED BOUNDARY
- - -	DENOTES A FLOWLINE
- - -	DENOTES A 2ND STORY OVERHANG
- - -	DENOTES A ELEVATED WOOD DECK
- - -	DENOTES A STEP
- - -	DENOTES SEPTIC INFORMATION
- - -	DENOTES A WROUGHT IRON FENCE
- - -	DENOTES A WOOD POST & WIRE FENCE
- - -	DENOTES A WOOD FENCE
- - -	DENOTES A WOOD RETAINING WALL
- - -	DENOTES A LOOSE STONE WALL, DASHED IS APPROXIMATE
- - -	DENOTES A CONC. & STONE WALL, WIDTHS VARY, DASHED IS APPROXIMATE

## PROPOSED LOT LINE ADJUSTMENT

BETWEEN  
THE PARCELS DESCRIBED IN  
DOCUMENT# 2024007789 &  
DOCUMENT# 2023025157  
OFFICIAL RECORDS OF MONTEREY COUNTY

CARMEL HIGHLANDS COUNTY OF MONTEREY STATE OF CALIFORNIA

PREPARED FOR  
Tracy Piazza

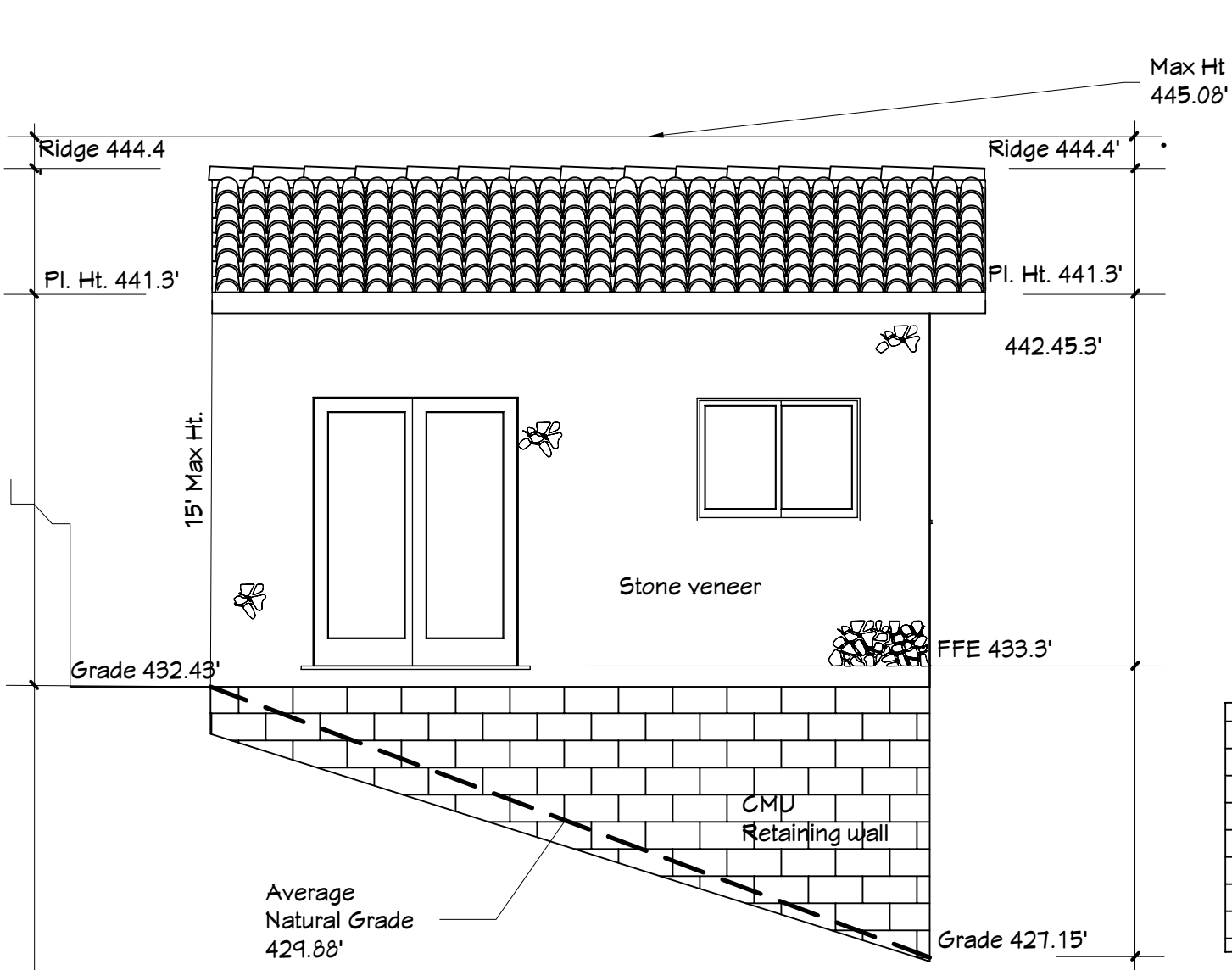
BY  
CENTRAL COAST SURVEYORS  
5 HARRIS COURT, SUITE N-11 MONTEREY, CALIFORNIA 93940  
Phone: (831) 394-4930  
Fax: (831) 394-4931

SCALE: 1" = 20' JOB No. 23-76 JUNE 2024  
PREPARER: LLJS

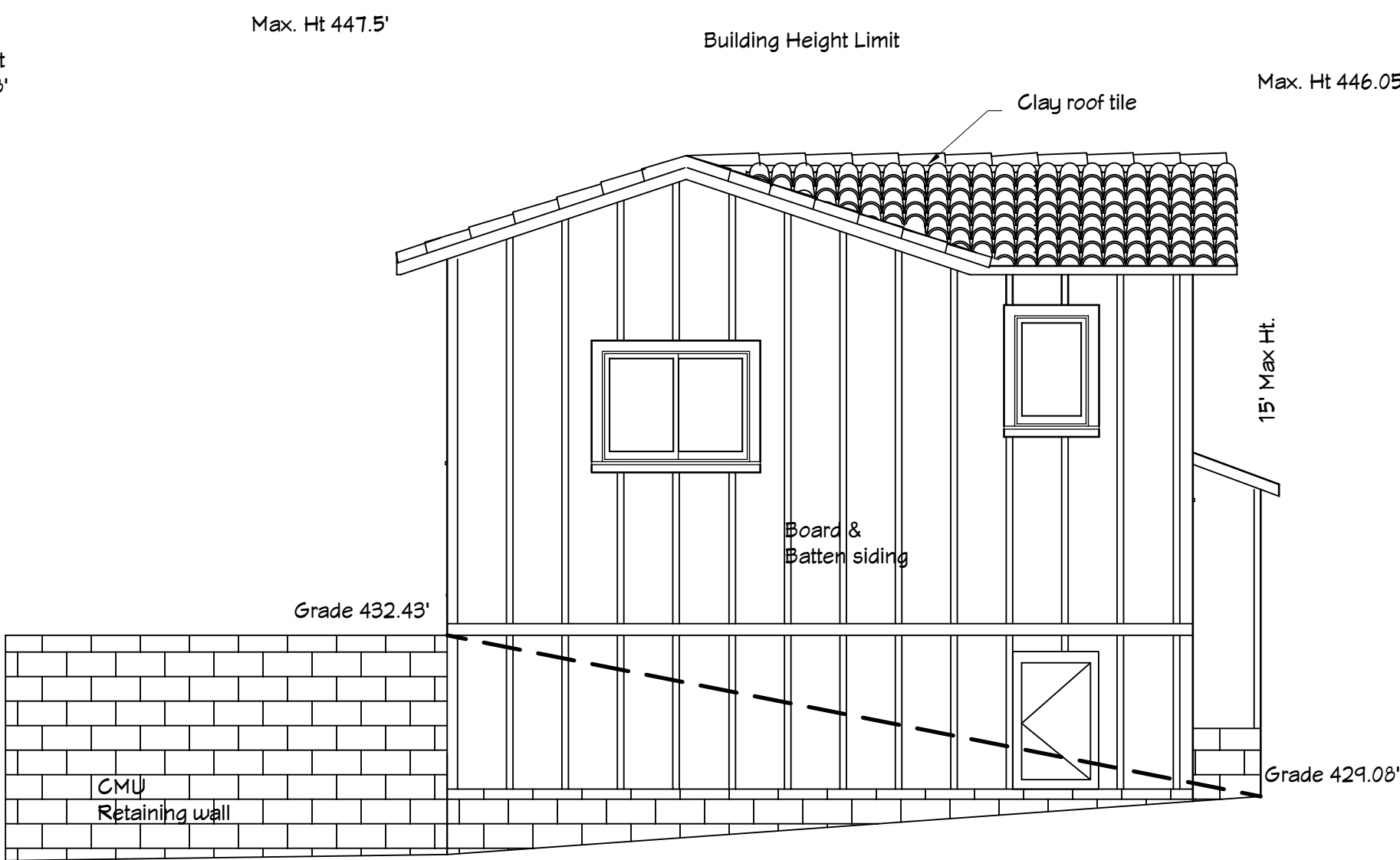
APN'S 241-142-001, 002  
UPDATED FEBRUARY 2025 - DATA TABLE & PROPOSED TREES



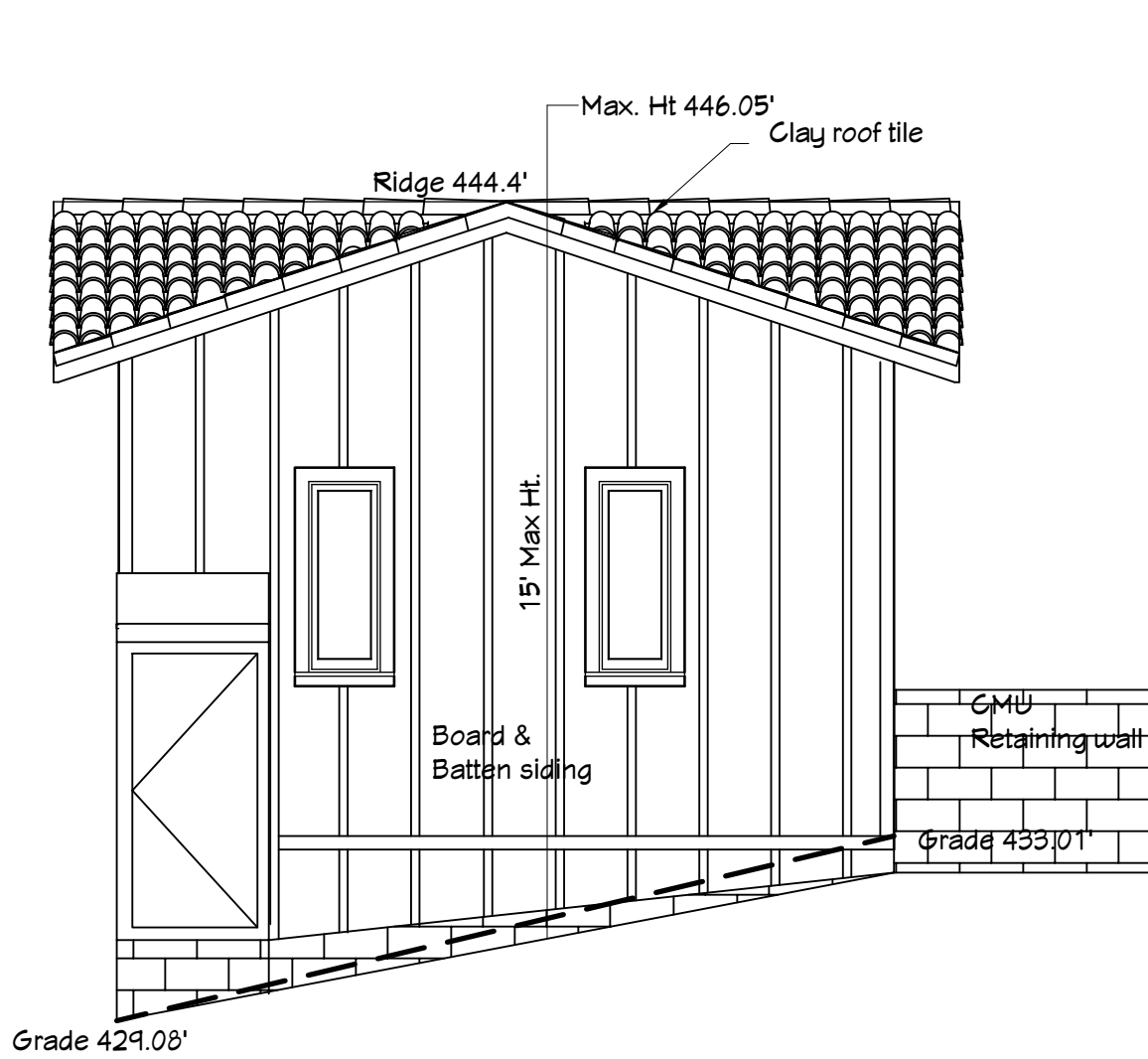




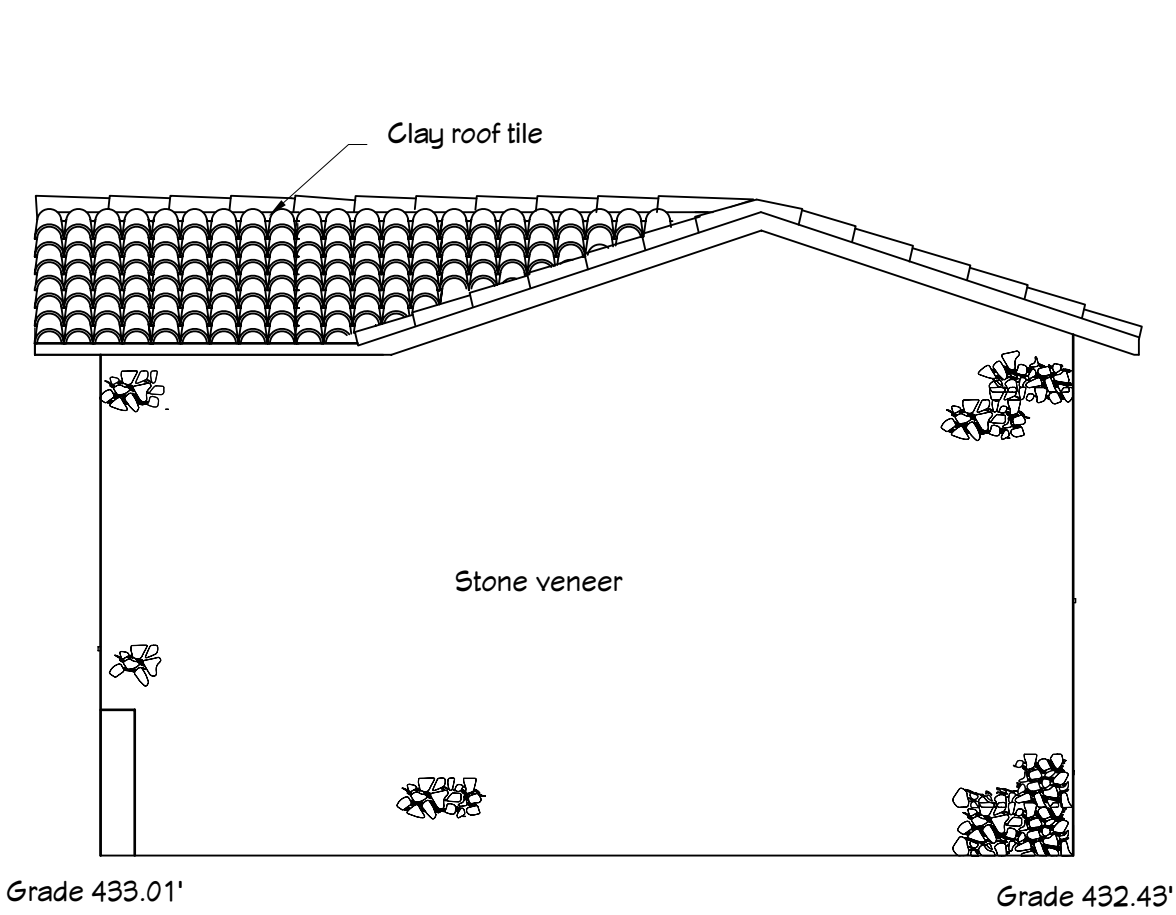
South Elevation



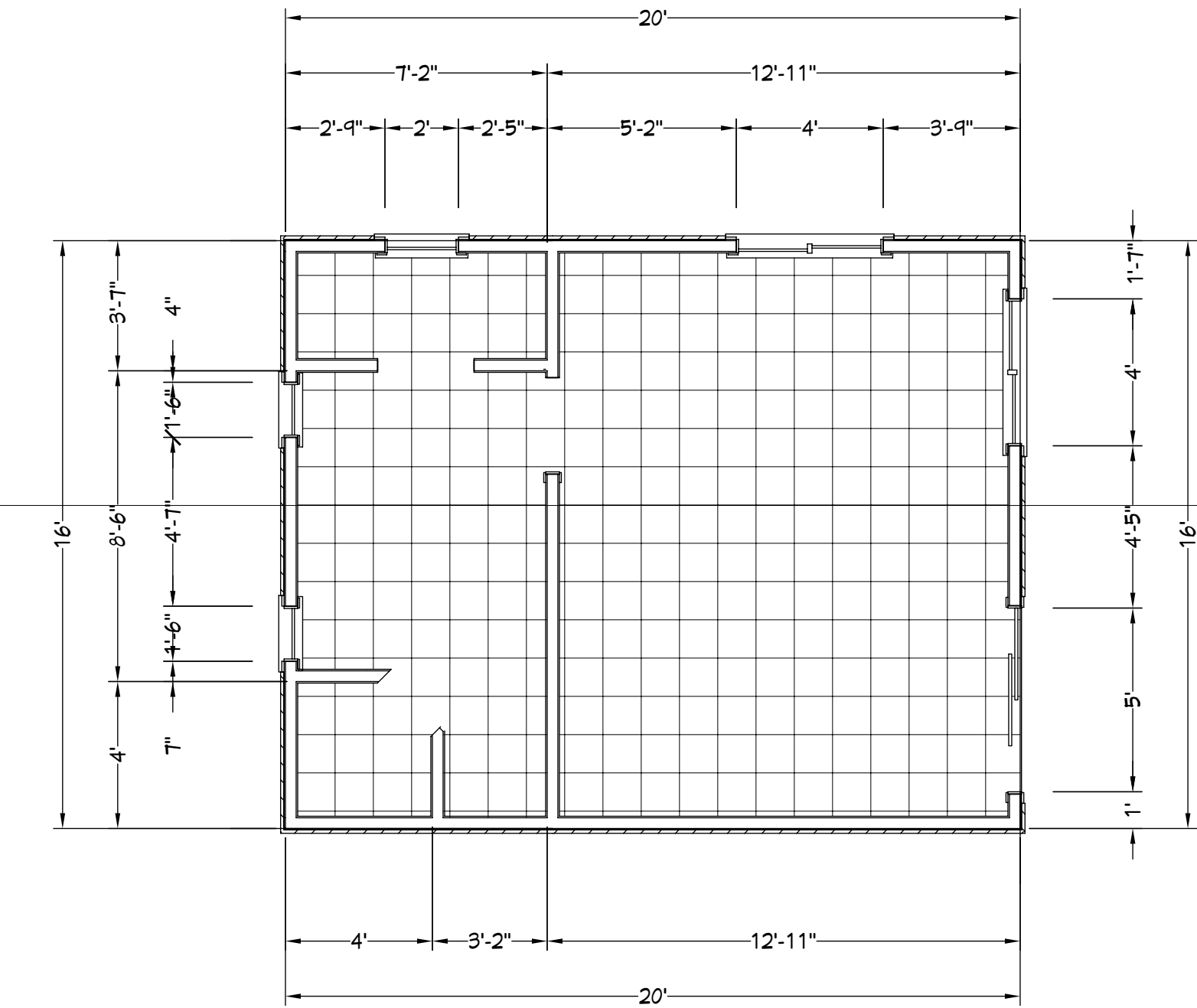
East Elevation



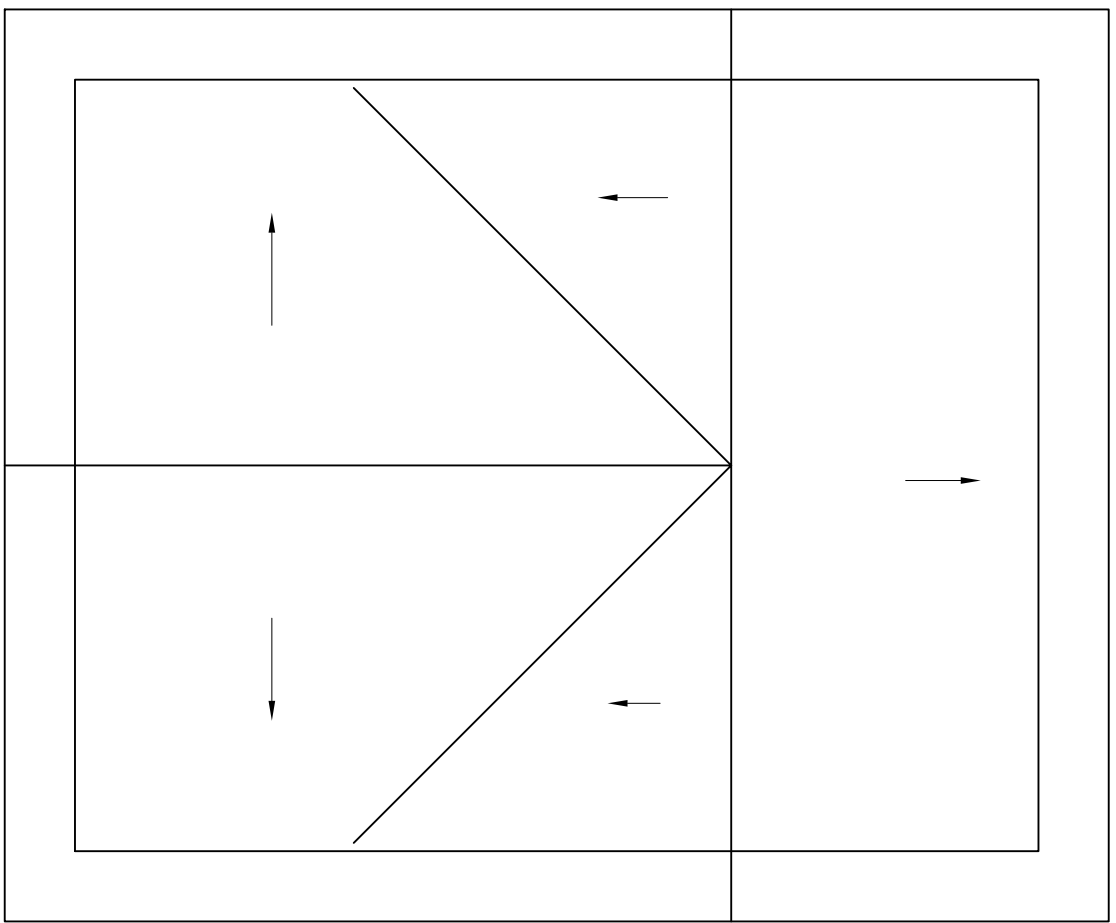
North Elevation



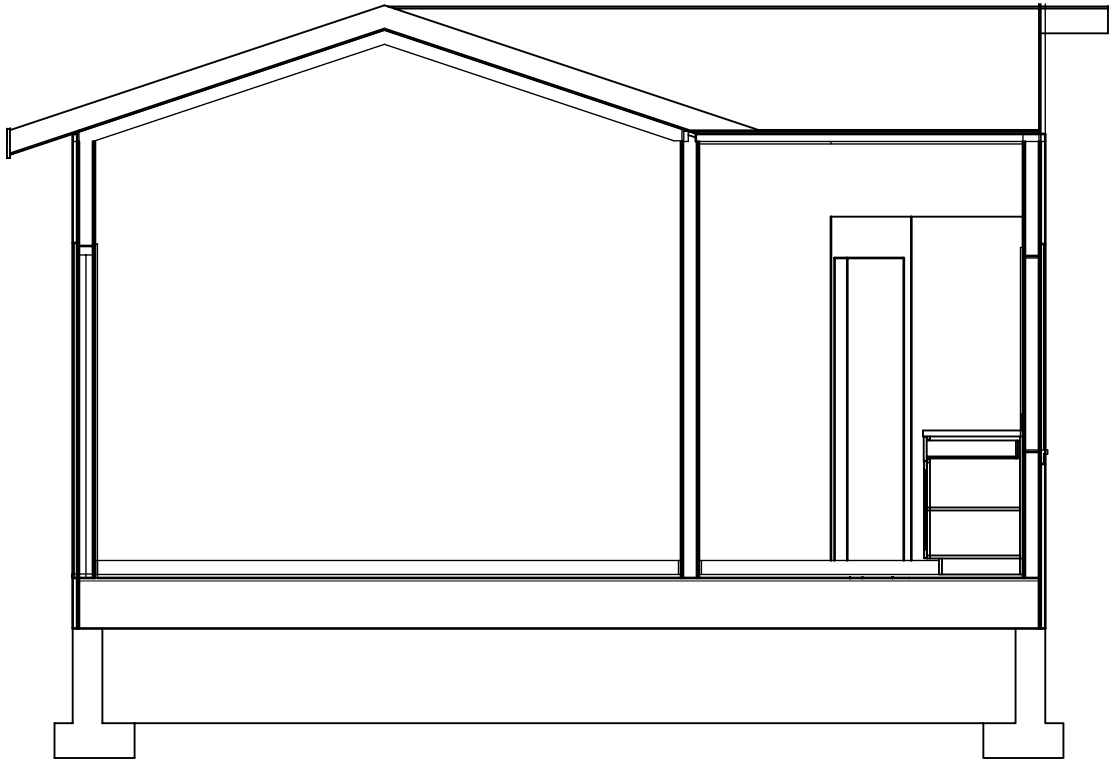
South Elevation



Floor Plan



Roof Plan



Section A

Height Calculations:

Highest point of natural grade at structure 433.01'  
Lowest point of natural grade at structure 427.25'  
 $5.86' / 2 = 2.93'$   
Average natural grade 427.25' = 2.93' = 430.18'

Maximum allowable height of building 427.25' + 2.93' + 15.0' = 445.08'  
Building shall not exceed 445.08'  
Ridge Height existing 444.44' Complies with Coastal Zone.

Potting / Tool Shed

58 Mt Devon Road  
Carmel, California  
APN: 241-142-001 & 002

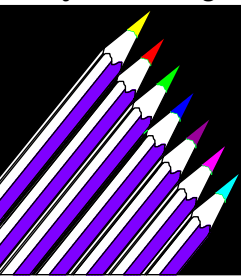
Sheet Title

Plans - Elevations - Sections

Date 2/14/25 Scale 1/4" = 1'-0"

A1

Project Design

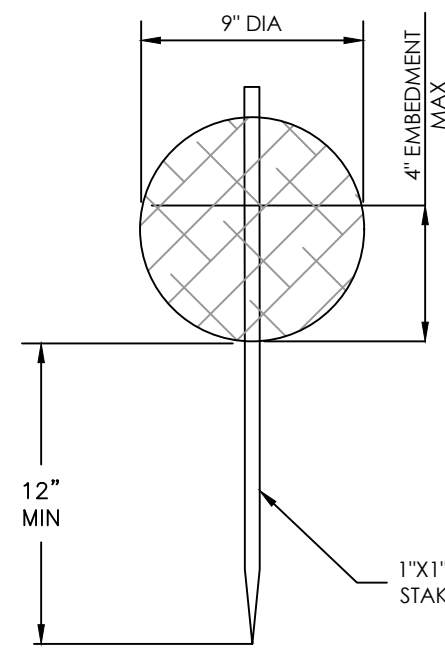


David Prou  
3150 Rio Road #4  
Carmel, Ca  
95021  
(805) 413-3795







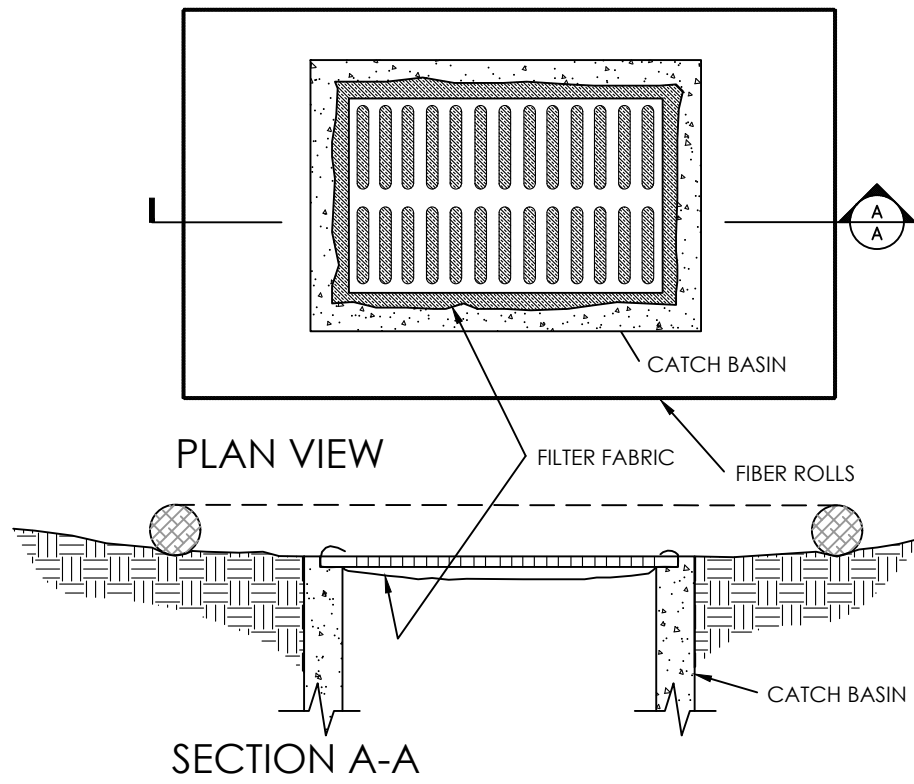


## INSTALLATION

1. USE 1"X12"X2' OR 1"X1"X3' WOOD STAKES, DEPENDING ON THE SOIL AND SLOPE CONDITIONS. USE LONGER STAKES IN LOOSE SOIL, SHORTER STAKES IN DENSER SOILS.
2. CASQA RECOMMENDS IF MORE THAN ONE FIBER ROLL IS PLACED IN A ROW, THE ROLLS SHOULD BE OVERLAPPED, NOT ABUTTED IF CONTRACTOR DESIRES TO POSITION FIBER ROLLS END-TO-END, THEY SHOULD BE BUTTED ENDS TOGETHER WITH STRONG TIEING TO ENSURE A FIRM CONNECTION.
3. PLACE FIBER ROLLS SECURELY IN THE TRENCH SO THAT SILT LADEN RUN-OFF PASSES OVER OR THROUGH, NOT UNDER THE FIBER ROLL.
4. CONTRACTOR SHALL REVIEW CASQA MANUAL FOR INSTALLATION GUIDANCE. [E-S]
5. CASQA RECOMMENDS THE ENDS OF THE FIBER ROLL BE TURNED UP-SLOPE TO PREVENT RUNOFF FROM GOING AROUND THE ROLL.

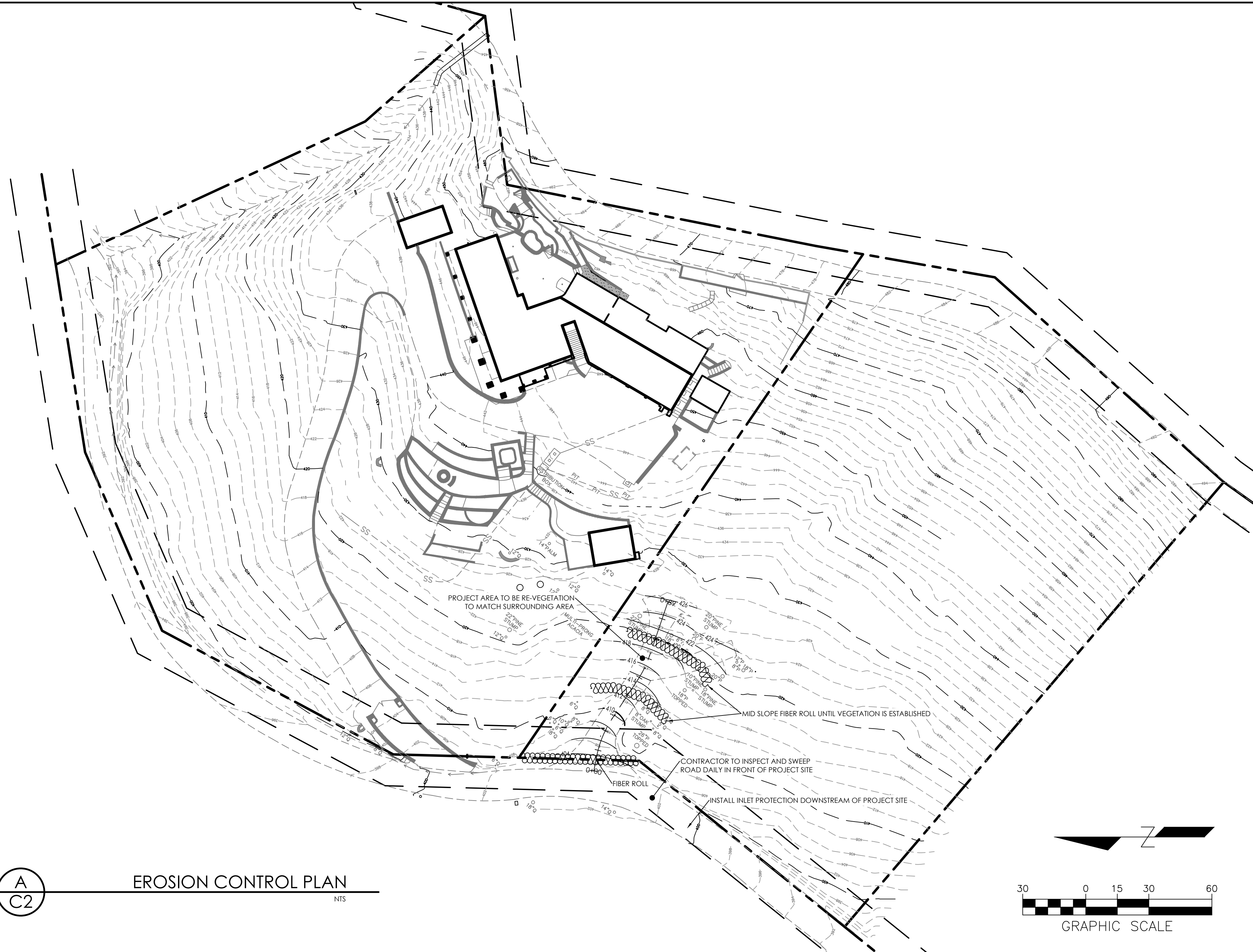
FIBER ROLL

NT:



## INLET PROTECTION

NT.



# EROSION CONTROL PLAN

NT:

## GENERAL NOTES

1. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO PREVENT AIRBORNE DUST FROM BECOMING A NUISANCE TO NEIGHBORING PROPERTIES. THE CONTRACTOR SHALL CONFORM TO THE STANDARDS FOR DUST-CONTROL AS ESTABLISHED BY THE AIR QUALITY MAINTENANCE DISTRICT. DUST CONTROL MEASURES TO BE IMPLEMENTED INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:
  - A) PROVIDE EQUIPMENT AND MANPOWER REQUIRED FOR WATERING ALL EXPOSED OR DISTURBED EARTH. SUFFICIENT WATERING TO CONTROL DUST IS REQUIRED AT ALL TIMES.
  - B) COVER STOCKPILES OF DEBRIS, SOIL, OR OTHER MATERIALS WHICH MAY CONTRIBUTE TO AIRBORNE DUST.
  - C) KEEP CONSTRUCTION AREAS AND ADJACENT STREET FREE OF MUD AND DUST.
  - D) LANDSCAPE, SEED, OR COVER PORTIONS OF THE SITE AS SOON AS CONSTRUCTION IS COMPLETE.
- THE CONTRACTOR SHALL ASSUME LIABILITY FOR CLAIMS RELATED TO WIND BLOWN MATERIAL. IF THE DUST CONTROL IS INADEQUATE AS DETERMINED BY THE COUNTY, THE CONSTRUCTION WORK SHALL BE TERMINATED UNTIL CORRECTIVE MEASURES ARE TAKEN.
2. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO KEEP STREETS AND ROADS FREE FROM DIRT AND DEBRIS. SHOULD ANY DIRT OR DEBRIS BE DEPOSITED IN THE PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL REMOVE IT IMMEDIATELY.
3. ALL CUT AND FILL SLOPES EXPOSED DURING CONSTRUCTION SHALL BE COVERED, SEEDED OR OTHERWISE TREATED TO CONTROL EROSION WITHIN 48 HOURS AFTER GRADING. CONTRACTOR SHALL REVEGETATE SLOPES AND ALL DISTURBED AREAS THROUGH AN APPROVED PROCESS AS DETERMINED BY THE COUNTY. THIS MAY CONSIST OF EFFECTIVE PLANTING OF RYE GRASS, BARLEY OR SOME OTHER FAST GERMINATING SEED.
4. DURING WINTER OPERATIONS (BETWEEN OCTOBER 15 AND APRIL 15), THE FOLLOWING MEASURES MUST BE TAKEN:
  - A) VEGETATION REMOVAL SHALL NOT PRECEDE SUBSEQUENT GRADING OR CONSTRUCTION ACTIVITIES BY MORE THAN 15 DAYS. DURING THIS PERIOD, EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE. DISTURBED SURFACES NOT INVOLVED IN THE IMMEDIATE OPERATIONS MUST BE PROTECTED BY MULCHING AND/OR OTHER EFFECTIVE MEANS OF SOIL PROTECTION.
  - B) ALL ROADS AND DRIVEWAYS SHALL HAVE DRAINAGE FACILITIES SUFFICIENT TO PREVENT EROSION ON OR ADJACENT TO THE ROADWAY OR THE DOWNSHILL PROPERTIES.
  - C) RUN-OFF FROM THE SITE SHALL BE DETAINED OR FILTERED BY BERMS, VEGETATED FILTER STRIPS AND/OR CATCH BASINS TO PREVENT THE ESCAPE OF SEDIMENT FROM THE DISTURBED AREA OR SITE. THESE DRAINAGE CONTROL MEASURES MUST BE MAINTAINED BY THE CONTRACTOR AS NECESSARY TO ACHIEVE THEIR PURPOSE THROUGHOUT THE LIFE OF THE PROJECT.
  - D) EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED AND IN PLACE AT THE END OF EACH DAY AND CONTINUOUSLY CHECKED THROUGHOUT THE LIFE OF THE PROJECT DURING WINTER OPERATIONS.
  - E) THE GRADING INSPECTOR MAY STOP OPERATIONS DURING PERIODS OF INCLEMENT WEATHER IF EROSION PROBLEMS ARE NOT BEING CONTROLLED ADEQUATELY.

5. IF VEGETATION REMOVAL TAKES PLACE PRIOR TO A GRADING OPERATION AND THE ACTUAL GRADING DOES NOT BEGIN WITHIN 30 DAYS FROM THE DATE OF REMOVAL, THEN THAT AREA SHALL BE PLANTED UNDER THE PROVISION OF SECTION 16.08.340 TO CONTROL EROSION. NO VEGETATION REMOVAL OR GRADING WILL BE ALLOWED WHICH WILL RESULT IN SILTATION OF WATER COURSES OR UNCONTROLLABLE EROSION.
6. ALL POLLUTANTS AND THEIR SOURCES, INCLUDING SOURCES OF SEDIMENT ASSOCIATED WITH CONSTRUCTION, CONSTRUCTION SITE EROSION AND ALL OTHER ACTIVITIES ASSOCIATED WITH CONSTRUCTION ACTIVITY ARE CONTROLLED;
7. ALL NON-STORM WATER DISCHARGES ARE IDENTIFIED AND EITHER ELIMINATED, CONTROLLED, OR TREATED;
8. SITE BMPs ARE TO BE EFFECTIVE AND RESULT IN THE REDUCTION OR ELIMINATION OF POLLUTANTS IN STORM WATER DISCHARGES AND AUTHORIZED NON-STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITY
9. STABILIZATION BMPs INSTALLED TO REDUCE OR ELIMINATE POLLUTANTS AFTER CONSTRUCTION IS COMPLETED.
10. BEST MANAGEMENT PRACTICES (BMPs) TO BE IMPLEMENTED BY THE PROJECT ARE LISTED BY CATEGORY, FACT SHEETS, AND DETAILS FOR THE BMPs SELECTED FOR THIS PROJECT. CAN BE FOUND IN THE CASQA STORMWATER BEST MANAGEMENT PRACTICE HANDBOOK.

## MONTEREY COUNTY INSPECTIONS

1. PRIOR TO COMMENCEMENT OF LAND DISTURBANCE, THE OWNER/APPLICANT SHALL SCHEDULE AN INSPECTION WITH HCD-ENVIRONMENTAL SERVICES TO ENSURE ALL NECESSARY SEDIMENT CONTROLS ARE IN PLACE AND THE PROJECT IS COMPLIANT WITH MONTEREY COUNTY REGULATIONS.
2. DURING CONSTRUCTION, THE OWNER/APPLICANT SHALL SCHEDULE AN INSPECTION WITH HCD-ENVIRONMENTAL SERVICES TO INSPECT DRAINAGE DEVICE INSTALLATION, REVIEW THE MAINTENANCE AND EFFECTIVENESS OF BMPs INSTALLED, AND TO VERIFY THAT POLLUTANTS OF CONCERN ARE NOT DISCHARGED FROM THE SITE. AT THE TIME OF THE INSPECTION THE APPLICANT SHALL PROVIDE CERTIFICATION THAT ALL NECESSARY GEOTECHNICAL INSPECTIONS HAVE BEEN COMPLETED TO THAT POINT.
3. PRIOR TO FINAL INSPECTION, THE OWNER/APPLICANT SHALL SCHEDULE AN INSPECTION WITH HCD-ENVIRONMENTAL SERVICES TO ENSURE ALL DISTURBED AREAS HAVE BEEN STABILIZED AND ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES THAT ARE NO LONGER NEEDED HAVE BEEN REMOVED.



## CONSTRUCTION HAUL ROUTE

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shot on moto g<sup>6</sup>



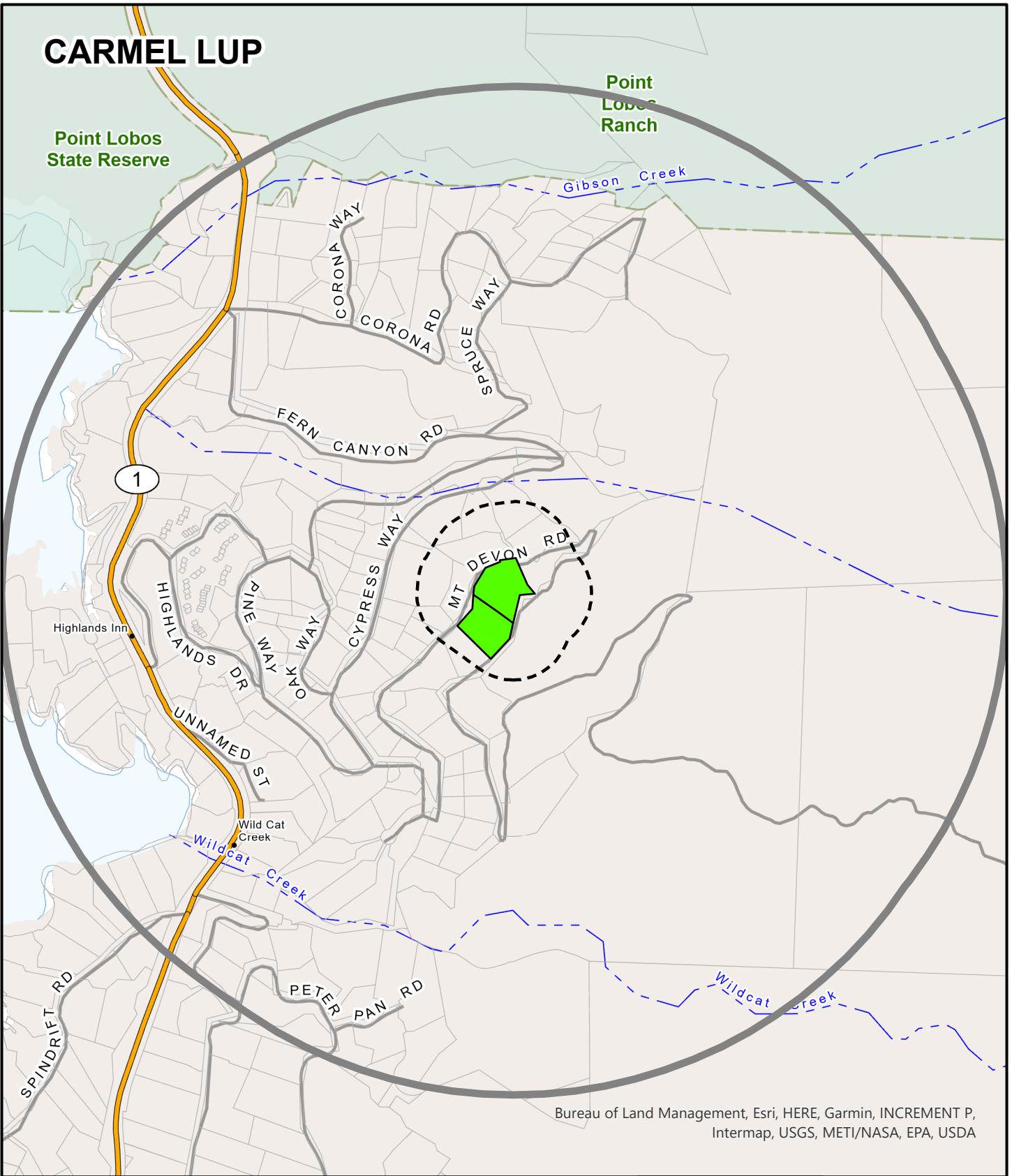
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## Exhibit C

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# CARMEL LUP





**APPLICANT:** TRACY PIAZZA

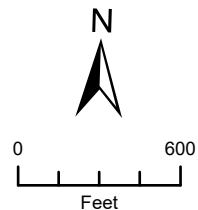
**APN:** 241142001000, 241142002000

**FILE #** PLN230339

 Project Site

 300 FT Buffer

 2500 FT Buffer



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## Exhibit D

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## **THOMPSON**

### **WILDLAND MANAGEMENT**

Environmental Management & Conservation Services  
*International Society of Arboriculture* Certified Arborist # WE-7468A  
*Department of Pesticide Regulation* Qualified Applicator Lic. #QL50949 B  
Environmental & Arborist Assessments, Protection, Restoration, Monitoring & Reporting  
Wildland Fire Property Protection, Fuel Reduction & Vegetation Management  
Invasive Weed Control, and Habitat Restoration & Management  
Soil Erosion & Sedimentation Control  
Resource Ecologist

August 14, 2024

Ms. Tracy Piazza  
58 Mt. Devon Road  
Carmel, CA. 93923  
APN: 241-142-002  
Project File # PLN230339

Subject: 58 Mt. Devon Road Non-Permitted Tree Removal Assessment

Per *Monterey County Housing & Community Development Department-Planning Services* requirements, the purpose of this report is to document that six (6) native specie Monterey pine (*Pinus radiata*) trees located on the south parcel at 58 Mt. Devon Road in the Carmel Highlands (APN: 241-142-002) were removed without a Monterey County tree removal permit. Consequently, the County has issued a citation (Project File # PLN230339) requiring that this non-permitted tree removal be documented, evaluated and properly mitigated. Findings and recommendations are provided herein:

In regards to exhibits and photographs included in this report, refer to the attached *Exhibit A: Tree Removal Location Map* that shows the location of the 6 subject pine trees identified as *Tree#s 1-6*, as well as the attached photos located at the end of the report (i.e., *Figures 1-10*) that depict property features and characteristics, and the remaining stumps and stems of the 6 pines that were removed.

The subject property in the Carmel Highlands (i.e., the south parcel) is accessed by a unpaved gravel driveway that leads to a relatively small structure (refer to attached photos, *Figures 2, 9 & 10*). The lot is located in a mixed woodland *wildland-urban interface* (WUI) community that is dominated by mature and aging upper-canopy Monterey pines (*Pinus radiata*) and mid- to lower-canopy coast live oaks (*Quercus agrifolia*; refer to *Figures 1-10*). Lower growing understory vegetation is primarily composed of a variety of native coastal scrub type vegetation and non-native invasive plants (e.g., exotic annual grasses and broadleaf noxious weeds, such as French broom, acacia, jubata grass, Italian thistle, pittosporum and eucalyptus, among other non-native

plant species). It should be noted that several of pines occurring on the subject property and in the surrounding woodland (WUI) areas are overly-mature and senescing trees that are exhibiting signs and symptoms of declining physiological health and structural condition.

The non-permitted removal of six (6) Monterey pine trees (identified as *Tree#s 1-6*; refer to *Figures 2-7*) located on the south parcel was evidently done to address hazard concerns that the property owner had due to the apparent declining health and condition of the subject trees. Additionally, tree removal was also performed to assist with fuel reduction and vegetation management activities that the property owner wanted completed for the purpose of reducing unnaturally high combustible fuel loads and mitigating wildland fire hazards, as well as to comply with California State *PRC 4291* and homeowners insurance industry standards in WUI areas, which requires fuel reduction to a minimum of 100 feet around occupied structures to assist in reducing hazardous fuel loads and providing adequate defensible space in the event of an approaching wildland fire (refer to the attached *Exhibit A: Tree Removal Location Map* and photos located at the end of the report [*Figures 1-10*]). Fuel reduction operations involved the above mentioned tree removal, as well as the thinning and removal of dense and overgrown understory vegetation (i.e., ladder fuels) that consist of a variety of native and exotic vegetation and highly combustible dead and unhealthy woody material. Other than tree removal, protected special status flora and fauna do not appear to have been affected by tree removal and fuel reduction operations.

Currently, the only evidence available as to the approximate size and general condition of the 6 pine trees that were removed are the remaining stumps and stems/snags (refer to *Figures 2-7*). Per the assessment, the 6 subject pines were greater than 6 inch DBH and less than 24 inch DBH at the time of removal; however, accurately determining the health and condition of the trees at the time of removal based on the current condition of the stems/snags (*Tree#s 1 & 2*) and stumps (*Tree#s 3-6*) is a difficult task. Per the condition of the remaining stumps and stems, there is no clear and conclusive evidence that the trees were dead, dying and/or structurally compromised at the time of removal, so unless there is photographic evidence proving otherwise, the assumption is that the subject pine trees were alive, but not necessarily healthy, at the time of removal.

It should be noted that the remaining stumps have some wood rot and decay, which indicates that they may have been significantly declining, or perhaps dead, and/or structurally unsound and compromised at the time of removal; however, there is not enough wood decay and deterioration to conclusively say that the 6 subject pines were dead, significantly declining and/or structurally unsound when they were removed. While, based on the current evidence available, it can not be concluded that the subject pine trees were dead and hazardous at the time of removal, in my professional opinion, it is likely that these 6 pines were in declining health and condition when they were



removed, which is based on the current condition of the remaining 2 stems/snags (*Tree#s 1 & 2*; refer to *Figures 2 & 3*) and 4 stumps (*Tree#s 3-6*; refer to *Figures 4-7*).

It should also be noted that a 8 inch oak stump identified on the *Exhibit A: Tree Removal Location Map* (located near the pine stem/snag identified as *Tree#1*) is actually less than 6 inches diameter, so no tree removal permit was required and the removal of this oak is not considered a violation (refer to *Figure 8*).

In conclusion, the property owner decided to remove the 6 Monterey pine trees of concern (refer to the attached *Exhibit A: Tree Removal Location Map* and photos, *Figures 2-7*) as a preventative action to address and mitigate hazard concerns they felt the subject trees presented. Regardless of the health and condition of the 6 subject trees at the time of removal, as well as the current condition of the remaining stumps and stems, a tree removal permit should have been obtained prior to tree removal activities occurring, which the property owner recognizes was a mistake.

As a result of tree removal activities, it will be necessary to plant six (6) 5 to 15-gallon Monterey pine seedlings or saplings (a 1:1 replacement ratio) in order to mitigate impacts of non-permitted tree removal and to satisfy Monterey County tree removal permit requirements. The 6 replacement plantings shall be planted in suitable and appropriate locations on the subject parcel (there are several suitable planting locations to choose from) using proper tree planting methods and best management practices (BMP's). Additionally, these 6 Monterey pine replacement plantings shall be properly cared for and maintained to assist in healthy establishment and maturation, and will be required to survive a 1-year monitoring period to satisfy Monterey County tree removal permit conditions.

Best regards,

*Rob Thompson*  
ISA Certified Arborist # WE-7468A  
Resource Ecologist

8-14-24  
Date

Thompson Wildland Management (TWM)  
57 Via Del Rey  
Monterey, CA. 93940  
Office (831) 372-3796; Cell (831) 277-1419  
Email: [thompsonwrm@gmail.com](mailto:thompsonwrm@gmail.com) ; Website: [www.wildlandmanagement.com](http://www.wildlandmanagement.com)

THIS REPORT HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF CLIENT AND IS BASED ON THE FINDINGS AND PROFESSIONAL OPINION OF A *ISA CERTIFIED ARBORIST* WITH THOMPSON WILDLAND MANAGEMENT (TWM). TWM ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER INDIVIDUALS OR PARTIES.

CLIENT ACKNOWLEDGES THAT THIS REPORT, AND ANY OPINIONS, ADVICE OR RECOMMENDATIONS EXPRESSED OR GIVEN, ARE BASED ON THE INFORMATION SUPPLIED BY CLIENT AND ON THE DATA, INSPECTIONS, MEASUREMENTS AND ANALYSIS CARRIED OUT OR OBTAINED BY TWM.

THIS REPORT IS BASED ON A LIMITED VISUAL INSPECTION FOR OBVIOUS DEFECTS AND OF TREE CONDITION FROM GROUND LEVEL. IT IS NOT A COMPLETE HEALTH AND HAZARD EVALUATION, AS SOME HEALTH AND HAZARD CONDITIONS ARE NOT VISIBLE AND CANNOT BE CONFIRMED BY SUCH LIMITED INSPECTION. A COMPREHENSIVE HEALTH AND HAZARD ASSESSMENT WOULD INCLUDE OTHER INVESTIGATION MEASURES INCLUDING, BUT NOT LIMITED TO, CORE SAMPLES, TISSUE ANALYSIS, ROOT COLLAR EXCAVATION, SOIL ANALYSIS, AND VISUAL INSPECTION OF THE ENTIRE TREE VIA CLIMBING. ESTIMATES FOR THIS WORK ARE AVAILABLE UPON REQUEST.

BE ADVISED THAT TREES AND/OR LIMBS MAY FAIL UNDER CERTAIN CONDITIONS, AND THAT THE RECOMMENDATIONS IN THIS REPORT ARE BASED ON GENERAL STANDARDS OF TREE CARE. TREES, INCLUDING TREES THAT APPEAR HEALTHY AND STRUCTURALLY SOUND, MAY FAIL UNEXPECTEDLY WITHOUT ANY VISIBLE SIGNS OF BEING PHYSIOLOGICALLY AND/OR STRUCTURALLY COMPROMISED, PARTICULARLY DURING PERIODS OF INCLEMENT WEATHER, BUT TREES MAY ALSO FAIL DURING PERIODS OF FAIR WEATHER. THIS REPORT IS MADE WITH THE UNDERSTANDING THAT NO REPRESENTATIONS OR WARRANTIES, EITHER EXPRESSED OR IMPLIED, ARE MADE THAT ANY TREES REFERRED TO IN THE REPORT OR LOCATED ON OR ADJACENT TO THE SUBJECT PROPERTY ARE GUARANTEED TO BE SOUND OR SAFE.

ALTHOUGH OPINIONS MAY BE OFFERED REGARDING THE RESULTS OF THE SUBJECT MATTER, TWM CANNOT GUARANTEE ANY PARTICULAR RESULT. CLIENT ACKNOWLEDGES THAT TWM HAS MADE NO PROMISE ABOUT THE OUTCOME AND THAT ANY OPINION OFFERED IN THE FUTURE WILL NOT CONSTITUTE A GUARANTEE.

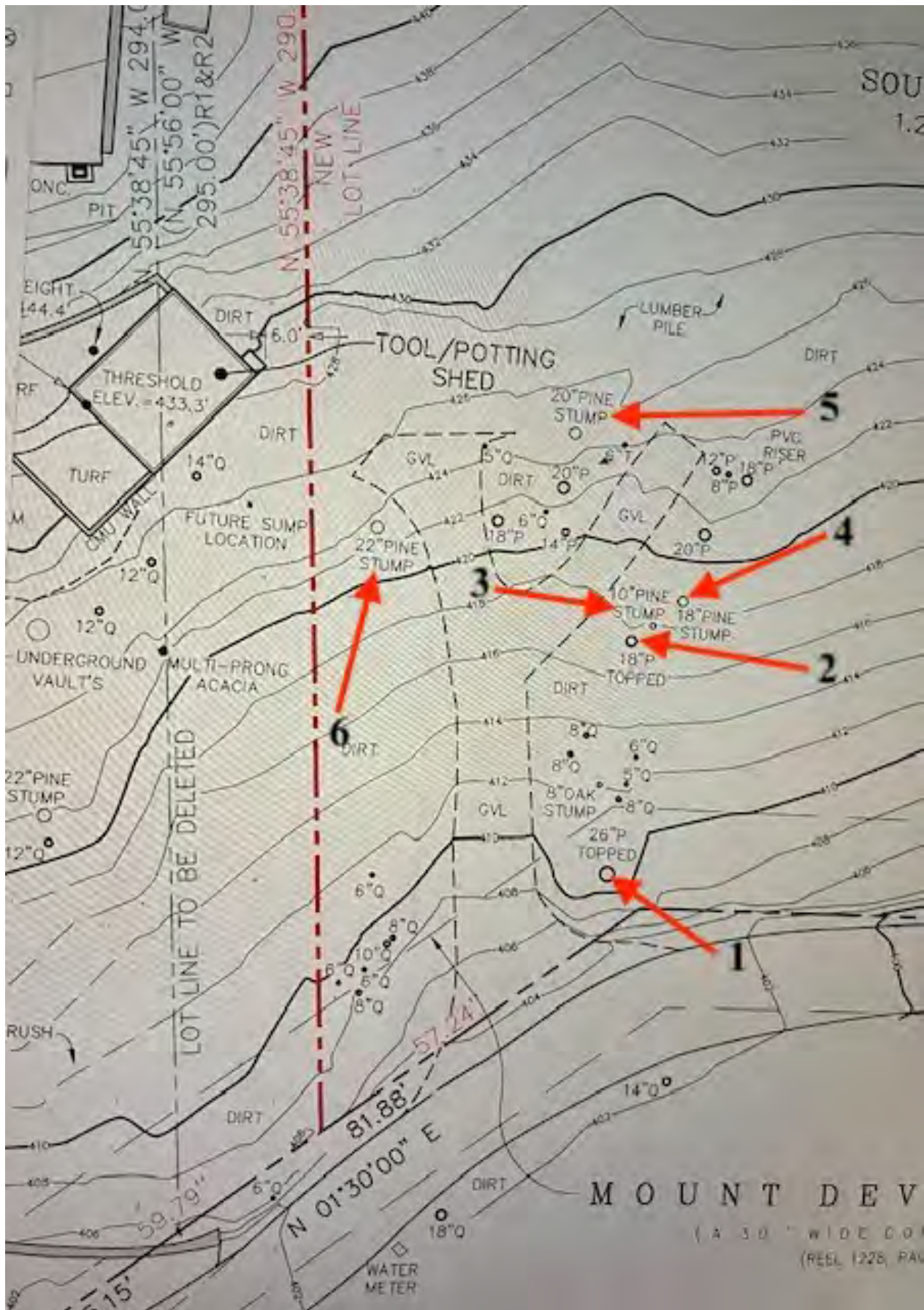


Exhibit A: Tree Removal Location Map shows the location of 6 mature and aging Monterey pine trees (identified as Tree#s 1-6) that were removed from the south parcel without a County tree removal permit.





Figure 1. View of mixed pine and oak woodland south parcel from Mt. Devon Road.



Figure 2. Unpaved entrance to the south parcel. The pine stem/snag identified as Tree#1 is near right edge of photo.





Figure 3. The other pine stem/snag identified as Tree#2 that was removed without a permit is in center of photo and is surrounded by non-native invasive French broom.



Figure 4. Pine stump identified as Tree#3 was removed without a permit.





Figure 5. Pine stump identified as Tree#4 was removed without a permit.



Figure 6. Pine stump identified as Tree#5 was removed without a permit.





Figure 7. Pine stump identified as Tree#6 was removed without a permit.



Figure 8. Oak stump identified on the parcel map and tree removal map is less than 6 inch diameter and no tree removal permit or mitigation planting is required.





Figure 9. Unpaved gravel entrance to south parcel is surrounded by an abundance of non-native invasive French broom and acacia.



Figure 10. Structure is located at top of unpaved entrance. The main house and residence is barely visible in the background.