

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

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ERRATA MEMORANDUM

Date: May 21, 2021

To: Monterey County Board of Supervisors

From: Jacquelyn M. Nickerson, Management Analyst II

CC: Melanie Beretti, HCD Housing and Special Programs Services Manager

Subject: Agenda Item No. 17 – REF100042/REF130043 – Vacation Rental Ordinances

Staff has provided a report and draft ordinances to the Board of Supervisors (Board) for the May 25, 2021 Board of Supervisors hearing. These draft ordinances include changes requested by the Board at the November 17, 2020 hearing.

One of these changes were to address conditions, covenants and other restrictions (CC&Rs) on real property. Language has been added into Title 20 (Coastal) and Title 21 (Inland) ordinances for the Owner or Operator to ensure the use of a residential property does not violate any applicable CC&Rs. In the draft ordinances staff included language to achieve this through an affidavit mechanism, acknowledged and signed by the Owner or Operator. Further, as a requirement of the Vacation Rental Operations Permit, Limited and Commercial Vacation Rentals, the Operator or Owner shall provide a notice to neighboring properties and any applicable homeowners' association in the form of an informational letter. This letter would include: existence and location of the Limited Vacation Rental; name and contact information for the 24/7 Property Manager; and procedures and contact information for the County.

In addition to this requirement, discretionary permits for Commercial Vacation Rentals are required to provide public noticing pursuant to Chapter 20.84 (Coastal) and Chapter 21.74 (Inland). This noticing would also be provided to any applicable homeowners' association. It was the intent of staff to add additional language for Commercial Vacation Rentals to allow the opportunity for any applicable homeowners' associations to object the issuance of a Commercial Vacation Rental if it violates any CC&Rs.

Staff finds the best approach to achieve this would be to remove the affidavit language currently in the attached draft ordinances (Title 20 and Title 21) of the Board Report related to Commercial Vacation Rental application for discretionary permits and add the following language into Title 20 and Title 21:

Title 20, Section 20.64.290.E.13:

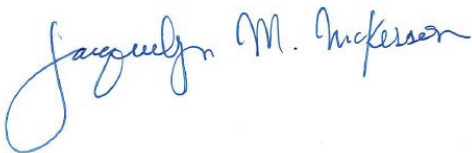
Commercial Vacation Rentals: The use of a Residential Property for a Commercial Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Owner shall identify if the residential property is part of a homeowners' association as part of the application for a Use Permit. that the homeowners' association does not object to the proposed Commercial Vacation Rental. The Operator or Owner shall provide notice to affected homeowners' association as stated in Section 20.64.290.E.6. In the event the homeowners' association objects to the issuance of the permit, the permit shall not be approved until the homeowners' association's objection has been withdrawn or the right of the applicant to use the subject residential property for a Commercial Vacation Rental has been validated, approved, or otherwise ordered by a Court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use or the action of the homeowners' association.

Title 21, Section 21.64.290.E.12

Commercial Vacation Rentals: The use of a Residential Property for a Commercial Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Owner shall identify if the residential property is part of a homeowners' association as part of the application for a Use Permit. that the homeowners' association does not object to the proposed Commercial Vacation Rental. The Operator or Owner shall provide notice to affected homeowners' association as stated in Section 21.64.290.E.5. In the event the homeowners' association objects to the issuance of the permit, the permit shall not be approved until the homeowners' association's objection has been withdrawn or the right of the applicant to use the subject residential property for a Commercial Vacation Rental has been validated, approved, or otherwise ordered by a Court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use or the action of the homeowners' association.

The draft ordinances are still in refinement, and staff will continue to refine the language to reflect the Board's direction. As staff continues to modify the draft ordinances, based on Board direction and environmental analysis, staff will update the ordinances accordingly.

Thank you,



Jacquelyn M. Nickerson
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