

# Exhibit A

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# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director

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## MEMORANDUM

**Date:** April 4, 2017

**To:** Planning Commission and Board of Supervisors

**From:** Melanie Beretti, Special Programs Manager *MB*

**Subject:** Short-Term Rental Preliminary Draft Ordinance  
(REF100042 – Inland/REF130043 – Coastal)

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### SUMMARY

County staff issued a notice for a public hearing at the Planning Commission on March 29, 2017 to consider preliminary draft regulations on short-term rentals (STR) for overnight accommodations in residential areas in the unincorporated area of Monterey County. The Planning Commission meeting was cancelled. Due to conditions in Big Sur preventing accessibility to participate in this hearing, it was recommended that the Commission continue the STR hearing to a date uncertain until such time that we have a solution for full participation (access, teleconference, etc). This memo is being sent so people are able to review the preliminary draft ordinance. Staff will re-notice the matter when a new hearing date is identified.

On July 13, 2016 the County held a public workshop to discuss regulating STRs in Monterey County. During the July 13th workshop staff solicited direction from the Planning Commission regarding the primary issue of *if/where STR should be allowed*. The County held a second public workshop to discuss regulating STRs on November 9, 2016. During the November 9th workshop staff solicited direction from the Planning Commission regarding key STR characteristics and if/how to tie these characteristics to relevant thresholds for regulation.

Staff has developed a preliminary draft ordinance that:

- proposes three types of STR with additional sub-classes, and then assigns a review process based on site conditions (owner occupancy, wastewater, access).
- lays out regulations for a number of key regulatory elements addressing the primary issues of concern

Staff has also discussed a number of additional regulatory elements to date, but has not finalized a recommendation for inclusion in a preliminary draft ordinance. Additional elements under consideration include, but are not limited to:

- limitations to the number of STR permits (e.g. by area, by STR type);

- geographic areas with specific requirements (e.g. adopted land use plans)
- enforcement and revocation; and
- standard STR rules.

## DISCUSSION

On July 13, 2016 the County held a public workshop to discuss regulating STRs in Monterey County. During the July 13th workshop staff solicited direction from the Planning Commission regarding the primary issue of *if/where STR should be allowed*. The County held a second public workshop to discuss regulating STRs on November 9, 2016. During the November 9th workshop staff solicited direction from the Planning Commission regarding key STR characteristics and if/how to tie these characteristics to relevant thresholds for regulation.

The primary direction given to staff at the November 9<sup>th</sup> Planning Commission workshop included:

- Openness to handle different types of STRs distinctly in the regulations, using the Pacific Grove ordinance as an example;
- Desire to explore business licensing for short-term rentals;
- Direction to staff to meet with and discuss short-term rentals with all of the different Land Use Advisory Committees;
- Consult with California Coastal Commission staff regarding STRs; and
- Target to return to the Planning Commission as soon as possible and ideally in February 2017 with a preliminary draft ordinance.

During the months of November and December 2016 and January 2017, staff met with eleven of the twelve Land Use Area Committees to provide an updated on the STR process and solicit input on the development of the STR ordinances. Due to weather and road conditions the South Coast LUAC was not able to participate in a meeting jointly held with the Big Sur LUAC on this matter. However, staff has discussed STRs with Big Sur and South Coast LUACs in the context of updating the Land Use Plan for that area. In addition, staff has met twice with staff from the California Coastal Commission in 2017.

Based on outreach and research efforts to date, groups/individuals have argued of overarching potential benefits of STRs as well as impacts.

STRs benefits include:

- Providing homeowners with rental income;
- Providing increasingly desirable lodging alternatives;
- Supporting the tourism industry;
- Generating local economic activity, and
- Generating transient occupancy tax (TOT) revenue.

STR impacts include the potential for:

- Loss of long-term and affordable housing stock;
- Degradation of neighborhood character;
- Generating excessive noise (e.g. parties);
- Unfamiliar drivers or parking of vehicles blocking access (emergency and private roads); and
- Security concerns (e.g. private gate codes, strangers in the neighborhood, etc.).

In order to aid in development of a framework for STR policies, staff has focused on three primary categories of issues related to STRs:

- 1) Housing Availability and Affordability;
- 2) Neighborhood Character and Integrity; and
- 3) Health and Safety.

These three categories have ties with most, if not all, of the issues presented by STRs. At the November 9<sup>th</sup> workshop staff identified what it believes to be the regulatory elements likely to have the greatest influence on the primary issues of concern both now and into the foreseeable future. They included

- 1) number of guestrooms;
- 2) number of occupants;
- 3) owner/proprietor residence;
- 4) rental frequency;
- 5) STR occupant turnover;
- 6) water; and
- 7) waste.

Staff has developed a preliminary draft ordinance (see Attachment 1) that lays out regulations for the elements likely to have the greatest influence on the primary issues of concern. The intent is to have one ordinance and set of rules that apply to STRs countywide, and as the ordinance is further refined staff will then prepare separate inland (Title 21) and coastal (Title 20) ordinances to reflect differences in process between the inland area and coastal zone as well as layout local area-specific distinctions, as applicable.

The preliminary draft ordinance outlines a dual process for reviewing and allowing STRs that includes the initial land use permit for property clearance to have an STR, and requirement for a STR business license (to be developed) with annual renewal to ensure STRs to be able to operate a short-term rental. The preliminary draft ordinance defines three distinct types of short-term rentals, and further recognizes sub-categories within each time based on level of discretionary review recommended. See Attachment 2 (Figure 1) for an overview of the STR types and regulatory process proposed.

The preliminary draft ordinance also lays out regulations for a number of key regulatory elements addressing issues of concern including: dwelling types allowed for short-term rental; rental occupancies per year; number of short-term rentals per property; rental duration; number of guestrooms; occupancy; daytime persons allowed; parking requirements; property management; documentation and record-keeping; noise; trash; outdoor fires; emergency access behind locked gates; posting and communicating rules; requirements for advertising and listing. See attachment 3 (Figure 2) for an overview of the key regulatory elements for STRs.

The Environmental Health Bureau is responsible to ensure protection of public health and safety. Minimum standards for onsite solid waste management, onsite wastewater treatment systems, and potable drinking water have been developed for consideration and incorporation into the STR ordinance. See attachment 4 (EHB memo) for specific recommendations.

Staff has also discussed a number of additional regulatory elements to date, but was not able to finalize a recommendation for inclusion in this preliminary draft ordinance. Additional elements under

consideration include, but are not limited to: limitations to the number of STR permits (e.g. by area, by STR type); geographic areas with specific requirements (e.g. adopted land use plans); enforcement and revocation; and standard STR rules.

#### ATTACHMENTS

Attachment 1 – Preliminary Draft Ordinance

Attachment 2 – Figure 1: Overview of Preliminary Draft STR Types

Attachment 3 – Figure 2: Overview of Preliminary Draft STR Characteristics

Attachment 4 – Environmental Health Bureau Memo regarding Recommended Requirements for STRs

cc: Front Counter Copy; Planning Commission; Board of Supervisors; Nicki Fowler and Roger Van Horn, Environmental Health Bureau; Water Resources Agency; California Coastal Commission; RMA-Code Compliance; Economic Development; Les Girard, Wendy Strimling, and Cynthia Hasson, County Counsel; Treasure/Tax Collector; Jacqueline R. Onciano, RMA Services Manager; Dan Dobrilovic, RMA Building Official, Dorothy Priolo, Monterey Regional Fire Deputy Fire Marshal; Monterey County Sheriff's Office; All Land Use Advisory Committees; STR Public Distribution List; Planning File REF100042 – Inland/REF130043 – Coastal

# ATTACHMENT 1

**Repeals and Replace Title 21 – Section 21.64.280 “Transient Use of Residential Properties” with  
Title 21 – Section 21.64.280 “Short-Term Rental of Residential Properties”  
DRAFT – Not Approved by Counsel as to Form (v2017.03.17)**

**PURPOSE**

This Section provides regulations, standards and circumstances under which short-term rentals may be allowed in certain residential areas of the County of Monterey. It is further the purpose of this Section to:

- 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 owner-occupied residences.
- Implement the provisions and advance the purposes and objectives of Title 21.
- Except as provided in this Section, 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.
- Promote the public health, safety, and general welfare of the County

**APPLICABILITY**

This Chapter applies in the unincorporated area of the County of Monterey. Short-term rentals are allowed in some zoning districts that allow residential use: *[not yet determined]*

This section does not apply to legally established bed and breakfast facilities, which are regulated by Section 21.64.100.

**DEFINITIONS**

*Defined in Chapter 21.06 (included here for reference purposes only at this prelim draft stage)*

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

*“Person” means any individual, partnership, firm, business, or similar entity, public or private agency, municipality, city, State or Federal agency.*

*“Transient” means temporary, of limited duration or for a short period of time.*

*“Transient Occupancy” means occupying for consideration a structure designed, intended or used for temporary dwelling, lodging or sleeping purposes by non-family members; any commercial use of a structure or portion thereof which subjects the owner or occupant to the Uniform Transient Occupancy Tax Ordinance of Monterey County.*

For the purpose of this Chapter, unless the context otherwise requires, certain terms used in this Chapter shall be as defined below.



"Residential property" means any single- or multiple- family dwelling units, duplexes, guesthouses, caretaker units, or other dwelling unit or structure located on one or more contiguous lots of record in any of the zoning districts in Title 21 which allow residential uses.

"Short Term Rental of Residential Property" means the use, by any person, of residential property for transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, thirty (30) consecutive calendar days or less. Short-term rental of residential property is not a bed & breakfast facility, hotel, motel, hostel, or inn.

"Guestroom" means a room used or intended to be used by one or more guests for sleeping purposes. A bedroom, living room and guesthouse may be used as guestrooms.

"Bedroom" means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; and 2) has an exterior door or window for egress meeting health and safety code standards; and 3) has a closing door that separates the room from other features 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 of a bedroom.

"Short-Term Rental Tenant" or "STR Tenant" means a person who exercises occupancy of a short-term rental or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

"Visitor" means a person staying temporarily at an STR site, but that is not a STR occupant and not staying at the STR overnight.

## **REGULATIONS**

Except as provided in Section/Exceptions of this Chapter, short-term rental of residential property for overnight accommodations shall not be allowed in the unincorporated areas of Monterey County without first securing all permits, licenses, certificates or other entitlements required by County regulation.

1. Short-term rentals shall only be allowed in a single family dwelling (SFD) or multi-family dwellings (MFD) and a legally established guest house. A guest house shall not be rented independently of the SFD or MFD. Short-term rentals shall not be permitted in non-habitable structures. Short-term rentals shall not be permitted within accessory dwelling units or in structures or dwellings with county covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farm worker housing, or lands under a Williamson contract. Tents, yurts, Recreational Vehicles (RVs) or other provisions intended for temporary occupancy are not allowed as a part of a short-term rental.
2. Only one (1) STR unit shall be allowed per lot. This limit shall apply to any multi-family dwelling (e.g. duplex). It shall not apply to a property governed by the duly adopted bylaws of a County-

approved homeowners' association (HOA), or to properties held as tenants in common. The limit shall not apply to commercially zoned properties

3. Only one (1) tenant or rental contract allowed per STR at any given time.
4. The STR shall meet the requirements of the California Building Code Title 24 standards for use and occupancy class Residential Group R-3.
5. Maximum overnight occupancy for short-term rentals shall not exceed:
  - a. Two (2) persons per guestroom; and
  - b. The requirements of the California Building Code Title 24 standards for use and occupancy class Residential Group R-3, or as determined by the Environmental Health Bureau based on wastewater capacity or water quality, whichever is less.
6. The maximum number of persons, including STR occupants plus visitors, allowed at any time in a single STR shall not exceed the maximum of one and one-half (1.5) times the maximum overnight occupancy, or fifteen (15) persons, whichever is less. Visitors shall not be on the property during quiet hours.
7. The source of water that serves an STR shall meet bacteriological and primary drinking water standards, and secondary drinking water standards when they exceed the notification level. The applicant shall provide documentation to the Monterey County Environmental Health Bureau that verifies the water quality is adequate for the proposed use.
8. STRs must provide at least one (1) off-street parking space for every two (2) guestrooms allowed in the STR or as required for the dwelling type by Monterey County Code 21.58.040, whichever is more. STRs with one (1) or two (2) guestrooms must provide at least one (1) off-street parking space; STRs with three (3) or four (4) guestrooms must provide at least two (2) off-street parking spaces; and STRs with five (5) guestrooms must provide at least three (3) off-street parking spaces. The off-street parking space(s) shall be entirely on the STR site. Off-street parking requirements may not be met using public right-of-way (street) spaces.
9. All STRs operating within unincorporated Monterey County must have a property manager who is available twenty-four (24) hours per day, seven (7) days per week during all times that the property is rented or used on a transient basis. Property managers may be professional property managers, realtors, property owners, or other designated persons. The property manager must be available to respond to complaints and arrive at the STR site within 60 minutes at all times during the rental period.
10. Each contract or tenancy that enables STR use shall be in writing and identify thereon the name, address, phone number and e-mail contact information of the owner, the property manager and at least one responsible STR tenant/occupant eighteen (18) years or older who shall be responsible for all the regulations in this section. The STR shall comply with Monterey County Code Chapter 10.60 Noise Control and Chapter 8.36 Nuisance and Nuisance Animals. Quiet time for the STR is between 10:00 p.m. and 7:00 a.m. and the STR shall adhere to Monterey County Code Section 10.60.040 Regulation of nighttime noise. Outside amplified sound shall not be allowed at anytime associated with the STR.

11. The STR shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal. STR shall have garbage service from franchise waste hauler; no garbage service exemptions shall be allowed for STRs. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of site unless in conformity with neighborhood standards.
12. Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to three (3) feet in diameter shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within twenty-five (25) feet of a structure or combustible material.
13. The owner of any STR located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by the sheriff and emergency or fire services departments.
14. A copy of the STR permit and license and all applicable rules and regulations shall be included with the STR contract/rental agreement and posted within the STR unit in a prominent place within six (6) feet of the front door of the unit.
15. All contracts, advertisements and listings for the STR shall include the following:
  - a. Transient Occupancy License Number for that particular property
  - b. Maximum occupancy – nighttime occupants and total daytime limits
  - c. Maximum number of vehicles
  - d. Notification of quiet hours
16. The use of a residential unit for a short-term rental shall not violate any applicable conditions, covenants, or other restrictions on real property.
17. The owner shall maintain clear and adequate records and documentation of the short-term rental operation, that shall at a minimum make a record of the following for each short-term rental occupancy: name, address, phone and e-mail contact of at least one responsible tenant; number of occupants; motor vehicle license number of each motor vehicle used by occupant at the site. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
18. It is prohibited to advertise a short-term rental unless all necessary permits and licenses have been received.
19. Pursuant to [not yet developed] Chapter 7.02, Business Licenses, of the Monterey County Code, a license shall be procured immediately from the Treasurer-Tax Collector before the commencement, operation or maintenance of a short-term rental.
20. Prior to the approval or renewal of a STR all real and personal property taxes currently due and payable, as linked to the property on which the STR is located, shall be paid in full to the Treasurer-Tax Collector.

21. Pursuant to Chapter 5.40, Uniform Transient Occupancy Tax, of the Monterey County Code each STR owner shall register with the Treasurer-Tax Collector and obtain a transient occupancy registration certificate with thirty days after commencing business.
22. For Type 1 STRs a zoning clearance or business license shall be required.
23. For Type 2 STRs to following shall be required:
  - a. Type 2 (a). A Zoning Clearance or Business License shall be required.
  - b. Type 2 (b) STRs. An Administrative permit and Business License shall be required.
24. For type 3 STRS the following shall be required:
  - a. Type 3 (a) STR. A Zoning Clearance or Business License shall be required.
  - b. Type 3 (b) STRs. An Administrative permit and Business License shall be required.
  - c. Type 3 (c) STR. An Use permit and Business License shall be required.
25. For Type 2 (b) STRs and Type 3 (b) STRs and Type 3 (c) STRs on septic/onsite wastewater treatment system (OWTS) the applicant must provide documentation from the Monterey County Environmental Health Bureau (EHB) that verifies the septic/OWTS is adequate for the proposed use. The EHB shall base this determination on information provided from EHB records and/or a qualified OWTS professional
26. For Type 2 (b) STRs and Type 3 (b) STRs and Type 3 (c) STRs is not accessible directly from a public road, then the STR application is subject to Monterey County Code Section 21.64.320 Regulations relating to applications involving use of private roads. STRs are not exempt under 21.64.320.
27. In the following areas, the following limitations shall apply: *[not yet determined; e.g. restrictions based on adopted land use plan]*

#### **APPLICATION REVIEW AND REQUIREMENTS**

1. Application Requirements. An applicant shall provide the following with any application, and an application will not be deemed complete until the information or documentation required is provided: *[not yet determined]*
2. Upon submittal of an application, the Director of the Resource Management Agency or his designee shall classify the project as belonging within one of the following categories:
  - a. Type 1 Short-Term Rental or Type 1 STR. A short-term rental whereby the property owner rents guestrooms in their home and at least one of the owners resides in the home while it is occupied by short-term renters.
  - b. Type 2 Short-Term Rental or Type 2 STR. A short-term rental whereby the property owner resides at the property in a separate and independent dwelling unit from the STR unit and where the property owner resides at the STR site while it is occupied by short-term renters.
    - i. Type 2 (a) STR, is a Type 2 STR whereby the STR unit is 1) hooked up to a sewer system; and 2) accessible directly from a public owned road.

- ii. Type 2 (b) STR, is a Type 2 STR whereby the STR unit is 1) served by a septic system or on –site wastewater treatment system (collectively referred to as OTWS); or 2) accessed by a privately owned road.
- c. Type 3 Short-Term Rental or Type 3 STR. A short-term rental whereby the property owner does not reside at the STR site while it is occupied by short-term renters.
  - i. Type 3 (a) STR, is a Type 3 STR whereby the property is available for short-term guests/tenants not more two (2) times in a year and is 1) hooked up to a sewer system; and 2) accessible directly from a public owned road.
  - ii. Type 3 (b) STR, is a Type 3 STR whereby the property is available for short-term guests/tenants not more two (2) times in a year and the unit is 1) served by a septic system or on –site wastewater treatment system (collectively referred to as OTWS); or 2) accessed by a privately owned road.
  - iii. Type 3 (c) STR, is a Type 3 STR whereby the property is available for short-term guests/tenants three (3) times or more in a year.
- 3. For each short-term rental permit application, the owner shall submit an inspection report to the County that provides and verifies information, in the form and manner required by the chief building official, to ensure the property is safe and habitable for its intended use, including verification of adequate egress from sleeping quarters and common areas, installation of accessible fire extinguishers, and a carbon monoxide alarm on each level, and that the property exists in accord with appropriate land use and building permits.

**ENFORCEMENT**

**TBD**

# ATTACHMENT 2

FIGURE 1 STR Types

DRAFT

This document is a preliminary draft.

STR Type	Property owner primary residence	Owner Present during Rental	Rental Unit	Frequency	Hooked up to Sewer System	Access Direct from Public Road	Land Use Permit Review Level	Permit/License Type	Land Use Permit Appealable to Coastal Commission?
Type 1	Property owner resides in house/unit	Yes	Room(s) in house	No limit	Yes	Yes	Ministerial	Zoning Clearance <u>or</u> Business License	No
Type 2 (a)	Property owner resides on property	Yes	Whole house/unit	No limit	Yes	Yes	Ministerial	Zoning Clearance <u>or</u> Business License	No
Type 2 (b)	Property owner resides on property	Yes	Whole house/unit	No limit	No	No	Discretionary	Administrative Permit <u>and</u> Business License	No
Type 3 (a)	Property owner may or may not reside on property	No	Whole house/property	2 rental contracts (2 tenants) per year	Yes	Yes	Ministerial	Zoning Clearance <u>or</u> Business License	No
Type 3 (b)	Property owner may or may not reside on property	No	Whole house/property	2 rental contracts (2 tenants) per year	No	No	Discretionary	Administrative Permit <u>and</u> Business License	No
Type 3 (c)	Property owner may or may not reside on property	No	Whole house/property	No limit	Yes or No	Yes or No	Discretionary	Use Permit <u>and</u> Business License	Yes

# ATTACHMENT 3



FIGURE 2 STR Characteristics

DRAFT

This document is a preliminary draft.

Key STR Characteristics	Preliminary Recommendation	Consideration of Advantages	Consideration of Disadvantages
<i>Allowed Dwellings</i>	<i>Habitable Single-family dwelling (SFD) or Multi-family dwelling (MFD) and guesthouse (as part of SFD or MFD)</i>	Helps safeguard renters health/life/safety; Protects dwelling types expressly established for specific purposes (e.g. affordable units, ADUs for long-term housing); Restricts temporary structures from STR use	Many dwellings/structures being advertised on on-line STR platforms in Monterey County are not allowed
<i>Rental Occupancy</i>	1 STR tenant at a time	Single tenant is more consistent with single-family use; Distinguishes STR from other transient occupancy uses such as B&Bs, hotel, motels.	May limit STR operators from maximizing tenancy
<i>STR per Property</i>	1 STR per lot	Keeps properties with multiple units from converting entirely to STR/transient use	Limits properties with multiple units from additional STR opportunities.
<i>Rental Duration</i>	30 consecutive days or less	Provides flexibility to meet STR-renter needs; minimum stay limits are challenging to enforce	Could have STR units that turn-over nightly or more frequently than desirable in a residential area
<i>Number of Guestrooms</i>	CA Building Code Title 24/Residential Class R-3 (2016 = 5 or fewer guestrooms)	Do not change classification in building code from R3 to R1, and thus would not trigger additional build regulations that could alter the residential character; larger groups are more likely to result in disturbances to the neighborhood (e.g. noise, parking, etc.)	Limits properties that could accommodate more than 5 guestrooms and thus limits occupancy
<i>Overnight Occupancy</i>	Shall not exceed: a) 2 persons per guestroom; and b) CA Building Code Title 24/Residential Class R-3 (2016 = 10 occupants) or as limited by EHB, whichever is less	Maintains occupancy load consistent with site limitations; limits group size to reduce noise/nuisance impacts	Enforcement of occupancy can be challenging
<i>Number of Daytime Persons</i>	Maximum 1.5 times maximum overnight occupancy or 15 persons, whichever is less	Limits group size to reduce noise/nuisance impacts	Enforcement of number of daytime persons can be challenging
<i>Water Quality</i>	Shall meet water quality standards	Protects renter's health/life/safety re water quality	Is an additional requirements for STR owners to test and demonstrate
<i>Off-Street Parking</i>	At least 1 off-street space for every 2 guestrooms	Limits off-site impact of visitor parking by containing more on-site	Some properties may not have the space to accommodate to meet this requirement
<i>Property Management</i>	Must have property manager available 24 hours per day 7 days per week; ability to arrive on-site within 60 minutes	Provides direct contact and appropriate level of responsiveness for issues that may arise at STR	Response time to more remote locations in County or where cell phone service is limited may be challenges for some STR sites
<i>Noise</i>	Comply with County Code Chapters 10.60 and 8.36; Quiet time; No outside amplified noise	Protects neighborhood character, reduces noise/nuisance	Enforcement may be challenging
<i>Solid Waste</i>	Comply with County Code 10.41; Must have franchise waste hauler service; appropriate receptacles.	Protects neighborhood character, reduces noise/nuisance	Some rural properties may have exemptions to 10.41 currently
<i>Outdoor Fires</i>	Recognize local/state bans; Limit size, location, time of day.	Protects neighborhood character and reduces risk of unintended fire and damage	Enforcement may be challenging
<i>Emergency Access</i>	lockbox w keys for emergency personnel if gated	Protects renter's and neighbor health/life/safety	Could be concerns with others that share gate
<i>Advertisement and Communication</i>	Rules, Permits, Licenses, key STR restrictions must be in contract, advertisements, listings, at STR	Provides accountability and transparency; Helps ensure rules are followed;	None

# ATTACHMENT 4



**COUNTY OF MONTEREY  
HEALTH DEPARTMENT**

**MEMORANDUM**

ENVIRONMENTAL HEALTH BUREAU

Date: March 16, 2017  
To: Melanie Beretti, RMA Service Manager  
From: Nicki Fowler, REHS and Roger Van Horn, REHS  
Subject: Recommended Requirements for Short Term Rentals (STR)

**Solid Waste Management**

**STR shall not be eligible for Mandatory Garbage exemptions outlined in MCC, Section 10.41.030 (C).** Monterey County Code (MCC) Section 10.41.030 requires all residents and businesses located in the unincorporated county to maintain curbside garage collection.

Minimum Capacity of Solid Waste Containers

# of Occupants	Garbage	Recyclables	Yard Waste
6 or Fewer	35 gallon	64 gallon	64 gallon
7 - 10	64 gallon	96 gallon	64 gallon

Prior to approval of an STR application, the applicant shall provide evidence that adequate solid waste services are in place. The Environmental Health Bureau (EHB) will develop an 8 ½"x11" recycling guide that STR operators may elect to post near the indoor garbage facilities for reference by STR occupants; this will not be required.

**Onsite Wastewater Treatment Systems**

**When an STR is served by an onsite wastewater treatment system ("OWTS" or septic systems), the OWTS shall include two functional disposal field systems separated by a diversion valve.**

MCC, Chapter 15.20, includes the minimum capacity of a disposal field based on the number of bedrooms in the SFD it serves. Prior to approval of an STR application, the applicant shall provide evidence that the septic tank is in good condition and that the OWTS includes two functional disposal field systems, each meeting the minimum capacity specified by MCC and separated by a diversion valve, by having a performance evaluation of the OWTS (septic tank and two disposal field systems) completed by a qualified wastewater professional.

**Drinking Water Quality**

**The source of water that serves an STR shall meet bacteriological and primary drinking water standards, and secondary drinking water standards when they exceed the notification level.**

Prior to approval of an STR application, the applicant shall provide comprehensive water quality analysis to EHB for review and acceptance, pursuant to MCC Chapters 15.04 and 15.08 and Titles 17 and 22 of the California Code of Regulations. If the STR meets the definition of a water system, then an application shall be submitted to EHB for issuance of a water system permit prior to approval of a STR application.

Looking forward, EHB is considering a new water system permit category that would be specific to STR and include more frequent bacteriological monitoring requirements. Ongoing monitoring of primary or secondary drinking water standards may be required when results of the initial analysis indicate the water is nearing the MCL. For EHB to recommend approval of an STR permit or STR permit renewal application, the property owner would be required to maintain an annual water system permit with ongoing water quality monitoring requirements.

**Table 64431-A**  
**Maximum Contaminant Levels**  
**Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\*MFL = million fibers per liter; MCL for fibers exceeding 10 um in length.

***Please Note: Chromium-6 shall also be tested when the Total Chromium level is 10 mg/L or above***

**Tables 64449-A and 64449-B**  
**Secondary Maximum Contaminant Levels**  
**“Consumer Acceptance Contaminant Levels”**

<i>Constituents</i>	<i>Maximum Contaminant Levels/Units</i>
Aluminum	0.2 mg/L
Color	15 Units
Copper	1.0 mg/L
Foaming Agents (MBAS)	0.5 mg/L
Iron	0.3 mg/L
Manganese	0.05 mg/L
Methyl- <i>tert</i> -butyl ether (MTBE)	0.005 mg/L
Odor—Threshold	3 Units
Silver	0.1 mg/L
Thiobencarb	0.001 mg/L
Turbidity	5 Units
Zinc	5.0 mg/L

**“Consumer Acceptance Contaminant Level Ranges”**

<i>Constituents, Units</i>	<i>Maximum Contaminant Level Ranges</i>		
	<i>Recommended</i>	<i>Upper</i>	<i>Short Term</i>
Total Dissolved Solids, mg/L or Specific Conductance, $\mu$ S/cm	500 900	1,000 1,600	1,500 2,200
Chloride, mg/L	250	500	600
Sulfate, mg/L	250	500	600

A written request to waive sampling requirements for asbestos, cyanide, MTBE and thiobencarb may be submitted to the EHB for consideration.