

Attachment 1  
to  
Exhibit A

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## DEFINITIONS FOR SHORT TERM RENTAL DISCUSSION

### A. Monterey County Code Zoning definitions

### B. 2016 California Building Code definitions

#### A. Monterey County Zoning Code definitions

Single family dwelling (SFD) – “Single family dwelling” means a detached structure, including a mobile home or manufactured dwelling unit, containing only one kitchen and use to house not more than one family (Title 20 – Section 20.06.420 and Title 21 – Section 21.06.420)

- SFD use is synonymous with residential use in county code, and transient occupancy in Monterey County codes. Bed and breakfast facilities (Section 21.64.100) and Transient use of residential property (Section 21.64.280) are allowed only in single family dwellings (SFDs) and multi-family dwellings (MFDs).

Guesthouses – 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

- Subordinate to the residential use and by definition not intended for rental purposes, though guesthouses are being used for both long-term and short term rentals.

Accessory Dwelling Units (ADUs) - means a permanent residence, secondary to an existing main dwelling, which provides complete independent living facilities for one or more persons. It shall include permanent provision for living, sleeping, eating, cooking, and sanitation on the same parcel where the single-family dwelling is situated.

- Intended for long-term rental housing options per state law, though in some cases ADUs are being used as short term rentals.

Ministerial Permit - A permit granted when a proposed use meets a specific set of standards or regulations (ie: a checklist of requirements). This type of permit is commonly referred to as an “over the counter” approval. The Ministerial permit process does not require review by a hearing body such as the Planning Commission or the Board of Supervisors. While more expedited than a Discretionary permit, the specific standards are still set to protect the public health, welfare and safety of surrounding neighborhoods and the community.

- Process for a Ministerial Permit:
  - Obtain permit application
  - Verify compliance with all codes of permit (check the box)
  - Submit permit application
  - Application reviewed

- Approval or denial based solely on compliance with codes (no hearing body)

*Discretionary Permit* - Generally speaking, a permit or permit modification typically associated with land development that requires the exercise of judgment and deliberation on the part of the decision-maker. Within the classification of ‘Discretionary’ permits there are different levels of permit review, each based on the complexity of the permit subject matter. Discretionary permit applications require at a minimum an analysis by the Planning Division, with some cases requiring additional review from various County departments and agencies. Furthermore, some may also require a public hearing prior to any decision being made. The basic types of Discretionary Permits are:

- Administrative
  - This permit is the least involved version of a Discretionary Permit, and therefore does not follow each step of the Discretionary Permit Process (See Fig 1. Attached). The application is reviewed by planning staff, and a recommendation is made to the Director of planning through a written resolution. No studies or staff reports are required to process an Administrative Permit. The Planning Director has final decision on the approval or denial of the permit based on Staff recommendations. Although there is no public hearing, Administrative permits may still require public notice before they are finalized.
- Use Permit – Zoning Administrator
  - When a permit requires more consideration than the Administrative level, it will need to go before the Zoning Administrator (ZA). The ZA holds public hearings twice a month. Unlike the Planning Commission, The ZA hearing is overseen by one person rather than a board of members. Depending on complexity, these permits may subject to the entire Discretionary Permit Process (See Fig 1. Attached).
- Use Permit – Planning Commission
  - When a use permit is deemed to be highly complicated, it will need to be heard and approved by the Planning Commission (PC). The PC is made up of 10 members, and holds public hearings twice a month. Use Permits that must be heard by the planning commission will almost always follow the entire Discretionary Permit Process (See Fig 1. Attached).

*Intensification of Use* - Intensification of use deals solely with the frequency of use as allowed by the standing permit so long as the nature of that use is unchanged and is substantially the same. An intensification of use would be anything that is over and above the normal usage as described in the existing permit.

Change of Use - A change of use is any change in the use, purpose, type or nature of activity as understood in the standing use permit. In other words, a Change of Use is when something is attempted to be used for a purpose other than was originally intended.

Administrative Permits for Transient Use of Residential Property for Remuneration (Zoning Code - 21.64.280)

- Owner/proprietor who does not live within five mile radius of rental shall designate a person located within a twenty-five (25) mile radius as the local contact, available 24 hours per day
- Term of occupancy is not less than seven (7) nor more than thirty (30) consecutive calendar days
- Number of occupants shall not exceed the limits of California Uniform Housing Code (now defunct)
- Availability of rental unit not to be advertised on site
- Facility is subject to Transient Occupancy Tax (Ch. 5.40 of Monterey Code)
- Promote the public health, safety, and general welfare of the County

Bed & Breakfast (Zoning Codes - 20.64.100 and 21.64.100)

- Property owner shall occupy and manage the facility
- Facility shall not be affiliated with hotels or motels operating anywhere in Monterey County
- No more than 10 guestrooms allowed in one facility
- Maximum stay shall not exceed 29 consecutive days in a 30 day period
  - For Coastal Only (20.64.100): ...and no more than 60 days in a 1 year period
- Parking made available for 1 space per guestroom plus 2 spaces for the owner
- Maximum of one sign allowed, not exceeding 4 square feet in area
- Sign will be attached to facility and shall not be internally illuminated
- Facility is subject to Transient Occupancy Tax (Ch. 5.40 of Monterey Code)
- Any cooking facility must comply with State and County codes

**B. 2016 California Building Code definitions**

Transient - Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

Residential Group R-3 (Section 310.5) – Residential occupancies where the occupants are primarily permanent in nature including: Boarding houses (transient) with 10 or fewer occupants; Congregate residences (transient) with 10 or fewer occupants; Lodging houses (transient) with five or fewer guest rooms.

*Boarding House (Transient)* - A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

- Group R-3 Boarding House (transient) has 10 or fewer occupants
- Group R-1 Boarding House (transient) has more than 10 occupants

*Lodging House (Transient)*: Any building or portion thereof containing not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise, and that is occupied by the proprietor as the residence of such proprietor. Classified as Group R-3.

*Hotel or Motel (Transient)* - Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests. Classified as Group R-1.