

County of Monterey

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



Meeting Agenda - Final

Wednesday, June 12, 2024

9:00 AM

Monterey County Planning Commission

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.

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/98927822741>

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Enter this Meeting ID number 989 2782 2741 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 . 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.

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.

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.

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/98927822741>

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
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Presione el código de acceso de reunión: 989 2782 2741 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 . 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. Pará 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.

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

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.

9:00 A.M. - CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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 AND REQUESTS

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

APPROVAL OF CONSENT CALENDAR

1. **Approval of the March 27, 2024, May 8, 2024, and May 15, 2024 Planning Commission Meeting Minutes.**

Attachments: [DRAFT PC Minutes 032724](#)
[DRAFT PC Minutes 050824](#)
[DRAFT PC Minutes 051524](#)

2. **BRADLEY ALLEY AND STREET VACATION/ABANDONMENT**

Conduct a public hearing to consider and adopt a resolution providing a report to the Board of Supervisors on the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, and finding that the proposed abandonment or vacation is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the 2010 General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portions Bradley Road.

Project Location: Community of Bradley, South County Area Plan

Proposed California Environmental Quality Act (CEQA) Action: Categorically Exempt per Sections 15301; and 15304 of the CEQA Guidelines.

Attachments: [Staff Report](#)
[Exhibit A – Draft Resolution](#)
[Exhibit B – HCD Consistency Memo with Vicinity Map](#)

9:00 A.M. – SCHEDULED MATTERS

3. Consider adoption of modifications to the Monterey County Planning Commission Rules for the Transaction of Business, and provide direction to staff as appropriate.

Attachments: [Staff Report](#)
[Exhibit A - Current PC Rules for Transaction of Business \(clean August 9, 2023\)](#)
[Exhibit B - Draft PC Rules for Transaction of Business \(redline\)](#)
[Exhibit C - Draft PC Rules for Transaction of Business \(clean\)](#)

4. PLN220063 - CUCCIA COLETTE TRS

Public hearing to consider the transient use of an existing two-story single family dwelling and cabin for remuneration (home-stay Short-Term Rental).

Project Location: 28180 Robinson Canyon Road, Carmel

Proposed CEQA action: Finding the project Categorically Exempt pursuant to CEQA Guidelines Section 15301

Attachments: [Staff Report](#)
[Exhibit A - Draft Resolution](#)
[Exhibit B - Vicinity Map](#)
[Exhibit C - LUAC Minutes for September 5, 2023](#)
[Exhibit D - Letters of support from three neighbors](#)

5. REF 100042 [INLAND] & REF 130043 [COASTAL] - VACATION RENTAL ORDINANCES

Public Hearing to consider a recommendation to the Board of Supervisors to find the Vacation Rental Ordinances consistent with the Final Environmental Impact Report (Final EIR) and certify the Final EIR for the amendments to the Monterey County Code (SCH # 2022080643), to adopt ordinances amending Title 7 (Business Taxes, Licenses and Regulations), adopt a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinances), and to adopt an ordinance amending Title 21 (Non-coastal Zoning Ordinance) to establish a new Chapter 7.120, Section 20.64.290, and Section 21.64.290, and amending Resolution Board No. 01-485 to add item 14 “to the list of compatible uses within Agricultural Preserves” and add item 15 “to the list of compatible uses within Farmland Security Zones.”

Project Location: Countywide

Proposed CEQA action: Find the vacation rental ordinances consistent with the Final Environmental Impact Report (Final EIR) and recommend that the Board certify the Final Environmental Impact Report (Final EIR) for the amendments to the Monterey County Code (MCC).

Attachments: [Staff Report](#)
[Exhibit A - Draft Resolution](#)
[Exhibit B - Detailed Discussion](#)
[Exhibit C - AAC Meeting Minutes Apr. 25, 2024](#)
[Exhibit D - Final Environmental Impact Report \(weblink\)](#)
[Exhibit E - Public Correspondence](#)

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: MIN 24-039

June 12, 2024

Introduced: 6/4/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Minutes

Approval of the March 27, 2024, May 8, 2024, and May 15, 2024 Planning Commission Meeting Minutes.

County of Monterey

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



Meeting Minutes - Draft

Wednesday, March 27, 2024

9:00 AM

Monterey County Planning Commission

9:00 A.M. - CALL TO ORDER

The meeting was called to order by Chair Diehl at 9:08 a.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Mendoza.

ROLL CALL

Present:

- Christine Shaw**
- Martha Diehl**
- Amy Roberts**
- Katharine Daniels**
- Paul Getzelman**
- Ben Work**
- Ernesto Gonzalez**
- Francisco Mendoza**

Absent:

- Etna Monsalve**
- Ramon Gomez**

Secretary Beretti reviewed the Zoom protocols.

PUBLIC COMMENTS

- Lisa Baca**
- Sara Clark**
- Kirsten Stember**
- A. Kelly**

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Commission Clerk, Elizabeth Vasquez informed the Planning Commission of correspondence received and distributed for Agenda Item No. 3 – REF210024 – Big Sur Coast Land Use Plan Update, No. 4 – PLN230064 – Roberts Bryan and Addrienne D TRS, No. 5 – PLN220352 – Chun-Tao Ma and Ning Zhang TRS, No. 6 – PLN160856 and PLN230308 – Maehr Ted H. and Rainer Richard Scott.

Chair Diehl moved agenda item number 6 before agenda item number 3.

COMMISSIONER COMMENTS AND REQUESTS

Commissioner Shaw requested that Staff investigate the situation at the Equestrian Center due to the public comment received. Staff informed the Commission that this request will be placed on a future Planning Commission agenda.

Commissioner Mendoza, asked Staff if they can provide any recommendations/information regarding fire insurance for homeowners that are retired and on fixed incomes?

APPROVAL OF CONSENT CALENDAR

1. REFERRAL 22.7 - PAJARO RIVER LEVEE IMPROVEMENTS AND PRIORITY COMMUNITY PLAN UPDATES

- a. Consider receiving an update from the Pajaro River Flood Management Agency regarding repair and improvements to the Pajaro River Levee;
- b. Consider receiving an update from staff regarding the Pajaro Long-Term Recovery Planning and status update 2010 General Plan implementation related to Pajaro and Chualar Community Plans development.
- c. Provide direction to staff.

Project Location: North County Inland Area (Pajaro); Central Salinas Valley Area (Chualar)

Proposed CEQA action: Statutory Exemption pursuant to Section 15262 of the CEQA.

It was moved by Commissioner Gonzalez, seconded by Commissioner Daniels and approve by the following vote to approve the consent calendar as presented.

Public Comment: None

AYES: Diehl, Daniels, Work, Roberts, Getzelman, Gonzalez, Shaw, Mendoza

NOES: None

ABSENT: Monsalve, Gomez

ABSTAIN: None

9:00 A.M. – SCHEDULED MATTERS

2. PLN230261 - 3196 LLC

Public hearing to consider allowing the restoration and replanting 15 Monterey Cypress trees within a Conservation Scenic Easement to abate Code Enforcement violation 23CE00332.

Project Location: 3196 17 Mile Drive, Pebble Beach

Proposed CEQA action: Find the project Categorically Exempt pursuant to Section 15308 of the CEQA Guidelines

Kayla Nelson, Project Planner requested a continuance for the hearing on this item to a date uncertain to allow the applicant adequate time to provide sufficient information regarding the purposed restoration plan.

Applicant/Applicant’s Representative: Tony Lombardo

Public Comment: None

It was moved by Commissioner Daniels, seconded by Commissioner Roberts to continue the hearing on this item to a date uncertain.

AYES: Diehl, Daniels, Work, Roberts, Getzelman, Gonzalez, Shaw, Mendoza

NOES: None

ABSENT: Monsalve, Gomez

ABSTAIN: None

6. PLN160856 and PLN230308 - MAEHR TED H. AND RAINER RICHARD SCOTT

Public hearing to consider after-the-fact permitting to legalize development of a 1,472 square foot two-story single family dwelling, a detached accessory dwelling unit (185 square feet functionally related to a 452 square foot detached kitchen and cold room), a 857 square foot two-story barn, a 364 square foot carport/workshop, three sheds (260 square feet, 100 square feet, and 82 square feet), 12 water storage tanks, a water catchment system and an on-site wastewater system, approximately 600 linear feet of unpaved driveway and associated grading, and removal of three Madrone trees, to partially clear Code Enforcement case (CE080464). Public hearing also to consider a Lot Line Adjustment between two legal lots of record consisting of Parcel 1, containing 43.65 acres (Assessor’s Parcel Number 418-151-005-000), and Parcel 2 containing 7.25 acres (APN 418-151-006-000), resulting in two legal lots of approximately 40.55 acres (Adjusted Parcel 1) and 10.35 acres (Adjusted Parcel 2), respectively.

Project Location: The properties are located at 38829 Palo Colorado Rd. (Parcel 1) and 1122 Palo Colorado (Parcel 2), Carmel, Big Sur Coast Land Use Plan, Coastal Zone.

Proposed CEQA Action: Adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074

Mary Israel, Project Planner requested continuance for the hearing on this item to a date uncertain to allow the Applicant to submit additional materials and to allow Staff additional time to research the possible removal of trees without the benefit of a permit.

Public Comment: None

It was moved by Commissioner Roberts, seconded by Commissioner Mendoza and passed by the following vote to continue the hearing on this item to a date uncertain.

AYES: Diehl, Daniels, Work, Roberts, Getzelman, Gonzalez, Shaw, Mendoza

NOES: None

ABSENT: Monsalve, Gomez

ABSTAIN: None

3. REF210024 - BIG SUR COAST LAND USE PLAN UPDATE

- a. Conduct a continued public workshop to review and receive public input regarding the Ad Hoc Committee's proposed updates to the Big Sur Coast Land Use Plan; and
- b. Provide direction to staff.

Project Location: Big Sur Coastal Planning Area

Proposed CEQA action: A planning workshop is statutorily exempt per California Environmental Quality Act (CEQA) 15262.

Taylor Price, Project Planner presented the item.

Public Comment on Aircraft/Unmanned Aircraft Systems: Tray Crop, Marcus Foster, Mike Linder, Christina McGinnis, Mike Caplin, Rachel Goldberger.

Public Comment on Special Events: Marcus Foster, Tray Crop, Mr. Koch, Christina McGinnis.

Public Comment on Rural Community Center Zoning District: Marcus Foster, Tray Crop, Ted Maher, Mike Linder, Steve Beck, Patrick Orozco, Sara Clark, Rachel Goldberger, Christina McGinnis, Jennifer Rosenthal, Mike Caplin.

The Commission recessed at 11:15 a.m. and returned at 11:30 a.m., all Commissioners present who were present before the recess.

Public Comment on Considering on Expansion: Steve Beck, Tray Crop, Marcus Foster, Mike Linder, Mike Caplin, Matt Glazer, Christina McGinnis, Aengus Jeffers, David Smiley.

It was moved by Commissioner Daniels, seconded by Commissioner Roberts to continue the workshop to May 8, 2024, with the understanding that the Ad Hoc Committee will meet prior to the May 8, 2024 meeting.

AYES: Diehl, Daniels, Work, Roberts, Getzelman, Gonzalez, Shaw, Mendoza

NOES: None

ABSENT: Monsalve, Gomez

ABSTAIN: None

The Commission recessed for lunch and returned at 1:31 p.m. All Commissioners present who were present before the recess.

Commissioner Daniels recused herself from item No. 4, due to a campaign contribution in excess of \$250 from a participant.

4. PLN230064 - ROBERTS BRYAN & ADRIENNE D TRS

Public hearing to consider a lot line adjustment to merge two parcels resulting in one 4.01 acre parcel; the remodel, partial demolition and minor addition of a 12,176 square foot single family residence resulting in a 12,636 square foot single family residence; demolition of 397 square foot detached guest house and replacement with a 424 square foot detached guest house; demolition of a 644 square foot attached garage and construction of a 941 square foot detached garage; and associated site improvements including approximately 800 cubic yards of grading with 750 cubic yards of cut and 50 cubic yards of fill, repaving an existing driveway, installing an auto court, pathways, post-construction drainage improvements, a pool deck, and a pool. The project includes development within the Critical Viewshed, 50 feet of a bluff, on slopes in excess of 30%, and within 100 feet of environmentally sensitive habitat area (coastal bluff scrub and coastal sage scrub).

Project Location: 37600 Hwy 1, Big Sur

Proposed CEQA action: Find that the project qualifies for Class 1 and 5 Categorical Exemptions pursuant to CEQA Guidelines sections 15301 and 15305, and that none of the exceptions from CEQA Guidelines 15300.2 apply.

Phil Angelo, Project Planner presented the item.

Applicant/Applicant's Representative: Anthony Lombardo

Public Comment: Marcus Foster

It was moved by Commissioner Roberts, seconded by Commissioner Mendoza and passed by the following vote to find that the project qualifies for Class 1 and 5 Categorical Exemptions pursuant to CEQA Guidelines sections 15301 and 15305, and that none of the exceptions from CEQA Guidelines 15300.2 apply; and approve a Combined Development Permit consisting of a Coastal Development Permit to allow a Lot Line Adjustment to merge two parcels resulting in a single 4.15 acre parcel, a Coastal Administrative Permit and Design Approval to allow the remodel, partial demolition and minor of an existing 12,176 square foot single family residence, resulting in a 12,636 square foot single family residence, the demolition of existing 397 square foot detached guest house and replacement with a 424 square foot detached guest house, the demolition of a 644 square foot attached garage and construction of a 941 square foot detached garage and associated site improvements including approximately 800 cubic yards of grading with 750 cubic yards of cut and 50 cubic yards of fill, repaving an existing driveway, installing an auto court, pathways, post-construction drainage improvements, a pool deck, and a pool, and a Coastal Development Permit to allow development within the Critical Viewshed, a Coastal Development Permit to allow development within 50 feet of a bluff a Coastal Development Permit to allow development on slopes in excess of 30%; and a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area, with the following

changes to language: “The easement area shall encompass all of existing 2.56 acre (Parcel B). The existing approved walking path and approved stormwater line shall be allowed within the easement area. The Conservation and Scenic Easement shall protect environmentally sensitive habitat areas, including the existing bluff and sage scrub, and shall protect the Big Sur Critical Viewshed by prohibiting new development within the easement area.” Quantifying the reductions in the development for the critical viewshed evidence, remove the language regarding heavy cypress screening, and to add language to minimize impacts to the viewshed and visual access to the Construction Management Plan.

AYES: Diehl, Work, Roberts, Getzelman, Gonzalez, Shaw, Mendoza

NOES: None

ABSENT: Monsalve, Gomez, Daniels

ABSTAIN: None

5. PLN220352 - CHUN-TAO MA & NING ZHANG TRS

Continued from February 28, 2024, public hearing to consider establishment of the transient use of a residential property (single-family dwelling) for remuneration, commonly known as a short-term rental.

Project Location: 26132 Carmel Knolls Drive, Carmel

Proposed CEQA action: Find the project categorically exempt pursuant to Section 15301, Existing Structures, of the CEQA Guidelines and no exceptions to the exemption per Section 15300.2 can be made.

Phil Angelo, Project Planner presented the item.

Applicant/Applicant’s Representative: Aaron Gannage

Public Comment: Gale Agron, Barbara Mitchell, Nora Ward, Brenda Chow, Jack Lagier, Patricia and William and Patricia Roden.

It was moved by Commissioner Daniels, seconded by Commissioner Mendoza and passed by the following vote to request Staff to return on a date certain of May 8, 2024, with a resolution of intent to deny.

AYES: Diehl, Daniels, Work, Roberts, Getzelman, Gonzalez, Shaw, Mendoza

NOES: None

ABSENT: Monsalve, Gomez

ABSTAIN: None

DEPARTMENT REPORT

Secretary Beretti informed the Commission that the Garrapata Creek Bridge Rail returned to the Board of Supervisors with a resolution of intent to deny, but due to additional concerns the Board continued the hearing on this item to a date certain of May 7, 2024. The continuance would allow time for a working group including, District 5, Planning Staff, Cal-Trans Staff and Community members time discuss additional potential options.

ADJOURNMENT

The meeting was adjourned by Chair Diehl at 3:21 p.m.

County of Monterey

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



Meeting Minutes - Draft

Wednesday, May 8, 2024

9:00 AM

Monterey County Planning Commission

9:00 A.M. - CALL TO ORDER

The meeting was called to order by Chair Diehl at 9:03a.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Work.

ROLL CALL

Present:

Christine Shaw

Paul C. Getzelman

Ben Work

Francisco Javier Mendoza

Martha Diehl

Etna Monsalve

Katharine Daniels

Ramon Gomez arrived at 9:04 a.m.

Absent:

Amy Roberts

Ernesto G. Gonzalez

Secretary Beretti reviewed the Zoom protocols.

PUBLIC COMMENTS

None

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Commission Clerk, Melissa McDougal informed the Planning Commission of additional correspondence received and distributed for Agenda Item No. 5 – PLN210223 – Gard, Agenda Item No. 6 – PLN220057 – Giovino.

COMMISSIONER COMMENTS AND REQUESTS

Commissioner Shaw asked why the Big Sur Fire update has not been addressed in a timely manner?

Commissioner Monsalve asked Staff to provide the process for those who have to rebuild due to storm damage, is it treated differently than rebuilds due to fire damage?

Commissioner Mendoza recommended that HCD along with other permit approving agencies create an event that would all the public with the opportunity to review and approve simple permits in a timely manner.

Commissioner Diehl shared that it is Nurse Appreciation Week and shared her appreciation for all Nurses.

REFERRALS AND OTHER MATTERS

A. PLANNING COMMISSION REFERRALS

Secretary Beretti provided a brief update on the Planning Commission Referrals.

RESIGNATIONS

1. Resignation of Alan Buchwald from the Big Sur Land Use Advisory Committee (LUAC)

Public Comment: None

The Commission recognized the resignation of Alan Buchwald.

APPROVAL OF CONSENT CALENDAR

Commissioner Shaw left during the consent calendar, due to a potential conflict of interest.

2. PLN200203 - ANTHONY NICOLA, INC.

Resolution by the Monterey County Planning Commission to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the application for demolition of an existing single family dwelling and septic system and construction of two three-story buildings for 34 two bedroom units and one one bedroom unit with office totaling approximately 36,200 square feet for use as agricultural employee housing of up to 250 workers, a manager's suite, and three very low income level inclusionary housing units; the project also includes a Variance for less than 200 feet agricultural buffer.

Project Location: 124 Gonda Street, Royal Oaks

Proposed CEQA action: The decision on the Project is statutorily exempt from environmental review as California Environmental Quality Act (CEQA) Guidelines Section 15270 because the Planning Commission did not approve the project.

Public Comment: None

It was moved by Commissioner Monsalve, seconded by Commissioner Work and passed by the following vote to approve the resolution to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the following application.

AYES: Getzelman, Work, Mendoza, Diehl, Monsalve, Daniels, Gomez

NOES: None

ABSENT: Roberts Gonzalez, Shaw

ABSTAIN: None

9:00 A.M. – SCHEDULED MATTERS**3. REF210024 - BIG SUR COAST LAND USE PLAN UPDATE**

a. Continue the public workshop to a date certain of June 26, 2024.

Project Location: Big Sur Coast Planning Area

Proposed CEQA action: A planning workshop is statutorily exempt per California Environmental Quality Act (CEQA) 15262.

Taylor Price, Project Planner presented the request for continuance due to the Highway One slide out.

Public Comment: None

It was moved by Commissioner Mendoza, seconded by Commissioner Daniels and passed by the following vote to continue the workshop on this item to a date certain of June 26, 2024.

AYES: Shaw, Getzelman, Work, Gonzalez, Mendoza, Diehl, Monsalve, Daniels, Gomez

NOES: None

ABSENT: Roberts Gonzalez

ABSTAIN: None

4. PLN220352 - MA CHUN-TAO & NING ZHANG TRS

Continued from February 28, 2024 and March 27, 2024, public hearing to consider establishment of the transient use of a residential property (single family dwelling) for remuneration, commonly known as a short term rental.

Project Location: 26132 Carmel Knolls Drive, Carmel

Proposed CEQA Action: Find the project statutorily exempt pursuant to CEQA Guidelines Section 15270.

Zoe Zepp, Project Planner presented the item.

Applicant Representative: None

Public Comment: None

It was moved by Commissioner Daniels, seconded by Commissioner Mendoza and passed by the following vote to deny the project.

AYES: Shaw, Getzelman, Work, Mendoza, Diehl, Monsalve, Daniels, Gomez

NOES: None

ABSENT: Roberts, Gonzalez

ABSTAIN: None

5. PLN210223 - GARD HERMALINA

Public hearing to consider the Gard Standard Subdivision for a Vesting Tentative Map for standard subdivision of a developed four-acre parcel to create 17 residential parcels, including 3 moderate income units, and a drainage parcel; and reduce the 200 foot agricultural buffer to 139 feet.

Project Location: 442 Boronda Road, Salinas

Proposed CEQA action: Find the project is covered by the common-sense exemption pursuant to CEQA Guidelines section 15061(b)(3) because it meets most requirements of the residential infill exemption pursuant to CEQA Guidelines Section 15195.

Mary Israel, Project Planner presented the request for continuance to a date uncertain, due to the unresolved code violation.

Applicant Representative: Tony Lombardo

Public Comment: None

It was moved by Commissioner Monsalve, seconded by Commissioner Work and passed by the following vote to continue the hearing on this item to a date uncertain.

AYES: Shaw, Getzelman, Work, Mendoza, Diehl, Monsalve, Daniels, Gomez

NOES: None

ABSENT: Roberts, Gonzalez

ABSTAIN: None

6. PLN220057 - GIOVINO PAUL & STACI B TRS

Public hearing to consider establishment of the transient use of a residential property (single-family dwelling together with a guesthouse) for remuneration, commonly known as a short term rental.

Project Location: 2826 Congress Rd, Pebble Beach, Greater Monterey Peninsula Area Plan, (Assessor's Parcel Number 007-152-008-000)

Proposed CEQA action: Find the project categorically exempt pursuant to Section 15301, Existing Structures, of the CEQA Guidelines.

Zoe Zepp, Project Planner presented the item.

Applicant Representative: Paul Giovino

Public Comment: None

The Commission recessed at 10:30a.m. and returned at 10:49a.m.

The hearing on agenda item number 6 was trailed to after agenda item number 7.

7. PLN230113 - HONEYMAN BRUCE W & ELIZABETH H TRS

Public hearing to consider the transient use of a residential property (single-family dwelling) for remuneration, commonly known as a short-term rental.

Project Location: 14318 Hitchcock Rd, Carmel Valley

Proposed CEQA action: Find the project categorically exempt pursuant to Section 15301, Existing Structures, of the CEQA Guidelines.

Marlene Garcia, Project Planner presented the item.

Applicant Representative: Elizabeth Honeyman

Public Comment: None

The Commission recessed at 12:04p.m. and returned at 1:06p.m.

It was moved by Commissioner Gomez, seconded by Commissioner Getzelman and passed by the following vote to find the project exempt from CEQA pursuant to Section 15301, Existing Structures, of the CEQA Guidelines and there are no exceptions pursuant to Section 15300.2; and approve an Administrative Permit to allow the transient use of a residential property for remuneration with updates to finding 4 evidence c, condition 4 and condition 6.

AYES: Shaw, Getzelman, Work, Mendoza, Diehl, Monsalve, Daniels, Gomez

NOES: None

ABSENT: Roberts, Gonzalez

ABSTAIN: None

The Commission continued the hearing on agenda item no. 6.

6. PLN220057 - GIOVINO PAUL & STACI B TRS

Public hearing to consider establishment of the transient use of a residential property (single-family dwelling together with a guesthouse) for remuneration, commonly known as a short term rental.

Project Location: 2826 Congress Rd, Pebble Beach, Greater Monterey Peninsula Area Plan, (Assessor's Parcel Number 007-152-008-000)

Proposed CEQA action: Find the project categorically exempt pursuant to Section 15301, Existing Structures, of the CEQA Guidelines.

Zoe Zepp, Project Planner presented the Commissions requested changes to the resolution and conditions.

It was moved by Commissioner Monsalve, seconded by Commissioner Mendoza and passed by the following vote to find the project exempt from CEQA pursuant to Section 15301, Existing Structures, of the CEQA Guidelines and there are no exceptions pursuant to Section 15300.2; and approve an Administrative Permit to allow transient use of an existing single-family dwelling together with an attached guesthouse for remuneration, with updates to finding 1, evidence j, condition 8 and condition 10.

AYES: Shaw, Getzelman, Work, Mendoza, Diehl, Monsalve, Daniels, Gomez

NOES: None

ABSENT: Roberts, Gonzalez

ABSTAIN: None

DEPARTMENT REPORT

Secretary Beretti informed the Commission that the Draft Housing Element is available as of May 6th for the 30 day review period, Staff will be holding community outreach as well as committee meetings and that we will go before the board on June 4th.

ADJOURNMENT

The meeting was adjourned by Chair Diehl at 1:56p.m.

County of Monterey

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



Meeting Minutes - Draft

Special Meeting

Wednesday, May 15, 2024

9:00 AM

Monterey County Planning Commission

9:00 A.M. - CALL TO ORDER

The meeting was called to order by Commissioner Diehl at 9:09 a.m

PLEDGE OF ALLEGIANCE

The pledge was led by Commissioner Gomez.

ROLL CALL

Present:

Christine Shaw

Martha Diehl

Ben Work

Francisco Mendoza

Ramon Gomez

Katharine Daniels arrived at 9:15a.m.

Paul Getzelman

Ernesto Gonzalez

Absent:

Etna Monsalve

Amy Roberts

Secretary Quenga reviewed the Zoom protocols, including the Interpretation Services Zoom protocols.

PUBLIC COMMENTS

Letter received by Richard and Joy Stevens.

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Commission Clerk Elizabeth Vasquez informed the Commission of additional correspondence received and distributed on Monday, May 13th, Tuesday May 14th and today, May 15th for Agenda Item No. 1 – REF220020 (General Plan Housing Element 6th Cycle Update) along with correspondence received between June 1, 2023 and March 25, 2024 prior to the agenda distribution.

Commissioner Daniels arrived at the dais.

COMMISSIONER COMMENTS AND REQUESTS

None

9:00 A.M. – SCHEDULED MATTERS**1. REF220020 - GENERAL PLAN HOUSING ELEMENT SIXTH CYCLE UPDATE**

Receive a presentation of and conduct a public workshop to review and receive public input regarding the Draft Housing Element Sixth Cycle Update.

Project Location: Unincorporated County of Monterey

Proposed CEQA Action: Statutory Exemption pursuant to Section 15262 of the California Environmental Quality Act (CEQA) Guidelines

Craig Spencer, HCD Director, Melanie Beretti, WOC Chief of Planning, Hitta Mosesman, Harris and Associates Consultant, and Darby Marshall presented the item.

The Commission recessed at 10:30 a.m. and returned at 10:46 a.m., all Commissioners present who were present before the recess.

Public Comment: Ann Hanham, Scott Hanham, Michael DeLapa, Laura Davis, Tom Ward, Daian Hennington, Glenn Hennington, Lisa Hofmann, Tom Ewen, Kevin Dayton, Steven Thayer, Mary Ann Carbone, Dennis Ward, Jim Ferguson, Anne Nadoff, Brent Slama, Esther, Mr. Hawryluk, iPhone (2) Doris, Gabriel Sanders, Krista Ostoich, Allen Miller, Larry Bacon, Marianne Gawain

The Planning Commission requested that Staff ask that the Board of Supervisors postpone a decision on this matter until the Commission is able to provide additional edits and requested that Staff hold a Special Planning Commission Meeting on June 5, 2024 to allow the Commission to discuss and review the additional edits to the draft 6th cycle Housing Element.

The Special Meeting on June 5, 2024 will be noticed at the Commission's request.

DEPARTMENT REPORT

None

ADJOURNMENT

The meeting was adjourned by Chair Diehl at 12:48 p.m.



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 24-062

June 12, 2024

Introduced: 5/29/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

BRADLEY ALLEY AND STREET VACATION/ABANDONMENT

Conduct a public hearing to consider and adopt a resolution providing a report to the Board of Supervisors on the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, and finding that the proposed abandonment or vacation is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the 2010 General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portions Bradley Road.

Project Location: Community of Bradley, South County Area Plan

Proposed California Environmental Quality Act (CEQA) Action: Categorically Exempt per Sections 15301; and 15304 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Planning Commission conduct a public hearing to consider and adopt a resolution providing a report to the Board of Supervisors on the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, which recommends that said road and alley portions be vacated based upon the findings set forth below:

1. The proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6 involve existing highways and streets, and minor alterations to land which qualify respectively as Class 1 and Class 4 categorical exemptions under the CEQA Guidelines Sections 15301(c) - existing highways and streets; and 15304 - minor public alterations in the condition of the land; and, there are no exceptions under Section 15300.2; and
2. Find and report to the Board of Supervisors that the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part

of the 2010 General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road.

The attached draft resolution includes a report to the Board of Supervisors with findings and evidence for consideration by the Planning Commission (Exhibit A).

Staff recommends approval of said resolution and report subject to a reservation of rights by the County pursuant to SHC Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road.

SUMMARY:

As part of the Bradley Branch Library Project proposed to be constructed in the northwest portion of Block 5 of the Community of Bradley, the Department of Public Works, Facilities and Parks (PWFP) determined that of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6 are unnecessary for present or prospective public use as public roads, streets, or alleys. Ross Street and the alleys within Blocks 5 and 12 have never been open or used as a public street or alley, with certain portions being used as lands of the Bradley School for many decades. Bradley Road was widened by approximately 20 feet in 1939 when it was a state highway in 1939, said state highway was relinquished to the County in 1966. The proposed action would vacate the portion of Bradley Road in Block 5 and the westerly half of Block 6 that was granted to the State in 1939.

The proposed abandonment or vacation would, in part, provide additional land available for use by the Bradley Branch Library Project. It would also officially abandon or vacate streets or alleys that have never been open to or used as public streets or alleys.

SHC Section 8313 requires that the Board of Supervisors consider the County General Plan and follow the procedure prescribed in California Government Code Section 65402, whereby the Planning Commission, as the County planning agency, reports to the Board regarding any proposed abandonment or vacation of public right-of-way as to conformity with the Monterey County General Plan, and the South County Area Plan, a part of the 2010 General Plan.

DISCUSSION:

PWFP has initiated this road abandonment or vacation action for the purpose of providing additional land to benefit the proposed Bradley Branch Library Project and to remove unused or excess road right-of way from the County Road System. PWFP Staff have determined that of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6 are unnecessary for present or prospective public use as public roads, streets, or alleys.

Pursuant to SHC Section 8320, a legislative body may initiate a vacation procedure under the following circumstances.

8320.

(a) The legislative body of a local agency may initiate a proceeding under this chapter in either of the following ways:

(1) On its own initiative, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(2) Upon a petition or request of an interested person, at the discretion of the legislative body, except as provided in subdivision (e) of Section 8321, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(b) The notices required by this chapter shall contain both of the following:

(1) A description of the street, highway, or public service easement proposed to be vacated and a reference to a map or plan, that shows the portion or area to be vacated and includes a statement that the vacation proceeding is conducted under this chapter. In the case of a street or highway, the description shall include its general location, its lawful or official name or the name by which it is commonly known, and the extent to which it is to be vacated. In the case of a public service easement, the description shall identify it with common certainty. The map or plan showing the location of the street, highway, or public easement proposed to be vacated is sufficient compliance with this paragraph.

(2) The date, hour, and place for hearing all persons interested in the proposed vacation. The date shall not be less than 15 days after the initiation of proceedings.

(Amended by Stats. 1998, Ch. 876, Sec. 20. Effective January 1, 1999.)

Therefore, pursuant to SHC Section 8320(a)(1), SHC Section 8313 and California Government Code Section 65402, PWFP staff recommends that the Planning Commission provide a report to the Board which recommends that said portion of the streets, roads, and alleys of the Community of Bradley be vacated based upon the findings set forth below:

1. The proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, involves existing highways and streets, and minor alterations to land which qualify respectively as Class 1 and Class 4 categorical exemptions under the CEQA Guidelines Sections 15301(c) - existing highways and streets; and 15304 - minor public alterations in the condition of the land; and, there are

- no exceptions under Section 15300.2; and
2. The proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the 2010 General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road.

As provided in SHC Section 8340, the County will reserve, and except from this abandonment or vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road. No private rights of access shall be affected by this road abandonment or vacation action.

Department of Housing and Community Development (HCD) staff has reviewed the Road Commissioner's request for abandonment or vacation for conformity with the applicable policies contained within the Monterey County General Plan and the South County Area Plan. HCD staff has prepared a memo indicating the petition for abandonment or vacation is in conformance with all General and Area Plan policies (Exhibit B).

OTHER AGENCY INVOLVEMENT:

The request for abandonment or vacation was referred to the Bradley School Districts, AT&T and PG&E. Comments from these public agencies and utilities have been incorporated into the draft resolution which includes a report to the Board of Supervisors with findings and evidence for consideration by the Planning Commission (Exhibit B).

FINANCING:

This proposed action was initiated by PWF for the purpose of providing additional land to benefit the proposed Bradley Branch Library Project and to remove unused or excess road right-of way from the County Road System. This potentially reduces the cost of land acquisition and eliminates potential road maintenance costs and liability within the subject area. There will be no reduction of Highway Users Tax Account (HUTA) revenue since no road within the County Road System will be reduced in length.

Prepared by: Michael K. Goetz, PLS, County Surveyor, Ext. 4940
Reviewed by: Lindsay Lerable, Assistant Director of Public Works, Facilities, and Parks
Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, and Parks

The following attachments are on file with the HCD:
Exhibit A - Draft Resolution and Report to Board of Supervisors
Exhibit B - HCD Consistency Memo with Vicinity Map

cc: Front Counter Copy; Planning Commission (10); Tony Lombardo (Anthony Lombardo & Associates); Craig Spencer, HCD Director; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Bradley Road Abandonment File



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 24-062

June 12, 2024

Introduced: 5/29/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

BRADLEY ALLEY AND STREET VACATION/ABANDONMENT

Conduct a public hearing to consider and adopt a resolution providing a report to the Board of Supervisors on the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, and finding that the proposed abandonment or vacation is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the 2010 General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portions Bradley Road.

Project Location: Community of Bradley, South County Area Plan

Proposed California Environmental Quality Act (CEQA) Action: Categorically Exempt per Sections 15301; and 15304 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Planning Commission conduct a public hearing to consider and adopt a resolution providing a report to the Board of Supervisors on the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, which recommends that said road and alley portions be vacated based upon the findings set forth below:

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The attached draft resolution includes a report to the Board of Supervisors with findings and evidence for consideration by the Planning Commission (Exhibit A).

Staff recommends approval of said resolution and report subject to a reservation of rights by the County pursuant to SHC Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road.

SUMMARY:

As part of the Bradley Branch Library Project proposed to be constructed in the northwest portion of Block 5 of the Community of Bradley, the Department of Public Works, Facilities and Parks (PWFP) determined that of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6 are unnecessary for present or prospective public use as public roads, streets, or alleys. Ross Street and the alleys within Blocks 5 and 12 have never been open or used as a public street or alley, with certain portions being used as lands of the Bradley School for many decades. Bradley Road was widened by approximately 20 feet in 1939 when it was a state highway in 1939, said state highway was relinquished to the County in 1966. The proposed action would vacate the portion of Bradley Road in Block 5 and the westerly half of Block 6 that was granted to the State in 1939.

The proposed abandonment or vacation would, in part, provide additional land available for use by the Bradley Branch Library Project. It would also officially abandon or vacate streets or alleys that have never been open to or used as public streets or alleys.

SHC Section 8313 requires that the Board of Supervisors consider the County General Plan and follow the procedure prescribed in California Government Code Section 65402, whereby the Planning Commission, as the County planning agency, reports to the Board regarding any proposed abandonment or vacation of public right-of-way as to conformity with the Monterey County General Plan, and the South County Area Plan, a part of the 2010 General Plan.

DISCUSSION:

PWFP has initiated this road abandonment or vacation action for the purpose of providing additional land to benefit the proposed Bradley Branch Library Project and to remove unused or excess road right-of way from the County Road System. PWFP Staff have determined that of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6 are unnecessary for present or prospective public use as public roads, streets, or alleys.

Pursuant to SHC Section 8320, a legislative body may initiate a vacation procedure under the following circumstances.

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(a) The legislative body of a local agency may initiate a proceeding under this chapter in either of the following ways:

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(2) Upon a petition or request of an interested person, at the discretion of the legislative body, except as provided in subdivision (e) of Section 8321, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

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(2) The date, hour, and place for hearing all persons interested in the proposed vacation. The date shall not be less than 15 days after the initiation of proceedings.

(Amended by Stats. 1998, Ch. 876, Sec. 20. Effective January 1, 1999.)

Therefore, pursuant to SHC Section 8320(a)(1), SHC Section 8313 and California Government Code Section 65402, PWFP staff recommends that the Planning Commission provide a report to the Board which recommends that said portion of the streets, roads, and alleys of the Community of Bradley be vacated based upon the findings set forth below:

1. The proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, involves existing highways and streets, and minor alterations to land which qualify respectively as Class 1 and Class 4 categorical exemptions under the CEQA Guidelines Sections 15301(c) - existing highways and streets; and 15304 - minor public alterations in the condition of the land; and, there are

- no exceptions under Section 15300.2; and
2. The proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the 2010 General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road.

As provided in SHC Section 8340, the County will reserve, and except from this abandonment or vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road. No private rights of access shall be affected by this road abandonment or vacation action.

Department of Housing and Community Development (HCD) staff has reviewed the Road Commissioner's request for abandonment or vacation for conformity with the applicable policies contained within the Monterey County General Plan and the South County Area Plan. HCD staff has prepared a memo indicating the petition for abandonment or vacation is in conformance with all General and Area Plan policies (Exhibit B).

OTHER AGENCY INVOLVEMENT:

The request for abandonment or vacation was referred to the Bradley School Districts, AT&T and PG&E. Comments from these public agencies and utilities have been incorporated into the draft resolution which includes a report to the Board of Supervisors with findings and evidence for consideration by the Planning Commission (Exhibit B).

FINANCING:

This proposed action was initiated by PWF for the purpose of providing additional land to benefit the proposed Bradley Branch Library Project and to remove unused or excess road right-of way from the County Road System. This potentially reduces the cost of land acquisition and eliminates potential road maintenance costs and liability within the subject area. There will be no reduction of Highway Users Tax Account (HUTA) revenue since no road within the County Road System will be reduced in length.

Prepared by: Michael K. Goetz, PLS, County Surveyor, Ext. 4940
Reviewed by: Lindsay Lerable, Assistant Director of Public Works, Facilities, and Parks
Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, and Parks

The following attachments are on file with the HCD:
Exhibit A - Draft Resolution and Report to Board of Supervisors
Exhibit B - HCD Consistency Memo with Vicinity Map

cc: Front Counter Copy; Planning Commission (10); Tony Lombardo (Anthony Lombardo & Associates); Craig Spencer, HCD Director; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Bradley Road Abandonment File

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Exhibit A

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Draft Resolution

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

RESOLUTION NO. 24-

Resolution and report to the Board of Supervisors by the Monterey County Planning Commission:

1. Finding that the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6 involves existing highways and streets, and minor alterations to land which qualify respectively as Class 1 and Class 4 categorical exemptions under the California Environmental Quality Act (CEQA) Guidelines Sections 15301(c) – existing highways and streets; and 15304 – minor public alterations in the condition of the land, and there are no exceptions under Section 15300.2; and
2. Reporting to the Board of Supervisors that the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the 2010 General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road.

Project Location: Community of Bradley, South County Area Plan

Proposed California Environmental Quality Act (CEQA) Action: Categorically Exempt per Sections 15301; and 15304 of the CEQA Guidelines.

The request for a report of General Plan conformity concerning the vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6 came on for public hearing before the Monterey County Planning Commission on June 12, 2024. 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 and recommends that the Board of Supervisors find and decide as follows based on the findings and evidence set forth below:

FINDINGS

1. **FINDING:** **CONFORMITY** – The road abandonment or vacation is in conformity with the applicable policies contained within the Monterey County General Plan and the South County Area Plan, a part of the 2010 General Plan.

EVIDENCE: During the course of review of this request, the project has been reviewed by the Monterey County Housing and Community Development Department for conformity with the text, policies, and regulations in the:

- 2010 Monterey County General Plan; and the
- South County Area Plan;

No conflicts were found to exist. No communications were received during the course of review of the petition indicating any inconsistencies with the text, policies, and regulations in these documents.

Housing and Community Development – Planning Services ((HCD-Planning Services) Memorandum to Department of Public Works, Facilities, and Parks (PWFP) dated March 24, 2024, regarding “General Plan Consistency Determination for road vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6,” with Vicinity Map on file with HCD-Planning Services and PWFP and incorporated by this reference.

The Road Commissioner’s request is a request for the County to abandon or vacate the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, in the Community of Bradley.

2. **FINDING:** **California Environmental Quality Act (CEQA) (Exempt)** – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE: California Environmental Quality Act (CEQA) Guidelines Section 15301(c) categorically exempts existing highways and streets; Section 15304 categorically exempts minor public alterations in the condition of the land; and there are no exceptions pursuant to Section 15300.2.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby resolve to:

1. Find that the proposed abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, involves existing highways and streets, and minor alterations to land which qualify respectively as Class 1 and Class 4 categorical exemptions under the CEQA Guidelines Sections 15301(c) – existing highways and streets; and 15304 – minor public alterations in the condition of the land, and there are no exceptions under Section 15300.2; and
2. Report to the Board of Supervisors that the abandonment or vacation in the Community of Bradley of the portion of Ross Street westerly of Blocks 5 and 12, the alleys within Blocks 5 and 12, and approximately 20-foot-wide portions of Bradley Road along the frontage of Block 5 and the westerly half of Block 6, is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the General Plan subject to a reservation of rights by the County pursuant to California Streets & Highways Code (SHC) Section 8340 which authorizes the County to reserve and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated portion of the road.

PASSED AND ADOPTED this 12th day of June, 2024 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Melanie Beretti, AICP, Planning Commission Secretary

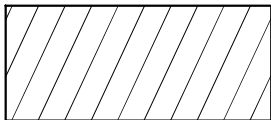
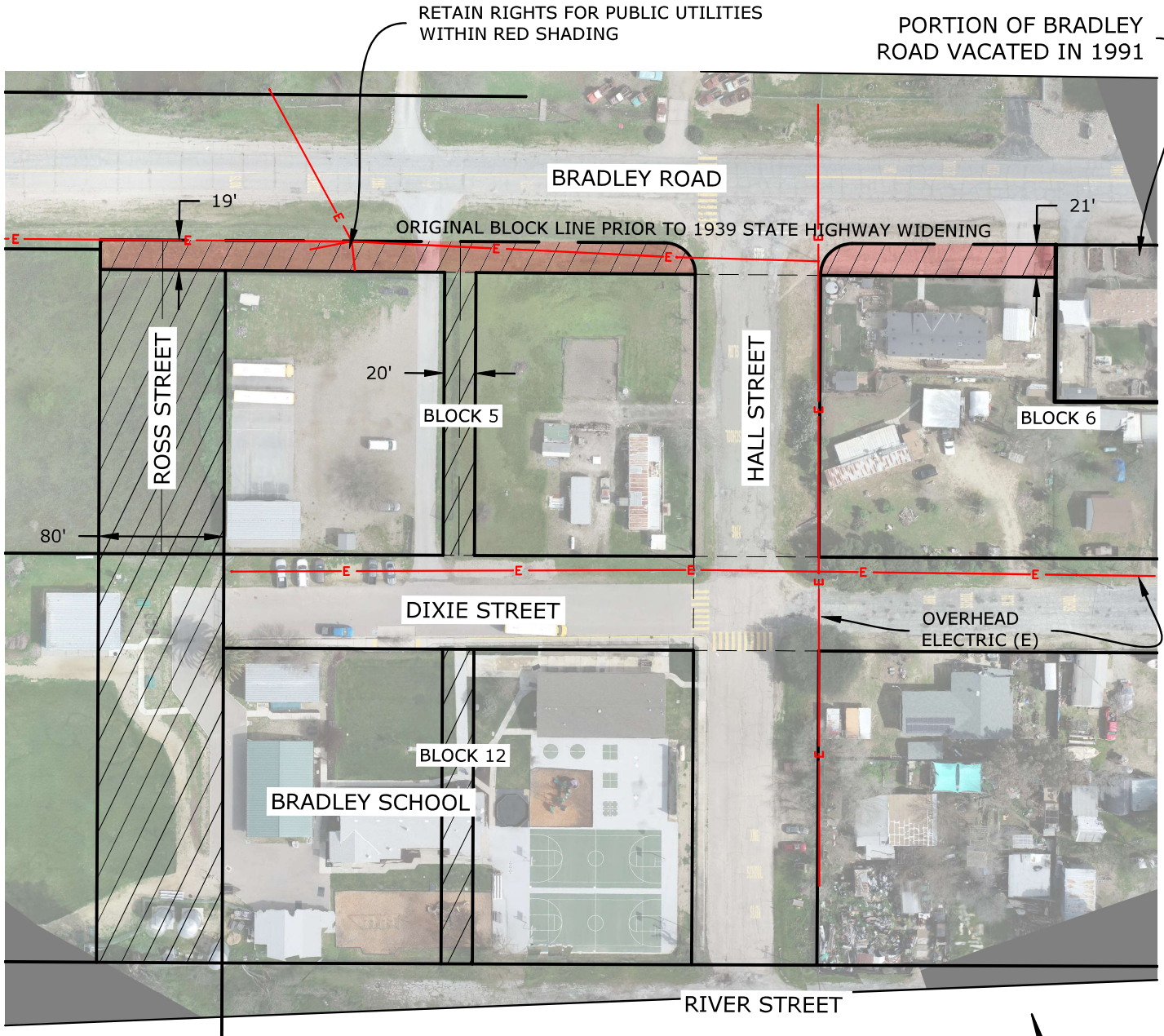
This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

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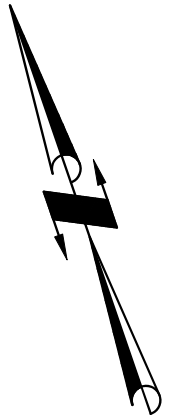
Exhibit B

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ATTACHMENT 1



AREAS OF PROPOSED STREET VACATION



**COUNTY OF MONTEREY
OFFICE OF THE COUNTY SURVEYOR**

1441 SCHILLING PLACE, SOUTH 2ND FLOOR
SALINAS, CALIFORNIA 93901
(831) 755-4800

BRADLEY LIBRARY PROJECT

PROPOSED STREET VACATIONS

DATE	03/07/24	DRAWING	SURVEYS/PROJECTS/BRADLEY RD	SHEET 1 OF 1
SCALE	1" = 100'	VIEW	VAC EXH	

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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 24-061

June 12, 2024

Introduced: 5/22/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

Consider adoption of modifications to the Monterey County Planning Commission Rules for the Transaction of Business, and provide direction to staff as appropriate.

RECOMMENDATION:

Staff recommends that the Planning Commission consider adopting modifications to the Monterey County Planning Commission Rules for the Transaction of Business.

SUMMARY/DISCUSSION:

The California Government Code directs the legislative body of a county to assign by ordinance the function of a “planning agency” to a planning department, one or more planning commissions, administrative bodies or hearing offices, the legislative body itself, or any combination thereof it deems appropriate and necessary (Government Code sections 65100 - 65101). The Board of Supervisors created the Planning Commission by ordinance, which is codified in Chapter 2.48 of the Monterey County Code. Chapter 2.48 does the following:

- Creates a 10 member Planning Commission with members appointed by the Board of Supervisors;
- Establishes a term of office for members;
- Provides for compensation for Commissioners;
- Provides for appointment of a chairperson, at least one regular meeting each month, and requires adoption of rules for the transaction of business;
- Allows for appointment of personnel and expenditures to carry out their duties; and
- Describes the powers and duties of the Planning Commission.

The Planning Commission adopted the “*Monterey County Planning Commission Rules for the Transaction of Business*” (“Rules”) pursuant to Section 2.48.040(C) of the Monterey County Code. There are currently 19 rules adopted for the transaction of business.

On October 26, 2022, the Planning Commission made procedural modifications to the Rules. These modifications made the Rules consistent with state law, clarified procedural requirements, and added headings to improve the format of the Rules.

On August 9, 2023, the Planning Commission made more detailed and substantive modifications to the Rules. These modifications included: detailing Commission authority; considerations for nomination of Chair and Vice Chair; adding to duties of Chair; setting the conduct for public hearings on land use entitlement applications, appeals, legislative enactments, and consent items; simplifying rule on

continuances; setting requirement for when minutes must be considered; and other non-substantive changes.

Since August 2023, Commissioner questions have arose concerning tie votes of the Commission and continuances. Given these questions, staff is presenting potential redline changes to the Rules for Commission consideration. These changes include adding detail concerning motions of intent to deny or approve a project, including specifying whether the public hearing remains open or is closed. The changes also include specific rules for how tie votes will be handed. Lastly, the changes specify that the Commission shall allow, as a matter of right, a staff requested continuance.

OTHER AGENCY INVOLVEMENT:

Housing & Community Development agrees with these proposed modifications.

Prepared by: Kelly Donlon, Assistant County Counsel

The following attachments are on file with the HCD:

Exhibit A - Current Monterey County Planning Commission Rules for the Transaction of Business

Exhibit B - Draft Monterey County Planning Commission Rules for the Transaction of Business (redline)

Exhibit C - Draft Monterey County Planning Commission Rules for the Transaction of Business (clean)

cc: Front Counter Copy; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa)



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

June 12, 2024

Legistar File Number: PC 24-061

Introduced: 5/22/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

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Exhibit A

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COUNTY OF MONTEREY

PLANNING COMMISSION



MONTEREY COUNTY PLANNING COMMISSION RULES FOR THE TRANSACTION OF BUSINESS

RULE 1 - Authority

The California Government Code directs the legislative body of a county to assign by ordinance the function of a “planning agency” to a planning department, one or more planning commissions, administrative bodies or hearing offices, the legislative body itself, or any combination thereof it deems appropriate and necessary per Government Code sections 65100 – 65101.

The County of Monterey Board of Supervisors created the Monterey County Planning Commission (“Commission”) by Ordinance No. 1020, which is codified in Chapter 2.48 of the Monterey County Code. These Rules for the Transaction of Business (“Rules”) are adopted in accordance with Section 2.48.040 of the Monterey County Code.

RULE 2 – Membership and Quorum

The Commission shall consist of ten appointed members and six members shall constitute a quorum. No action shall be taken by the Commission unless a quorum is present at the meeting.

RULE 3 – Rules of Order

Meetings shall be conducted in accordance with the Ralph M. Brown Act (California Government Code section 54950, *et seq.*) and guided by Robert's Rules of Order, Revised, except as otherwise specifically provided herein. Counsel for the Commission shall act as parliamentarian and on request of the Chair, shall give parliamentary advice.

RULE 4 – Election of Officers

At the first regular meeting in January, the Chair shall appoint a Nominating Committee to nominate a Chair and Vice Chair. The Nominating Committee shall consider the Commissioners who have served the longest without being Chair and Vice Chair for nomination.

At the first regular meeting in February, the Nominating Committee shall provide its nominees and the Commission shall, by majority vote, elect a Chair and Vice Chair. Any Chair and Vice Chair selected under the provisions of this section shall continue to act as Chair and Vice Chair until the selection of their successors is complete.

RULE 5 – Secretary of the Commission

The Chief of Planning, or equivalent position, or his or her designee shall act as the Secretary without any voting rights.

RULE 6 – Regular Meetings

Regular meetings of the Commission shall begin at 9:00 a.m. and be held in the Board of Supervisors' Chambers, located at 168 W. Alisal Street, Salinas, California; or at such other location within the unincorporated County as may from time to time be determined by the Commission.

Regular meetings shall be held on the second and last Wednesdays of each month except for the months of November and December in which there shall be only one meeting held on the second Wednesday of each month, unless otherwise modified by the Commission at the time of the regular calendar adoption at its first meeting of each year. Public hearings shall not be scheduled to begin later than 5:30 p.m. unless the Commission expressly authorizes an evening meeting.

RULE 7 – Special Meetings

Special meetings of the Commission may be called at any time at the direction of the Chair, a majority of Commissioners, or by the Board of Supervisors upon notice given to the members of the Commission. Special meetings may be held at a different time or location than the regular meetings of the Planning Commission, provided that the location is within the unincorporated area of the County.

RULE 8 – Duties of the Chair

The Chair shall preside at all regular and special meetings. The Chair shall be entitled to make or second any motion, and discuss and present any matter as a member of the Commission. The Chair may appoint committees from time to time for any purpose he or she deems proper for the conduct of Commission business. The Chair may set reasonable time limits on public comment to facilitate the business of the Commission.

The Vice-Chair shall assume all duties of the Chair in the latter's absence from any meeting.

In the absence or inability of either the Chair or Vice-Chair to act, the members present shall select a member to act as Chair Pro-Tem for that meeting.

RULE 9 – Document Submittal

All documents and materials to be filed with the Commission, shall be filed in the office of the Secretary of the Commission (Housing Community and Development - Planning).

RULE 10 - Agenda

The Secretary shall prepare and distribute to the Commission an agenda for each meeting. The agenda and all related materials shall be ready for distribution by the Wednesday prior to the meeting.

RULE 11 – Conduct of Public Hearings and Consent Agenda

A. Applications for land use entitlements.

Public hearings on applications for land use entitlements shall be conducted in the following order:

1. Open hearing
2. Staff presentation
3. Commissioner questions of staff
4. Applicant presentation
5. Public comment
6. Applicant rebuttal
7. Close hearing to floor
8. Staff response
9. Commission discussion
10. Render decision

B. Appeals from decisions of another County decision-making body.

Public hearings on appeals from the decision of another County decision-making body shall be conducted in the same order as indicated above, except that the appellant’s presentation shall immediately follow the applicant’s presentation in cases in which appellant is not the applicant.

C. County-initiated legislative enactments.

Public hearings on County-initiated legislation enactments, such as general plan amendments and zoning ordinances, shall be conducted in the following order:

1. Open hearing
2. Staff presentation
3. Commissioner questions of staff
4. Public comment
5. Close hearing to floor
6. Staff response
7. Commissioner discussion
8. Render decision

D. Consent agenda.

The Commission may, in a single motion, approve administrative items of a routine or generally uncontested nature by adoption of a consent agenda. The Secretary may, in his or her discretion, schedule such administrative items for approval on the consent agenda. Such items may include, but are not limited to the approval of Commission minutes and staff responses to Commission referrals.

Prior to acting on the consent agenda, the Chair shall determine whether any Commissioner, member of the public, or staff requests removal of an item from the consent agenda, and if so requested, remove that item from the consent agenda. Removed items shall be considered individually. Consideration of the remainder of the consent agenda shall be considered together.

RULE 12 – Decision

When the Commission alters or modifies a project, the appropriate findings, evidence, and conditions or modification to findings, evidence, and conditions shall be clearly noted.

If a motion to approve does not pass, then the Chair shall:

1. Permit the applicant to request a continuance, if that is appropriate; or
2. Entertain a motion to deny if sufficient findings are fully articulated to support denial; or
3. Entertain a motion of intent to deny if findings for denial are not yet fully articulated.

If there is an unbreakable tie vote, the Chair shall solicit findings for both sides and direct staff to prepare a resolution with said findings for the record and for the purpose of rendering a final determination by the Commission on the matter.

RULE 13 – Continuance

The Commission may consider requests for continuances from staff, an applicant, an appellant, or the public. It is within the Commission's discretion whether to grant such a continuance. If the Commission continues a legally noticed public hearing, the Commission shall attempt to continue the item to a date and time certain if such action is possible.

RULE 14 – Rules of Conduct

The Commissioners shall observe the following rules of conduct:

1. Be recognized by the Chair before speaking.
2. Acknowledge the Chair when you are finished.
3. Address staff by name or by department.

RULE 15 – Majority Vote

Actions of the Commission shall be by a majority vote of Commission members present and voting on the issue.

If a Commissioner is recused or prohibited from voting due to an actual or perceived conflict of interest under the California Political Reform Act (Government Code section 8700, *et seq.*) or Government Code section 1090, *et seq.*, the Commissioner shall leave the dais and the Board chambers, and his or her presence shall not be counted towards a quorum. If the recusal of a Commissioner on a certain item will upset the quorum and this is known before the item is heard, the Chair shall trail such item to the end of the meeting.

The presence of any Commissioner who otherwise abstains from voting shall be counted for purposes of determining a quorum, but such abstaining members shall not be counted either for or against a measure in determining whether a majority vote has been obtained.

RULE 16 – Rule Review

The Commission shall review these rules as needed.

RULE 17 – Record of Proceedings

All proceedings of every meeting of the Commission shall be reported in writing and shall be permanently maintained in an appropriate Minute File. Minutes of the Commission meetings shall be presented to the Commission within two regularly scheduled meetings, or as soon as possible thereafter, and shall be approved by a majority of Commissioners present. All orders of the Commission with reference to its final action upon any application resolution shall be maintained in full in the Minute File.

RULE 18 – Supersession

These Rules shall supersede any and all rules of procedure previously adopted by the Commission.

RULE 19 – Severability

Should any part term, portion or provision of these Rules be determined to conflict with any law or otherwise unenforceable or ineffectual, the remaining parts, terms, portions, or provisions shall be deemed severable, and their validity shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the provisions that the members intended to enact in the first instance.

Last updated August 9, 2023

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Exhibit B

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COUNTY OF MONTEREY

PLANNING COMMISSION



MONTEREY COUNTY PLANNING COMMISSION RULES FOR THE TRANSACTION OF BUSINESS

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B. Appeals from decisions of another County decision-making body.

Public hearings on appeals from the decision of another County decision-making body shall be conducted in the same order as indicated above, except that the appellant’s presentation shall immediately follow the applicant’s presentation in cases in which appellant is not the applicant.

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The Commission may, in a single motion, approve administrative items of a routine or generally uncontested nature by adoption of a consent agenda. The Secretary may, in his or her discretion, schedule such administrative items for approval on the consent agenda. Such items may include, but are not limited to the approval of Commission minutes and staff responses to Commission referrals.

Prior to acting on the consent agenda, the Chair shall determine whether any Commissioner, member of the public, or staff requests removal of an item from the consent agenda, and if so requested, remove that item from the consent agenda. Removed items shall be considered individually. Consideration of the remainder of the consent agenda shall be considered together.

RULE 12 – Decisions and Tie Votes

When the Commission alters or modifies a project, the appropriate findings, evidence, and conditions or modification to findings, evidence, and conditions shall be clearly noted.

If a motion to approve does not pass, then the Chair shall:

1. Permit the applicant to request a continuance, if that is appropriate; or
2. Entertain a motion to deny if sufficient findings are fully articulated to support denial; or
3. Entertain a motion of intent to deny if findings for denial are not yet fully articulated. The Commission shall specify in making a motion of intent to deny whether the public hearing remains open.

If a motion to deny does not pass, then the Chair shall:

1. Permit staff to request a continuance, if that is appropriate; or
2. Entertain a motion to approve if sufficient findings are fully articulated to support approval; or
3. Entertain a motion of intent to approve if findings for approval are not yet fully articulated. The Commission shall specify in making a motion of intent to approve whether the public hearing remains open.

~~If there is an unbreakable tie vote, the Chair shall solicit findings for both sides and direct staff to prepare a resolution with said findings for the record and for the purpose of rendering a final determination by the Commission on the matter.~~

Tie votes will be resolved as follows:

1. A tie vote resulting from a recusal of one or more Commissioners due to a conflict of interest or an abstention of one or more Commissioners, with no Commissioners absent and no vacancies on the Planning Commission, shall constitute a defeat of the motion.

2. A tie vote during the absence of one or more members, or when there is a vacancy on the Commission, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.
3. A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

If a matter is denied due to a tie vote, the Chair shall solicit findings from both sides and direct staff to prepare a resolution with such findings and expressly state the matter ended with a tie vote.

RULE 13 – Continuance

The Commission shall allow, as a matter of right, one staff requested continuance of any public hearing item without a public hearing on the merits of an item, provided that the continuance would not violate state law or the Monterey County Code.

The Commission may consider requests for continuances from ~~staff~~, an applicant, an appellant, or the public. It is within the Commission’s discretion whether to grant such a continuance.

If the Commission continues a legally noticed public hearing, the Commission shall attempt to continue the item to a date and time certain if such action is possible.

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| Last updated ~~August 9, 2023~~ June 12, 2024

Exhibit C

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COUNTY OF MONTEREY

PLANNING COMMISSION



MONTEREY COUNTY PLANNING COMMISSION RULES FOR THE TRANSACTION OF BUSINESS

RULE 1 - Authority

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The Commission shall consist of ten appointed members and six members shall constitute a quorum. No action shall be taken by the Commission unless a quorum is present at the meeting.

RULE 3 – Rules of Order

Meetings shall be conducted in accordance with the Ralph M. Brown Act (California Government Code section 54950, *et seq.*) and guided by Robert's Rules of Order, Revised, except as otherwise specifically provided herein. Counsel for the Commission shall act as parliamentarian and on request of the Chair, shall give parliamentary advice.

RULE 4 – Election of Officers

At the first regular meeting in January, the Chair shall appoint a Nominating Committee to nominate a Chair and Vice Chair. The Nominating Committee shall consider the Commissioners who have served the longest without being Chair and Vice Chair for nomination.

At the first regular meeting in February, the Nominating Committee shall provide its nominees and the Commission shall, by majority vote, elect a Chair and Vice Chair. Any Chair and Vice Chair selected under the provisions of this section shall continue to act as Chair and Vice Chair until the selection of their successors is complete.

RULE 5 – Secretary of the Commission

The Chief of Planning, or equivalent position, or his or her designee shall act as the Secretary without any voting rights.

RULE 6 – Regular Meetings

Regular meetings of the Commission shall begin at 9:00 a.m. and be held in the Board of Supervisors' Chambers, located at 168 W. Alisal Street, Salinas, California; or at such other location within the unincorporated County as may from time to time be determined by the Commission.

Regular meetings shall be held on the second and last Wednesdays of each month except for the months of November and December in which there shall be only one meeting held on the second Wednesday of each month, unless otherwise modified by the Commission at the time of the regular calendar adoption at its first meeting of each year. Public hearings shall not be scheduled to begin later than 5:30 p.m. unless the Commission expressly authorizes an evening meeting.

RULE 7 – Special Meetings

Special meetings of the Commission may be called at any time at the direction of the Chair, a majority of Commissioners, or by the Board of Supervisors upon notice given to the members of the Commission. Special meetings may be held at a different time or location than the regular meetings of the Planning Commission, provided that the location is within the unincorporated area of the County.

RULE 8 – Duties of the Chair

The Chair shall preside at all regular and special meetings. The Chair shall be entitled to make or second any motion, and discuss and present any matter as a member of the Commission. The Chair may appoint committees from time to time for any purpose he or she deems proper for the conduct of Commission business. The Chair may set reasonable time limits on public comment to facilitate the business of the Commission.

The Vice-Chair shall assume all duties of the Chair in the latter's absence from any meeting.

In the absence or inability of either the Chair or Vice-Chair to act, the members present shall select a member to act as Chair Pro-Tem for that meeting.

RULE 9 – Document Submittal

All documents and materials to be filed with the Commission, shall be filed in the office of the Secretary of the Commission (Housing Community and Development - Planning).

RULE 10 - Agenda

The Secretary shall prepare and distribute to the Commission an agenda for each meeting. The agenda and all related materials shall be ready for distribution by the Wednesday prior to the meeting.

RULE 11 – Conduct of Public Hearings and Consent Agenda

A. Applications for land use entitlements.

Public hearings on applications for land use entitlements shall be conducted in the following order:

1. Open hearing
2. Staff presentation
3. Commissioner questions of staff
4. Applicant presentation
5. Public comment
6. Applicant rebuttal
7. Close hearing to floor
8. Staff response
9. Commission discussion
10. Render decision

B. Appeals from decisions of another County decision-making body.

Public hearings on appeals from the decision of another County decision-making body shall be conducted in the same order as indicated above, except that the appellant’s presentation shall immediately follow the applicant’s presentation in cases in which appellant is not the applicant.

C. County-initiated legislative enactments.

Public hearings on County-initiated legislation enactments, such as general plan amendments and zoning ordinances, shall be conducted in the following order:

1. Open hearing
2. Staff presentation
3. Commissioner questions of staff
4. Public comment
5. Close hearing to floor
6. Staff response
7. Commissioner discussion
8. Render decision

D. Consent agenda.

The Commission may, in a single motion, approve administrative items of a routine or generally uncontested nature by adoption of a consent agenda. The Secretary may, in his or her discretion, schedule such administrative items for approval on the consent agenda. Such items may include, but are not limited to the approval of Commission minutes and staff responses to Commission referrals.

Prior to acting on the consent agenda, the Chair shall determine whether any Commissioner, member of the public, or staff requests removal of an item from the consent agenda, and if so requested, remove that item from the consent agenda. Removed items shall be considered individually. Consideration of the remainder of the consent agenda shall be considered together.

RULE 12 – Decisions and Tie Votes

When the Commission alters or modifies a project, the appropriate findings, evidence, and conditions or modification to findings, evidence, and conditions shall be clearly noted.

If a motion to approve does not pass, then the Chair shall:

1. Permit the applicant to request a continuance, if that is appropriate; or
2. Entertain a motion to deny if sufficient findings are fully articulated to support denial; or
3. Entertain a motion of intent to deny if findings for denial are not yet fully articulated. The Commission shall specify in making a motion of intent to deny whether the public hearing remains open.

If a motion to deny does not pass, then the Chair shall:

1. Permit staff to request a continuance, if that is appropriate; or
2. Entertain a motion to approve if sufficient findings are fully articulated to support approval; or
3. Entertain a motion of intent to approve if findings for approval are not yet fully articulated. The Commission shall specify in making a motion of intent to approve whether the public hearing remains open.

Tie votes will be resolved as follows:

1. A tie vote resulting from a recusal of one or more Commissioners due to a conflict of interest or an abstention of one or more Commissioners, with no Commissioners absent and no vacancies on the Planning Commission, shall constitute a defeat of the motion.
2. A tie vote during the absence of one or more members, or when there is a vacancy on the Commission, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

3. A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

If a matter is denied due to a tie vote, the Chair shall solicit findings from both sides and direct staff to prepare a resolution with such findings and expressly state the matter ended with a tie vote.

RULE 13 – Continuance

The Commission shall allow, as a matter of right, one staff requested continuance of any public hearing item without a public hearing on the merits of an item, provided that the continuance would not violate state law or the Monterey County Code.

The Commission may consider requests for continuances from an applicant, an appellant, or the public. It is within the Commission’s discretion whether to grant such a continuance.

If the Commission continues a legally noticed public hearing, the Commission shall attempt to continue the item to a date and time certain if such action is possible.

RULE 14 – Rules of Conduct

The Commissioners shall observe the following rules of conduct:

1. Be recognized by the Chair before speaking.
2. Acknowledge the Chair when you are finished.
3. Address staff by name or by department.

RULE 15 – Majority Vote

Actions of the Commission shall be by a majority vote of Commission members present and voting on the issue.

If a Commissioner is recused or prohibited from voting due to an actual or perceived conflict of interest under the California Political Reform Act (Government Code section 8700, *et seq.*) or Government Code section 1090, *et seq.*, the Commissioner shall leave the dais and the Board chambers, and his or her presence shall not be counted towards a quorum. If the recusal of a Commissioner on a certain item will upset the quorum and this is known before the item is heard, the Chair shall trail such item to the end of the meeting.

The presence of any Commissioner who otherwise abstains from voting shall be counted for purposes of determining a quorum, but such abstaining members shall not be counted either for or against a measure in determining whether a majority vote has been obtained.

RULE 16 – Rule Review

The Commission shall review these rules as needed.

RULE 17 – Record of Proceedings

All proceedings of every meeting of the Commission shall be reported in writing and shall be permanently maintained in an appropriate Minute File. Minutes of the Commission meetings shall be presented to the Commission within two regularly scheduled meetings, or as soon as possible thereafter, and shall be approved by a majority of Commissioners present. All orders of the Commission with reference to its final action upon any application resolution shall be maintained in full in the Minute File.

RULE 18 – Supersession

These Rules shall supersede any and all rules of procedure previously adopted by the Commission.

RULE 19 – Severability

Should any part term, portion or provision of these Rules be determined to conflict with any law or otherwise unenforceable or ineffectual, the remaining parts, terms, portions, or provisions shall be deemed severable, and their validity shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the provisions that the members intended to enact in the first instance.

Last updated June 12, 2024



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 24-064

June 12, 2024

Introduced: 6/3/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLN220063 - CUCCIA COLETTE TRS

Public hearing to consider the transient use of an existing two-story single family dwelling and cabin for remuneration (home-stay Short-Term Rental).

Project Location: 28180 Robinson Canyon Road, Carmel

Proposed CEQA action: Finding the project Categorically Exempt pursuant to CEQA Guidelines Section 15301

RECOMMENDATIONS

It is recommended that the Planning Commission:

- a. Waive fifty-percent of the permit application fee; and
- b. Adopt a resolution to:
 - 1) Find that the project is for leasing of existing private structures, involving negligible or no expansion of an existing use qualifies as a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301, and none of the exceptions contained in Section 15300.2 apply; and
 - 2) Approve an Administrative Permit to allow a transient use of a residential property (single family dwelling and cabin/guesthouse) for remuneration and abate zoning violations 20CE00068 and 23CE00404.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to eight conditions of approval.

PROJECT INFORMATION

Agent: N/A

Property Owner: Colette Cuccia

APN: 416-025-008-000

Parcel Size: 1.25 acres

Zoning: Low Density Residential, 2.5 acres per unit with Design Control, Site Plan and Residential Allocation Zoning overlay districts or "LDR/2.5-D-S-RAZ"

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No

SUMMARY

The subject property is located at 28180 Robinson Canyon Road, Carmel, in a "highly sensitive" visual sensitivity area, and is subject to the policies and regulations of the 2010 Monterey County General Plan, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance Title 21. The

proposed project includes the transient use of an existing single family dwelling and cabin/guesthouse for remuneration while the owner lives in the main dwelling, which is known as a home-stay short-term rental (home-stay STR).

By permitting the Staff recommends approval of the Administrative Permit for a limited time expiration of three (3) years.

DISCUSSION

Land Use

Based on staff review of the planning application materials, the property complies with most rules and regulations pertaining to zoning uses and other applicable provisions of the 2010 Monterey County General Plan, Carmel Valley Master Plan, and applicable sections of the Monterey County zoning ordinance, Title 21. The parcel is zoned Low Density Residential at 2.5 acres per unit with Design Control, Site Plan and Residential Allocation Zoning overlay districts (LDR/2.5-D-S-RAZ) which allows for transient use of a residential property for remuneration, subject to an Administrative Permit. Two areas of non-compliance with County Codes shall be remedied through the discretionary action. A habitable structure, "cabin with deck," was constructed in 1983 with building permit No. 33201. Zoning clearance was signed off which did not indicate that there was an associated entitlement or that one was needed. The subject property was zoned Agricultural-Residential with Rural-Professional, Trailer Exclusion and Building Site combining districts or "K-G-J-B-4" which did not specifically list cabins as an allowed use. However, non-commercial guesthouses were allowed with a Use Permit. Based on the subordinate and incidental nature of the cabin in relation to the residence, the cabin should have been described as a guesthouse. As such, the cabin is considered legal non-conforming and as conditioned, will be required to file a deed restriction in accordance with Title 21 Section 21.64.020.8 (Condition No. 5). The second non-compliance at the subject site is the previous operation of a Short Term Rental (STR). There are open code enforcement cases for unpermitted an unpermitted operation of an STR (20CE00068 and 23CE00404) and the granting of this permit shall resolve the code violation currently at the property.

Transient Use of Residential Property for Remuneration

The subject application was reviewed for consistency with the intent, purpose, and requirements of regulations contained in Title 21 Section 21.64.280, *Administrative permits for transient use of residential property for remuneration*. The current regulations serve to preserve and enhance the residential character of the zoning districts established in Title 21 https://library.municode.com/ca/monterey_county/codes/code_of_ordinances?nodeId=TIT21ZO and the sense of security and safety in stable neighborhoods of owner-occupied residences. In the subject case, the cabin has been rented as a home-stay for several years and there have been no complaints from the neighbors that the residential character, safety, or sense of security of the area has been damaged by the Cuccia home-stay STR. The current regulations also serve to implement the provisions and advance the purposes and objectives of Title 21 https://library.municode.com/ca/monterey_county/codes/code_of_ordinances?nodeId=TIT21ZO.

These provisions and purposes include:

- A) To provide a definite plan of development for the County, and to guide, control and regulate the future growth of the County, in accordance with said plan;
- B) To protect the character and the social and economic stability of agricultural areas, residential

- areas, commercial areas, industrial areas, and other areas, within the County and to assure the orderly and beneficial development of such areas;
- C) To protect the public safety from the location of structures and other uses of land which may cause interference with existing or prospective traffic movement on highways;
 - D) To implement the Monterey County General Plan, adopted area plans, specific plans and the policies and standards adopted by the Monterey County Board of Supervisors;
 - E) To provide regulations of sufficient clarity and detail for the location and nature of Zoning Districts to provide the appropriate authorities and the public with clear standards and direction in the land use decision making process;
 - F) To provide a sufficient level of review and public hearing processes for adequate and necessary public participation in the review of development projects; and
 - G) To provide standards and procedures for preservation and exercise of property development rights. (Title 21, Section 21.02.030)

The Cuccia home-stay STR supports the economic stability of the area by providing a home-stay vacation location for travelers who have an interest in Carmel Valley’s wineries, restaurants, spas, and other attractions. The Cuccia home-stay STR does not interfere with the existing traffic movements as discussed in the CEQA section below - the STR is limited to one renter at a time, and vehicles on the road for a single-family dwelling are similar. The General Plan and the Carmel Valley Master Plan can be implemented while the Cuccia home-stay STR operates without undue conflict because it is an allowed use in the Zoning District. Pursuant to provision “E” above, the public were given clear standards and direction in the land use decision making process in May 2021, when the Board gave direction for more robust Code Enforcement inquiries to address the STRs so that illegal operations can become legal. The applicant felt invited by the Board of Supervisors to pursue an Administrative Permit for her STR and she initiated the Planning Permit in late February of 2022. By hearing the Cuccia home-stay STR in the Planning Commission public hearing, the County has provided adequate and necessary public participation in the review of the development. Finally, County has provides standards and procedures for the applicant to exercise property development rights by allowing the review of the subject development permit application at this time.

Except as provided in Title 21 Section 21.64.280, County regulations restrict transient use of property for remuneration, which use may be inharmonious with and injurious to the preservation of the character and environment of the various zoning districts in Title 21 https://library.municode.com/ca/monterey_county/codes/code_of_ordinances?nodeId=TIT21ZO. Finally, the current regulations serve to promote the public health, safety, and general welfare of the County. The Cuccia home-stay STR is harmonious with the character and environment of the Zoning District and does not reduce the County’s ability to promote the public health, safety, and general welfare of its residents. This is evidenced by the long-standing function of the STR operation without conflicts in the neighborhood (see violation discussion below).

As detailed in the draft resolution (**Exhibit A**), the applicant has provided evidence of compliance with the applicable requirements. The Operations Plan limits the subject property to one rental contract with rental periods with no less than a 7-night consecutive stay and no greater than a 30-night consecutive stay, and a maximum occupancy of three individuals. Title 21 Section 21.64.280.D.2 regulations for guesthouses prohibit renting/leasing a guesthouse separately from the main dwelling. As such, an STR contract for the property shall include use of a room in the main dwelling and the

cabin/guesthouse. The owner has made one bedroom in the main dwelling available to STR. The proposed occupancy does not exceed the limits set forth in the California Housing Code because there is 125 square feet of bedroom floor area per person. Adequate parking spaces are provided (three total); all parking spots are located within the driveway on the property. The property owner resides within the main house and proposes to be available 24/7 to respond to tenant and neighborhood questions or concerns. Three neighbors wrote supportive letters (**Exhibit D**).

There are currently 5,033 residential dwellings in Carmel Valley Master Plan area and 30 STR applications in this same area on file with the County. It is estimated that 163 STRs are operating in the area. Although this information should not limit the Cuccia application from fair treatment that other STR have received in previous hearings, such information is useful when considering cumulative considerations in Carmel Valley.

In consideration of the Administrative Permit, the Planning Commission has previously set the permit expiration for three years, or until an updated ordinance is adopted by the Board of Supervisors. Therefore, the Cuccia STR should be given the same permit period with expectation of an extension request to be submitted at least one month prior to the end of the period.

Health and Safety

Necessary public facilities are provided. Water for the property is provided by a mutual well water system, Tao Woods Water System, which is shared among four neighbors. An existing onsite 2,000-gallon septic tank with a 1,500 square foot drainage field will continue to provide sewer treatment for the main dwelling and cabin/guesthouse. The Environmental Health Bureau has reviewed the submitted application materials and did not apply conditions to the proposed use. (**Exhibit A**).

Violation of Title 21 Code of Regulations

On February 12, 2020, a complaint was received, code enforcement case No. 20CE00068 was opened, and an inquiry letter was sent to the property owner for an unpermitted STR. On July 19, 2023 code enforcement case No. 23CE00404 was opened for unpermitted STR and a courtesy notice was sent to the property owner. On November 13, 2023 an inquiry letter was sent and an Administrative Citation was subsequently filed on March 18, 2024. Should the Planning Commission approve the project, the code enforcement cases will be cleared through their discretionary action and payment of retroactive fees. Pursuant to Title 21 Section 21.84.140, the fees for retroactive permit application are required to be twice the amount normally charged for the application. Staff is recommending the Planning Commission waive fifty-percent of the fees in this particular case, because the applicant applied for a waiver of the “double” portion of the Planning Permit fee, but the Planning Director was unable to approve the waiver as the applicant did not meet the criteria for Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development. Pursuant to Board of Supervisors resolution No. 2000-342, the Planning Commission shall consider all requests for fee waiver not meeting the criteria for which the Planning Director has authority to approve. Should the Planning Commission deny the fee waiver, then the code violation cannot be cleared, and therefore pursuant to Title 21 Section 21.84.120 the Planning Commission would not be able to approve the Administrative Permit authorizing the home stay STR.

Environmental Review

The project qualifies as a categorical exemption from environmental review pursuant to Section 15301

of the CEQA Guidelines. This exemption applies to the leasing of existing private structures, involving negligible or no expansion of an existing use. The applicant proposes to rent an existing single family dwelling and cabin/guesthouse as a transient use for remuneration and does not propose any additional development and/or expansion of the existing structures. The subject property will be limited to one rental contract at any given time, and therefore the property (cabin/guesthouse and main residence) as one rental home-stay. CEQA Guidelines Section 15125 states that in order to determine potential project impacts, the implementation of a project should be compared against the baseline conditions of the site at the time an environmental analysis is commenced. Although the homestay was not a permitted use (see Finding 4 and supporting evidence), CEQA case-law has demonstrated that Lead Agencies must evaluate impacts against actual conditions existing at the time of CEQA review and are not required to evaluate impacts compared to a baseline condition that predates the unpermitted activity. (Referring to *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, where the court (citing *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428.) In the case of the subject property, it is appropriate to consider the baseline condition as a residential property used for both a long term residence by the property owner and as an STR (homestay) since there is substantial evidence identifying that the permitted long-term use has been in operation for almost 40 years and the non-permitted transient use been in operation for approximately 10 years. Therefore, the proposed project would have no increase in traffic generation beyond existing baseline conditions. Adequate onsite parking is provided and there has not been a history of visitors parking offsite in the neighborhood. All facilities are existing and have been confirmed by County agencies to be adequate for this use. The use of the single family residence as a home-stay STR will not substantially change the intensity of use of the property and the existing structure. The potential impact of STRs on long-term housing is not a unique circumstance which would disqualify the use of a categorical exemption. Potential social and economic impacts of STRs are not required to be addressed in CEQA. Therefore, the proposed use is consistent with the CEQA Guidelines Section 15301 and none of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.

OTHER AGENCY INVOLVEMENT

The following agencies and groups in HCD have reviewed the project, have commented, and/or have recommended conditions:

- HCD-Engineering Services
- HCD-Environmental Services
- Environmental Health Bureau
- Monterey County Regional Fire Protection District

LAND USE ADVISORY COMMITTEE (LUAC)

The project was referred to the Carmel Valley Land Use Advisory (LUAC) for review. The LUAC reviewed the project at a duly noticed public meeting on September 5, 2023 and voted to recommend approval of the project as proposed 5 - 0, 1 absent. See **Exhibit C**.

Prepared by: Mary Israel, Supervising Planner, x5183
Reviewed by: Anna Ginette Quenga, AICP, Principal Planner
Approved by: Melanie Beretti, AICP, Acting Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans, Floor Plans & Site Photographs
- Operational Plan

Exhibit B - Vicinity Map

Exhibit C - LUAC Minutes, Dated September 5, 2023

Exhibit D - Letters of support from three neighbors

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Anna Ginette Quenga, Principal Planner; Colette Cuccia, Property Owner; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project; LandWatch (Executive Director); Planning File PLN220063.



County of Monterey Planning Commission

Item No.4

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

Agenda Item No. 4

Legistar File Number: PC 24-064

June 12, 2024

Introduced: 6/3/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLN220063 - CUCCIA COLETTE TRS

Public hearing to consider the transient use of an existing two-story single family dwelling and cabin for remuneration (home-stay Short-Term Rental).

Project Location: 28180 Robinson Canyon Road, Carmel

Proposed CEQA action: Finding the project Categorically Exempt pursuant to CEQA Guidelines Section 15301

RECOMMENDATIONS

It is recommended that the Planning Commission:

- a. Waive fifty-percent of the permit application fee; and
- b. Adopt a resolution to:
 - 1) Find that the project is for leasing of existing private structures, involving negligible or no expansion of an existing use qualifies as a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301, and none of the exceptions contained in Section 15300.2 apply; and
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The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to eight conditions of approval.

PROJECT INFORMATION

Agent: N/A

Property Owner: Colette Cuccia

APN: 416-025-008-000

Parcel Size: 1.25 acres

Zoning: Low Density Residential, 2.5 acres per unit with Design Control, Site Plan and Residential Allocation Zoning overlay districts or "LDR/2.5-D-S-RAZ"

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No

SUMMARY

The subject property is located at 28180 Robinson Canyon Road, Carmel, in a "highly sensitive" visual sensitivity area, and is subject to the policies and regulations of the 2010 Monterey County General Plan, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance Title 21. The

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By permitting the Staff recommends approval of the Administrative Permit for a limited time expiration of three (3) years.

DISCUSSION

Land Use

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- B) To protect the character and the social and economic stability of agricultural areas, residential

areas, commercial areas, industrial areas, and other areas, within the County and to assure the orderly and beneficial development of such areas;

- C) To protect the public safety from the location of structures and other uses of land which may cause interference with existing or prospective traffic movement on highways;
- D) To implement the Monterey County General Plan, adopted area plans, specific plans and the policies and standards adopted by the Monterey County Board of Supervisors;
- E) To provide regulations of sufficient clarity and detail for the location and nature of Zoning Districts to provide the appropriate authorities and the public with clear standards and direction in the land use decision making process;
- F) To provide a sufficient level of review and public hearing processes for adequate and necessary public participation in the review of development projects; and
- G) To provide standards and procedures for preservation and exercise of property development rights. (Title 21, Section 21.02.030)

The Cuccia home-stay STR supports the economic stability of the area by providing a home-stay vacation location for travelers who have an interest in Carmel Valley’s wineries, restaurants, spas, and other attractions. The Cuccia home-stay STR does not interfere with the existing traffic movements as discussed in the CEQA section below - the STR is limited to one renter at a time, and vehicles on the road for a single-family dwelling are similar. The General Plan and the Carmel Valley Master Plan can be implemented while the Cuccia home-stay STR operates without undue conflict because it is an allowed use in the Zoning District. Pursuant to provision “E” above, the public were given clear standards and direction in the land use decision making process in May 2021, when the Board gave direction for more robust Code Enforcement inquiries to address the STRs so that illegal operations can become legal. The applicant felt invited by the Board of Supervisors to pursue an Administrative Permit for her STR and she initiated the Planning Permit in late February of 2022. By hearing the Cuccia home-stay STR in the Planning Commission public hearing, the County has provided adequate and necessary public participation in the review of the development. Finally, County has provides standards and procedures for the applicant to exercise property development rights by allowing the review of the subject development permit application at this time.

Except as provided in Title 21 Section 21.64.280, County regulations restrict transient use of property for remuneration, which use may be inharmonious with and injurious to the preservation of the character and environment of the various zoning districts in Title 21 https://library.municode.com/ca/monterey_county/codes/code_of_ordinances?nodeId=TIT21ZO. Finally, the current regulations serve to promote the public health, safety, and general welfare of the County. The Cuccia home-stay STR is harmonious with the character and environment of the Zoning District and does not reduce the County’s ability to promote the public health, safety, and general welfare of its residents. This is evidenced by the long-standing function of the STR operation without conflicts in the neighborhood (see violation discussion below).

As detailed in the draft resolution (**Exhibit A**), the applicant has provided evidence of compliance with the applicable requirements. The Operations Plan limits the subject property to one rental contract with rental periods with no less than a 7-night consecutive stay and no greater than a 30-night consecutive stay, and a maximum occupancy of three individuals. Title 21 Section 21.64.280.D.2 regulations for guesthouses prohibit renting/leasing a guesthouse separately from the main dwelling. As such, an STR contract for the property shall include use of a room in the main dwelling and the

cabin/guesthouse. The owner has made one bedroom in the main dwelling available to STR. The proposed occupancy does not exceed the limits set forth in the California Housing Code because there is 125 square feet of bedroom floor area per person. Adequate parking spaces are provided (three total); all parking spots are located within the driveway on the property. The property owner resides within the main house and proposes to be available 24/7 to respond to tenant and neighborhood questions or concerns. Three neighbors wrote supportive letters (**Exhibit D**).

There are currently 5,033 residential dwellings in Carmel Valley Master Plan area and 30 STR applications in this same area on file with the County. It is estimated that 163 STRs are operating in the area. Although this information should not limit the Cuccia application from fair treatment that other STR have received in previous hearings, such information is useful when considering cumulative considerations in Carmel Valley.

In consideration of the Administrative Permit, the Planning Commission has previously set the permit expiration for three years, or until an updated ordinance is adopted by the Board of Supervisors. Therefore, the Cuccia STR should be given the same permit period with expectation of an extension request to be submitted at least one month prior to the end of the period.

Health and Safety

Necessary public facilities are provided. Water for the property is provided by a mutual well water system, Tao Woods Water System, which is shared among four neighbors. An existing onsite 2,000-gallon septic tank with a 1,500 square foot drainage field will continue to provide sewer treatment for the main dwelling and cabin/guesthouse. The Environmental Health Bureau has reviewed the submitted application materials and did not apply conditions to the proposed use. (**Exhibit A**).

Violation of Title 21 Code of Regulations

On February 12, 2020, a complaint was received, code enforcement case No. 20CE00068 was opened, and an inquiry letter was sent to the property owner for an unpermitted STR. On July 19, 2023 code enforcement case No. 23CE00404 was opened for unpermitted STR and a courtesy notice was sent to the property owner. On November 13, 2023 an inquiry letter was sent and an Administrative Citation was subsequently filed on March 18, 2024. Should the Planning Commission approve the project, the code enforcement cases will be cleared through their discretionary action and payment of retroactive fees. Pursuant to Title 21 Section 21.84.140, the fees for retroactive permit application are required to be twice the amount normally charged for the application. Staff is recommending the Planning Commission waive fifty-percent of the fees in this particular case, because the applicant applied for a waiver of the “double” portion of the Planning Permit fee, but the Planning Director was unable to approve the waiver as the applicant did not meet the criteria for Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development. Pursuant to Board of Supervisors resolution No. 2000-342, the Planning Commission shall consider all requests for fee waiver not meeting the criteria for which the Planning Director has authority to approve. Should the Planning Commission deny the fee waiver, then the code violation cannot be cleared, and therefore pursuant to Title 21 Section 21.84.120 the Planning Commission would not be able to approve the Administrative Permit authorizing the home stay STR.

Environmental Review

The project qualifies as a categorical exemption from environmental review pursuant to Section 15301

of the CEQA Guidelines. This exemption applies to the leasing of existing private structures, involving negligible or no expansion of an existing use. The applicant proposes to rent an existing single family dwelling and cabin/guesthouse as a transient use for remuneration and does not propose any additional development and/or expansion of the existing structures. The subject property will be limited to one rental contract at any given time, and therefore the property (cabin/guesthouse and main residence) as one rental home-stay. CEQA Guidelines Section 15125 states that in order to determine potential project impacts, the implementation of a project should be compared against the baseline conditions of the site at the time an environmental analysis is commenced. Although the homestay was not a permitted use (see Finding 4 and supporting evidence), CEQA case-law has demonstrated that Lead Agencies must evaluate impacts against actual conditions existing at the time of CEQA review and are not required to evaluate impacts compared to a baseline condition that predates the unpermitted activity. (Referring to *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, where the court (citing *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428.) In the case of the subject property, it is appropriate to consider the baseline condition as a residential property used for both a long term residence by the property owner and as an STR (homestay) since there is substantial evidence identifying that the permitted long-term use has been in operation for almost 40 years and the non-permitted transient use been in operation for approximately 10 years. Therefore, the proposed project would have no increase in traffic generation beyond existing baseline conditions. Adequate onsite parking is provided and there has not been a history of visitors parking offsite in the neighborhood. All facilities are existing and have been confirmed by County agencies to be adequate for this use. The use of the single family residence as a home-stay STR will not substantially change the intensity of use of the property and the existing structure. The potential impact of STRs on long-term housing is not a unique circumstance which would disqualify the use of a categorical exemption. Potential social and economic impacts of STRs are not required to be addressed in CEQA. Therefore, the proposed use is consistent with the CEQA Guidelines Section 15301 and none of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.

OTHER AGENCY INVOLVEMENT

The following agencies and groups in HCD have reviewed the project, have commented, and/or have recommended conditions:

- HCD-Engineering Services
- HCD-Environmental Services
- Environmental Health Bureau
- Monterey County Regional Fire Protection District

LAND USE ADVISORY COMMITTEE (LUAC)

The project was referred to the Carmel Valley Land Use Advisory (LUAC) for review. The LUAC reviewed the project at a duly noticed public meeting on September 5, 2023 and voted to recommend approval of the project as proposed 5 - 0, 1 absent. See **Exhibit C**.

Prepared by: Mary Israel, Supervising Planner, x5183
Reviewed by: Anna Ginette Quenga, AICP, Principal Planner
Approved by: Melanie Beretti, AICP, Acting Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans, Floor Plans & Site Photographs
- Operational Plan

Exhibit B - Vicinity Map

Exhibit C - LUAC Minutes, Dated September 5, 2023

Exhibit D - Letters of support from three neighbors

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Anna Ginette Quenga, Principal Planner; Colette Cuccia, Property Owner; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project; LandWatch (Executive Director); Planning File PLN220063.

Exhibit A

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

In the matter of the application of:

CUCCIA COLETTE TRS (PLN220063)

RESOLUTION NO. 24-

Resolution by the Monterey County Planning Commission:

- 1) Finding that the project is for leasing of existing private structures, involving negligible or no expansion of an existing use qualifies as a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301, and none of the exceptions contained in Section 15300.2 apply; and
- 2) Approving an Administrative Permit to allow transient use of a residential property (single family dwelling and cabin/guesthouse) for remuneration and abate zoning violations 20CE00068 and 23CE00404.

[PLN220063 Cuccia Colette TRS, 28180 Robinson Canyon Road, Carmel, Carmel Valley Master Plan (Assessor's Parcel Number: 416-025-008-000)]

The CUCCIA COLETTE TRS application (PLN220063) came on for a public hearing before the Monterey County Planning Commission on June 12, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, including the conditions of approval and project plans, the Monterey County 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 2010 Monterey County General Plan;
 - Carmel Valley Master Plan; and the
 - Monterey County Zoning Ordinance (Title 21).No conflicts were found to exist that are not remedied through direction of the codes.
b) Allowed Use. The property is located at 28180 Robinson Canyon Road, Carmel Valley (Assessor's Parcel Number: 416-025-008-000), Carmel Valley Master Plan area. The parcel is zoned Low Density Residential, 2.5 acres per unit with Design Control, Site Plan and Regulations for Residential Allocation Zoning overlay districts (LDR/2.5-D-S-RAZ). The district allows transient use of a residential property for

remuneration subject to an Administrative Permit pursuant to Title 21 Section 21.64.280. As proposed, the project involves transient use of an existing residential property containing an existing cabin/guesthouse and single family dwelling, for remuneration. The main residence (3 bedrooms) and a garage were constructed during the years of 1976-1981 under Building Permit No. 26120. The second habitable structure of 537 square feet was constructed in 1983 and called a “cabin with deck” through approved Building Permit No. 33201. Cabins were not specifically listed as an allowed in the zoning district of the parcel at the time, Agricultural-Residential with Rural-Professional, Trailer Exclusion and Building Site combining districts or “K-G-J-B-4”. However, guesthouses were an allowed with a Use Permit. Based on the subordinate and incidental nature of the cabin in relation to the residence, the cabin should have been described as a guesthouse. As such, the cabin is considered legal non-conforming and as conditioned, will be required to file a deed restriction in accordance with Title 21 Section 21.64.020.8 (Condition No. 5). As proposed, the project involves the leasing of an existing 703 square foot (sq. ft.) room in the single family residence and an existing 537 sq. ft. cabin, together under a single contract, for transient use for remuneration. Therefore, the project is an allowed land use for this site.

- c) Lot Legality. The property is shown in its current size and configuration as Parcel A on Volume XS of surveys at Page 102 within Monterey County Records. Furthermore, construction permits for the construction of the house and cabin (described above) are on record. Therefore, the County recognizes the property as a legal lot of record.
- d) Design/Neighborhood and Community Character. The project involves the use of existing structures with no change to the exterior portions of the structures. Therefore, a Design Approval pursuant to Title 21 Chapter 21.44 is not required. Three neighbors within proximity of the site submitted letters of support expressing that they are not bothered by noise, light, traffic, or other issues that might occur when short-term rentals (STR) are not well managed. In this case, the STR is a home-stay with the owner on the premises and there is no conflict with the community character.

Based on the International Traffic Engineer Trip Generation Manual (10th Edition), a single family dwelling (Land Use Code 210) generates approximately 10 trips daily trips. The proposed project is considered a similar residential use to a single family dwelling and therefore will generate approximately 10 daily trips. The proposed project provides three onsite parking spaces; this is sufficient to ensure that vehicles will not overflow onto the private driveway.

The property is subject to and will abide by Monterey County’s Noise Ordinance (Chapter 10.60), which prohibits loud or unreasonable noise between the hours of 9:00 p.m. and 7:00 a.m. STRs are not exempt from this ordinance. The attached Operation Plan lists quiet time hours consistent with Chapter 10.60. Through adoption of the Transient Use of a Residential Property for Remuneration Ordinance (No. 5135), the

Board of Supervisors found that the “use permitted pursuant to this ordinance, as regulated, will not constitute a substantial adverse physical change to the environment or any substantive change in the intensity of use of existing single family dwellings.” For the above reasons, the proposed project is considered a compatible use with the surrounding neighborhood.

- e) Development Standards. The project has been conditioned to comply with the requirements found in Title 21 Section 21.64.280.D.2 pertaining to the minimum rental period(s), on-site advertising, and payment of transient occupancy taxes (TOT). As proposed, the rental periods for the subject property shall be no less than a 7-night consecutive stay and no greater than a 30-night consecutive stay, no on-site advertising shall be allowed, and the total occupancy shall not exceed three guests. Pursuant to Section 21.64.020.D, guesthouses shall not be rented, let or leased separately from the main house. As refined through the project review process, the existing cabin/guesthouse will not be rented separately from the main residence. Guesthouses shall not have cooking facilities. The cabin/guesthouse currently has a wet bar. As a condition of this permit, the permit holder shall demonstrate that the cabin floor plan shall meet restrictions of the code (Condition No. 5).
- f) Pursuant to Title 21 Section 21.64.280.D.2.b, the number of occupants in any residential unit for transient use shall not exceed the limits set forth in the California Housing Code. Under the California Housing Code, each bedroom shall have a minimum of 70 sq. ft. for the first two people and 50 sq. ft. for each additional person. The main residence has three bedrooms, two bathrooms, a living room, dining room and kitchen. The bedroom on the first floor is 144 sq. ft. The second floor area will not be available to renters. The 537 sq. ft. cabin currently includes a studio, a wet bar and a bathroom. The property owner is proposing a maximum of three renters to stay at the property at a time. The square footage of the bedroom in the cabin (231.6 sq. ft.) and the room in the main dwelling (144 sq. ft.) is 375 sq. ft., this would allow each person as much as 125 square feet of room. Therefore, as conditioned, the project is consistent with applicable Monterey County Code and California Housing Standards Code.
- g) The current property owner (Colette Cuccia) resides on the property and will rent the rooms as a “home stay.” Consistent with Title 21 Section 21.64.280.D.2.d, the property manager will be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the Administrative Permit.
- h) The property is not subject to a Homeowner’s Association and the proposed use of the residential property will not violate any applicable conditions, covenants, or other restriction.
- i) Pursuant to Title 21 Section 21.64.280, the County may apply conditions of approval as required to ensure the transient use does not result in adverse impacts to the neighborhood and to maintain integrity of the zoning district. To protect the public, health, welfare, as well as the residential character of the neighborhood, Condition No. 6 has been

applied. This condition requires the property owner to record a Deed Restriction containing the applicable regulations of Title 21 Section 21.64.020, regarding guesthouse limitations (Condition of Approval No. 5) and a Deed Restriction containing the applicable regulations of Title 21 Section 21.64.280, transient use of property for remuneration (Condition of Approval No. 6). With the two Deed restrictions in place, the cabin will come into conformance with the code that was in place at the time of its construction and the limitations related to STR will be set so that the structures and uses of the property maintain integrity of the zoning district.

- j) Parking. A total of three parking spaces will be provided on-site. This is sufficient for the maximum of three visitors expected per rental.
- k) Land Use Advisory Committee. Pursuant to the Land Use Advisory Committee (LUAC) Procedure Guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC due to general public concern about the proposed use (STR). On September 5, 2023, the Carmel Valley LUAC reviewed this project and recommended approval of the project as proposed (5 ayes - 0 nays, 1 absent).
- l) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN220063.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the proposed use.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional Fire Protection District. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Three recommended project conditions have been incorporated.
 - b) There are no physical or environmental constraints that would indicate that the site is not suitable for the use. Staff conducted a site inspection via Google Earth on April 6, 2023, to verify that the site is suitable for this use.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN220063.

3. FINDING: HEALTH AND SAFETY – The establishment, maintenance, or operation of the project applied for will not under the circumstances of this 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, HCD- Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional Fire Protection District. 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) Necessary facilities will be provided. Water for the property is provided by a mutual well water system, Tao Woods Water System, which is shared among four neighbors. An existing onsite 2,000-gallon septic tank with a 1,500 square foot drainage field will continue to provide sewer treatment for the main dwelling and cabin/guesthouse. EHB has reviewed the submitted application materials and indicated no concerns with the proposal.
 - c) The project does not involve any additional structural development to the existing residence, and no additional facilities are required.
 - d) The site has been inspected for fire safety related to Wildland Defensible Space by Monterey County Regional Fire Protection District and has met the standards.
 - e) To address emergency situations, an evacuation map is posted in an obvious location in the cabin/guesthouse and the Operations Plan includes the owner’s cell number in case of any emergency when she is not immediately present. Directions for evacuation from the bedroom within the main dwelling is also posted.
 - f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning are found in Project File PLN220063.

4. FINDING: **NO VIOLATIONS** – The subject property is not in compliance with rules and regulations pertaining to zoning uses of the County’s zoning ordinance as violations exist on the property. However, the granting of this permit and payment of retroactive fees shall resolve the code violations currently at the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and found violations existing on subject property related to the operation of unpermitted STR. On February 12, 2020, a complaint was received, code enforcement case No. 20CE00068 was opened, and an inquiry letter was sent to the property owner for an unpermitted STR. On July 19, 2023 an additional code enforcement case for an unpermitted STR (No. 23CE00404) was opened and a courtesy notice was sent to the property owner. On November 13, 2023 an inquiry letter was sent. An Administrative Citation was subsequently filed on March 18, 2024.
 - b) By Planning Commission approval of the project, this code enforcement will be cleared through their discretionary action and payment of code enforcement fees.
 - c) Staff conducted a site inspection via Google Earth on April 6, 2023, 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 Monterey County HCD-Planning are found in Project File PLN220063.

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 Section 15301 categorically exempts leasing of existing private structures, involving negligible or no expansion of an existing use.
 - b) The applicant proposes to use (lease) an existing residential single family dwelling and cabin/guesthouse as a transient use for remuneration and does not propose any additional development and/or expansion of the existing structures. The subject property will be limited to one rental contract at any given time, and therefore the property is limited to functioning as one rental unit. The proposed project is considered a similar residential use to a single family dwelling and therefore will generate a similar number of daily trips (approximately 10). Adequate onsite parking is provided. All facilities are existing and have been confirmed by County agencies to be adequate for this use. The use of the single family residence and cabin as short-term rental will not substantially change the intensity of use of the property and the existing structure. Potential social and economic impacts of STRs are not required to be addressed in CEQA. Therefore, the proposed use is consistent with the CEQA Guidelines Section 15301.
 - c) CEQA Guidelines Section 15125 states that in order to determine potential project impacts, the implementation of a project should be compared against the baseline conditions of the site at the time an environmental analysis is commenced. Although the homestay was not a permitted use (see Finding 4 and supporting evidence), CEQA case-law¹ has demonstrated that Lead Agencies must evaluate impacts against actual conditions existing at the time of CEQA review and are not required to evaluate impacts compared to a baseline condition that predates the unpermitted activity. In the case of the subject property, it is appropriate to consider the baseline condition as a residential property used for both a long term residence by the property owner and as an STR (homestay) since there is substantial evidence identifying that the permitted long-term use has been in operation for almost 40 years and the non-permitted transient use been in operation for approximately 10 years.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. As demonstrated in Evidence “c” above, approval and implementation of the project will not result in a change to the subject property’s baseline conditions. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that will result in a cumulative significant impact. The project will not impact sensitive environmental resources and there will be no significant effect on the environment due to unusual circumstances. The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code

¹ *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, where the court (citing *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428).

to be considered on a hazardous waste site. Potential impacts of STRs on long-term housing are not a unique circumstance that would disqualify the use of a categorical exemption. In this case, the subject property would continue to provide both long-term and short-term housing opportunities.

- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN220063.

6. FINDING: **APPEALABILITY** – The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: a) Board of Supervisors. Pursuant to Title 21 Section 21.80.050.A, an appeal of the Planning Commission’s approval for this project may be made to the Board of Supervisors by any public agency or person aggrieved by their decision.

DECISION

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

1. Find that the project is for leasing of existing private structures, involving negligible or no expansion of an existing use qualifies as a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301, and none of the exceptions contained in Section 15300.2 apply; and
2. Approve the Administrative Permit Administrative Permit to allow transient use of a residential property (single family dwelling and cabin/guesthouse) for remuneration and abate zoning violations 20CE00068 and 23CE00404.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of June 2024, upon motion of Commissioner _____, seconded by Commissioner _____, 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 OF THE BOARD’S OFFICE ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____

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 use is started within this period.

County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN220063

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Administrative permit (PLN220063) allows transient use of a residential property (single family dwelling and cabin/guesthouse) for remuneration and abates zoning violations 20CE00068 and 23CE00404. The property is located at 28180 Robinson Canyon Road, Carmel Valley (Assessor's Parcel Number: 416-025-008-000), Carmel Valley Master 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 ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"An Administrative Permit (Resolution Number _____) was approved by the Planning Commission for Assessor's Parcel Number 416-025-008-000 on June 12, 2024. The permit was granted subject to 7 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 Monitoring Measure: 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. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

5. PD019(A) - DEED RESTRICTION-GUESTHOUSE (INLAND)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction stating the regulations applicable to a GUESTHOUSE (Inland) as follows:

- Only 1 guesthouse shall be allowed per lot.
 - Detached guesthouses shall be located in close proximity to the principal residence.
 - Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
 - The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
 - The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
 - The guesthouse shall not exceed 600 square feet of livable floor area.
 - The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
 - Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
 - The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
 - The guesthouse height shall not exceed 15 feet nor be more than one story.
- (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the signed and notarized document to the Director of HCD-Planning for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the HCD-Planning.

6. PD017 - DEED RESTRICTION-USE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the requested use.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the signed and notarized document to the Director of HCD-Planning for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to HCD-Planning.

7. CC01 INDEMNIFICATION AGREEMENT

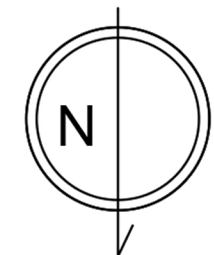
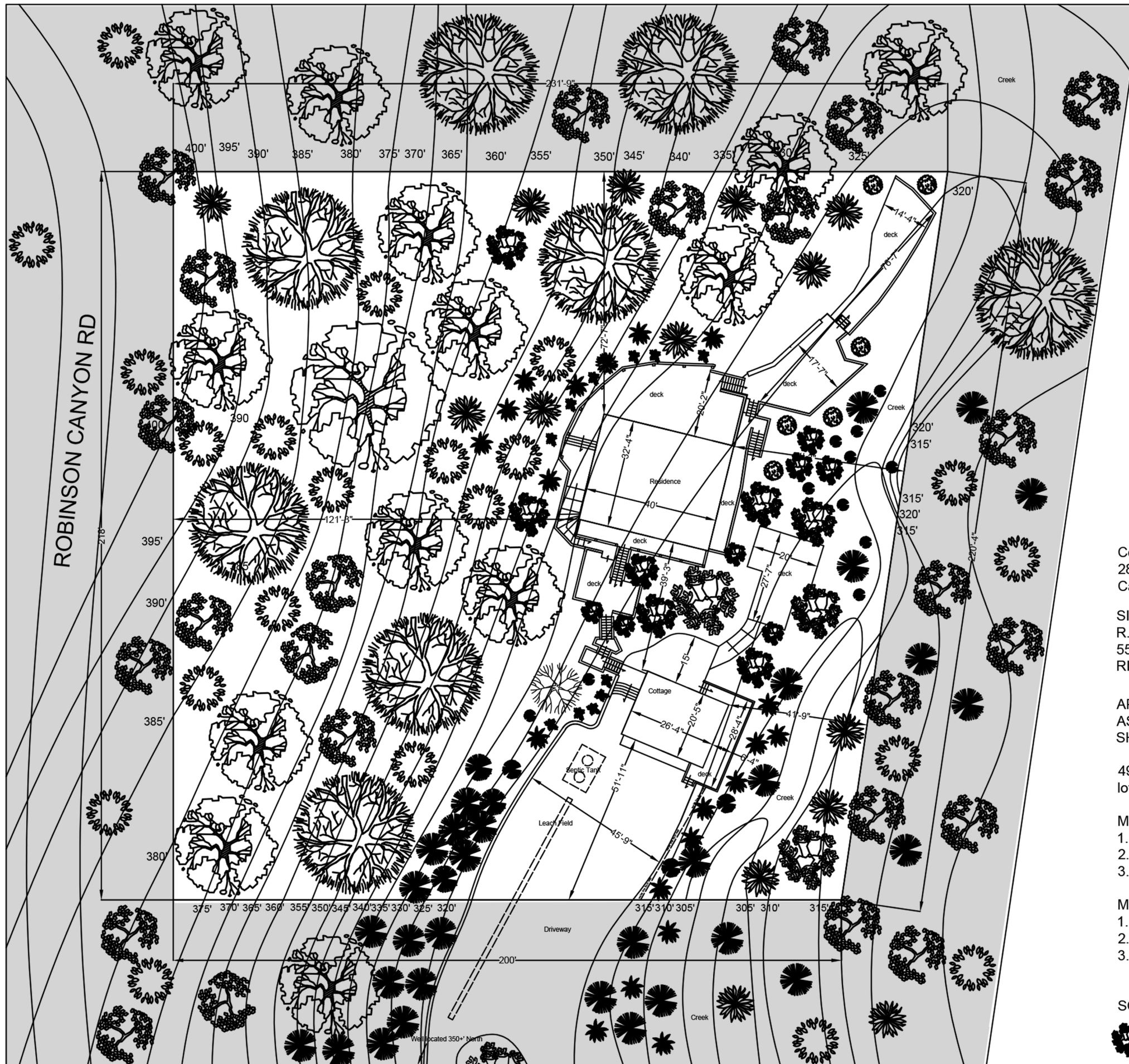
Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

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Colette Cuccia
 28180 Robinson Canyon Rd
 Carmel, CA 93923

SITE PLAN PREPARED BY:
 R.B. MORRIS III
 5529 HUNTINGTON AVE
 RICHMOND, CA 94804

APN#: 416-025-008-000
 ASSRS MP POR OF E 1/2 OF W 1/2 OF SEC25 T16 RI POR OF LOT 6
 SHOWN AS PARCEL A IN VOLX5 S PG 102 1.139 AC

49658.4 sq ft lot
 lot coverage = 8,589 sq ft, or 17.3% of total property.

Most common tree species:

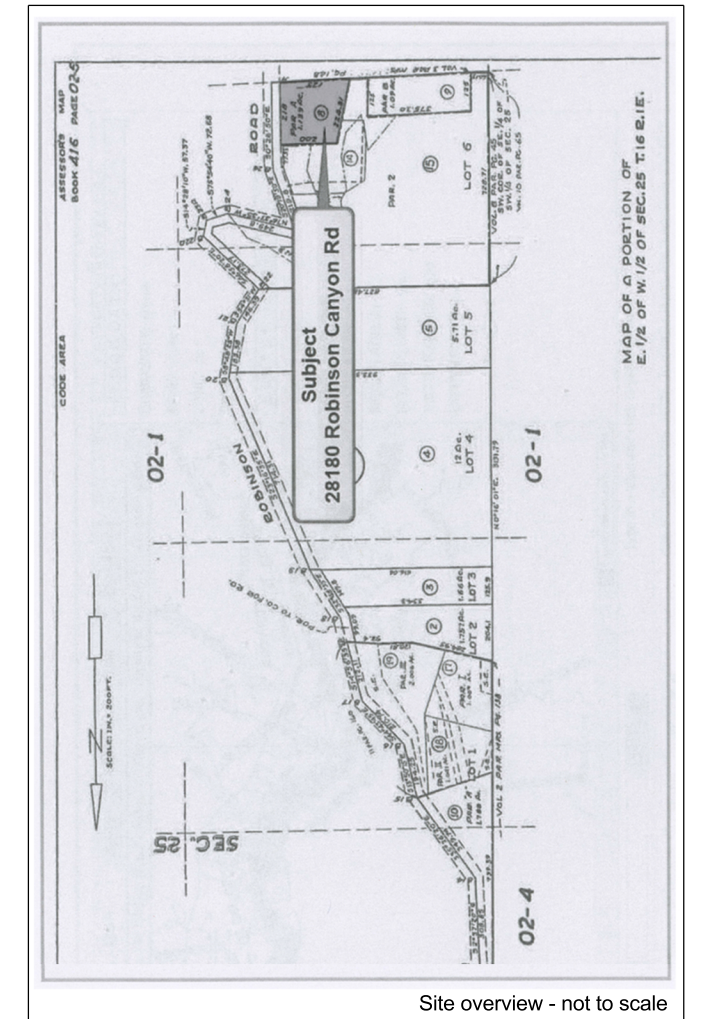
1. COAST LIVE OAK, (*Quercus agrifolia*)
2. COAST REDWOOD, (*Sequoia sempervirens*)
3. BIG LEAF MAPLE (*Acer Macrophyllum*)

Most common shrubs:

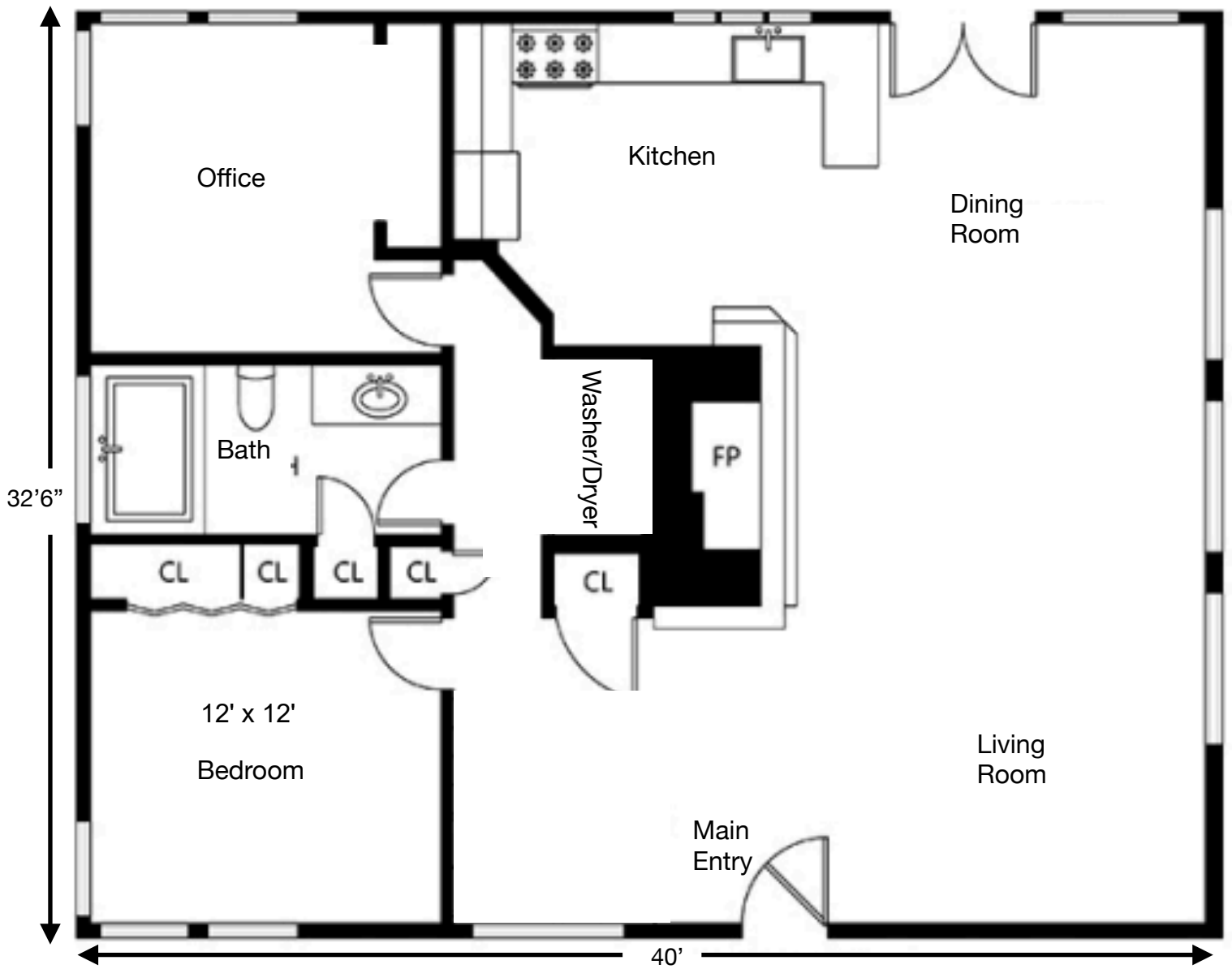
1. SWORD FERN, (*Polystichum minimum*)
2. COMMON BLACKBERRY, *Rubus alleghaniensis*
3. HILLSIDE GOOSBERRY, *Ribes californium*

SCALE: 1/32" = 1'

= COASTAL REDWOOD



Site overview - not to scale

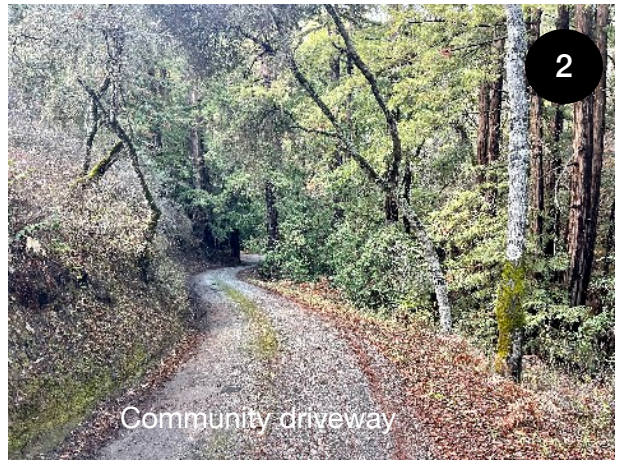




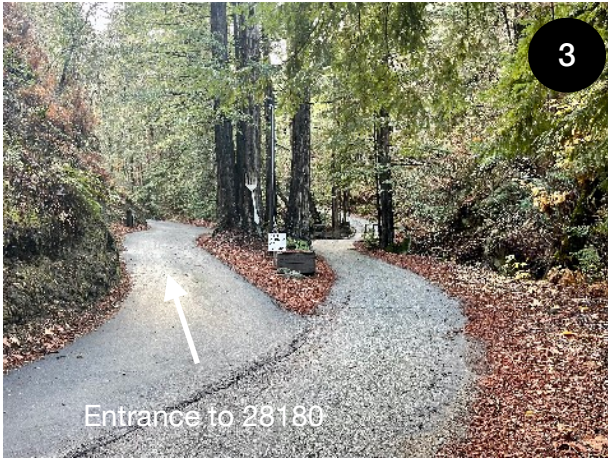
28180 Robinson Canyon Road **Guesthouse**
537 Sq. Ft.



Entrance off Robinson Canyon



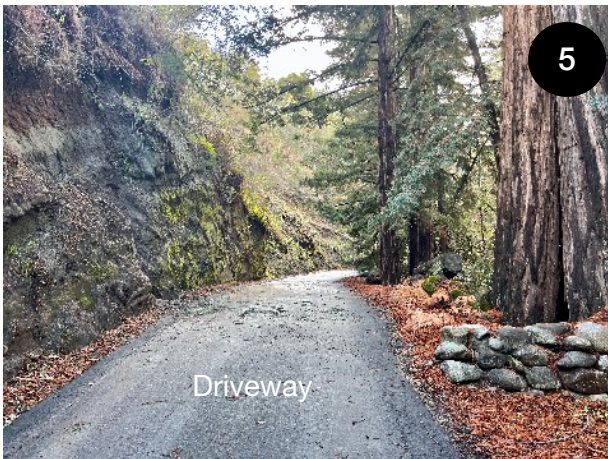
Community driveway



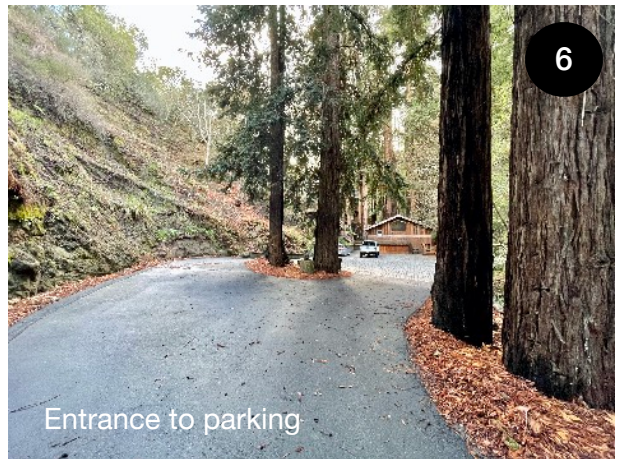
Entrance to 28180



Driveway



Driveway



Entrance to parking



parking

Serene Redwood Retreat with modern comforts

Guidebook



Welcome to The Cabin!

1/16/22

Thank you for choosing Serene Redwood Retreat for your stay in beautiful Carmel, CA. We are surrounded by a majestic cathedral of California coastal redwoods and located on Robinson Canyon Creek, one of many tributaries that feed into Carmel river. This growth of redwood trees borders the renowned Santa Lucia Preserve Redwood Grove, historically the site for lavish picnics and boxing matches in the 1920's and today the preferred site for intimate gatherings. I have enjoyed living in this home for 34 years. All in all, this labor of love has transformed what was once a vision into this romantic, quiet and secluded retreat.



Sincerely,
Colette & Al

WIFI

Wireless Network: Colette's Wifi
Password: Kaylacolette1949

Phone Numbers
Colette (main house) owner
ph. 831-626-0643
cell 831-601-1896

House Rules

1. Please keep noise to a minimum after 10pm.
2. This is a “**No Smoking Property**” There is no smoking on the property of any substance. Extra cleaning fees of \$500.00 to remove odor and stains will be applied.
3. Please wash your dishes after use within the main kitchen upon checkout.
4. Please turn off outside lights at night when retiring to sleep.
5. Please turn off all lights and TV when you are gone during the day.
6. Please turn down the heat during the winter months and off during the summer months when you are gone during the day.
7. Parking is provided on your right side, front of the house when you arrive.
8. A barbecue can be provided upon request.
9. Please do not rearrange the furniture.
10. If guests are suspected of carrying and/or using firearms or illegal drugs of any kind, the authorities will be called, and GUESTS WILL BE ASKED TO VACATE THE PROPERTY IMMEDIATELY.
11. Outdoor fires, live music, special events and large parties are prohibited during your stay.
12. Lastly, this is our home, please be respectful of the property and keep it clean before you leave.
13. LED candles are provided, please do not use any open flame candles inside or on the property

Thank you for reviewing the House Rules. We hope you enjoy your stay

Parking:

As you pull up to the cabin, please park furthest to the right of the driveway. If your party has two vehicles, please double park to allow for us to enter and exit.

Access information:

As you arrive, you will find your cabin unlocked. Let yourself in and locate your key hanging to the left of the kitchen door. You will also find a brown guestbook, heater and 2 tv remotes. When you depart, please leave the cabin unlocked and the key where it was when you arrived.

Wildlife:

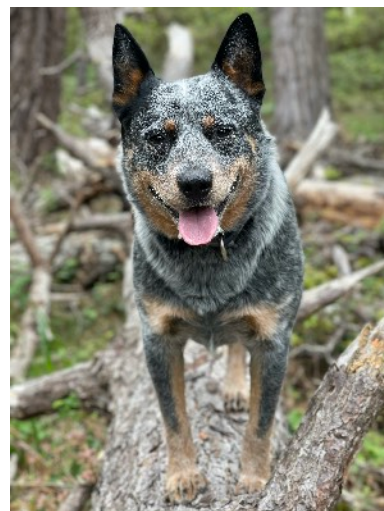
It is the forest, many species of birds are on site. Acorn woodpeckers, turkey vultures, wild turkeys, red tail hawks, ravens and our favorite, male and female barn owls. A family of foxes visits regularly and bobcats are occasionally seen in the early mornings and evenings. From time to time, a mountain lion has been spotted in the surrounding area.

Privacy:

We live onsite. Both wooden decks over the creek are open for your enjoyment along with a gas fire pit on the lower deck. For your privacy, the windows on the south side of the cabin that face our main house have been tinted to keep us from viewing in. In addition, the windows have barn door shutters that slide open and closed to increase your privacy. Feel free to open and close them as you desire.

Our pets**Curby**

Believes he's dangerous, but quite friendly. He likes to visit, but we ask that he remain outside of the cabin.

**Preacher**

Very social and friendly. Not your average cattle dog.

1/16/22

Heat:

A simulated wood, gas stove is the only source for heat. Instructions for the stove are located within the brown guestbook. The remote to the stove is located on the kitchen table. Please only use the remote to operate the gas stove that is stored in its case.

Water:

We share a well with our neighbors. The water is fine to drink, but we offer bottled water to our guest. California continues in a state of drought and well water is limited. Please conserve water when possible.

Cooking:

All cooking is requested to be done in the kitchen of the main house only.

TV:

The smart TV includes free Netflix, Amazon Prime and Pandora along with Direct TV channels. You have the option to rent popular movies on demand. We ask that you please notify us and leave the movie rental fee(s) on the kitchen table upon departure.

Music:

A bluetooth speaker is provided for your enjoyment. Instructions are located on the back of the speaker.

Security:

For the safety of your valuables, please lock both doors to the cabin while venturing out for the day or evening. The provided key only locks and unlocks the single door and not the double doors. Lock the double door from inside and exit the single door and lock it as you leave for your adventure.



(California Grey Fox) This little guy was spotted on the side of the main house with mom and three siblings. They occasionally pass by to visit.

Check in / out Procedure

Check in time is **4pm.** Check out time is **11am**

Address

28180 Robinson Canyon Road
Carmel, CA 93923

***There is no smoking of any kind on the property.
No pets are allowed.***

- The Cabin will be unlocked upon your arrival. Please see Colette for entrance to the main house bedroom.
- The key to the cabin single door will be located hanging next to the kitchen door left side.
- Max occupancy is 3 adults. 2 Guest in cabin and one in main house bedroom.
- There are extra towels and washcloths located under the bathroom sink within the cabin.
- Extra blankets and LED candles are provided in the armoire within the cabin.
- Robes are provided for your enjoyment within the cabin.
- We are on a septic, so please do not flush anything but provided toilet paper.

Departure Checklist

We are sorry to see you go! We hope you had a wonderful and relaxing stay.

- Guest bedroom main house - Strip sheets off bed and remove pillow cases.

Cabin request upon checkout.

- Place all used linen on the floor in one pile.
- Make sure all lights are turned off.
- Make sure TV is off.
- Make sure gas stove for heat is turned off by using the remote only.
- Place key back on the hook next to kitchen door.
- Make sure all windows and doors are closed.
- One last look to make sure you have all your personal belongings.
- Send a text message to Colette 831-601-1896 letting her know you have left

In case of immediate on-site issues questions, or concerns, during your stay, please contact Colette:

Colette p. (831) 626-0643 c. (831) 601-1896

In-case of smoke alarm or carbon monoxide alarm sounding, please exit the cabin immediately from either door and contact Colette.

1/16/22

Please use caution when arriving after dark as driveways can be difficult to navigate. The main driveway is a shared driveway with other residents. Please be courteous and use caution.

We are approximately 1.6 miles up from Carmel Valley Road. Mailboxes are not in sequence as you drive up the road.

Enter community driveway here from Robinson Canyon Road.

Note: GPS will take you about 75' past the driveway.



Enter here on your right from Robinson Canyon RD

There is a large sign with address on it 28180

NO CELL SERVICE PAST CARMEL VALLEY RANCH.



Enter our driveway here at the fork.



**Please park on the right side of the driveway.
The cabin can be entered from either side.**

Park

Local Services

Some Helpful Resources

Nearest Hospital / Urgent Care Facilities

ALL EMERGENCY DIAL 9-1-1			
Community Hospital of the Monterey Peninsula	Urgent Care	Ophthalmologist Monterey Bay Eye Center	Mid Carmel Valley Fire Station
23625 Holman Road Carmel, CA	245 Washington Street Monterey, CA	21 Upper Ragsdale Drive #200 monterey, CA	8455 Carmel Valley Rd Carmel, CA
(831) 624-5311	(831) 372-1500	(831) 372-1500	(831) 624 - 5907

Nearest U.S. Post Office

Carmel Post Office	Main Post Office
5th between Delores and San Carlos	3845 Via Nona Marie Carmel, CA
(800) 275-8777	(800) 275-8777

Nearest Banks and ATM

CHASE BANK	WELLS FARGO	UNION BANK	BANK OF AMERICA
27845 Berwick Drive Carmel - By - The - Sea	104 Mid Valley Shopping Center Carmel - By - The - Sea	26380 Carmel Rancho Lane Carmel - By - The - Sea	3640 Rio Road Carmel - By - The - Sea
(831) 625-1313	(800) 869-3557	(831) 626-5080	(831) 622-2944
ATM	ATM	ATM	ATM

LOCAL ACTIVITIES AND RESTAURANTS

Favorite Activities:

[Palo Corona Regional Park](#)

Palo Corona Regional Park is one of Central Coast California's most significant undeveloped open spaces. In the largest land conservation project in Monterey county history, The Nature Conservancy, The Big Sur Land Trust, State of California (through several of its agencies), and Monterey Peninsula Regional Park District partnered to acquire the 10,000-acre Palo Corona Ranch.

INSPIRATION POINT (1.3 MILES, 850 FT. ELEVATION CLIMB)
moderate to strenuous

ANIMIS POND (0.6 MILE)

Continuing from Inspiration Point, the trail is very relaxing

[Point Lobos State Natural Reserve](#)

Point Lobos is THE BEST hiking/walking spot in all of Carmel. Point Lobos State Natural Reserve is outstanding for sightseeing, photography, nature study, picnicking and SCUBA diving. Hiking trails follow the shoreline and lead to hidden coves.

Whalers Cabin Museum - The museum is open from 9 A.M. until 5 P.M. daily.

[Garland Ranch Regional Park](#)

This park is home to a variety of landscapes that occur at elevations from 200 to 2,000 feet. From the willow covered banks of the Carmel River through the cottonwood-sycamore stands of the old floodplain, the trails ascend steeply. Atop the northern crest of the Santa Lucia Mountains, the trails encounter open oak savannas and spectacular vistas. Along the way, you will travel through maple-filled canyons, dense oak woodlands, and thick stands of chaparral. Garzas Creek gently bisects the park and provides a peaceful, shaded trail that reaches a secluded side canyon of redwoods.

[Toro park](#)

For a strenuous climb with a great view, try Toro Parks's Ollason Peak.

[Jacks Peak](#)

Want a view without the extra effort? Jacks Peak is a perfect destination for those looking for an easy stroll.

[Ft. Ord National Monument](#)

With over 83 miles of trails.

Home of the world famous **Sea Otter Classic**, and a seemingly unlimited selection of trails, Ford Ord is a great place to spend an hour or all day mountain biking on the trails.

[Carmel State Beach](#)

This is the main beach in Carmel-by-the-Sea. On Carmel Bay, the mile-long beach features a bird sanctuary in a lagoon (just before the Carmel River empties into the sea) featuring a wide variety of waterfowl and song birds.

[17 Mile Drive](#)

This is an incredibly beautiful drive around Pebble Beach. Some particular points of interest include world famous golf courses such as Pebble Beach, the Links at Spanish Bay and Spyglass Hill as well as points of interest like Point Joe and the landmark, The Lone Cypress. Be sure to schedule your drive to include a drink at sunset at the Inn at Spanish Bay where you can watch the bagpiper play.

[The Refuge Spa](#)

<https://www.refuge.com/>

The Refuge is a fun and relaxing way to spend a few hours. The spa features a large outdoor area with cold, cool, warm and hot plunge pools, fire-pits, a sauna and a eucalyptus steam room.

[Carmel Mission Basilica](#)

The Mission was founded at its present site in 1771 by Father Junipero Serra and was once the headquarters for the entire California mission system. The site includes a poppy-filled garden, an abalone-strewn cemetery and a stone Basilica with original 18th-century artworks.

[Carmel Plaza](#)

Carmel Plaza is a small outdoor shopping mall located in downtown Carmel by the Sea. The Cheese Shop is a must stop for cheese tasting and a great wine selection. It would also be a great place to buy items for a picnic lunch on the beach. Carmel Plaza is home to one-of-a-kind fashion finds and specialty national brands, distinctive restaurants, gourmet shops, wine tasting rooms, salons and more

[Wine Tasting](#)

Carmel Valley has a number of tasting rooms to visit, including Folktale, Testarossa, Joyce, and Bernardus. There are also a many tasting rooms in downtown Carmel.

[Monterey Bay Aquarium](#)

Monterey Bay Aquarium, one of the best aquariums in the world, is located 27 minutes north from us and has a wide range of exhibits available. Monterey Bay Aquarium is a nonprofit public aquarium in Monterey, California. Known for its regional focus on the marine habitats of Monterey Bay, it was the first to exhibit a living kelp forest when it opened in October 1984. Its biologists have pioneered the animal husbandry of jellyfish and it was the first to successfully care for and display a great white shark.

Cannery Row

The Central Coast's premier visitor destination. Home to world-class restaurants, boutiques & galleries, spas, premium wine tasting & exciting recreation Monterey has to offer, including the best nightlife. Walk everywhere. The breathtaking coastline of the Monterey Bay National Marine Sanctuary is the backdrop for every Cannery Row experience.

The Old Monterey Farmers Market

Established in 1991, comprises of 3 ½ city blocks and runs year-round rain or shine. During the summer it's the largest gathering of people in Monterey County, attracting more than 10,000 locals and tourists in one location. You can travel the world in just three blocks, finding arts and crafts, handmade jewelry, furniture, clothing, international food, organic produce, flowers, and pastries.

Carmel Valley Farmers Market

The Carmel Valley Certified Farmers Market is a weekly farmers market taking place in the heart of Carmel Valley Mid Valley Shopping Center every Sunday from 10 am to 2 pm.

The Dali Expo

The first permanent West Coast exhibition of surrealist artist Salvador Dali. Located at the Museum of Monterey, the exhibition features the country's largest private collection with over 580 works including lithographs, etchings, rare sculptures and tapestries. The Dali Expo's mission is to revive Dali's local history by showcasing his influence locally and capturing the rich history that ties him to the Monterey region.

Favorite Restaurants:

Jeffrey's Grill

Located in Mid Valley Center, (2miles) Jeffrey's serves deliciously fresh, gourmet cuisine. Owner/Chef Jeffrey Thompson and his friendly staff have been serving fresh, inventive, gourmet cuisine in a warm and casual environment for over 23 years.

Wagon Wheel

Carmel Valley Road, is one of the long time landmarks for the Valley. The western decor shows their unique collection of local Carmel Valley ranch history, most of their collection having been gifted by generous customers. This popular restaurant has been a local favorite and locally owned and operated since the mid 60's.

Lafayette Kitchen and Bakery

The bakery itself is laid out like a long wide corridor with a row of communal tables, lined with modest vinyl tablecloths, and accented with yellow and red daisies. Glass cases are filled with all sorts of treasures—ham-and-cheese croissants and quiches, brioche *feuilletées*, fruit-flavored and chocolate macaroons, a bacon specked wheat, rye country breads and whole puff pastry fruit tarts.

Carmel Belle

Carmel Belle is an excellent little breakfast spot in Carmel-by-the-Sea. It has an extensive menu of fun dishes, coffees, and juices, while providing a relaxed atmosphere with a large dining area

La Bicyclette

La Bicyclette features European Country Cuisine, hand-crafted using local ingredients and old world artistry. It is a cozy, European bistro in downtown Carmel-by-the-Sea that serves delicious French and Italian food. It's great for lunch. We love their pizzas! Call for a reservation.

Cultura

Cultura offers a warm and casual atmosphere for intimate dining in the heart of Carmel-by-the Sea. Enjoy flavorful dishes inspired by the Oaxacan culture complimented by a full bar specializing in unique, small batch, Mezcal selections.

Il Tegamino

Il Tegamino is located in the charming Court of the Golden Bough. One of Carmel-by-the-Sea's best hidden gems, the Court of the Golden Bough is tucked behind the Cottage of Sweets on the south side of Ocean Avenue between Lincoln & Monte Verde.

[Baja Cantina](#)

Hot Chili Nights is Back. Thursdays at 5pm for classic cars and food. Fantastic food and exceptional bar with lively festive atmosphere. see the vintage automobile memorabilia or enjoy the heated patio for dinner.

[Mission Ranch](#)

The Restaurant at Mission Ranch is one of the most spectacular spots to dine on the Monterey Peninsula. The view is gorgeous: sheep grazing in the meadow, Santa Lucia Mountains in the near distance and Point Lobos with the Pacific Ocean's crashing waves. The Restaurant at Mission Ranch offers a varied and pleasing menu, moderately priced, featuring Classic American Cuisine. Dinner can be enjoyed inside or out on our heated patio. Live piano music is an institution at The Restaurant at Mission Ranch and you are welcome to join our spirited crowd at the piano bar any night of the week.

[Sur at the Barnyard](#)

Billy Quon's latest restaurant is simultaneously down-home, chic, modern and all-around beautiful, and the same can be said for the fried chicken. A local's favorite! SUR features a spacious Full bar (two Happy Hours 3-6pm & 8-9pm), Craft Draft Beers, and a Wine list featuring many of the great wines of the Monterey County wine growing region & of California.

[Seventh & Delores](#)

While the heart of the restaurant is a classic steakhouse, we imagine an experience and menu that is fun and contemporary. The rich, fertile land of California and the spectacular Pacific Ocean dictate the seasonally changing menu, but as victims of wanderlust, we also want to bring the energy and influences of our travels back to our home in Monterey County.

There are a few local menus in the brown guest book. Please feel free to add any of your favorites for other guest.

FROM	TO	DISTANCE	TIME
28180 Robinson Canyon Rd	Mid Valley Shopping Center	2 Miles	6 Minutes
28180 Robinson Canyon Rd	Barnyard Shopping Center	7.9 Miles	14 Minutes
28180 Robinson Canyon Rd	Crossroads Shopping Center	8.2 Miles	15 Minutes
28180 Robinson Canyon Rd	Pebble Beach HWY 1 Gate	9.0 Miles	16 Minutes
28180 Robinson Canyon Rd	Carmel-by-the-Sea Down-Town	9.3 Miles	16 Minutes
28180 Robinson Canyon Rd	Pebble Beach Lodge	10.1 Miles	16 Minutes
28180 Robinson Canyon Rd	Monterey	12.2 Miles	21 Minutes
28180 Robinson Canyon Rd	Big Sur	31.9 Miles	1hr. 12 minutes

Times may vary with traffic.



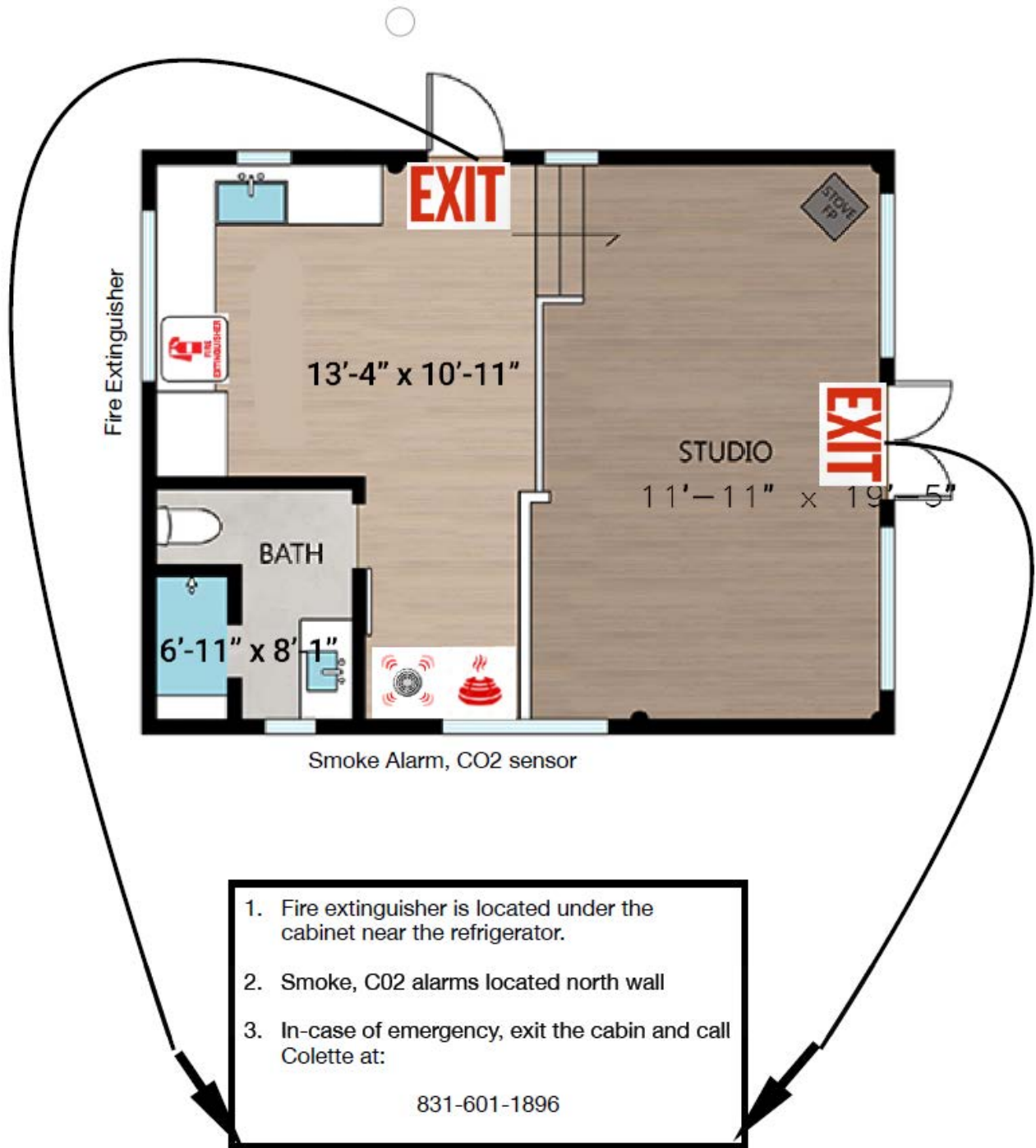
Operational Plan

*Unlimited rental days 365 per
year

*Resident resides at home 24/7

*3 Occupants **Only** at one time

*1 Employee for Cleaning the Cabin



DRIVEWAY



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Exhibit B

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CARMEL VALLEY MASTER PLAN

Carmel Valley Ranch Golf Resort

Project Site

ROBINSON CANYON RD


Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA


APPLICANT: CUCCIA, COLETTE

APN: 416-025-008-000

FILE # PLN220063

 Project Site

 300 FT Buffer

 2500 FT Buffer



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Exhibit C

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MINUTES
Carmel Valley Land Use Advisory Committee
Tuesday, September 5, 2023

1. Meeting called to order by Janet Brennan at 6:30 pm

2. Roll Call

Members Present:

Judy MacClelland; ChrlesFranklin; Janet Brennan; David Burbidge; John Heyl

Members Absent:

James Kendall

3. Approval of Minutes:

A. August 7, 2023 minutes

Motion: John Heyl (LUAC Member's Name)

Second: Charles Franklin (LUAC Member's Name)

Ayes: Judy MacClelland; Charles Franklin; Jne Brennan; David Burbidge; John Heyp\l

Noes: _____

Absent: James Kendall

Abstain: _____

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

5. Scheduled Item(s)

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

7. Meeting Adjourned: 6:40 pm

Minutes taken by: David Burbidge

Action by Land Use Advisory Committee

Project Referral Sheet

Monterey County Housing & Community Development
 1441 Schilling Place 2nd Floor
 Salinas CA 93901
 (831) 755-5025

Advisory Committee: Carmel Valley

1. **Project Name:** CUCCIA COLETTE TR
File Number: PLN220063
Project Location: 28180 ROBINSON CYN RD, CARMEL, CA 93923
Assessor's Parcel Number(s): 416-025-008-000
Project Planner: Mary Israel
Area Plan: Carmel Valley Master Plan
Project Description: An Administrative Permit for transient use of residential property for remuneration (Short Term Rental) in an existing guesthouse.

Was the Owner/Applicant/Representative present at meeting? YES X NO _____

(Please include the names of the those present)

Cuccia Colette - Gave presentation: Her home & she live there all the time; No kitchen; Ibsically part of house; Has been working o get cetified since 2019

Was a County Staff/Representative present at meeting? Fiona Nelson (Name)

PUBLIC COMMENT: None

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

--	--	--	--

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
David Burbige How far up is the property		About 1.5 miles
John Heyl - Parking		Lots of parking on pave road

ADDITIONAL LUAC COMMENTS

John Heyl: like to see more propety owners conform to “code” & try to do “right”

RECOMMENDATION:

Motion by: John Heyl (LUAC Member's Name)

Second by: Judy MacClelland (LUAC Member's Name)

- Support Project as proposed
- Support Project with changes
- Continue the Item

Reason for Continuance: _____

Continue to what date: _____

Ayes: Judy MacClelland; Charles Franlin: Janet brennan: David Burbidge; John Heyl

Noes: _____

Absent: JAMES KENDALL _____

Abstain: _____

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Exhibit D

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10/16/2022

Re; Collete Cuccia
28180 Robinson Canyon Road
Carmel, CA 93923

To Whom it May Concern:

I am writing his letter on behalf of my neighbor, Colette Cuccia.

I live in the same rural neighborhood as Colette and am aware that she hosts a rental studio for couples visiting the Monterey Bay Area.

Our homes share a small portion of road, and beyond that, Collete's property has a dedicated road and parking area servicing her property. There has never been an issues with traffic or parking.

There has been no noise disturbance during the rentals. No issues with light have ever arisen, either. There has been no impact of Collete's guests on the neighborhood. She is very vigilant about minimizing any impact from her rentals, so much so that I am unaware of the times when she is hosting guests.

I am very supportive of Collete continuing to host guests at her property. She has been considerate and communicative, and always in tune with the needs of her neighbors.

Please do not hesitate to contact me with any questions.

Barkley David Smith
29040 Robinson Canyon Road
Carmel, CA 93923

A handwritten signature in black ink, appearing to read "Barkley David Smith". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

From: daniella@daniellarusso.org
Subject: LOS
Date: October 12, 2022 at 12:17 PM
To: colette@colettecuccia.com



Hi Colette

here's the letter and I wish you success.

Best,
Daniella Russo
+1(415) 6086423 | +3592 (89) 292-1888

29012 Robinson Canyon Rd
Carmel, CA 93923

October 12, 2022

To Whom it May Concern

Dear Sir or Madam:

I am writing in support of Colette Cuccia's application for short term rental. I have been Colette's neighbor for 22 years, and my residence is in close proximity of her home and the proposed rental unit. In all these years Colette has been an exemplar neighbor, always in consideration of our proximity and the quiet setting we all share.

I see no issues with potential noise, light or traffic and trust that Colette will manage the staying guests with appropriate respect for her neighbors, just as she has been a good neighbor to us.

Thank you.

Daniella Russo

**Daniella
Russo**

Digitally signed by
Daniella Russo
Date: 2022.10.12
12:15:31 -07'00'



From: **Jeff Doyle** mrjeffdoyle@gmail.com
Subject: Short-term Rental Permit
Date: October 12, 2022 at 3:09 PM
To: colette.cuccia colette@colettecuccia.com

To Whom it May Concern,

We are neighbors of Colette Cuccia and understand she is applying for a short-term rental permit. We want to share that we have no issues with this.

We are not and have not been impacted at all by lights, noise, or traffic from her property.

Best,

Jeff and Maria

Jeff Doyle + Maria Matias
28182 Robinson Canyon Rd.
Carmel, CA 93923
831.625.3400

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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 24-065

June 12, 2024

Introduced: 6/4/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

REF 100042 [INLAND] & REF 130043 [COASTAL] - VACATION RENTAL ORDINANCES

Public Hearing to consider a recommendation to the Board of Supervisors to find the Vacation Rental Ordinances consistent with the Final Environmental Impact Report (Final EIR) and certify the Final EIR for the amendments to the Monterey County Code (SCH # 2022080643), to adopt ordinances amending Title 7 (Business Taxes, Licenses and Regulations), adopt a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinances), and to adopt an ordinance amending Title 21 (Non-coastal Zoning Ordinance) to establish a new Chapter 7.120, Section 20.64.290, and Section 21.64.290, and amending Resolution Board No. 01-485 to add item 14 “to the list of compatible uses within Agricultural Preserves” and add item 15 “to the list of compatible uses within Farmland Security Zones.”

Project Location: Countywide

Proposed CEQA action: Find the vacation rental ordinances consistent with the Final Environmental Impact Report (Final EIR) and recommend that the Board certify the Final Environmental Impact Report (Final EIR) for the amendments to the Monterey County Code (MCC).

RECOMMENDATION:

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

- a) Find the vacation rental ordinances consistent with the Final EIR and certify the Final EIR for the amendments to the Monterey County Code (SCH # 2022080643);
- b) Adopt an ordinance amending Title 7 of Monterey County Code to amend Section 7.02.060 and add 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 add Section 20.64.290 - *Regulations for Vacation Rentals (Attachment 2)*;
- d) Adopt an ordinance amending Title 21 of the Monterey County Code (inland) to amend Section 21.64.280 and add Section 21.64.290 - *Regulations for Vacation Rentals (Attachment 3)*;
and
- e) Amend Resolution No. 01-485, Amending Procedure for Agricultural Preserves, to add Item No. 14, which allows Vacation Rentals, to the “list of compatible uses within Agricultural Preserves” (**Attachment 4**), and add Item No. 15, which allows Vacation Rentals, to the “list of compatible uses within Farmland Security Zones.” (**Attachment 5**).

PROJECT INFORMATION:

Planning File Number: REF100042 & REF130043

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:

Staff presented the Vacation Rentals Ordinances amending Title 7, Title 20, and Title 21 of the Monterey County Code and the Final Environmental Impact Report to the Planning Commission on May 29, 2024. This continued public hearing will allow the Commission to consider the Vacation Rental Ordinances and staff will focus on providing a brief overview of some key topic areas that the Commissioners requested staff discuss in further detail. These key topic areas include the following matters:

- Guesthouses and options for their ability to be rented as a Vacation Rental;
- Additional options for the types of Vacation Rentals;
- Visitor Serving Unit Counts and Bed & Breakfasts facilities in the Carmel Valley Master Plan;
- Vacation Rentals and Chapter 16.80 of the Monterey County Code (Regulations Relating to Applications Involving Use of Private Roads);
- Vacation Rentals and Homeowner's Associations and Covenants, Conditions, and Restrictions on real property;
- On-site active agricultural operations;
- Treasurer-Tax Collector Business License;
- Vacation Rental Permit and License Fees;
- Discussion of Additional Concentration Limits; and
- Review of Vacation Rental data (including advertised vs. allowed, approved and pending applications, and vacation rental mapping).

A new chapter would be added to Title 7 (Business Taxes, Licenses, and Regulations) to regulate all vacation rental operations with the newly established Vacation Rental Operation License. New sections would be added to Title 20 (Coastal Zoning) and Title 21 (Non-coastal Zoning) to regulate Commercial Vacation Rentals. Commercial Vacation Rentals are those Vacation Rentals that are rented as non-hosted three or more times per twelve-month period. Non-hosted means that the operator does not reside on site while it is rented as a vacation rental. These regulations would establish requirements for vacation rentals in the unincorporated areas of Monterey County. The County of Monterey also prepared an Environmental Impact Report (EIR) through the California Environmental Quality Act (CEQA) process to evaluate the potential impact of vacation rentals and receive public input on the potential environmental impacts of the draft ordinances.

After numerous meetings/workshops with the public and targeted stakeholders, the Monterey County Board of Supervisors (Board), the Planning Commission (Commission), Land Use Advisory Committees (LUACs), the Agricultural Advisory Committee (AAC), the draft ordinances have been

refined. They are being presented for final consideration and recommendation by the Commission.

Staff seeks the Commission's recommendation of the final draft ordinances to the Board, inclusive of the Commission's recommendation on proposed policy options and input provided to staff. The ordinance establishes regulations to regulate vacation rentals in unincorporated Monterey County. Staff has 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 (**Attachment 1, 2, and 3 to Exhibit A**). The draft Commission resolution additionally contains amendments to the compatible uses list for Agricultural Preserves and Farmland Security Zones to allow vacation rentals on land that is under a Williamson Act contract (**Attachment 4 and 5 to Exhibit A**). A FEIR was prepared, which identifies that the project would not have a significant effect on the environment. The FEIR is included as **Exhibit D** and the Findings of Fact document, where no impacts were identified with the implementation of the proposed regulations, is included as **Attachment 6 to Exhibit A**.

DISCUSSION:

To read the full background for the policy, please refer to the Detailed Discussion included as **Exhibit B**.

The County of Monterey began policy outreach and the process of drafting ordinances pursuant to Vacation Rentals (also known as short-term rentals for overnight accommodations) in 2014. This process resulted in significant public input as well as comments and direction from the Board, the Commission, and the LUACs. The draft ordinances amending Title 7 (Vacation Rental Operation License and Business License), Title 20 (Coastal Zoning), and Title 21 (Inland Zoning) reflect these comments and input.

Vacation Rentals are defined as the use of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days.

The key features of the Vacation Rental Ordinances are included below:

- **Hosted versus Non-hosted:**
 - Hosted Vacation Rental, which requires that the Operator occupies at least one Bedroom for the duration of the Vacation Rental.
 - Non-hosted Vacation Rental, which is a Vacation Rental where the Operator does not occupy the Vacation Rental.

- **Two types of Vacation Rentals:**
 - Commercial Vacation Rentals:
 - Definition: Rented as a Non-hosted Vacation Rental for more than three times per 12-month period or a Hosted Vacation Rental for an unlimited number of times per 12-month period.

- Limitation on the number of Commercial Vacation Rentals per Planning Area.
- Maximum overnight occupancy of two per Bedroom and not to exceed ten and daytime occupancy of 1.5 times the overnight occupancy and not to exceed 15.
- Required Licenses and Permits:
 - Use Permit or Coastal Development Permit (Section 20.64.290 or 21.64.290), which is renewed every seven years;
 - Vacation Rental Operation License issued ministerially by the County of Monterey Housing and Community Development Department (Chapter 7.120), which is renewed every year;
 - Transient Occupancy Tax Certificate issued by the County of Monterey Treasurer-Tax Collector (Chapter 5.40); and
 - Business License issued by the County of Monterey Treasurer-Tax Collector, which is renewed every year (Section 7.02.060.C).
- Additional Regulatory Requirements for Commercial Vacation Rentals:
 - Compliance with Chapter 16.80 (Regulations Relating to Applications Involving Use of Private Roads).
 - Compliance with the parking requirements in Sub-Sections 20.58.040 and 21.58.040.
 - Verification that the septic system is in good working order and functioning properly and in compliance with Chapter 15.20 (Sewage Disposal).
 - Verification of adequate response time for fire and emergency services.
- Limited Vacation Rentals:
 - Definition: Rented as a Non-hosted Vacation Rental not more than three times per 12-month period, or a Hosted Vacation Rental for an unlimited number of times per 12-month period.
 - Maximum overnight occupancy of two per Bedroom and not to exceed four and daytime occupancy of 1.5 times the overnight occupancy and not to exceed six.
 - Required Licenses and Permits:
 - Vacation Rental Operation License issued ministerially by the County of Monterey Housing and Community Development Department (Chapter 7.120);
 - Transient Occupancy Tax Certificate issued by the County of Monterey Treasurer-Tax Collector (Chapter 5.40); and
 - Business License issued by County of Monterey Treasurer-Tax

Collector (Section 7.02.060.C).

- **Regulations for All Vacation Rentals:**
 - Allowable in specific Zoning Districts;
 - One rental contract at a time per Vacation Rental;
 - Only allowed in single family dwellings;
 - Not allowed in temporary structures;
 - If the parcel has active agricultural operations, the property manager or owner is required to reside onsite;
 - Property manager or operator is available at all times of the day to respond to complaints within 30 minutes;
 - Prohibition on outdoor fire areas;
 - Informational letter to neighboring properties within a 300-foot radius;
 - No exterior signage;
 - Provision to provide the following documents to the County of Monterey Housing and Community Development Department (HCD):
 - Operation plan;
 - Site plan;
 - Floor plan; and
 - Home inspection by certified home inspector.
 - Requirement to notify the Vacation Rental occupants of:
 - Emergency response numbers;
 - Quiet hours;
 - Map of evacuation routes; and
 - Contact information for the property manager or operator.
 - Required to comply with Monterey County Code Chapters:
 - 8.36 (Nuisance and Nuisance Animals);
 - 10.41 (Solid Waste Collection and Disposal);
 - 10.60 (Noise Control);
 - 15.04 (Domestic Water Systems).
 - Enforcement requirements that include both fines and civil penalties;

- Enforcement that each violation will be a separate and unique violation that will incur separate penalties;
- Requirements for the hosting platforms (such as VRBO or Airbnb) to ensure that they are not listing unpermitted vacation rentals in the County and notification process that they must remove any listing that the County finds to be unpermitted; and
- A process for phasing out unpermitted operations and requiring existing permitted operations to follow an appropriate timeline to comply with the new regulations.

Staff recommends that the Planning Commission recommend that the Board of Supervisors certify the FEIR, adopt the revised draft ordinances for vacation rentals inclusive of the Planning Commission's recommendation on the proposed policy options, and provide input to staff.

OTHER AGENCY INVOLVEMENT

HCD staff are working in collaboration with the Treasurer-Tax Collector's Office, County of Monterey Environmental Health, and Fire Agencies to develop the ordinances and with the Office of County Counsel to review as to form. Staff has met with California Coastal Commission staff and discussed ordinances for the Coastal Zone.

HCD also received input from all of the LUACs as well as the AAC.

Prepared by: Taylor Price, Associate Planner, 831-784-5730

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

Approved by: Craig Spencer, HCD Director

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution, including:

- Attachment 1 - Title 7 amendment to Chapter 7.02.060 and establish a new Chapter 7.120 of Regulations for Vacation Rental Operation License
- Attachment 2 - Title 20 amendment and additions to Coastal Zoning Ordinance Regulations for Vacation Rentals in the Coastal Zone
- Attachment 3 - Title 21 amendment and additions to Inland Zoning Ordinance Regulations for Vacation Rentals in the Non-coastal Zone
- Attachment 4 - Amend Resolution No. 01-485, Amending Procedure for Agricultural Preserves, to add item no. 14, which allows Vacation Rentals, to the "list of compatible uses within Agricultural Preserves"
- Attachment 5 - Amend Resolution No. 01-485, Amending Procedure for Agricultural Preserves, to add item no. 15, which allows Vacation Rentals, to the "list of compatible uses within Farmland Security Zones"
- Attachment 6 - Findings of Fact Document

Exhibit B - Detailed Discussion

Exhibit C - Agricultural Advisory Committee Action Minutes - April 25, 2024

Exhibit D - Final Environmental Impact Report

Exhibit E - Public Correspondence

cc: Front Counter Copy; Planning Commission; REF 100042 & REF 130043 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 Land Watch; Keep Big Sur Wild; Liz Gonzales, Permit Center Manager; Anna Quenga, Principal Planner - Current Planning; Karen Riley-Olms, Management Analyst II; Josh Bowling, Chief of Building Services; Evan Nuckles, HCD Building Services Manager; Melanie Beretti, Acting Chief of Planning; Craig Spencer, HCD Director



County of Monterey Planning Commission

Item No.5

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

Agenda Item No. 5

Legistar File Number: PC 24-065

June 12, 2024

Introduced: 6/4/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

REF 100042 [INLAND] & REF 130043 [COASTAL] - VACATION RENTAL ORDINANCES

Public Hearing to consider a recommendation to the Board of Supervisors to find the Vacation Rental Ordinances consistent with the Final Environmental Impact Report (Final EIR) and certify the Final EIR for the amendments to the Monterey County Code (SCH # 2022080643), to adopt ordinances amending Title 7 (Business Taxes, Licenses and Regulations), adopt a resolution of intent to adopt an ordinance amending Title 20 (Coastal Zoning Ordinances), and to adopt an ordinance amending Title 21 (Non-coastal Zoning Ordinance) to establish a new Chapter 7.120, Section 20.64.290, and Section 21.64.290, and amending Resolution Board No. 01-485 to add item 14 “to the list of compatible uses within Agricultural Preserves” and add item 15 “to the list of compatible uses within Farmland Security Zones.”

Project Location: Countywide

Proposed CEQA action: Find the vacation rental ordinances consistent with the Final Environmental Impact Report (Final EIR) and recommend that the Board certify the Final Environmental Impact Report (Final EIR) for the amendments to the Monterey County Code (MCC).

RECOMMENDATION:

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

- a) Find the vacation rental ordinances consistent with the Final EIR and certify the Final EIR for the amendments to the Monterey County Code (SCH # 2022080643);
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PROJECT INFORMATION:

Planning File Number: REF100042 & REF130043

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:

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DISCUSSION:

To read the full background for the policy, please refer to the Detailed Discussion included as **Exhibit B**.

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The key features of the Vacation Rental Ordinances are included below:

- **Hosted versus Non-hosted:**
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Collector (Section 7.02.060.C).

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 - Property manager or operator is available at all times of the day to respond to complaints within 30 minutes;
 - Prohibition on outdoor fire areas;
 - Informational letter to neighboring properties within a 300-foot radius;
 - No exterior signage;
 - Provision to provide the following documents to the County of Monterey Housing and Community Development Department (HCD):
 - Operation plan;
 - Site plan;
 - Floor plan; and
 - Home inspection by certified home inspector.
 - Requirement to notify the Vacation Rental occupants of:
 - Emergency response numbers;
 - Quiet hours;
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 - Enforcement requirements that include both fines and civil penalties;

- Enforcement that each violation will be a separate and unique violation that will incur separate penalties;
- Requirements for the hosting platforms (such as VRBO or Airbnb) to ensure that they are not listing unpermitted vacation rentals in the County and notification process that they must remove any listing that the County finds to be unpermitted; and
- A process for phasing out unpermitted operations and requiring existing permitted operations to follow an appropriate timeline to comply with the new regulations.

Staff recommends that the Planning Commission recommend that the Board of Supervisors certify the FEIR, adopt the revised draft ordinances for vacation rentals inclusive of the Planning Commission's recommendation on the proposed policy options, and provide input to staff.

OTHER AGENCY INVOLVEMENT

HCD staff are working in collaboration with the Treasurer-Tax Collector's Office, County of Monterey Environmental Health, and Fire Agencies to develop the ordinances and with the Office of County Counsel to review as to form. Staff has met with California Coastal Commission staff and discussed ordinances for the Coastal Zone.

HCD also received input from all of the LUACs as well as the AAC.

Prepared by: Taylor Price, Associate Planner, 831-784-5730

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

Approved by: Craig Spencer, HCD Director

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution, including:

- Attachment 1 - Title 7 amendment to Chapter 7.02.060 and establish a new Chapter 7.120 of Regulations for Vacation Rental Operation License
- Attachment 2 - Title 20 amendment and additions to Coastal Zoning Ordinance Regulations for Vacation Rentals in the Coastal Zone
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- Attachment 6 - Findings of Fact Document

Exhibit B - Detailed Discussion

Exhibit C - Agricultural Advisory Committee Action Minutes - April 25, 2024

Exhibit D - Final Environmental Impact Report
Exhibit E - Public Correspondence

cc: Front Counter Copy; Planning Commission; REF 100042 & REF 130043 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 Land Watch; Keep Big Sur Wild; Liz Gonzales, Permit Center Manager; Anna Quenga, Principal Planner - Current Planning; Karen Riley-Olms, Management Analyst II; Josh Bowling, Chief of Building Services; Evan Nuckles, HCD Building Services Manager; Melanie Beretti, Acting Chief of Planning; Craig Spencer, HCD Director

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Exhibit A

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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:

**REGULATIONS TO VACATION RENTAL ORDINANCES (REF130043 [Coastal] &
REF100042 [Inland])**

RESOLUTION NO.

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

- a) Find the vacation rental ordinances consistent with the Final Environmental Impact Report (“Final EIR”) and certify the Final EIR for the amendments to the Monterey County Code (SCH # 2022080643);
- b) Adopt an ordinance amending Title 7 of Monterey County Code to amend Section 7.02.060 and add 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 add Section 20.64.290 – *Regulations for Vacation Rentals (Attachment 2)*;
- d) Adopt an ordinance amending Title 21 of the Monterey County Code (inland) to amend Section 21.64.280 and add Section 21.64.290 – *Regulations for Vacation Rentals (Attachment 3)*; and
- e) Amend Resolution No. 01-485, Amending Procedure for Agricultural Preserves, to add Item No. 14, which allows Vacation Rentals, to the “list of compatible uses within Agricultural Preserves” (**Attachment 4**), and add Item No. 15, which allows Vacation Rentals, to the “list of compatible uses

within Farmland Security Zones.”
(Attachment 5).

The proposed ordinances amending the Monterey County Code establishing regulations for Vacation Rentals came before the Planning Commission at a duly noticed public hearing on May 29, 2024 and continued to a date certain of June 12, 2024. 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. In 1997, in response to community challenges, Monterey County adopted regulations for Transient Use of Residential Properties (aka, “short-term rentals”) in the unincorporated areas of Monterey County, attempting to balance the use of private homes with the hospitality industry.

3. California Coastal Commission staff responded that they would not recommend certification of the County’s ordinance for Transient Use of Residential Properties in the unincorporated coastal area without significant changes, which were never made.

4. Beginning in 2014, renewed interest in vacation rentals growing out of increased social media and internet accessibility resulted in increased pressures on local communities, which created conflicts and tensions in neighborhoods.

5. The County of Monterey Housing and Community Development Department (“HCD”) conducted multiple community and stakeholder meetings regarding developing regulations of vacation rentals for overnight accommodations in residential areas in the unincorporated areas of Monterey County.

6. Between March 2015 and February 2016, former Fifth District Supervisor Dave Potter convened and HCD staffed nine meetings of the Short-Term Rental Working Group to discuss and provide input to County staff for ordinance development.

7. On March 22, 2016, the Planning Commission (“Commission”) received a status update from staff on the development and timeline for the vacation rental ordinances. The Commission received the presentation and provided input to staff.

8. On July 13, 2016, the Commission held a workshop to receive information on the development of regulations for vacation rentals and provide direction to staff on “if/where vacation rentals should be allowed.” The Commission received the presentation and provided direction that staff should proceed with developing an ordinance and develop a clear definition of

what a vacation rental is and update the Monterey County Code (“MCC”) to reflect these definitions.

9. On November 9, 2016, the Commission held a workshop to receive information on vacation rental characteristics and thresholds and provide direction to staff regarding developing draft regulations for vacation rentals. The Commission directed staff to handle different types of vacation rentals distinctly, explore requiring business licenses for vacation rentals, present to the Land Use Advisory Committees (“LUACs”), and consult with the Coastal Commission.

10. On May 10, 2017, the Commission held a duly noticed public hearing to consider the preliminary draft regulations for vacation rentals, provide input to staff on separating the process for inland and coastal regulations, and provide direction to staff relative to drafting regulations and process. The Commission directed staff to address the issue of vacation rentals as a part of the Big Sur Coast Land Use Plan Update (REF 210024) and to continue the hearing to the May 31, 2017 Commission hearing.

11. On May 31, 2017, the Commission held a duly noticed continued public hearing and continued the hearing to June 28, 2017 Commission to enable a topic-by-topic discussion of the preliminary draft regulations.

12. On June 28, 2017, the Commission held a duly noticed continued public hearing and provided direction to staff on the following topics: 1) simplify the types of vacation rentals; 2) allow hosted vacation rentals to be approved with a relatively simple permit process and non-hosted vacation rentals should be permitted using a Use Permit process; 3) develop recommendations and discussion regarding frequency limitations; 4) remove requirements requiring two functioning on-site wastewater treatment systems (“OWTS”); 5) do not require a new water system permit category for vacation rentals; and 6) return to the Commission in fall 2017 with a draft ordinance.

13. On November 29, 2017, the Commission held a duly noticed public hearing and provided direction and input to staff on the preliminary draft vacation rental ordinances.

14. On January 10, 2018, the Commission held a duly noticed public workshop to receive information on the updated draft vacation rental ordinances and provide input to staff on whether the ordinances should include regulations for the Big Sur Coast Planning Area. The Commission directed staff to incorporate the Big Sur Coast Planning Area into the vacation rental ordinances. The Commission also directed staff to place an item on the January 31, 2018 Commission agenda for the Commission to discuss and consider recommendations to the Board of Supervisors (“Board”) regarding measures to enhance vacation rental code compliance.

15. On January 31, 2018, the Commission considered a recommendation to the Board concerning vacation rental code compliance.

16. On June 19, 2018, the Board requested that HCD formulate a response to the January 31, 2018 Commission letter requesting policy direction related to vacation rental code compliance and enforcement.

17. On July 11, 2018, the Commission conducted a public workshop and provided direction for drafting ordinances regulating vacation rentals.

18. On July 17, 2018, the Board conducted a hearing on vacation rental code compliance and enforcement and provided direction to staff regarding implementing a third-party software system to provide code compliance and enforcement.

19. On July 24, 2019, the Commission conducted a public hearing to consider draft vacation rental ordinances and provide the Board with direction on recommended regulations.

20. On June 10, 2020, the Commission conducted a public hearing to consider draft vacation rental ordinances, provide direction on draft regulations to present to the Board and adopt a resolution recommending that the Board consider and provide policy direction on vacation rental ordinances.

21. On November 17, 2020, the Board conducted a planning study and provided policy direction on draft vacation rental ordinances. The Board requested additional analysis to be conducted on vacation rentals in Monterey County. The Board directed staff to treat most vacation rentals as commercial vacation rentals but with exceptions for limited vacation rentals, allowing no more than three non-hosted rentals annually.

22. On May 21, 2021, the Board conducted a planning study and provided policy direction on draft vacation rental ordinances. The Board discussed setting a cap on the number of vacation rentals allowed per Planning Area and that staff prepare to conduct a California Environmental Quality Act (“CEQA”) analysis of the vacation rental ordinances.

23. The County of Monterey (“County”) determined that it would prepare an Environmental Impact Report (“EIR”) in conjunction with its vacation rental ordinances amending Titles 7, 20, and 21 of the MCC to comply with CEQA and provide environmental review documentation as part of the vacation rental ordinances (“Project”). This determination to prepare an EIR was made in accordance with Public Resources Code section 21000 *et seq.* The preparation of an EIR was made to determine if the Project would result in a physical change in the environment that resulted in a significant environmental impact.

24. The County contracted with Ascent Environmental, Inc. (“Ascent”) on March 30, 2022, and directly supervised Ascent to assist HCD with the preparation of the EIR.

25. The County issued a Notice of Preparation (“NOP”) and Initial Study (“IS”) of preparation of an EIR for amendments to MCC and for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. In accordance with Public Resources Code section 21092 and CEQA Guidelines (14 CCR section 15082), the County issued the NOP and IS on August 29, 2022. The County circulated the NOP and IS to responsible and trustee agencies, organizations, and interested individuals to solicit comments on the Project. The County followed required procedures related to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The NOP and IS was received by the State Clearinghouse (State Clearinghouse No. 2022080643) and distributed for a 30-day

public review period on August 29, 2022. A revised NOP and IS was released on September 6, 2022, to correct errors in the original NOP and IS, and the public review period was extended to provide a full 30 days for the public to review the revised NOP and IS. Two public scoping meetings were conducted by the County: one on September 6, 2022, at 5:00 p.m. and one on September 19, 2022, at 1:00 p.m. The first scoping meeting was held both in person, at the Monterey County Government Center Administration Building, located at 168 West Alisal Street, 2nd Floor (Monterey Room), in Salinas, as well as virtually via Zoom; and the second scoping meeting was held virtually via Zoom.

26. On January 27, 2023, the County gave formal email notification to the California Native American tribes traditionally and culturally affiliated with the area of Monterey County listed on page 4.11-7 in the Draft EIR that the County was preparing ordinances for vacation rentals in the unincorporated Monterey County and of the opportunity to consult regarding the proposed project and for which the County did not receive a request for consultation.

27. On February 28, 2023, Fifth District Supervisor Mary Adams added a referral item to the Board referral matrix. This referral item requested consideration of an interim ordinance to enact a stay or moratorium on the issuance of administrative permits for transient use of residential property in the unincorporated areas of Monterey County.

28. On April 25, 2023, the Board supported HCD's recommendation that until such time as new vacation rental regulations are in place, all applications (pursuant to MCC Section 21.64.280) in the inland unincorporated areas of District 5 would be referred to the Planning Commission due to the significant public policy issue posed in that area. The Board did not support further work on an interim ordinance.

29. On December 11, 2023, the Draft EIR was released for a 49-day public review and comment period, which ended on January 29, 2024. The Notice of Completion, Notice of Availability, and the Draft EIR were submitted to the State Clearinghouse for distribution to reviewing agencies and posted on the County website. As a result of these notification efforts, comments were received from agencies, organizations, and individuals on the content of the Draft EIR. Chapter 3, "Responses to Comments," of the Final EIR identifies these commenting parties, identifies their respective comments, and presents responses to these comments. None of the comments received or the responses provided constitute "significant new information" as defined by CEQA Guidelines section 15088.5.

30. The Draft EIR did not identify significant and unavoidable impacts. All impacts identified in the Draft EIR would either be less than significant, have no impact, or no significance conclusion. Therefore, CEQA Guidelines section 15091(a) has not been met, and the adopting of a mitigation monitoring and reporting program is not required for the Project.

31. The Draft EIR discusses the unusual circumstances for this Project. The Project adds regulatory requirements that limit the extent to which an existing use is allowed and, through these requirements and policy requirements, avoid or minimize impacts that may occur. There would be no direct physical changes from construction, and the Project would place a cap on commercial vacation rentals where such a cap does not currently exist; the Project provides regulations to address notice, overnight and daytime occupancy, and other social and economic

issues raised by the public. The Draft EIR relies on reasonable assumptions based on facts to evaluate the potential impacts resulting from the implementation of the Project. The Draft EIR also explains the basis for its conclusion and describes uncertainty surrounding impacts where any such uncertainty exists.

32. The County has reviewed the Final EIR for the Project, which consists of the Draft EIR and the Responses to Comments on the Draft EIR. The County has considered the public record on the Project. The County has exercised independent judgment in accordance with Public Resources Code section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. Having received, reviewed, and considered the information in the Final EIR, as well as all other information in the record, the County hereby makes findings pursuant to and in accordance with Public Resources Code sections 21081, 21081.5, and 21081.6. In accordance with CEQA and the CEQA Guidelines, the County agrees that no Findings of Fact is required because no impacts were identified with the implementation of the proposed regulations.

33. In accordance with CEQA, the County has considered the effects of the Project on the environment, as shown in the Draft EIR, Final EIR, and the whole of the administrative record, prior to taking any action to approve the Project. The Final EIR was released to agencies that submitted comments on the Draft EIR for the required 10-day distribution period beginning May 21, 2024. The Final EIR was also made available to other commenters and the general public by posting the document on the County's website on the same day. The Final EIR was submitted to the Commission during the 10-day distribution period. The Board of Supervisors will consider certification of the EIR at a public hearing. The Findings of Fact document for the Project have been included in **Attachment 6**, and in accordance with CEQA and the CEQA Guidelines, the County agrees that no Findings of Fact is required because no impacts were identified with the implementation of the proposed regulations.

34. On April 24, 2024, the Agricultural Advisory Committee voted to recommend with 6 ayes and 2 noes that the Commission amend the Compatible Uses for Williamson Act Contracts (Agricultural Preserves and Farmland Security Zones) by adding Vacation Rentals within a single-family dwelling as a permitted compatible use.

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

36. On May 29, 2024, the Commission held a duly noticed public hearing to consider making a recommendation to the Board on the proposed ordinances (Attachments 1, 2, and 3) and amendments to Board Resolution Number 01-485 (Attachments 4 and 5). At least 10 days before the hearing date, notices of the hearing before the 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) Find the vacation rental ordinances consistent with the Final Environmental Impact Report (Final EIR) and certify the Final EIR for the amendments to the Monterey County Code (SCH # 2022080643);
- b) Adopt an ordinance amending Title 7 of Monterey County Code to amend Section 7.02.060 and add 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 add Section 20.64.290 – *Regulations for Vacation Rentals* (**Attachment 2**);
- d) Adopt an ordinance amending Title 21 of the Monterey County Code (inland) to amend Section 21.64.280 and add Section 21.64.290 – *Regulations for Vacation Rentals* (**Attachment 3**); and
- e) Amend Resolution No. 01-485, Amending Procedure for Agricultural Preserves, to add Item No. 14, which allows Vacation Rentals, to the “list of compatible uses within Agricultural Preserves” (**Attachment 4**), and add Item No. 15, which allows Vacation Rentals, to the “list of compatible uses within Farmland Security Zones.” (**Attachment 5**).

PASSED AND ADOPTED this 12th day of June 2024, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Melanie Beretti, AICP
Planning Commission Secretary

ORDINANCE NO. ____

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

County Counsel Summary

This ordinance amends Section 7.02.060 and adds Chapter 7.120 to the Monterey County Code to regulate the short-term vacation rental of residential property. This ordinance aims to strike a balance, allowing residents of unincorporated Monterey County to benefit from the tourism economy, while also ensuring that residential neighborhoods are protected from the potential negative social and behavioral impacts of short-term vacation rentals. This ordinance requires a business license and a vacation rental operation license for any short-term vacation rental operations in the unincorporated Monterey County. This ordinance further requires that short-term 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 short-term vacation rental platforms are required to satisfy to ensure unlicensed short-term vacation rentals are not advertised or rented. Lastly, this ordinance contains the process for revocation and enforcement against short-term 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, short-term vacation rental operations have the potential to be a nuisance and disrupt the sense of safety, security, and peaceful enjoyment of residences in residential neighborhoods.

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

D. Regulation of short-term vacation rentals is necessary because they potentially could create impacts that are different than residential uses, including but not limited to: different

Exhibit A - Attachment 1

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. This Ordinance aims to strike a balance, allowing residents of unincorporated Monterey County to benefit from the tourism economy while also ensuring that residential neighborhoods are protected from the potential negative social and behavioral impacts of short-term vacation rentals.

F. This Ordinance requires licenses for any short-term vacation rental operations in the unincorporated Monterey County, and requires that short-term 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 short-term vacation rental operations that are violating their licenses.

G. This Ordinance recognizes that unique neighborhoods with existing developments were established with the intent of managed short-term 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.

H. The County of Monterey has reviewed the Final Environmental Impact Report (“EIR”) for the project, which consists of the Draft EIR and the responses to comments on the Draft EIR. The County has exercised independent judgment in accordance with Public Resources Code section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. Having received, reviewed, and considered the information in the Final EIR, as well as all other information in the record, the County hereby makes findings pursuant to and in accordance with Public Resources Code sections 21081, 21081.5, and 21081.6. In accordance with California Environmental Quality Act (“CEQA”) and the CEQA Guidelines, the County agrees that no findings of fact is required because no impacts were identified with the implementation of this Ordinance. The Final EIR for the Vacation Rental Ordinances project (SCH # 2022080643) has been completed and certified in compliance with CEQA prior to the adoption of this Ordinance and reflects the independent judgment and analysis of the County.

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

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

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

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C. All Commercial Vacation Rentals and Limited Vacation Rentals as defined respectively by Section 7.120.010(E) and (L) of the Monterey County Code, as may be amended from time to time.

SECTION 4. Chapter 7.120 is added to the Monterey County Code 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	Regulations for Limited Vacation Rentals.
7.120.060	Regulations for Commercial Vacation Rentals.
7.120.070	Regulations for Hosting Platforms.
7.120.080	License Application Process.
7.120.090	Criteria for Grant of License.
7.120.100	License Renewal Process and Grounds for Denial.
7.120.110	Fees.
7.120.120	Grounds for Revocation.
7.120.130	Process for Hearing by Hearing Officer.
7.120.140	Service Requirements.
7.120.150	Enforcement.

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

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:

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

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

C. “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.

D. “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.

E. “Commercial Vacation Rental” means a Vacation Rental that is Non-hosted and rented for more than three times per 12-month period or Hosted and rented for an unlimited number of times per 12-month period.

F. “County” means County of Monterey.

G. “Effective Date” means the date on which the ordinance adding this Chapter 7.120 to the Monterey County Code took effect.

H. "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.

I. “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.

J. “Hosting Platform” means a Person who advertises Vacation Rentals through an agent or intermediary that conducts a Booking Service transaction using any medium of facilitation.

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

L. “Limited Vacation Rental” means a Vacation Rental that is Non-hosted and rented for not more than three times per 12-month period, or Hosted and rented for an unlimited number of times per 12-month period.

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

N. “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.

O. “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.

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

Q. “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.

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

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S. “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.

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

U. “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 family.

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

W. “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. The regulations set forth in this Chapter do not apply to unique neighborhoods with existing developments that were established with the intent of managed Vacation Rentals. The existing permitted unique neighborhoods with managed Vacation Rentals must operate according to the regulations and conditions approved through its original land use entitlement.

7.120.040 Regulations for Vacation Rentals.

A. 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.

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C. 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.

D. 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 a valid business license throughout the Vacation Rental use.

E. Upon receipt of an approved License, the Operator shall mail an informational letter to neighboring properties within a 300-foot radius of the 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; location of the Vacation Rental; identification if the Vacation Rental is Limited or Commercial; name and contact information for the Property Manager; and procedures and contact information for the County.

F. 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.

G. 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.

H. Vacation Rentals shall not post signage or advertisement of the Vacation Rental on the exterior of the unit or property.

I. 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.

J. 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.

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

1. License number for that particular Vacation Rental;

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2. Maximum occupancy – overnight and daytime occupancy limits;
3. Notification of quiet hours; and
4. Advertised Rental Rate.

L. 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 and daytime occupancy limits;
3. Notification of quiet hours;
4. Advertised Rental Rate;
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.

M. 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. The Operator shall retain the written rental contracts and other records of all of the Vacation Rentals during the term of the License plus two years.

N. 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.

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O. 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.

P. Vacation Rentals shall comply with Monterey County Code Chapter 15.04 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.

Q. 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 and must keep the water system permit in good standing throughout the Vacation Rental use.

R. 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.

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

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

U. 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; guesthouses; 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.

V. 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.

7.120.050 Regulations for Limited Vacation Rentals.

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.

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- B. Limited Vacation Rentals are limited to only one rental contract at any given time.
- 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 and shall not exceed a total count of four 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 six persons per unit, no matter how many Bedrooms.
 - 3. If the Limited Vacation Rental intends to exceed the maximum occupancy limits of this Subsection, the Operator must obtain a Coastal Development Permit pursuant to Title 20 or a Use Permit pursuant to Title 21 of the Monterey County Code.

7.120.060 Regulations for Commercial Vacation Rentals.

- 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 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 Hosting Platforms.

- A. 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. Within 30 days of the Effective Date, 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. 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. Subject to applicable laws, commencing three months after the Effective Date 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. 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. Hosting Platforms, within 10 calendar days of receiving notice from the County of non-compliant listings, shall remove those listings from their Hosting Platform.

7.120.080 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. When applicable for Limited Vacation Rentals, the Operator must indicate on the floor plans which bedroom(s) the Operator will occupy when Hosted.

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

a. Indicate if it will be Hosted and/or Non-hosted and the number of Non-hosted rentals per calendar year;

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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, or International Code Council, 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. Unpermitted Vacation Rental operations have six months from the Effective Date 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 the Effective Date or until County takes action on the Operator's application for all 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.

7.120.090 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.

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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 of approval of the License and from actions or claims from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the 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.

7.120.100 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 application is filed fewer than 30 calendar days before the License's expiration;
2. The Operator fails to conform to the criteria set forth in this Chapter;
3. 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;

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4. The License has active code enforcement action;
5. The License has two or more substantiated code enforcement violations within the past year; or
6. The License is revoked 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.

7.120.110 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.

7.120.120 Grounds for Revocation.

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

1. Any act or omission 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 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.

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

7.120.130 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 Section 7.120.140 of this Chapter.

C. Hearing by the Hearing Officer.

1. The Hearing Officer is authorized to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the 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.

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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.

7.120.140 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.

7.120.150 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.

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 Advertised Rental Rate per day, or part thereof, or one \$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 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 year; and

3. A civil penalty not exceeding 375% of the 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 year.

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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. 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.

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

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

PASSED AND ADOPTED on this ____ day of _____, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Glenn Church, Chair
Monterey County Board of Supervisors

ATTEST

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

<p>APPROVED AS TO FORM:</p> <p>KELLY L. DONLON Assistant County Counsel</p>
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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 adds adds Section 20.64.290 to the Monterey County Code to regulate the short-term vacation rental of residential property. This Ordinance aims to strike a balance, allowing residents of unincorporated Monterey County to benefit from the tourism economy while also ensuring that residential neighborhoods are protected from the potential negative social and behavioral impacts of short-term vacation rentals. This Ordinance details which zoning districts short-term vacation rentals are allowed. This Ordinance requires a coastal development permit for commercial vacation rentals that have similar land use impacts to a visitor/serving use, such as hotels, motels, inns, and lodges. This Ordinance further requires that short-term vacation rentals meet certain operational requirements and safety and health standards that reflect their potential impacts. Lastly, this Ordinance contains the process for phasing out unpermitted commercial short-term 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. This Ordinance is intended to provide regulations, standards, and circumstances under which short-term vacation rentals may be allowed in certain residential unincorporated areas of Monterey County.

C. The intent of this Ordinance is to distinguish between two types of short-term vacation rentals, commercial vacation rentals and limited vacation rentals, such that commercial vacation rentals require a discretionary land use entitlement while limited vacation rentals are defined in a manner to be similar in character, density, and intensity to residential use, are not anticipated to remove long-term housing from the market, and therefore are allowed uses, where applicable, with a vacation rental operation license, business license, and transient occupancy tax certificate.

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D. Regulation of commercial vacation rentals is necessary because they have the potential to impact the character and intensity of an otherwise residential use. Impacts include, removing long-term housing from the market, or posing hazards to public health, safety and general welfare in areas known to have infrastructure limitations. Commercial vacation rental uses, therefore, may be allowed, where applicable, only with a discretionary coastal development permit, vacation rental operation license, and business license. This Ordinance recognizes that unique neighborhoods with existing developments were established with the intent of 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.

E. This Ordinance establishes the requirement for a coastal development permit for commercial vacation rental activities to enable evaluation of the impacts of such activities, in recognition that commercial vacation rentals may have similar land use impacts as other recreational/visitor-serving uses such as hotels, motels, and bed and breakfast facilities and deserve similar evaluation as such visitor-serving uses.

F. Because the nature and extent of short-term vacation rentals have been transformed in the last several years due to the advent of online platforms, this Ordinance intends to establish regulations for limited vacation rentals and commercial vacation rentals. Accordingly, this ordinance intends to add Section 20.64.290 to the Monterey County Code to establish regulations for vacation rentals.

G. To allow for a reasonable amortization of investment for existing short-term vacation rental operations, this Ordinance provides an initial defined time period during which an unpermitted vacation rental may continue to operate, provided the vacation rental activity was established prior to the effective date of the Ordinance and the operator is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 20.64.290 of the Monterey County Code.

H. The County has reviewed the Final Environmental Impact Report (“EIR”) for the project, which consists of the Draft EIR and the responses to comments on the Draft EIR. The County has exercised independent judgment in accordance with Public Resources Code section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. Having received, reviewed, and considered the information in the Final EIR, as well as all other information in the record, the County hereby makes findings pursuant to and in accordance with Public Resources Code sections 21081, 21081.5, and 21081.6. In accordance with California Environmental Quality Act (“CEQA”) and the CEQA Guidelines, the County agrees that no findings of fact is required because no impacts were identified with the implementation of the proposed regulations. The Final EIR for the Vacation Rental Ordinances project (SCH # 2022080643) has been completed and certified in compliance with CEQA prior to the adoption of this Ordinance and reflects the independent judgment and analysis of the County of Monterey.

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

J. 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. Section 20.06.198 is added to the Monterey County Code to read as follows:

“Commercial Vacation Rental” means a vacation rental that is non-hosted and rented for more than three times per 12-month period or hosted and rented for an unlimited number of times per 12-month period.

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

“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.

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

“Limited Vacation Rental” means a vacation rental that is non-hosted and rented for not more than three times per 12-month period or hosted and rented for an unlimited number of times per 12-month period.

SECTION 5. Section 20.06.818 is added to the Monterey County Code to read as follows:

“Non-hosted” means that an operator does not occupy the vacation rental while it is being rented.

SECTION 6. Section 20.06.935 is added to the Monterey County Code to read as follows:

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

SECTION 7. Section 20.06.985 is added to the Monterey County Code to read as follows:

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

SECTION 8. Section 20.06.990 of the Monterey County Code is amended to read as follows:

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

SECTION 9. Section 20.06.1305 of the Monterey County Code is amended to read as follows:

“Transient” means ~~temporary, of limited duration or for a short period of time.~~ temporary, limited duration to a period of 30 consecutive calendar days or fewer.

SECTION 10. Section 20.06.1345 is added to the Monterey County Code to read as follows:

“Vacation Rental” means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 30 consecutive calendar days or fewer, counting portions of calendar days as full days. “Vacation Rental” includes commercial vacation rentals and limited vacation rentals. “Vacation Rental” does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

*Ordinance amending Title 20 re: Vacation Rentals
Draft 05/17/2024*

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SECTION 11. Subsection (DD) is added to Section 20.10.050 of the Monterey County Code [High Density Residential District] to read as follows:

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

SECTION 12. Subsection (DD) is added to Section 20.12.050 of the Monterey County Code [Medium Density Residential District] to read as follows:

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

SECTION 13. Subsection (FF) is added to Section 20.14.050 of the Monterey County Code [Low Density Residential District] to read as follows:

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

SECTION 14. Subsection (VV) is added to Section 20.16.050 of the Monterey County Code [Rural Density Residential District] to read as follows:

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

SECTION 15. Subsection (PP) is added to Section 20.17.050 of the Monterey County Code [Watershed And Scenic Conservation District] to read as follows:

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

SECTION 16. Subsection (RR) is added to Section 20.18.060 of the Monterey County Code [Coastal General Commercial] to read as follows:

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

SECTION 17. Subsection (XX) is added to Section 20.20.060 of the Monterey County Code [Moss Landing Commercial District] to read as follows:

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

SECTION 18. Subsection (BB) is added to Section 20.22.060 of the Monterey County Code [Visitor-Serving Commercial District] to read as follows:

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

SECTION 19. Subsection (GG) is added to Section 20.30.050 of the Monterey County Code [Coastal Agriculture Preserve] to read as follows:

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

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SECTION 20. Subsection (KK) is added to Section 20.32.050 of the Monterey County Code [Agricultural Conservation] to read as follows:

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

SECTION 21. Section 20.64.290 is added to the Monterey County Code 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 20 and the sense of security and safety in stable neighborhoods of residential properties.

2. Provide opportunity for visitors to access public areas of the 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 and residents to offer Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County.

4. Establish that Limited Vacation Rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing 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. “Advertised Rental Rate” means the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

2. “Bedroom” means any 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.

3. “County” means County of Monterey.

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

5. “License” means a Vacation Rental Operation License issued by the County to an applicant to operate a Vacation Rental under Chapter 7.120 of the Monterey County Code.

6. “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.

7. “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.

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

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. “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.

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

D. Regulations for Limited Vacation Rentals:

1. Limited Vacation Rentals are allowed and exempt from a Coastal Development Permit pursuant to 20.70.120(S), in the following zoning districts, subject to the requirements of this Section:

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

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

2. Limited Vacation Rentals shall be prohibited in any other zoning district.

3. If the Limited Vacation Rental intends to exceed the maximum occupancy limits of Section 7.120.050(C) of this Code, the Operator must obtain a Coastal Development Permit and meet the requirement of this Section.

E. Regulations for Commercial Vacation Rentals:

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

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

2. Commercial Vacation Rentals shall be prohibited in any other zoning district.

3. Commercial Vacation Rentals are subject to the following additional limitations based on a maximum allowable limit of permitted Commercial Vacation Rentals not to exceed four percent of the total single family residential dwelling unit count:

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.

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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: 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.

f. All existing transient use of a property for remuneration as a similar use to a Bed and Breakfast facility or to other visitor-serving uses (such as hotels, motels, and inns) permits or entitlements issued prior to the Effective Date of this Chapter will count against their respective Land Use Plan cap. If upon the permit or entitlement expiration date or within seven years of the Effective Date of this Chapter, the Operator does not make an application for all permits, licenses, certificates, or other entitlements required by County regulations; the 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

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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.

7. Only one Commercial 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 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 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. 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.

11. 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

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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 Vacation Rental Operation License pursuant to Chapter 7.120 and a valid business license pursuant to Chapter 7.02 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.

F. Phasing Out Unpermitted Operations:

1. To provide time for Operators of Vacation Rentals that were unpermitted prior to the Effective Date to bring the Vacation Rental into compliance with this Section, an Operator who can demonstrate that a Vacation Rental use was established and operating on the subject property prior to the Effective Date may continue the operation for a limited period of time following the Effective Date.

2. For unpermitted Vacation Rental uses, the Operator has six months from the Effective Date to make an application for all permits, licenses, certificates, or other entitlements required by this Code. The Operator will be allowed to continue to operate as a Vacation Rental for up to six 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.

3. Nothing in this Section prohibits the County from taking enforcement action, which may lead to shutting down a Vacation Rental operation during the phasing out period if the Vacation Rental creates an immediate or imminent threat to life, public health, or safety.

G. 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 to other visitor-serving uses (such as hotels, motels, and inns) permits or entitlements issued prior to the Effective Date 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 expiration of their permit or entitlement.

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

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

SECTION 22. Subsection (S) is added to Section 20.70.120 of the Monterey County Code to read as follows:

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

SECTION 23. SEVERABILITY. If any Section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each Section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more Sections, subsections sentences, clauses, or phrases are declared invalid.

SECTION 24. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its 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 _____, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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Glenn Church, Chair
Monterey County Board of Supervisors

ATTEST

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

KELLY L. DONLON
Assistant County Counsel

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 21.64.280, and adds Section 21.64.290 to the Monterey County Code to regulate the short-term vacation rental of residential property. This Ordinance aims to strike a balance, allowing residents of unincorporated Monterey County to benefit from the tourism economy while also ensuring that residential neighborhoods are protected from the potential negative social and behavioral impacts of short-term vacation rentals. This Ordinance details which zoning districts short-term vacation rentals are allowed. This Ordinance requires a use permit for commercial vacation rentals that have similar land use impacts to a visitor/serving use, such as hotels, motels, inns, and lodges. This Ordinance further requires that vacation rentals meet certain operational requirements and safety and health standards that reflect their potential impacts. Lastly, this Ordinance contains the process for phasing out unpermitted commercial short-term 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. This Ordinance is intended to provide regulations, standards, and circumstances under which short-term vacation rentals may be allowed in certain residential unincorporated areas of Monterey County.

C. The intent of this Ordinance is to distinguish between two types of short-term vacation rentals, commercial vacation rentals and limited vacation rentals, such that commercial vacation rentals require a discretionary land use entitlement while limited vacation rentals are defined in a manner to be similar in character, density, and intensity to residential use, are not anticipated to remove long-term housing from the market, and therefore are allowed uses, where applicable, with a vacation rental operation license, business license, and transient occupancy tax certificate.

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D. Regulation of commercial vacation rentals is necessary because they have the potential to impact the character and intensity of an otherwise residential use. Impacts include, removing long-term housing from the market, or posing hazards to public health, safety and general welfare in areas known to have infrastructure limitations. Commercial vacation rental uses, therefore, may be allowed, where applicable, only with a discretionary use permit, vacation rental operation license, business license, and transient occupancy tax certificate. This Ordinance recognizes that unique neighborhoods with existing developments were established with the intent of 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.

E. This Ordinance establishes the requirement for a use permit for commercial vacation rental activities to enable evaluation of the impacts of such activities, in recognition that commercial vacation rentals may have similar land use impacts as other recreational/visitor-serving uses such as hotels, motels, and bed and breakfast facilities and deserve similar evaluation as such visitor-serving uses.

F. Because the nature and extent of short-term vacation rentals have been transformed in the last several years due to the advent of online platforms for short-term vacation rentals, it is necessary to update the County's short-term vacation rental regulations, which were last adopted in 1997. Accordingly, this Ordinance intends to replace Section 21.64.280 regulations for transient use of residential property for remuneration, with Section 21.64.290 for applications for vacation rentals.

G. To allow for a reasonable amortization of investment for existing short-term vacation rentals operations, this Ordinance provides an initial defined time period during which an unpermitted vacation rental may continue to operate, provided the vacation rental activity was established prior to the effective date of the Ordinance and the operator is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 21.64.290 of the Monterey County Code.

H. The County has reviewed the Final Environmental Impact Report ("EIR") for the project, which consists of the Draft EIR and the responses to comments on the Draft EIR. The County has exercised independent judgment in accordance with Public Resources Code section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. Having received, reviewed, and considered the information in the Final EIR, as well as all other information in the record, the County hereby makes findings pursuant to and in accordance with Public Resources Code sections 21081, 21081.5, and 21081.6. In accordance with California Environmental Quality Act ("CEQA") and the CEQA Guidelines, the County agrees that no findings of fact is required because no impacts were identified with the implementation of the proposed regulations. The Final EIR for the Vacation Rental Ordinances project (SCH # 2022080643) has

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been completed and certified in compliance with CEQA prior to the adoption of this Ordinance and reflects the independent judgment and analysis of the County of Monterey.

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

“Commercial Vacation Rental” means a vacation rental that is non-hosted and rented for more than three times per 12-month period or hosted and rented for an unlimited number of times per 12-month period.

SECTION 3. Section 21.06.657 is added to the Monterey County Code to read as follows:

“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.

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

“Limited Vacation Rental” means a vacation rental that is non-hosted and rented for not more than three times per 12-month period or hosted and rented for an unlimited number of times per 12-month period.

SECTION 5. Section 21.06.818 is added to the Monterey County Code to read as follows:

“Non-hosted” means that an operator does not occupy the vacation rental while it is being rented.

SECTION 6. Section 21.06.936 is added to the Monterey County Code to read as follows:

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

SECTION 7. Section 21.06.987 is added to the Monterey County Code to read as follows:

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

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motels, bed and breakfast facilities, inns, vacation rentals, labor camps, or single-occupancy housing.

SECTION 8. Section 21.06.990 of the Monterey County Code is amended to read as follows:

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

SECTION 9. Section 21.06.1307 of the Monterey County Code is amended to read as follows:

“Transient” means ~~temporary, of limited duration or for a short period of time.~~ temporary, limited duration to a period of 30 consecutive calendar days or fewer.

SECTION 10. Section 21.06.1343 is added to the Monterey County Code to read as follows:

“Vacation Rental” means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 30 consecutive calendar days or fewer, counting portions of calendar days as full days. “Vacation Rental” includes commercial vacation rentals and limited vacation rentals. “Vacation Rental” does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

SECTION 11. Subsection (S) is added to Section 21.10.030 of the Monterey County Code [High Density Residential District] to read as follows:

S. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 12. Subsection (AA) is added to Section 21.10.050 of the Monterey County Code [High Density Residential District] to read as follows:

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

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SECTION 13. Subsection (R) is added to Section 21.12.030 of the Monterey County Code [Medium Density Residential District] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 14. Subsection (Y) is added to Section 21.12.050 of the Monterey County Code [Medium Density Residential District] to read as follows:

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

SECTION 15. Subsection (U) is added to Section 21.14.030 of the Monterey County Code [Low Density Residential District] to read as follows:

U. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 16. Subsection (EE) is added to Section 21.14.050 of the Monterey County Code [Low Density Residential District] to read as follows:

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

SECTION 17. Subsection (W) is added to Section 21.16.030 of the Monterey County Code [Rural Density Residential District] to read as follows:

W. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 18. Subsection (RR) is added to Section 21.16.050 of the Monterey County Code [Rural Density Residential District] to read as follows:

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

SECTION 19. Subsection (E) is added to Section 21.18.040 of the Monterey County Code [Light Commercial District] to read as follows:

E. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 20. Subsection (HH) is added to Section 21.18.060 of the Monterey County Code [Light Commercial District] to read as follows:

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

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

E. Limited Vacation Rentals, pursuant to Section 21.64.290;

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

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

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

D. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 24. Subsection (X) is added to Section 21.22.060 of the Monterey County Code [Visitor-Serving/Professional Office District] to read as follows:

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

SECTION 25. Subsection (R) is added to Section 21.30.030 of the Monterey County Code [Farmland] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 26. Subsection (JJ) is added to Section 21.30.050 of the Monterey County Code [Farmland] to read as follows:

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

SECTION 27. Subsection (R) is added to Section 21.32.030 of the Monterey County Code [Rural Grazing] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 28. Subsection (KK) is added to Section 21.32.050 of the Monterey County Code [Rural Grazing] to read as follows:

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

SECTION 29. Subsection (Q) is added to Section 21.34.030 of the Monterey County Code [Permanent Grazing] to read as follows:

Q. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 30. Subsection (II) is added to Section 21.34.050 of the Monterey County Code [Permanent Grazing] to read as follows:

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

SECTION 31. Subsection (V) is added to Section 21.36.030 of the Monterey County Code [Resource Conservation District] to read as follows:

V. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 32. Subsection (JJ) is added to Section 21.36.050 of the Monterey County Code [Resource Conservation District] to read as follows:

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

SECTION 33. Section 21.64.280 of the Monterey County Code is repealed in its entirety and replaced to read as follows:

All Administrative Permits issued under the now inoperative Section 21.64.280 shall be considered legal nonconforming pursuant to Chapter 21.68, and shall follow Section 21.64.290(G).

SECTION 34. Section 21.64.290 is added to the Monterey County Code 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 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 and residents to offer Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County.

4. Establish that Limited Vacation Rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing 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,

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

2. “Bedroom” means any 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.

3. “County” means County of Monterey.

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

5. “License” means a Vacation Rental Operation License issued by the County to an applicant to operate a Vacation Rental under Chapter 7.120 of the Monterey County Code.

6. “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.

7. “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.

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

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.

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10. “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.

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

D. Regulations for Limited Vacation Rentals:

1. Limited Vacation Rentals are allowed 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. Rural Density Residential (RDR);
- e. Light Commercial (LC);
- f. Heavy Commercial (HC);
- g. Visitor-serving/Professional Office (VO);
- h. Farmland (F);
- i. Rural Grazing (RG);
- j. Permanent Grazing (PG);
- k. Resource Conservation (RC);
- l. 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
- m. 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.

3. If the Limited Vacation Rental intends to exceed the maximum occupancy limits of Section 7.120.050(C) of this Code, the Operator must obtain a Use Permit and meet the requirement of this Section.

E. Regulations for Commercial Vacation Rentals:

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

- a. High Density Residential (HDR);
- b. Medium Density Residential (MDR);

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- c. Low Density Residential (LDR);
 - d. Rural Density Residential (RDR);
 - e. Light Commercial (LC);
 - f. Heavy Commercial (HC);
 - g. Visitor-serving/Professional Office (VO);
 - h. Farmland (F);
 - i. Rural Grazing (RG);
 - j. Permanent Grazing (PG);
 - k. Resource Conservation (RC);
 - l. 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
 - m. 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. Commercial Vacation Rentals shall be prohibited in any other zoning district.
3. Commercial Vacation Rentals are subject to the following additional limitations based on a maximum allowable limit of permitted Commercial Vacation Rentals not to exceed four percent of the total single family residential dwelling unit count:
- a. 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.

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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.

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.

j. All existing transient use of residential property permits or entitlements issued prior to the Effective Date of this Chapter will count against their respective Area or Master Plan cap. If upon the permit or entitlement expiration date or within seven years of the Effective Date of this Chapter, the Operator does not make an application for all permits, licenses, certificates, or other entitlements required by County regulations, the 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.

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

Exhibit A - Attachment 3

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.

7. Only one Commercial 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 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. 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.

11. 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. The extension

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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.

c. The Operator shall maintain a valid Vacation Rental Operation License pursuant to Chapter 7.120 and a valid business license pursuant to Chapter 7.02 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.

F. Phasing Out Unpermitted Operations:

1. To provide time for the Operator of a Vacation Rental that was unpermitted prior to the Effective Date to bring the Vacation Rental into compliance with this Section, an Operator who can demonstrate that Vacation Rental use was established and operating on the subject property prior to the Effective Date may continue the operation for a limited period of time following the Effective Date.

2. The Operator has six months from the Effective Date to make an application for all permits, licenses, certificates, or other entitlements required by this Code. The Operator will be allowed to continue to operate as a Vacation Rental for up to six 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.

3. Nothing in this Section prohibits the County from taking enforcement action, which may lead to shutting down a Vacation Rental operation, during the phasing out period if the Vacation Rental creates an immediate or imminent threat to life, public health, or safety.

G. Phasing Out Previously Permitted Operations:

1. All Administrative Permits issued pursuant to Section 21.64.280 for the transient use of residential property prior to the Effective Date 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 expiration of their permit.

Exhibit A - Attachment 3

2. All Administrative Permits issued pursuant to Section 21.64.280 for the transient use of residential property prior to the Effective Date of this Section without expiration dates shall be required to comply with this Section within seven years of the Effective Date.

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

SECTION 35. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, or phrases are declared invalid.

SECTION 36. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Glenn Church, Chair
Monterey County Board of Supervisors

Exhibit A - Attachment 3

ATTEST

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

KELLY L. DONLON
Assistant County Counsel

EXHIBIT "B" attached to all Williamson Act Contracts

LAND CONSERVATION AGREEMENT

COMPATIBLE USES

1. The drying, packing or other processing of an agricultural commodity usually performed on the premises where it is produced.
2. Structures necessary and incidental to the agricultural use of the land.
3. Single family dwellings incidental to the agricultural use of the land for the residence of the owner, and the family of the owner. Single family dwellings incidental to the agricultural use of the land for the residence of the lessee of the land and the family of the lessee.
4. Dwellings for persons employed by owner or lessee and the family of the employee or lessee incidental to the agricultural use of the land.
5. An aircraft landing strip incidental to the agricultural use of the land.
6. The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities.
7. The erection, construction, alteration or maintenance of radio, television or microwave antennas, transmitters and related facilities.
8. Public or private hunting of wildlife or fishing.
9. Public or private hunting clubs and accessory structures.
10. Public or private rifle and pistol practice range, trap or skeet field, archery range or other similar use.
11. Public or private riding or hiking trails.
12. Removal of natural materials.
13. Disposal site for oil field wastes, provided that any such use shall be made only in accordance with the use permit and other permits issued by the County of Monterey and the California Regional Water Quality Board and such other governmental authority as may have jurisdiction over this use.

“Wastes received (discharged) at the site have been, and will continue to be, limited to petroleum and oil field wastes, such as muds, oily water, tank bottom wastes, and brine waters.”

14. Vacation Rentals within single family dwellings shall be allowed on Williamson Act lands within Coastal Zone Agriculture Preserve (CAP(CZ)), Coastal Zone Agriculture Conservation (AC(CZ)), Farmland (F), Rural Grazing (RG), and Permanent Grazing (PG) Zoning Districts if all of the following conditions exist; (a) an agricultural operation

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is active on the property, and (b) where a Property Manager or Owner or Operator shall concurrently reside on the property while the Vacation Rental is rented, and (c) where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days.

EXHIBIT B

FARMLAND SECURITY ZONE - COMPATIBLE USES

The following is a list of land uses determined to be compatible with the agricultural use of the land subject to this agreement and planning and zoning restrictions:

1. The drying, packing or other processing of an agricultural commodity usually performed on the premises where it is produced.
2. Structures necessary and incidental to the agricultural use of the land.
3. Single family dwellings incidental to the agricultural use of the land for the residence of the owner, and the family of the owner. Single family dwellings incidental to the agricultural use of the land for the residence of the lessee of the land and the family of the lessee.
4. Dwelling for persons employed by owner or lessee and the family of employee or lessee incidental to the agricultural use of the land.
5. An aircraft landing strip incidental to the agricultural use of the land.
6. The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities.
7. The erection, construction, alteration or maintenance of radio, television or microwave antennas, transmitters and related facilities.
8. Public or private hunting of wildlife or fishing.
9. Public or private hunting clubs and accessory structures.
10. Public or private rifle and pistol practice range, trap or skeet field, archery range or other similar use.
11. Public or private riding or hiking trails.
12. Removal of natural materials.
13. Disposal site for oil field wastes, provided that any such use shall be made only in accordance with the use permit and other permits issued by the County of Monterey and the California Regional Water Quality Board and such other governmental authority as may have jurisdiction over this use. AWastes received (discharged) at the site have been, and will continue to be, limited to petroleum and oil field wastes, such as muds, oily water, tank bottom wastes, and brine waters.
14. Shall not be based on the compatible use provisions contained in Government Code Section 51238.1(c) (*Government Code Section 51296.7*).
15. Vacation Rentals within single family dwellings shall be allowed on Williamson

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Act lands within Coastal Zone Agriculture Preserve (CAP(CZ)), Coastal Zone Agriculture Conservation (AC(CZ)), Farmland (F), Rural Grazing (RG), and Permanent Grazing (PG) Zoning Districts if all of the following conditions exist; (a) an agricultural operation is active on the property, and (b) where a Property Manager or Owner or Operator shall concurrently reside on the property while the Vacation Rental is rented, and (c) where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days.

**FINDINGS OF FACT
FOR THE
MONTEREY COUNTY VACATION RENTAL ORDINANCES PROJECT**

STATE CLEARINGHOUSE NUMBER: 2022080643

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May 22, 2024

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STATEMENT OF FINDINGS

1. INTRODUCTION

1.1 Project Background and Need

This statement of Findings of Fact (Findings) addresses the environmental effects associated with the County of Monterey (County) Vacation Rental Ordinances Project (project, or proposed regulations). These Findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081, 21081.5, and 21081.6 of the Public Resources Code, and Sections 15091 and 15093 of the CEQA Guidelines, Title 14, California Code of Regulations 15000 et seq. (CEQA Guidelines).

Monterey County has allowed bed and breakfast facilities in certain residential areas of the County in both inland and coastal areas since the 1980's. In the late 1990's, the County determined the need to define and regulate a broader category of vacation rental uses of residential properties (also known as vacation rentals) separate from bed and breakfast facilities. In 1997, the County of Monterey adopted regulations known as "regulations for the transient use of residential property for remuneration." These regulations became effective in the inland unincorporated areas of the County 30 days after adoption (Title 21). Due to a number of factors, the regulations were never certified in the coastal unincorporated areas (Title 20). Approximately 34 permits were approved over the course of 28 years yet the proliferation of vacation rentals (permitted or not) increased significantly with the popularization of online vacation rental platforms such as Airbnb or VRBO. For several years, Monterey County has experienced a growing demand for and use of individual homes for vacation rentals and an increasing number of complaints from concerned residents and other interested parties regarding the current vacation rental ordinances. The complaints received are varied, including but not limited to noise and parking concerns, unsafe or illegal activities, and inquiries as to whether a particular residence has obtained the proper permits and tax registrations for vacation rental operation. In response to this growing demand for vacation rentals, the County began drafting a vacation rental ordinance in 2014. The proposed regulations have been developed to ensure that vacation rentals remain compatible with existing residential uses. In cases where the vacation rental would have the potential to be out of character with a residential use, such as a visitor-serving commercial use, the regulations include provisions for discretionary review before establishment of the use.

In accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines, the County of Monterey Housing and Community Development Department (lead agency), decided to prepare an environmental impact report (EIR) to determine if the proposed changes to the regulations would result in a physical change in the environment that resulted in a significant environmental impact.

As discussed in the EIR, the analysis of the project involves unusual circumstances. Specifically, the project adds regulatory requirements that limit the extent to which an existing use is allowed, and through these requirements and policy requirements, avoid or minimize impacts that may

Exhibit A - Attachment 6

occur. There would be no direct physical changes from construction; the project would place a cap on commercial vacation rentals of existing homes where such a cap does not currently exist; and the project provides regulations to address noise, overnight and daytime occupancy, and other social and economic issues raised by the public (see Section 3.2.2 below). As discussed in Section 4.1.1, “Special Considerations,” of the Draft EIR, pages 4-1 and 4-2, the analysis in the EIR was conducted with respect to unique considerations and reasonable assumptions. The Draft EIR relies on reasonable assumptions based on facts to evaluate the potential impacts resulting from project implementation. The Draft EIR also explains the basis for its conclusions and describes uncertainty surrounding impacts where such uncertainty exists.

During the preparation of the Draft EIR, research was conducted to review available data, analogs, articles, etc., in an effort to understand the perspective use of vacation rentals and to determine if there was a basis, beyond the assumption approach expressed above, for determining environmental effects. However, in some instances where there was a general lack of data concerning how vacation rentals may result in environmental impacts that differ from standard residential use and no additional data other than anecdotal experience was provided by the comments received on the Draft EIR. As stated in Section 4, “Environmental Impacts and Mitigation Measures” of the Draft EIR, because of the general lack of documented information surrounding vacation rental uses including differences between habits and patterns of use between vacation renters and typical residents, in some instances the EIR preparers were left with the need to speculate whether significant environmental changes may occur. Section 15145 of the State CEQA Guidelines instructs, “If, after thorough investigation, the Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” In instances where an impact is too speculative to evaluate, this EIR explains its rationale for this conclusion and does not draw a conclusion on the significance of an impact.

The purpose of this EIR is to meet CEQA’s informational requirements to aid Monterey County in making an informed decision regarding the environmental impacts of the project. To that end, this EIR relies on substantial evidence, reasonable assumptions, explains the basis for its conclusions, and describes uncertainty surrounding impacts where such uncertainty exists. Supported by the analysis in the Draft EIR, the County found that implementation of the proposed regulations would not result in potentially significant impacts.

Because there were no significant impacts resulting from the proposed regulations, no impacts would be avoided with alternatives to the proposed regulations. Nevertheless, the County analyzed a range of alternatives including variations of regulations that addressed community concerns. This EIR examined six alternatives to the proposed regulations. The alternatives are summarized below and are described in detail in Chapter 6, “Alternatives” of the EIR.

Further, in consideration of several comments received on the Draft EIR regarding the number of allowable vacation rentals in the ordinances, and issues surrounding making housing more affordable by renting through hosted facilities, the County modified the proposed regulations to reduce the number of allowed commercial vacation rentals and to allow hosted rentals to limited and commercial vacation rentals in the ordinances. The County revised the proposed regulations in the Final EIR. The County reduced the 6 percent cap to 4 percent for commercial vacation rentals. The proposed regulations were revised to reflect these changes and further added a

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category to a limited vacation rental, allowing hosted vacation rentals to be rented on a unlimited basis but capping the number of people per room. This cap was added to all limited vacation rentals (hosted and non hosted).

In addition, the County received several comments in support of Alternative 6, which limits commercial vacation rentals within the Carmel Valley Master Plan Area. Therefore, the County revised the proposed regulations to prohibit commercial vacation rentals within rural density, low density, medium density, and high density residential zoning districts within the Carmel Valley Master Plan Area. This change, as well as the change in the cap and definition of limited vacation rentals, would not alter any of the environmental impacts of the project. Therefore, no revisions to the analysis in the EIR was required. The Final EIR for the project did not identify any significant impacts. No mitigation measures are required.

The County notes that, while not specifically addressing a significant environmental impact, the shift in the ordinances will allow hosted vacation rentals, which would provide supplemental income that may make housing more affordable to some people who are otherwise priced out of the housing market.

Findings are required when an EIR is prepared and when significant effects are found. The following summarizes the findings as required in compliance with CEQA. Public Resources Code Section 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The County is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines. Section 15091 of the CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code Section 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the

project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines. The Draft EIR did not identify significant and unavoidable impacts. All impacts identified in the Draft EIR would either be less than significant, have no impact, or no significance conclusion. Therefore, no findings or Statement of Overriding Considerations is required for the project.

The Final EIR for the project did not identify significant and unavoidable impacts. All impacts identified in the Draft EIR would either be less than significant, have no impact, or no significance conclusion. No mitigation measures are required. Therefore, no findings are required to address the environmental impacts of the project.

2. DESCRIPTION OF THE PROJECT AS REVISED IN FINAL EIR

2.1 Project Overview and Goals/Objectives

The County of Monterey Housing and Community Development Department has drafted proposed regulations for vacation rentals within the unincorporated areas of the County. The proposed regulations would be applicable to coastal and non-coastal (inland) areas of the unincorporated areas of the County. A vacation rental means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. Vacation rentals include commercial vacation rentals and limited vacation rentals. Vacation rental does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming, or boarding. Commercial vacation rentals require a discretionary permit and will be analyzed on a case-by-case basis, whereas limited vacation rentals will not require a discretionary permit.

The proposed regulations have been developed to ensure that vacation rentals remain compatible with existing residential uses. In cases where the vacation rental would have the potential to be out of character with a residential use, such as a visitor-serving commercial use, the regulations include provisions for discretionary review before establishment of the use. The objectives of the proposed regulations are to:

- Preserve the residential character of zoning districts established in Titles 20 and 21;
- Preserve the sense of security and safety in neighborhoods;
- Balance economic opportunity with the preservation of housing supply and quality of life;
- Ensure that vacation rentals are operated in a manner that complies with all rules and regulations to protect the health, safety, and welfare of residents Monterey County;
- Establish regulations that provide opportunities for homeowners and residents to offer vacation rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County;

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- Establish that limited vacation rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and are an allowed use with a vacation rental operation license and a business license; and,
- Establish regulations to address commercial vacation rental uses that have the potential to impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare.

2.1.1 Project Location

The proposed regulations for vacation rentals would be applicable to coastal and noncoastal areas of unincorporated Monterey County. The regulations would not apply within city limits.

2.1.2 Project Description

The project consists of three draft ordinances amending the Monterey County Code (MCC) for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. These regulations also provide an amortization of investment for existing vacation rental operations to enable those operations to continue for a limited time, provided that the vacation rental activity was established before the effective date of the respective ordinances and that the operator is pursuing all necessary County permits, licenses, and entitlements. The regulations limit establishment of vacation rentals to existing, legally established single-family dwellings, with a cap of 4 percent of the total single-family residential dwelling units in each land use planning area except the Big Sur Coast Land Use Plan Area, low density residential zoning districts in the Carmel Land Use Plan Area, and the residential zoning districts in the Carmel Valley Master Plan Area for commercial vacation rentals, as detailed below.

No specific development or construction would be entitled under any of the draft ordinances. Two types of vacation rentals would be affected by the proposed regulations:

- Limited vacation rental: A limited vacation rental is a residential property rented as a non-hosted vacation rental and rented for not more than three times per 12-month period, or a hosted vacation rental and rented for an unlimited number of times per 12-month period.
- Commercial vacation rental: A commercial vacation rental is a residential property rented as a non-hosted vacation rental and rented for more than three times per 12-month period or hosted vacation rental and rented for an unlimited number of times per 12-month period.

The three draft ordinances are summarized in the following sections:

Monterey County Coastal Zoning – Title 20 Amendment

The proposed amendment to the Monterey County Zoning Ordinance for coastal areas of unincorporated Monterey County (Title 20 of the Monterey County Code) provides definitions for terms not already defined, clarifies in which zoning districts vacation rentals would be allowed and what type of permit(s) would be required, and provides specific regulations for

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vacation rentals. Title 20 is part of the County's Coastal Implementation Plan and will require certification by the California Coastal Commission.

Monterey County Inland Zoning – Title 21 Amendment

The proposed amendment to the Monterey County Zoning Ordinance for inland areas of unincorporated Monterey County (Title 21 of the Monterey County Code) provide definitions for terms not already defined, clarify in which zoning districts vacation rentals would be allowed and what type of permit(s) would be required, and provide specific regulations for vacation rentals.

Business Taxes, Licenses, and Regulations – Title 7 Amendment

There are two proposed amendments to MCC Title 7. The first is a proposed amendment to MCC Chapter 7.02, which would require an annual business license for hotels and vacation rentals in the coastal and inland areas of unincorporated Monterey County. The second is to add a new chapter (Chapter 7.120) to set requirements for annual operation permits for vacation rentals and is applicable in the coastal and inland areas of unincorporated Monterey County. The draft amendment, which is provided as Appendix B of this EIR, is summarized as follows:

Business License - The amendment to MCC Chapter 7.02 requires the operator of any of the two types of vacation rentals (limited vacation rentals and commercial vacation rentals) to procure a business license before commencement, operation, or maintenance of any vacation rental. In addition, operators of hotel would be subject to the business license requirement.

Operation License - The proposed ordinance includes adding Chapter 7.120, "Vacation Rental Operation License," to the MCC. In addition to the land use and zoning requirements and site development standards, this Chapter would provide operational requirements for the two types of vacation rentals. The following subsections are contained in Chapter 7.120: definitions, purpose, applicability, regulations for vacation rentals, application and renewal process, fees, grounds for suspension or revocation, enforcement, process for hearing by a hearing officer, and service requirements.

3. ENVIRONMENTAL REVIEW PROCESS

3.1 Notice of Preparation and Commencement of Scoping Period for EIR

In accordance with CEQA (PRC Section 21092) and the State CEQA Guidelines (14 CCR Section 15082), the County issued a notice of preparation (NOP) on August 29, 2022. The County circulated the NOP to responsible and trustee agencies, organizations, and interested individuals to solicit comments on the Project. The County followed required procedures related to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The NOP was received by the State Clearinghouse (State Clearinghouse No. 2022080643) and distributed for a 30-day public review period on August 29, 2022. A revised NOP was released on September 6, 2022, to correct errors in the original NOP, and the public review period was extended to provide a full 30 days for the public to review the revised NOP.

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Two public scoping meetings were conducted by the County: one on September 6, 2022, at 5:00 p.m. and one on September 19, 2022, at 1:00 p.m. The first scoping meeting was held both in person, at the Monterey County Government Center Administration Building, located at 168 West Alisal Street, 2nd Floor (Monterey Room), in Salinas, as well as virtually via Zoom; and the second scoping meeting was held virtually via Zoom.

3.2 Notice of Completion and Commencement of Public Review of DEIR

On December 11, 2023, the Draft EIR was released for a 49-day public review and comment period, which ended on January 29, 2024. The Notice of Completion, Notice of Availability, and Draft EIR were submitted to the State Clearinghouse for distribution to reviewing agencies and posted on the County website.

As a result of these notification efforts, comments were received from agencies, organizations, and individuals on the content of the Draft EIR. Chapter 3, “Responses to Comments,” of the Final EIR identifies these commenting parties, identifies their respective comments, and presents responses to these comments. None of the comments received, or the responses provided, constitute “significant new information” as defined by State CEQA Guidelines CCR Section 15088.5.

4. DESCRIPTION OF THE RECORD

For purposes of CEQA and these Findings, the record is composed of all non-privileged documents relating to the project files on this matter, including, without limitation:

- The NOP prepared for the project and all other public notices issued in conjunction with the project;
- The Draft EIR for the project, with all appendices to the Draft EIR;
- All comments or documents submitted by public agencies or by members of the public during or after the comment period on the NOP and the Draft EIR;
- The Final EIR for the project, including comments received on the Draft EIR, responses to those comments, and appendices to the Final EIR;
- Documents cited or referenced in the Draft EIR and Final EIR
- All studies conducted for the project and contained in, or referenced by, staff reports, the Draft EIR, and the Final EIR;
- All public reports, documents, memoranda, maps, staff reports, or other planning documents relating to the project in compliance with the requirements of CEQA and with respect to the County’s action on the project;
- All documentary and oral evidence submitted by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the project;

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- Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by the County regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- Any other written materials relevant to the County’s compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the County’s non-privileged retained files for the EIR or project;
- All other materials, not otherwise included above, required for the record of proceedings by PRC Section 21167.6(e)

5. SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE PROJECT

As discussed above the Draft EIR and the Final EIR did not identify significant and unavoidable impacts. All impacts identified in the Draft EIR and Final EIR would either be less than significant, have no impact, or no significance conclusion.

6. GENERAL FINDINGS

6.1 Certification of the EIR

In accordance with CEQA, the County has considered the effects of the project on the environment, as shown in the Draft EIR, Final EIR, and the whole of the administrative record, prior to taking any action to approve the project. The Final EIR was released to agencies that submitted comments on the Draft EIR for the required 10-day distribution period beginning May 21, 2024. The Final EIR was also made available to other commenters and the general public by posting the document on the County’s website on the same day. The FEIR was submitted to the County Planning Commission and Board of Supervisors during the 10-day distribution period. The Board of Supervisors will certify the EIR at a public hearing. By these Findings, the Board of Supervisors ratifies and adopts the conclusions of the FEIR as set forth in these Findings. The FEIR and these Findings represent the independent judgment and analysis of the Board of Supervisors.

6.2 Changes to the DEIR; Recirculation Not Required

Public Resources Code section 21092.1 and CEQA Guidelines Section 15088.5 provide the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when “significant new information” is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines, Section 15088.5(a)). As discussed above, in the course of responding to comments

Exhibit A - Attachment 6

received during the public review and comment period on the DEIR, certain portions of the DEIR have been modified and new information has been added. These modifications do not add any new significant impacts nor do they substantially increase any of the projects impact. None of this information, therefore, constitutes “significant new information” under CEQA.

6.3 Evidentiary Basis for Findings

These Findings are based upon substantial evidence, both oral and written, contained in the administrative record relating to the project. The references to the Draft EIR and Final EIR set forth in the Findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these Findings.

6.4 Findings Regarding Mitigation

The Draft EIR did not identify significant and unavoidable impacts. All impacts identified in the Draft EIR would either be less than significant, have no impact, or no significance conclusion. Therefore, Section 15091(a) has not been met, and the adopting of a Mitigation Monitoring and Reporting Program is not required for the project.

6.5 Location and Custodian of Records

Pursuant to CEQA Guidelines section 15091, the County is the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based, and such documents and other materials are located at the Monterey County Government Center Administration Building, located at 168 West Alisal Street, 2nd Floor, Salinas, CA 93901. Contact hcdcomments@co.monterey.ca.us. Copies of the DEIR and FEIR are also available at <https://www.countyofmonterey.gov/government/departments-a-h/housing-community-development/planning-services/current-planning/general-info/vacation-rental-aka-short-term-rental-ordinances-coastal-inland>.

7. ALTERNATIVES

Section 15126.6(a) of the CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” Although no impacts were identified with the proposed regulations, these alternatives were evaluated in the EIR.

- Alternative 1: No Project Alternative
- Alternative 2: Homestays Alternative
- Alternative 3: Reduce Growth Alternative
- Alternative 4: No Additional Growth Alternative
- Alternative 5: Permitting and Policy Options
- Alternative 6: Prohibition of Commercial Vacation Rentals in Residential Zones within the Carmel Valley Master Plan Area

8. FINDINGS OF FACT

The County has reviewed the Final EIR for the project, which consists of the Draft EIR and the Responses to Comments on the Draft EIR. The County has considered the public record on the project, which is composed of the above documents and this Statement of Findings. The County has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. Having received, reviewed, and considered the information in the Final EIR, as well as all other information in the record, the County hereby makes findings pursuant to and in accordance with Public Resources Code Section 21081, 21081.5, and 21081.6. In accordance with CEQA and the CEQA Guidelines, the County agrees that no Findings of Fact is required because no impacts were identified with the implementation of the proposed regulations.

Exhibit B

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Exhibit B – Detailed Discussion

Summary of Current Ordinance

Hosted vs. Non-hosted

Hosted Vacation Rental - A Hosted Vacation Rental is a rental in which the operator of the vacation rental occupies at least one Bedroom in the vacation rental for the duration of the vacation rental. This type of vacation rental was not included in the draft ordinances that were released as a part of the California Environmental Quality Act (CEQA) process. Throughout the outreach process, the County received a significant number of comments supporting that staff add a Hosted (also known as homestay) vacation rental option to the ordinances. This would give applicants the ability to rent a portion of their home as a vacation rental while still residing in the property for the duration of the vacation rental. Due to the significant public feedback supporting this option, staff included this as an alternative in the EIR and subsequently added Hosted Vacation Rental operations into the draft regulations to ensure that this type of operation, where the homeowner resides on the property for the duration of the vacation rental, is allowable.

Non-hosted Vacation Rental – A Non-hosted Vacation Rental is a rental in which the operator of the vacation rental does not reside at the vacation rental during the rental period. This type of vacation rental is more similar in intensity and character to a commercial use. Due to the more intensive type of use inherent with Non-hosted Vacation Rentals, these types of rentals are only allowed to occur up to three times per 12-month period to be considered a Limited Vacation Rental, and if they occur more than three times per 12-month period, they are considered a Commercial Vacation Rental.

Types of Vacation Rentals

Commercial Vacation Rental–

Definition:

- Operators of Limited Vacation Rentals are allowed to rent their property as Non-hosted for more than three times per 12-month period or Hosted for an unlimited number of times per year.

Cap:

- Commercial Vacation Rentals are limited to no more than four percent of the total single-family residential dwelling units per Planning Area, as identified by the County of Monterey in 2022.
- Commercial Vacation Rentals are prohibited in the Big Sur Coast Planning Area, the Low-Density Residential Zoning District in the Carmel Area Land Use Plan, and the Rural Density, Low Density, Medium Density, and High Density Residential Zoning Districts in the Carmel Valley Master Plan Area.

Maximum Occupancy:

- Commercial Vacation Rentals have a maximum overnight occupancy of two per bedroom and not to exceed ten occupants and a daytime occupancy of 1.5 times the overnight occupancy and not to exceed fifteen occupants and visitors.

Permit Requirements:

- Commercial Vacation Rentals would be required to obtain a Vacation Rental Operation License, a ministerial license issued by the County of Monterey Housing and Community Development (HCD). They would also be required to obtain a Use Permit (inland) or a Coastal Development Permit (coastal), a discretionary permit issued by HCD.

Exhibit B – Detailed Discussion

- Commercial Vacation Rentals would also need to obtain a Transient Occupancy Tax Certificate and a business license from the County of Monterey Treasurer-Tax Collector.

Additional Regulatory Requirements:

- Commercial Vacation Rentals are required to provide evidence that their septic system (also known as an Onsite Wastewater Treatment System) is in good working order and functioning properly in compliance with Chapter 15.20.
- Commercial Vacation Rentals must comply with Chapter 16.80 (Regulations Relating to Application Involving Use of Private Roads). Because Commercial Vacation Rentals are more similar to visitor-serving uses, this requirement ensures that all property owners on the private road are aware of the proposed Commercial Vacation Rental and that they have the ability to comment on the application.
- Commercial Vacation Rentals must demonstrate that the emergency response time of fire and emergency medical services is adequate.
- Commercial Vacation Rentals must provide parking as required for the dwelling type by Monterey County Code Section 20.58.040 and 21.58.040 at the time the dwelling was built.
- All Use Permits or Coastal Development Permits issued for Commercial Vacation Rentals have a seven-year term limit.

Limited Vacation Rentals –

Definition:

- Operators of Limited Vacation Rentals are allowed to rent their property as Non-hosted for not more than three times per 12-month period or Hosted for an unlimited number of times per year.

Maximum Occupancy:

- Limited Vacation Rentals have a reduced occupancy limit to ensure that they are similar in intensity and character to residential uses. Limited Vacation Rentals have a maximum overnight occupancy of two per bedroom and not to exceed four occupants and a daytime occupancy of 1.5 times the overnight occupancy and not to exceed six occupants and visitors. These occupancy limits apply to both Hosted and Non-hosted rentals. If a Limited Vacation Rental exceeds the occupancy allowances, it would be required to obtain a Use Permit or Coastal Development Permit as a Commercial Vacation Rental. This reduced occupancy for Limited Vacation Rentals is intended to further minimize the potential social and behavioral impacts that could be associated with Limited Vacation Rentals.

Permit Requirements:

- Limited Vacation Rentals would be required to obtain a Vacation Rental Operation License.
- Limited Vacation Rentals would also be required to obtain a Transient Occupancy Tax Certificate and a business license.

Regulatory Requirements of All Vacation Rentals

Allowable Zoning Districts:

- Coastal Zoning Districts:

Exhibit B – Detailed Discussion

- 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)).
- Non-coastal Zoning Districts:
 - High Density Residential (HDR);
 - Medium Density Residential (MDR);
 - Low Density Residential (LDR);
 - Rural Density Residential (RDR);
 - Light Commercial (LC);
 - Heavy Commercial (HC);
 - Visitor-serving/Professional Office (VO);
 - 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.

Vacation Rentals per Legal Lot

The draft ordinance's language would allow an operator to apply for one Commercial Vacation Rental per legal lot of record. This would allow the operator to have a maximum of one Commercial Vacation Rental operating at the same time, excluding commercially zoned parcels.

Allowable Dwelling Types

To protect housing options for Monterey County residents and its workforce while also allowing vacation rentals, staff received direction from the Planning Commission (Commission) and Board of Supervisors (Board) to limit vacation rentals to single family dwellings. This will limit the impact on housing typologies that are more affordable by design, such as accessory dwelling units, junior accessory dwelling units, townhomes, and multi-family dwellings. Single family dwellings are the only housing typology that is allowed to be a vacation rental.

Active Agricultural Operations

Vacation rentals are allowed in agricultural zoning districts to encourage tourism in the more rural and less visited areas of Monterey County. Vacation rentals in agricultural zoning districts allow other types of visitor accommodations that support agrotourism, particularly in areas where agritourism is encouraged

Exhibit B – Detailed Discussion

by the 2010 County of Monterey General Plan, such as the Agricultural and Winery Corridor Plan and Rural Centers.

During the outreach process, staff received input that allowing visitors to agricultural properties with active agricultural operations could potentially endanger the visitors and the active agricultural operation. Therefore, staff added language to ensure that a vacation rental is rented while there is an active agricultural operation on the property; the property manager or operator must concurrently reside on the property while the vacation rental is rented. This requirement in the draft ordinances additionally facilitates compliance with allowing vacation rentals on Williamson Act properties, as Williamson Act properties must remain in active agricultural production.

Property Manager

The Operator must provide rental occupants, property owners within 300 feet, and HCD with the contact information, including the phone number, of a property manager or occupant who is available 24 hours a day, seven days a week, to respond to complaints and arrive at the site within 30 minutes of receiving a complaint. This is to ensure that the occupants and neighbors of the vacation rental can contact the property manager or operator of the vacation rental in the event of nuisances, hazards, or other concerns arising (such as a broken pipe, loud neighbors, or situations where the maximum occupancy is exceeded). This does not preclude the occupants or neighbors from filing a code enforcement complaint with the County for violations occurring at the vacation rental.

Commercial Vacation Rental Cap

The Board directed staff at their May 25, 2021, hearing to establish a limit or cap on vacation rentals of 6 percent per Planning Area for Commercial Vacation Rentals. The 6 percent cap on Commercial Vacation Rentals was established to balance the concerns of operators operating in good faith and waiting for the County to adopt vacation rental ordinances, particularly in the Coastal Zone. These concerns were weighted against the concern that not capping the amount of vacation rentals could create significant negative social and economic impacts on existing residents and encourage the proliferation of vacation rentals in already unaffordable areas of the County. The 6 percent cap of residential single-family dwelling units balances these concerns by allowing all existing operators to submit applications through the new regulatory process while ensuring that the unincorporated county would not become oversaturated with Commercial Vacation Rentals.

Throughout the California Environmental Quality Act (CEQA) process, there were significant comments received expressing concern with the potential negative social and behavioral impacts of vacation rentals on the surrounding residents and the community by allowing up to 6 percent of the residential single-family dwelling units to operate as Commercial Vacation Rentals. Therefore, to limit these negative impacts while still allowing existing operators to apply for permits, the updated draft ordinances propose a reduced cap on Commercial Vacation Rentals at 4 percent of residential single-family dwelling units per Planning Area.

Prohibition on Outdoor Fire Areas

CalFire has designated significant areas of Monterey County as being in very high, high, or moderate fire hazard severity zones. Significant areas of the County within the past twenty years have burned as a result of wildfires, which have resulted in significant property damage and loss as well as have the potential to cause bodily injury and death to residents and visitors. Due to the significant public comments the County received during the environmental review process and in recognition of the significant danger wildfires

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pose to the residents and visitors of Monterey County, the draft ordinances prohibit outdoor fire areas at all vacation rentals. This prohibition includes all approved recreational fire containers and portable fireplace containers.

Compliance with Existing Monterey County Code Sections

All vacation rentals are required to comply with Monterey County Code 8.36 (Nuisance and Nuisance Animals), 10.41 (Solid Waste Collection and Disposal), 10.60 (Noise Control), and 15.04 (Domestic Water Systems). This is to ensure that the vacation rental operation is safe for both the occupants of the vacation rental and also for neighboring properties and communities. The operator is required to notify the occupants of these requirements as well as notify them of the penalties for violating any of these requirements, where each violation constitutes a separate and unique violation.

Vacation Rental Relationship to Conditions, Covenants, and Restrictions (CC&Rs)

The Commission recommended to the Board at its June 10, 2020, hearing draft ordinances that did not include regulatory language related to CC&Rs. The Board requested staff to research and include regulatory language related to CC&Rs in the next version of the draft ordinances. Staff conducted research, and based on Board direction, the previous version of the draft ordinance included language that required the vacation rental to comply with any CC&Rs on real property or any Homeowner's Association prohibition on vacation rental operations. Based on additional staff research, additional circumstances and input has resulted in staff's recommendation to remove regulatory language related to CC&Rs in the version before the Planning Commission today. Additionally, due to recent developments with applications for administrative permits for transient use of residential property for remuneration (pursuant to Section 21.64.280) and acknowledgment that the County does not regulate private agreements between property owners, staff conducted further research on thirty jurisdictions throughout the State of California that have regulations for vacation rentals and found that only three have some regulations related to conditions, covenants, and restrictions. Further, of those three jurisdictions, two simply require that the applicant verify that the vacation rental does not violate the terms of any conditions, covenants, or restrictions, with only one, the City of Sacramento has specific regulations that state that "no person shall operate a short-term rental in violation of applicable CC&Rs or similar regulations." Additionally, requiring County Counsel to review language related to CC&Rs and HOAs requires significant County Counsel staff time to review and ensure that applicants live in a valid HOA pursuant to the Davis-Stirling Common Interest Development Act (California Civil Code Sections 4000-6150) and that the parcel is subject to those restrictive CC&Rs. Therefore, staff removed requirements for compliance with CC&Rs as a part of the draft ordinances presented to the Planning Commission.

Phasing out of Unpermitted Vacation Rentals

The draft ordinance language provides a specific process for applicants with existing, unpermitted vacation rental operations to follow to ensure that they can apply for a Vacation Rental Operations License and, if applicable, a Use or Coastal Development Permit. Within six months of the ordinances' effective date, applicants must make an application for all permits, licenses, certificates, and other entitlements required by County regulations. Finally, if the County denies the applicant's vacation rental, the applicant must cease operations.

All unpermitted vacation rental operations not allowed pursuant to the draft ordinances are required to phase out operations within six months of the ordinances' effective date. The County can require earlier termination of unpermitted operations in instances where there is a risk to public health, safety, and welfare.

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Amortization of Existing Applications

The draft ordinances address the amortization for vacation rental operations that were permitted pursuant to Section 21.64.280 and as uses similar to a bed & breakfast in the Coastal Zone. The draft ordinances require that all previously permitted operations come into compliance with the draft ordinances. The previously permitted operations are required to come into compliance once their permit expires or for permits issued without expiration dates within seven years after the adoption of the draft ordinances.

To ensure that existing operations have the opportunity to come into compliance with the new regulatory requirements for vacation rentals, the draft ordinances will reserve from the Commercial Vacation Rental cap the total number of units (by Area or Master Plan) that were previously permitted for the requisite amortization period. If the existing operations do not make an application for the required licenses and permits staff will release the unit counts.

Vacation Rental Licensing and Permitting Process

Staff worked on implementation planning with the County of Monterey Treasurer-Tax Collectors Office and Environmental Health to ensure that the vacation rental ordinances would be implemented smoothly once adopted by the Board and certified by the California Coastal Commission in the County's Coastal Zone.

To ensure that applicants obtain all of the necessary required licenses and permits from HCD and County of Monterey Treasurer-Tax Collector staff wanted to ensure that the application process was clear. Applicants must first register with the County of Monterey Treasurer-Tax Collector to pay Transient Occupancy Tax. Then, applicants must obtain a Vacation Rental Operation License and, if applicable, a Use Permit or Coastal Development Permit. Finally, applicants must obtain a business license from the County of Monterey Treasurer-Tax Collector before their vacation rental begins operations. Staff would like to note that the current language would require all existing hotel operators to obtain a business license from the Treasurer-Tax Collector, too.

This clarity of process and responsibilities will enable the County of Monterey Treasurer-Tax Collector and HCD staff to work together to streamline the process of applicants obtaining the necessary permits and licenses from both offices.

Applicability of the Permit Streamlining Act on Vacation Rental Applications

The Permit Streamlining Act (Act) was enacted to ensure that permits for development projects are processed in a timely manner. The Act sets a 30-calendar-day review period for any public agency that has received an application for a development project, and failure to provide completeness review determination during that time results in a development application being deemed complete by operation of law. Importantly, the Act's 30-day review period only applies to applications for “development projects” (as defined in California Government Code § 65928), which are any project involving the issuance of a permit for construction or reconstruction but not a permit to operate. Development projects do not include any ministerial projects or any projects that are not undertaken for the purposes of “development” as defined in California Government Code § 65927 to effectively mean any newly built structure, the changing of any physical structure, a change in the density or intensity of land, or a change in the intensity of water use. Vacation rental permitting is not subject to the Act as Vacation Rental Operation Licenses are ministerial, and vacation rental operations do not meet the definition of “development” or a “development project.”

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There is an expectation that HCD will receive a significant influx of vacation rental applications within the first six months to a year after the ordinances become effective. HCD staff will make every effort to ensure that the processing of vacation rental applications is timely; however, the standard timelines are not applicable and may not be met. HCD will present options to the Board of Supervisors for staffing and resource allocation that may be needed to ensure timely processing of the initial influx of permit applications and staff to ensure a program is in place for applicants to receive timely follow-up and updates during the review process.

Carmel Valley Master Plan Prohibition in Residentially Zoned Districts

Monterey County's Draft Environmental Impact Report (DEIR) (State Clearinghouse Number 2022080643) analyzed as alternative six the prohibition of Commercial Vacation Rentals in residentially zoned areas of the Carmel Valley Master Plan Area (CVMP Area). The CVMP Area is a popular tourist destination within Monterey County as visitors are drawn to its wineries, tranquil vistas, popular outdoor recreation areas, and hiking trails. At the same time, Carmel Valley has a rural character, and Policy CV-1.1 of the Carmel Valley Master Plan (CVMP) directs the County to ensure that all ordinances are consistent with the goal of preserving the Valley's rural character. CVMP Policy CV-1.15 further states that visitor accommodation projects must be designed to respect the privacy and rural residential character of adjoining properties. CVMP Policy CV-1.15 additionally establishes regulations to count bed and breakfast facilities as visitor accommodation units, specifically noting that they should count against the visitor accommodation unit cap established by the CVMP. To ensure that the visitor accommodation unit caps remain for traditional units (such as bed and breakfast facilities, hotels, motels, and lodges), Commercial Vacation Rentals do not count against the cap established by CVMP Policy CV-1.15.d-e.

In recognition of the unique policies in the CVMP, staff recommends that Commercial Vacation Rentals be prohibited in residential zoning districts of the CVMP Area. This prohibition will ensure that the rural character of the CVMP Area is protected and that the draft ordinances comply with Policy CV-1.1. Limited Vacation Rentals will be allowed in all zoning districts in the CVMP Area as Limited Vacation Rentals are a use similar in character, density, and intensity to residential use. Commercial Vacation Rentals are allowed in the commercial or agricultural zones in the CVMP Area as commercial zoning districts are intended for visitor-serving uses, and agricultural zoning districts allow agrotourism. Commercial Vacation Rentals in commercial and agricultural zoning districts do not count against the visitor accommodation cap, established by CVMP Policy CV-1.15.d-e, as the cap is intended to count against traditional visitor-serving uses. Prohibiting Commercial Vacation Rentals in residentially zoned districts removes the conflict between traditional visitor-serving uses and residential neighborhoods. This prohibition removes potential negative impacts associated with more intensive visitor accommodation uses, which the CVMP Policy CV-1.15.d-e is intended to limit.

Other Policy Alternatives Identified During the CEQA Process

No Project Alternative

This alternative would consist of the County continuing to implement the existing regulations for vacation rentals pursuant to Section 21.64.280 for the unincorporated inland areas of Monterey County and as a use similar to a bed & breakfast in the unincorporated coastal areas of Monterey County. This alternative would likely result in more residential properties being converted from housing for residents into vacation rentals. If this option were considered by the Commission, there would likely be greater social and economic impacts, such as disruption of neighborhoods and further displacement of residents.

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No Additional Growth Alternative

This alternative would change the regulations not to allow any additional growth in vacation rentals beyond the existing conditions. This option would cap the number of Commercial Vacation Rentals based on the existing advertised rentals per area, allowing for a higher number of Commercial Vacation Rental operations in areas of the County with higher visitor serving demand such as the Cachagua Area Plan, Carmel Area Land Use Plan, Carmel Valley Master Plan Area, Del Monte Forest Land Use Plan Area, and Moss Landing Community Plan Area than would be allowed under the draft ordinances, but would allow less in all other Planning Areas. This would not change the existing conditions but would require that existing vacation rentals comply with the requirements in the draft ordinances, which would likely improve current conditions related to vacation rental operations.

Permitting and Policy Options Alternative

This alternative would modify the draft ordinances with various policy changes. Some of the alternative policy options identified in the DEIR were eliminating regulations for Limited Vacation Rentals, requiring all vacation rentals to post informational packets with information about fire and flood evacuation routes, water conservation, and noise control, and establishing an amortization period for currently permitted operations. In response to comments received in the DEIR, staff modified the draft ordinances to include requiring vacation rentals to post informational packets and establish an amortization period for currently permitted operations. DEIR comments were generally supportive of Limited Vacation Rentals, and by requiring that Limited Vacation Rentals obtain a Vacation Rental Operation License, the draft ordinances ensure that Limited Vacation Rentals are appropriately permitted by HCD and that HCD has the means to track complaints and violations of the regulatory requirements for Limited Vacation Rentals.

Concentration and Density Limitations

Throughout the CEQA process, there were also comments on the potential negative social and behavioral impacts of vacation rentals on the surrounding residents and the community, including impacts at the neighborhood-level if a high number of vacation rentals were to be allowed to concentrate in certain blocks or neighborhoods. The 4 percent cap on Commercial Vacation Rentals in the draft regulations, however, would not prevent the potential for Commercial Vacation Rentals to concentrate at the neighborhood or block level. Therefore, staff has researched other jurisdictions and limitations they have applied. At this time, staff has not recommended inclusion of concentration or density limits in the draft ordinances due to the additional layer of complexity and additional staff time and effort that would be required to implement. If desired by the Planning Commission, staff will discuss how the regulations could potentially be modified to provide more granular concentration and density limitations. Should the Commission desire to recommend that the Board consider additional limits on the concentration and density of Commercial Vacation Rentals at the neighborhood or block level, additional time will be needed for staff to develop draft regulations for the ordinances.

Cap per US Census Tract or Block

This option, to establish caps by census block or tract, would address smaller areas of communities and would allow the County to utilize existing Geographic Information System (GIS) information and data provided by the United States Census Bureau. Other jurisdictions have used this method and specifically developed limitations in areas that experience heavy visitor traffic or have other types of resource or infrastructure limitations. Direction to add this method to the existing regulations would require additional staff time to develop and add regulatory language into the vacation rental ordinances. This method would also require the County to have detailed tracking and enforcement mechanisms in place to

Exhibit B – Detailed Discussion

track and monitor applications by specific area successfully. If desired, the Commission could direct staff to establish additional limitations by Track or Block and return with regulatory language for the Commission to review. One potential drawback to this method would be that the United States Census Bureau can and does change the geographic boundaries and composition of Tracks and Blocks over time. Therefore, if the Commission directed staff to develop this additional concentration and density limitation, staff would recommend that the County utilize US Census Tracks or Blocks as of the 2020 US Census to ensure future changes do not result in constantly changing geographic boundaries. Due to the implementation and tracking challenges with this method, staff would not recommend using this method.

Cap per Block

This option, to establish caps by block, would address smaller areas of concentration in communities and neighborhoods. This method has been implemented in other jurisdictions in specific areas of the City of Pacific Grove, the County of Santa Cruz, and San Luis Obispo. This method would require granular analysis at a block level throughout the County. Block level would mean all residential dwellings located along a street between two intersecting streets would have concentration limitations. Concentration limits could potentially be either numerical limits or additional percentage limitations. While this method would limit the potential negative social and behavioral impacts of vacation rentals, adding this cap method to the existing regulations would require additional staff time to develop and add regulatory language to the vacation rental ordinances. This method would also require that the County develop a novel method of tracking vacation rentals by block, which would require new GIS and data analysis to be conducted to implement this methodology successfully. Due to the required additional analysis, implementation, and tracking challenges, staff would not recommend using this method.

Special Cap for Public Access and Tourist Destinations with Monterey County

This option, which would establish a higher cap in areas that are designated as areas of public access or tourist destinations within Monterey County, could address concerns related to limitations on vacation rentals restricting public access to popular Coastal Access Points and tourist centers within Monterey County. This method could enable those specific areas, as designated, to allow a higher percentage of vacation rentals. This could be implemented as parcels within a specific radius of public access, or tourist destinations would have a separate cap from the 4 percent Commercial Vacation Rental cap by Planning Area. This could address concerns that limitations on vacation rentals in popular tourist or public access areas would potentially limit or discourage access to those popular destinations. At the same time, increased caps in those areas could facilitate additional residential displacement and could potentially increase the negative social and behavioral impacts of concentrations of vacation rentals. If the Commission recommended that staff add these regulatory requirements to the vacation rental ordinances, this would require additional staff time to add this language to the ordinances. This method would require the County to develop a detailed GIS map of the public access and tourist destination locations within the County. Due to the required analysis and the additional public and hearing body input required to map these public access and tourist destination points, staff would not recommend using this method.

Buffer Setback Requirements from Other Active Vacation Rentals

This method would prohibit a vacation rental from operating in close proximity to another vacation rental by disallowing vacation rentals operating within a certain buffer from the parcel (such as 50, 100, or 200 feet). This method has been implemented in other jurisdictions, such as the City of Pacific Grove, the City of Trinidad, the City of Oxnard, the County of Santa Cruz, and the County of San Luis Obispo. This method would limit a specific neighborhood or block from becoming oversaturated with active vacation rentals. This method would be feasible to implement as there is a relatively well-established interface

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between the County's Accela platform and the County's GIS system. This method would be able to limit the negative social and behavioral impacts of overconcentration of vacation rentals. If the Commission recommended that staff add these regulatory requirements to the vacation rental ordinances, this would require additional staff time to add this language to the ordinances. This would also require that the County establish a clear process and timeline to ensure that the setback would be established after an application was deemed complete. This method would also require that the County develop a clear tracking process to ensure that applicants are aware of other vacation rentals that have applied for licenses and permits and if that would prohibit their vacation rental. Due to the required additional analysis, implementation, and tracking challenges, staff would not recommend using this method.

Limitation on Commercial Vacation Rental on Adjacent Residentially Zoned Parcels

This option, to prohibit Commercial Vacation Rentals on adjoining parcels within rural density residential (RDR), low density residential (LDR), medium density residential (MDR), and high density residential (HDR) zoning districts, could prohibit concerns related to concentration and density at a more micro-scale. This method would establish that a parcel operating as a Commercial Vacation Rental would not be allowed to have a Commercial Vacation Rental operating on any adjoining residentially zoned parcels. This could ensure that neighborhoods would not be oversaturated with Commercial Vacation Rentals and limit the potential negative social and behavioral impacts of these types of rentals. This would be the most straightforward method to implement as there is a relatively well-established interface between the County's Accela platform and the County's GIS system. In addition, if there were two adjoining parcels that had applications for Commercial Vacation Rentals, whichever application was deemed complete first would be the parcel that would be allowed to finalize its Commercial Vacation Rental application. The adjoining parcel could then submit an application for a Limited Vacation Rental if so desired. This method would require that the County develop a clear tracking method to ensure that applicants are aware of other vacation rentals that have applied for licenses and permits. Of the different options for limiting the potential for concentrations of Commercial Vacation Rentals at the micro-level, staff would recommend this option due to its relative simplicity compared to the other options presented.

Vacation Rental Enforcement Program

The County currently has enforcement in the unincorporated inland areas of Monterey County through the County's Code Compliance division, where members of the public can file a complaint for unpermitted vacation rentals. The County currently is limited in the enforcement options in the unincorporated coastal areas of Monterey County. The County's Code Compliance division in the unincorporated coastal areas of Monterey County are actively enforcing complaints related to health/life/safety concerns related to vacation rentals. As a result of the current prioritization and challenges with enforcement, vacation rentals have proliferated within Monterey County, with the vast majority operating without the appropriate County approvals.

The Board directed staff at the May 21, 2021, Board hearing to prioritize the in-house staffing model with third-party contracted compliance and permit review services. HCD received funding from the Board at the February 21, 2022, Board hearing to add three FTEs, which consisted of two Code Compliance Inspectors and one Office Assistant, to focus on vacation rental enforcement and noise complaints outside normal business hours and during Friday and Saturday afternoons and evenings. Staff have received significant feedback from the public and policy makers throughout the process about the importance of enforcement to the success of implementing the draft ordinances. County staff acknowledges that with the implementation of the ordinances, there will likely be an increase in Code Enforcement actions against illegally operating vacation rentals. The County is researching establishing a contract with Rentalscape,

Exhibit B – Detailed Discussion

the third-party system utilized by the County of Monterey Treasurer-Tax Collector for vacation rentals. HCD may utilize this system for sending automated violation notices to operators to encourage violators to shut down expeditiously. County staff plan to bring forward to the Board a proposed enforcement program for the Board to consider.

Code Compliance

Implementation of the vacation rental regulations will result in the County code compliance program rolling out in three operational phases: Phase 1 – Initial program establishment and phase out period; Phase 2 – Enforcement of unpermitted and non-compliant operations; and Phase 3 – On-going monitoring and enforcement. The vacation rental regulations for the inland portion of Monterey County will go into effect on the thirty-first day following Board adoption. The Coastal Zone regulations will become operable approximately one year later because the Title 20 regulations require California Coastal Commission certification. Staff anticipates that upon Board adoption, there will be a significant influx of vacation rental applications in the Inland Area during the first year and a larger influx of applications in the Coastal Zone in the second year.

Phase 1 would initially focus on outreach and education to vacation rental owners, operators, associations, and the general public, informing them of the new regulations, including the steps and timelines required for coming into compliance with the new regulations and phasing out unpermitted operations. During this time, code compliance would continue to focus on health/life/safety investigations and proactively responding to nuisance complaints. Staff expects that the first year after the effective date of the ordinances will consist of Phase 1.

Phase 2 will commence once the timelines established in the ordinances for all existing unpermitted operations apply for County permits or cease operating. At this time, the County will pursue enforcement against the operators who continue to operate illegally and have not applied to the County. Depending on the number of vacation rental operations that fail to comply with the new regulations and enforcement resources available, this Phase 2 enforcement could continue for at least another year after the effective date of the ordinances.

Phase 3 would occur once the initial unpermitted operations have ceased operating and the County has begun Phase 2 enforcement actions against illegally operating vacation rentals. Phase 3 will be the County's ongoing monitoring and enforcement. This would entail code compliance staff continuing its enforcement actions on any new unpermitted operations as well as responding to any operations that have nuisance complaints or are operating outside of their permit or license requirements. Additionally, this enforcement would be facilitated by the procurement of a third-party contracted compliance service, which staff will recommend.

Enforcement Penalties

Implementation of strong enforcement penalties will facilitate enforcement and limit individuals who are operating in violation of their Vacation Rental Operation License, Use Permit, or Coastal Development Permit and dissuade unpermitted vacation rental operations. The vacation rental regulations enable multiple avenues for enforcement, including administrative, criminal, and civil penalties. These penalties include misdemeanor charges, which are punishable by a fine of not more than one thousand dollars. These penalties can include administrative citations that escalate per individual citation and are based on a set rate or a percentage of the advertised rental rate to ensure that properties with high rental rates do not ignore financial penalties. Additionally, each and every violation of any regulation in the ordinances

Exhibit B – Detailed Discussion

constitutes a separate and unique violation, and every day the violation continues to exist, it will be deemed a separate and distinct offense. This will ensure that operators that are continuing to operate in violation of the ordinances will face mounting penalties that will continue until the violation is remedied.

Hosting Platform Compliance Requirements

Hosting Platforms, such as Airbnb or VRBO, enable property owners, tenants, and occupants to rent their living space to visitors as a vacation rental. These websites allow property owners to rent anything ranging from a bedroom to their entire home, allow visitors to search in one location to find a potential vacation rental, and create a one-stop location to facilitate the rental transaction between renter and owner. As Hosting Platforms are the primary means that vacation rentals are advertised to the public, the regulation of Hosting Platforms can facilitate compliance from property owners who are unaware or unwilling to comply with local or state regulations. To facilitate the enforcement of the County's ordinances, staff added language to Title 7 to ensure that Hosting Platforms have compliance requirements and that those compliance requirements are similar to previously legally tested Hosting Platform compliance requirements.

Staff is aware of multiple other jurisdictions that have regulatory requirements for the Hosting Platforms (including but not limited to the City of Los Angeles, the County of San Bernardino, and the City of San Diego). These jurisdictions have similar requirements of the Hosting Platforms and, in particular, require that the Hosting Platforms ensure that if notified about a non-compliant listing, they remove the listing within a specified period. HCD staff has met with the City of San Francisco, and City staff have found that these types of Hosting Platform compliance requirements included in Title 7 have greatly facilitated enforcement actions against operators who are not operating in compliance with the City's regulations.

Williamson Act Compatible Uses

Vacation rentals in agricultural zones are subject to all vacation rental regulations. In addition, vacation rentals operating on agriculturally zoned parcels that have active agricultural operations are required to have the Property Manager, Owner, or Operator concurrently reside on the property during the rental period.

To ensure consistency between the ordinances and properties under Williamson Act contracts, the Williamson Act Compatible Uses list must be amended to add the transient use of a single-family dwelling as a compatible use. Staff has reviewed the proposed Williamson Act Compatible Uses language with the Agricultural Preservation Review Committee (APRC) to ensure that it was appropriate to form. Staff submitted the draft language to the Department of Conservation (DOC), and DOC staff noted that "the County's language is extremely similar, and in-line with what other jurisdictions have proposed." Transient use of a residential property is allowed in at least three other jurisdictions (County of Merced, Placer, and Yolo) under their Williamson Act Compatible Uses list.

The Agricultural Advisory Committee, at its April 25, 2024 meeting, voted six ayes and two noes to recommend that the Planning Commission amend the Compatible Uses for Williamson Act contracts (Agricultural Preserves and Farmland Security Zones) by adding vacation rentals within a single-family dwelling as a permitted compatible use under the Williamson Act to add vacation rentals within a single-family dwelling. One member expressed concern that the Property Manager, Owner, or Operator is required to be on-site if there is an active agricultural operation and that this may impact the feasibility of operating a vacation rental.

Exhibit C

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Exhibit C

Agricultural Advisory Committee
April 25, 2024 – Draft Minutes



Agricultural Advisory Committee (AAC)

ACTION MINUTES

Location:	<i>Ag Conference Center, 1428 Abbott Street, Salinas, CA. 93901</i>	
Date:	April 25, 2024	
Time:	2:30 p.m. to 4:30 p.m.	
Present:	<i>Committee Members</i>	<i>Staff and Guests</i>
	Scott Violini - <i>Chair*</i> Alex Eastman - <i>Vice Chair*</i> Sherwood Darington CJ Miller Marc Del Piero Otto Kramm Nick Huntington Kevin Pearcy – (arrived at 2:35pm; after Item V.)	Juan Hidalgo, Agricultural Commissioner, ACO Nadia Ochoa, Ag Programs Manager, ACO Berlina Nunez, Administrative Secretary-Confidential, ACO Brianna Rico, Office Assistant III, ACO Mary Grace Perry, Deputy County Counsel Taylor Price, HCD Planning Zoe Zepp, HCD Planning Norm Groot, Farm Bureau Jean Marinovich, <i>Item VI. A applicant</i>
Absent:	Erik Heacox, Kurt Gollnick, Mike Ferguson, Scott Storm	

I. Call to Order

The meeting was called to order by Scott Violini at 2:31 pm.

II. Additions and Corrections

There were none.

III. Consent- Committee Business

A. Minutes from Jan. 25, 2024

MOTION: Approval of consent items moved and seconded by Committee Members Mark Del Piero and CJ Miller and **passed** by the following vote:

AYES: Del Piero, Miller, Violini, Darington, Eastman, Kramm, Huntington

NOES: None

ABSENT: Heacox, Ferguson, Storm, Pearcy, Gollnick

ABSTAIN: None

IV. Public Comment- On items not on the agenda.

- None

V. Agricultural Commissioner’s Update

-Influenza in dairy cattle, 8 states reported.

Exhibit C

Agricultural Advisory Committee

- *Influenza reported in birds, cows, and now humans. However, humans are showing mild symptoms.*
- *USDA new requirements in moving cattle into state.*
- *Border station checks*
- *New restrictions, CDPR*

VI. Monterey County Housing and Community Development -Planning

A. MARINOVICH JEAN & BUTIER PETER

Project Planner: Zoe Zepp, Assistant Planner

Project Title: Marinovich Jean & Butier Peter

Planning File No.: PLN210165

APN(s): 413-012-011-000

Project Location: 264 Giberson Road, Moss Landing

Zoning/Area Plan: North County Land Use Plan, Coastal Zone

Project Description: Combined Development Permit consisting of a Coastal Administrative Permit for the construction of a single-family residence with attached carport, detached barn; Variance to increase the maximum allowed building site coverage from 3 to 8 percent; Altering an existing agricultural well to a domestic well.

ACTION REQUESTED: Recommend support approval of the Combined Development Permit.

Proposed CEQA Action: Find the project categorically exempt from CEQA pursuant to section 15303, *New Structures* with no exceptions to section 15000.2.

PUBLIC COMMENT:

- None

MOTION: Item VI.A was moved and seconded by Committee Members Marc Del Piero and Sherwood Darington and **passed** by the following vote to recommend support approval of the project:

AYES: Del Piero, Violini, Miller, Darington, Eastman, Kramm, Huntington, Piarcy

NOES: None

ABSENT: Heacox, Ferguson, Storm, Gollnick

ABSTAIN: None

B. VACATION RENTAL ORDINANCES-- WILLIAMSON ACT COMPATIBLE USES AMENDMENT

Project Planner: Taylor Price, Associate Planner

Project Title: Vacation Rental (aka Short-Term Rental) Ordinances Williamson Act Compatible Uses Amendment

Planning File No.: REF100042/REF130043

APN(s): N/A

Project Location: County-wide Unincorporated Areas

Zoning/Area Plan: Coastal zoning and inland zoning

Project Description: Monterey County began policy outreach and the process of drafting ordinances pursuant to Vacation Rentals (also known as short-term rentals for overnight

Exhibit C

Agricultural Advisory Committee

accommodations) in 2015. This process resulted in significant public input as well as comments and direction from the Board of Supervisors (Board), the Planning Commission (Commission), and the Land Use Advisory Committees (LUACs).

ACTION REQUESTED: Recommend to the Planning Commission amending the Compatible Uses for Williamson Act Contracts (Agricultural Preserves and Farmland Security Zones) by adding “Vacation Rentals within a single-family dwelling” as a permitted compatible use.

Proposed CEQA Action: The proposed Vacation Rental Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15308, which exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment.

PUBLIC COMMENT:

- Norm Groot, Farm Bureau

-

MOTION: Item VI. B was moved and seconded by Committee Members Alex Eastman and Marc Del Piero and **passed** by the following vote to recommend support approval of the project

AYES: Eastman, Darington, Del Piero, Huntington, Miller, Violini

NOES: Kramm, Piercy

ABSENT: Heacox, Ferguson, Storm, Gollnick

ABSTAIN: None

VII. Administrative Matters

- Ag Commissioner Update

VIII. Agricultural Advisory Committee Comments

- None

IX. Adjournment

There being no further business before the Committee, the meeting was adjourned at 3:32 p.m.

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Exhibit D

Link to the County of Monterey Vacation Rental Ordinances Project Final Environmental Impact Report (State Clearinghouse No. 2022080643):
<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:15004135-cce5-4ddd-a19e-1ba63272be56>

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Exhibit E

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From: [Chris Clark](#)
To: [293-pchearingcomments](#)
Subject: Public Comments on Agenda Item 6 -REF130034 & REF1000042. Response
Date: Tuesday, June 4, 2024 3:50:18 PM

[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.]

This is in response to Kathleen Lee's comments from the Pebble Beach Company, dated May 29, 2024.

Dear Kathleen Lee,

I am writing in response to Item 5 in the letter you sent on May 29, 2024 to the Monterey County Planning Commission with preliminary comments from the Pebble Beach Company (PBC). In that letter you wrote:

5. "We note that this version of the ordinance does not require the consent of those responsible for the enforcement of CC&Rs prior to issuance of a County License. This is a mistake. We wish to inform you that this version of the ordinance, standing alone, is a violation of the CC&Rs applicable to most single-family lots in Del Monte Forest. Landowners wishing to operate a Vacation Rental in Del Monte Forest will need to obtain PBC's consent on its terms before doing so, and we believe many other areas of the County will have similar restrictions. For this reason, the ordinance should alert applicants to this potential step in the process."

To use your words, this is a mistake. I am a long-term owner of a single-family lot in the Del Monte Forest and I can attest that there **are no CC&Rs** in my deed that require PBC's consent for operating vacation rentals. For PBC to cause any restrictions or require any approvals would violate my deed and would result in an immediate lawsuit. If the County were to be involved, it would be named in the lawsuit, so that is why it has wisely chosen not to be involved with CC&Rs and HOA issues.

The Pebble Beach Company is a privately-owned, for-profit company in the hotel business in the Del Monte Forest. In a number of cases, including this one, it states authority that it does not have. Simply assuming and asserting authority does not create it. PBC needs to back off.

Very truly yours,

Christopher Clark

From: davidpicus@gmail.com
To: [Navarro, Janet](#)
Subject: FW: Board of Supervisors Agenda - Short Term Rentals
Date: Monday, June 3, 2024 11:55:45 AM
Attachments: [STR letter to County Supervisors May 28 2024.docx](#)

[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.]

From: davidpicus@gmail.com <davidpicus@gmail.com>
Sent: Tuesday, May 28, 2024 6:49 PM
To: cob@co.monterey.ca.us; 'Kate Daniels' <electkatedaniels@gmail.com>
Cc: info@kate.vote
Subject: Board of Supervisors Agenda - Short Term Rentals

To: Board of Supervisors, Monterey County
CC: Kate Daniels, Supervisor District 5

May 28, 2024

Dear Ms. Daniels and County Supervisors,

While I will not be able to attend the county meeting on May 29th to discuss the Environmental Impact Study and new Short Term Rental (STR) proposed ordinances, I did want to share my thoughts in this letter.

My wife and I have run an owner occupied STR “studio” for the last several years and it’s been wonderful for our guests, for the county, and for us.

For Our Guests:

We’ve worked hard to provide an immaculate, memorable, private, and personable lodging experience for our guests which has enhanced their vacations. Can you imagine how hard we work to maintain a 4.99 Star Rating? We urge you to read our References on Airbnb, and see the warmth expressed for our hospitality and the experience we’ve provided our guests. Our guests’ personal experience can not be matched in even the most luxurious hotel.

For the County:

Regarding the contribution we make to the County’s revenue and economy, we diligently pay our TOT, and contribute more than \$5000 annually in County Taxes. But the money we earn has a multiplying effect in the community. The guests spend money around the peninsula in shops, restaurants, and leisure activities. For us, the STR gives us a bit of spending money that allows us to eat out a bit more, and not delay further required improvements to our home, supporting craftsmen throughout the Peninsula. Our STR income is spent in the community. Compare this to hotels, mostly owned outside of the County, to whom the revenue flows.

For Ourselves:

Running our STR has been a wonderful part time retirement job. We correspond with guests and provide hospitality. We do the cleaning ourselves, to ensure an immaculate experience; each glass polished, not a single spec of dirt when a guest arrives. And most importantly, we get a chance to meet and chat with very interesting guests from all over the world. Almost all of our guests are wonderful, vibrant, interesting people, and we’ve enjoyed meeting them. We’ve made some good friends, and have shared our experiences, including favorite restaurants and things to do in the Peninsula. This is not only of value to our guests, but also gives us great satisfaction.

Housing Affordability and Neighborhood Integrity:

Back when we were house hunting in 2014, we knew that moving to the Carmel area would be unaffordable without some rental income. We had been exploring California looking for a place to live, and enjoying our stays in STR’s. From day one, our budgetary planning including mortgage affordability, and later, our renovation choices were based on hosting an STR. Only families considerably wealthier than us could have qualified for the type of mortgage payments necessary for housing in the Carmel area. We would never consider a full time rental of this bedroom, that doesn’t even have kitchen facilities. Our guests spend their money in local restaurants. Our STR contributes to affordable housing for middle income people, namely us. It allows us to live in Carmel.

Regarding neighborhood integrity, our “studio” STR, consisting of a single bedroom only

accommodates 2 guests at a time. Our neighbors are all aware of our STR and are supportive of our business. Parking is all within our premises. We vet all of our guests for their previous STR stays, to make sure we're only accepting good people. We've never had a complaint. In fact, in almost all cases, our neighbors don't even know when we have guests. There is zero impact on the integrity of the neighborhood.

Environmental Impact Study:

Regarding the Environmental Impact Study, the County has missed probably the major environmental factor. Assume that the county does not want to greatly diminish tourism in the Peninsula. And assume that the approximately 600 STR's, with approximately 1200 Rooms ceased operations. The only alternative would be to construct new hotels and parking to accommodate the visitors. The excavation, concrete and materials, environmental impact of new construction, etc. to complete these hotels and parking was not considered in the county's EIR. That environmental impact is HUGE. And in the end, whether those rooms are based in existing housing, or in new hotels, the water and energy usage would be about the same. And in the hotel scenario, the traffic impact would be the same— just more concentrated.

-

Final Thoughts:

Imagine the tourism landscape in Monterey County in 10 or 20 years. The challenge is to balance sustainability of resources with granting access to visitors, while growing our economy. Hotels, including new hotels, are surely a part of this tourism fabric. But imagine a Monterey County that embraces some portion of these tourists, being personally housed by regulated responsible STR owners within our existing infrastructure. Many of these homes, such as mine, have an extra separate unoccupied living space, and many others are second homes, unoccupied for many weeks in the year. Do we really prefer these rooms and houses go dark, rather than be occupied with spending tourists? We agree that capacity limits on STR's are required to maintain the integrity of the neighborhoods.

For many of our guests, the experience of chatting personally with a host about how to best experience the Peninsula, in a quiet private setting is such a memorable part of their tourist experience. Increasing numbers of travelers greatly prefer this option to sterile hotels. Rather than resisting this trend, Monterey County should come up with reasonable and relatively easy ways to regulate the STR's and prohibit bad actors, while showing guests some true Monterey hospitality, organically and sustainably.

We have been waiting for many years for a reasonable permitting process and look forward to applying for a permit under the new regulations.

Thanks very much for your consideration.

Best Regards,

David Picus
Carmel, Ca. 93923

Enclosing Above Letter as a Word Document

To: Board of Supervisors, Monterey County
CC: Kate Daniels, Supervisor District 5

May 28, 2024

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even have kitchen facilities. Our guests spend their money in local restaurants. Our STR contributes to affordable housing for middle income people, namely us. It allows us to live in Carmel.

Regarding neighborhood integrity, our “studio” STR, consisting of a single bedroom only accommodates 2 guests at a time. Our neighbors are all aware of our STR and are supportive of our business. Parking is all within our premises. We vet all of our guests for their previous STR stays, to make sure we’re only accepting good people. We’ve never had a complaint. In fact, in almost all cases, our neighbors don’t even know when we have guests. There is zero impact on the integrity of the neighborhood.

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Final Thoughts:

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We have been waiting for many years for a reasonable permitting process and look forward to applying for a permit under the new regulations.

Thanks very much for your consideration.

Best Regards,

David Picus

From: [Sandra Schachter](#)
To: [Martha Diehl](#); [egonzalezsr56@gmail.com](#); [laslomasmt@hotmail.com](#); [Getzelman, Paul C.](#); [amydroberts@ymail.com](#); [Monsalve-Campos, Etna](#); [daniels.kate@gmail.com](#); [cualrmg@gmail.com](#); [cmshaw.district2@gmail.com](#); [ben.workranch@gmail.com](#); [Vasquez, Elizabeth](#)
Cc: [ClerkoftheBoard](#); [100-District 1 \(831\) 647-7991](#); [100-District 4 \(831\) 883-7570](#); [100-District 5 \(831\) 647-7755](#); [100-District 2 \(831\) 755-5022](#); [100-District 3 \(831\) 385-8333](#); [Priscilla Walton](#); [John Heyl](#)
Subject: Letter from Pris Walton of the Carmel Valley Association
Date: Monday, June 3, 2024 11:30:22 AM
Attachments: [CVA Revised 6_3_24 Addendum Comments VR Ordinances on LH 6.1.pdf](#)

[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.]

Dear Chairperson Diehl and Planning Commissioners,
Attached is a letter from Pris Walton, president of the Carmel Valley Association, with further CVA recommendations concerning the county Vacation Rental Ordinances. Please send notice of your receipt of this message.
We appreciate your careful consideration of our views.
Sincerely,
Sandra Schachter, Secretary, CVA



Carmel Valley Association

preserving the beauty, resources, and rural character of the Valley since 1949

Date: June 3, 2024

To: Martha, Diehl, Chair, Monterey County Planning Commission
Cc: Monterey County Board of Supervisors
From: Priscilla Walton, President, Carmel Valley Association
Subject: Revised Vacation Rental Ordinances: **An Addendum to CVA's Original Comments and Recommendations**

The Carmel Valley Association, wishes to recommend additional considerations to the revised Vacation Rental Ordinances for the unincorporated areas of Monterey County. The Commissioners' thoughtful questioning raises other issues that we believe are important to creating effective ordinances for Short Term Rentals. The public discussion at the hearing on Wednesday, May 29, was both robust and extensive. It very much highlighted the public interest and concern about this issue. We thank you for facilitating and encouraging the meaningful discussion.

As a result, two major issues arose during questioning at the Hearing that we would like to add as recommendations to consider:

1. Length of Stay

While the original Title 20 and 21 codes called for no less than 7 days rental period for the use of residential property for remuneration, the revised ordinances do not list any length of stay criteria.

CVA recommends that wording be added to provide the following restriction to minimize neighborhood impacts from either Limited or Commercial Vacation Rentals: "The Owner(s) or his/her/their designated Host shall not write more than 4 rental contracts within any thirty day period, whether permitted to rent three times per year or 365 days a year."

2. Parking Requirements for Permit

Former codes required specifying spaces of off-street parking on a site map as part of any permit application. In the revised ordinances this requirement seems to have been eliminated. In order to provide the least impact on neighborhoods and to promote safe

MAIL P.O. Box 157, Carmel Valley, CA 93924

WEB www.carmelvalleyassociation.org | EMAIL president@carmelvalleyassociation.org

vacation rental activities, CVA recommends that sufficient off-street parking for cars to accommodate the maximum allowable number of guests either day or night be a requirement for all ministerial and discretionary vacation rental permits.

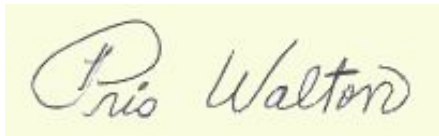
3. Visitor Serving Units allowable in the Carmel Valley Master Plan

At the hearing Staff referred to a Board of Supervisor ruling that the use of residential property for remuneration does not constitute a visitor serving unit although hotels, motels and bed & breakfasts do.

The Carmel Valley Association has always maintained that Vacation Rentals are visitor serving units, much like the other allowed visitor serving applications, and should hence be counted as such. The Carmel Valley Master Plan allows 175 units West of Majorca and 24 on the former airport property near Carmel Valley Village. These should be included in the count of Short Term Rentals.

Thank you for including these requests in the documents generated through the hearing process.

Sincerely,

A handwritten signature in cursive script that reads "Priscilla Walton". The signature is written in dark ink on a light yellow rectangular background.

Priscilla Walton, President

Carmel Valley Association

From: [Katherine Wenglikowski](#)
To: [100-District 1 \(831\) 647-7991](#); [100-District 2 \(831\) 755-5022](#); [100-District 3 \(831\) 385-8333](#); [100-District 4 \(831\) 883-7570](#); [100-District 5 \(831\) 647-7755](#); [Vasquez, Elizabeth](#); [Bowling, Joshua](#); [293-pchearingcomments](#); [Ruiz, Elizabeth](#); [ceqacomment](#); [Katie@Coastal Butler](#); [Ellie@Coastal Oliver](#); [centralcoast@coastal.ca.gov](#); [Dan.Carl@coastal.ca.gov](#); [brittney.cozzolino@coastal.ca.gov](#); [Peter.Allen@coastal.ca.gov](#)
Subject: Airbnb Gets Help From Hosts To Fight Lawmakers - The Wall Street Journal
Date: Wednesday, June 5, 2024 9:57:05 AM

[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.]



Airbnb Gets Help From Hosts To Fight Lawmakers
wallstreetjournal-ny.newsmemory.com

The Wall Street Journal printed this article detailing how the “face of pro short term rentals” is the little people (homeowners) who are trying to make a buck, but in actuality the money behind pro STR campaigns is financed by international corporate money (Expedia which owns Airbnb) who want to protect their financial interests and investments. Corporations such as Expedia have a huge portfolios of STRs and aim to protect these by fighting with every city, county and state in the nation.

To the staff at Monterey County and the California Coastal Commission, please don’t let the multinationals win. Keep California out from underneath the thumbs of “Big Money.” Do the right thing; protect our residential neighborhoods.

Many thanks for your continued consideration,

Katherine Wenglikowski
138 Carmel Riviera Dr.

https://wallstreetjournal-ny.newsmemory.com/?publink=2e896faaa_134d301

The Wall Street Journal

“The fires provided a lot more fuel for this fight,” said Jennifer Wilkinson, vice president of the state host group Hawai’i Mid and Short-Term Rental Alliance. The bill became law in May, and the mayor of Maui has proposed a county law that would remove thousands of short-term rental listings on the island.

In New York, hosts last year staged protests outside City Hall and filed a lawsuit alongside Airbnb, but failed to stop the de facto short-term rental ban.

‘Community leader’

Aside from independent, politically active host groups such as Clara, there are also more informal groups set up by Airbnb. Andrea Henderson, a short-term rental host in Denver, received an Airbnb email soliciting applications to be a host “community leader” and run one of these groups. She was selected in 2022.

She isn’t on the company’s payroll, but said she does get funding to put on local meetups. The Denver group grew from 10 members in 2022 to more than 1,000 in 2024, she said.

Many hosts hadn’t heard of the Colorado Senate bill. Henderson corresponded with a member of Airbnb’s advocacy team, shared information about the legislation with hosts and encouraged those interested to testify at hearings.

Some independent groups also get support from Airbnb and Expedia. “They speak authentically because they’re not hired consultants, they’re not PR agencies,” said Jay Carney, global head of policy and communications at Airbnb.

In Pennsylvania, the Poconos Association of Vacation Rental Owners has biweekly calls with members of the two companies’ policy teams who help draft letters to homeowners associations and community boards, said the group’s executive director Ricky Cortez.

Still, for the most part the companies stay in the background, and hosts said

they are happy with that.

“If Airbnb walks in the door, no one is going to support them,” Marks said. “But if Julie Marks and her three friends, who are also Vermonters, walk through the door, they’ll listen.”



(Please click on the link above to finish this well detailed article)

From: [Susan Layne](#)
To: [Price, Taylor](#)
Subject: Fwd: Comments for No. 6 – REF130043 & REF1000042.
Date: Friday, May 31, 2024 12:56:40 AM

[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.]

Taylor,

Great job with your presentation on Wednesday! Very thorough, clearly explained, though by the end of the meeting I was confused about unlimited hosted rentals.

Anyway, I submitted comments late, but am not sorry that they weren't distributed (to my knowledge) as I tend to editorialize in spite of my efforts to not do so.

I do believe that you can easily verify the occupancy standards that HUD sets forth in order to comply with Fair Housing standards—2 per bedroom plus one. I really believe it would be a grievous error to establish a different policy.

Thank you Taylor.

Susan

Sent from my iPhone

Begin forwarded message:

From: Susan Layne <sjlayneappraiser@gmail.com>
Date: May 29, 2024 at 5:33:05 PM PDT
To: vasqueze4@co.monterey.ca.us
Subject: Comments for No. 6 – REF130043 & REF1000042.

1) Re: Occupancy HUD Fair Housing Occupancy requirements are 2 per bedroom plus 1.

Anything other than that can be construed to be prima facie discrimination, which I am sure the County does not want to engage in, by requiring this of participants in the program(s).

2) I think the requirements regarding private roads, private water systems and septic system inspections should definitely be left in.....a residential septic system, designed for a single family use that is then used for 16 transient occupants at a time, or 13 plus the daytime guests as is already happening in out neighborhood, is insufficient. So, not just that the system works, but that it has the capacity for 10 occupants or whatever. Likewise, a private water system---when scarcity of water has long been an issue in the area.

3) The phase in is absurd! When the law goes into effect, that's it! You're bringing in some sort of "bleeding heart" subjectivity to a process that should be objective. If an investor gets "burned" because they have taken advantage of the lack of policy and or lack of enforcement, oh well!!! Too bad, that's business.

Thank you,
Susan Layne

Susan Layne
831-383-2441

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